ZONING ORDINANCE FOR THE VILLAGE OF WESTON

ADOPTED: MARCH 18, 2015
LAST AMENDED: JANUARY 21, 2021

Zoning Ordinance Update and Amendment History

The following is a list and description of all ordinances approved by the Village Board since 2015 to update and amend this Chapter 94 of the Municipal Code. It does not generally include adopted amendatory ordinances that amended the Official Zoning Map (i.e., rezoning); see the Official Zoning Map here. To any extent there is conflict between the amendments contained in one of the following amendatory ordinance and the text of Chapter 94 that follows, the content of the amendatory ordinance will control.

2015

- Ordinance No. 15-001: An Ordinance Repealing Chapter 94 Zoning and Chapter 95 "Village of Weston Extraterritorial Zoning Code" and Recreating Chapter 94 "Zoning Ordinance for the Village of Weston" (Approved 3/16/15; Published 3/15/15)
- Ordinance No. 15-005: An Ordinance Repealing Section 94.6.02(3)(d) Entitled D-WC Weston Center Overlay and Renaming And Recreating Section 94.6.02(3)(d) Entitled D-WM Weston Marketplace Overlay (Approved 5/18/15; Published 5/22/15)
- Ordinance No. 15-006: An Ordinance Amending Section 94.17.04 Entitled Definitions of the Zoning Ordinance of the Village of Weston (Approved 5/18/15; Published 5/22/15)
- Ordinance No. 15-009: An Ordinance Amending Section 94.15.02(2) Entitled Development Of Nonconforming Lots - Residential, RR and AR Zoning Districts (Approved 6/15/15; Published 6/17/15)
- Ordinance No. 15-021: Amending Section 94.4.10(2) Entitled Garage, Yard, Estate, And In-Home Sale; Section 94.13.02 (8) Entitled Signs Allowed Without Permit; Section 94.13.03 (1) Entitled Sign Purposes; Section 94.13.04 (1) Entitled Sign Prohibitions And Limitations; Section 94.13.04 (2) Entitled Community Information Signs; Section 94.13.05 (4) Related To Temporary Sign Regulations For Residential And Rr Zoning Districts; Section 94.13.07 (5) Related To Temporary Sign Regulations For Non-Residential, Agricultural, PR And N Zoning Districts; Section 94.13.08 Entitled Temporary Signs; and Section 94.13.09(3) Related To Structural Requirements For Temporary Signs Of The Zoning Ordinance (Approved 10/19/15; Published 10/21/15)
- Ordinance No. 15-022: An Ordinance Amending Figure 5.01 (1) Of The Village Zoning Ordinance Entitled Rural, Open Space And Residential District Lot Dimension And Intensity Standards (Approved 10/19/15; Published 10/21/15)
- Ordinance No. 15-023: An Ordinance Amending Section 94.16.11(7) Entitled Criteria for Grant of a Variance (Approved 10/19/15; Published 10/21/15)

2016

- Ordinance No. 16-003: An Ordinance Amending Section 94.3.02 of the Zoning Ordinance Entitled Treatment of Allowable Uses by Zoning District. (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-004: An Ordinance Amending Section 94.4.02(4)7. of the Zoning Ordinance Entitled Residential Land Use Types – Manufactured Home Community – Performance Standards (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-005: An Ordinance Amending Section 94.6.03(4), Figure 6.03 of the Zoning Ordinance Entitled Conditional (C), Prohibited (R), And Permitted (P) Uses in WHP Overlay Districts. (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-006: An Ordinance Amending Section 94.13.08 of the Zoning Ordinance Entitled One-Time Event Signs. (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-007: An Ordinance Amending Section 94.16.02(4) of the Zoning Ordinance Entitled Zoning Administrator Review and Recommendation, Section 94.16.02(5) of the Zoning Ordinance Entitled Notice of Public Hearing, Section 94.16.03 (4) of the Zoning Ordinance Entitled Zoning Administrator Review and Recommendation, Section 94.16.03(5) of the Zoning Ordinance

Entitled Notice of Public Hearing, and Section 94.16.03(7) of the Zoning Ordinance Entitled Review Criteria for Amendments to the Official Zoning Map (Approved 4/19/16; Published 4/20/16)

- Ordinance No. 16-008: An Ordinance Amending Section 94.16.06(2), (3) and (4) of the Zoning Ordinance Relating to the Conditional Use Permit Approval Process (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-009: An Ordinance Amending Section 94.16.11(4) and (5) of the Zoning Ordinance Relating to Variance Procedures (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-010: An Ordinance Amending Section 94.16.13(4) of the Zoning Ordinance Relating to Concurring Vote and Decision of an Appeal of a Zoning Interpretation (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-011: An Ordinance Amending Section 94.16.15(2) of the Zoning Ordinance Relating to Zoning Administrator Duties (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-012: An Ordinance Amending Section 94.3.03(13) of the Zoning Ordinance Entitled Utility Connections to Principal Building for Human Habitation (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-013: An Ordinance Amending Section 94.16.19(1) of the Zoning Ordinance Entitled Violations, and Section 94.16.19(3) of the Zoning Ordinance Entitled Penalties (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-014: An Ordinance Amending Figure 5.01 (1) of the Village Zoning Ordinance Entitled Rural, Open Space and Residential District Lot Dimension and Intensity Standards (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-015: An Ordinance Amending Section 94.5.08(1)(b) and (d) of the Zoning Ordinance Relating to Calculating Maximum Permitted Density in the AR District (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-016: An Ordinance Amending Section 94.16.09(4) of the Zoning Ordinance Relating to Site Plan Procedures Application Contents (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-021: An Ordinance Creating Section 94.4.10(13) of the Zoning Ordinance Entitled Temporary Sales by Mobile Food Vendors and Adding This New Temporary Land Use to the Temporary Land Use Category Within the Charts Displayed in Figures 3.04 And 3.05 of the Village Zoning Ordinance and Amending Section 94.17.04 Definitions of the Zoning Code to Create Definitions Related to This New Use (Approved 4/19/16; Published 4/20/16)
- Ordinance No. 16-025: An Ordinance Amending Chapter 94 Zoning, Section 94.3.04, Figure 3.04 Allowable Uses in Rural, Open Space and Residential Zoning Districts, Section 94.3.05, Figure 3.05 Allowable Uses in Non-Residential and Mixed Use Zoning Districts and Section 94.4.08(1) Light Industrial (Approved 5/16/16; Published 5/18/16)
- Ordinance No. 16-026: An Ordinance Amending Section 94.16.11(2) of the Zoning Ordinance Entitled Eligible Provisions for which Variances May Be Granted (Approved 5/16/16; Published 5/18/16)
- Ordinance No. 16-027: An Ordinance Amending Section 94.13.07(7)(b)1. and (c)1. of the Zoning Ordinance Relating to On-Building Sign (Wall, Awning, Marquee, or Projecting Sign) in the INT Institutional and B-1 Neighborhood Business Districts; and B-2 Highway Business, B-3 General Business, BP Business Park, and I Industrial Districts; and Amending the Same in Figure 13.07: Summary of Maximum Dimensions and Number of On-Premise Business Signs (for Non-Residential, Agricultural, and PR Districts—See Section 94.13.05 for Residential and RR District Standards) (Approved 5/16/16; Published 5/18/16)
- Ordinance No. 16-028: An Ordinance Amending Section 94.12.08(10) of the Zoning Ordinance Entitled Provisions for Sidewalk and Creating Section 94.12.09(15) of the Zoning Ordinance Entitled Pedestrian Facilities (Approved 5/16/16; Published 5/18/16)
- Ordinance No. 16-032: An Ordinance Creating Section 94.4.10(14) of the Zoning Ordinance Entitled Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations and

adding the new temporary land use category within the Charts Displayed in Figures 3.04 and 3.05 of the Village Zoning Ordinance (Approved 8/15/16; Published 8/18/16)

- Ordinance No. 16-034: An Ordinance Amending Section 94.4.09(2) of the Zoning Ordinance Entitled Detached Accessory Structure (For Residential Use) (Approved 8/15/16; Published 8/18/16)
- Ordinance No. 16-035: An Ordinance Amending Figure 5.01(1) of the Village Zoning Ordinance Entitled Rural, Open Space and Residential District Lot Dimension and Intensity Standard. (Approved 8/15/16; Published 8/18/16)
- Ordinance No. 16-036: An Ordinance Amending Section 94.3.05: Figure 3.05 of the Village Zoning Ordinance Entitled Allowable Uses in Non-Residential and Mixed Use Zoning Districts (Approved 8/15/16; Published 8/18/16)
- Ordinance No. 16-037: An Ordinance Creating Section 94.16.18(5) of the Zoning Ordinance Entitled Parkland Fees (Approved 8/15/16; Published 8/18/16)
- Ordinance No. 16-043: An Ordinance Amending Section 94.5.04 Intrusions into Required Yards (Approved 10/18/16; Published 10/20/16)
- Ordinance No. 16-044: An Ordinance Amending Section 94.4.07(3) Freight Terminal and reflecting a change in name of a land use category from Freight Terminal to Freight Terminal/ Transportation Depot in Figures 3.04 and 3.05 and Sections 94.4.07(5) Livestock or Farm Commodity Trucking and 94.17.04 Definitions (Approved 10/18/16; Published 10/20/16)
- Ordinance No. 16-046: An Ordinance Incorporating a "Rural Mix" Zoning District into the Village Zoning Ordinance (Chapter 94) (Approved 12/19/16; Published 00/21/16)

2017

- Ordinance No. 17-006: An Ordinance to Amend Section 94.11.02: Landscape Requirements to Update a Maximum Percentage of Tree Species Planted and A Municipal Code Reference (Approved 4/17/17; Published 4/19/17)
- Ordinance No. 17-007: An Ordinance to Amend Section 94.12.06: Exterior Storage Standards for Multi-Family Dwellings and Non-Residential Facilities and Properties to Discontinue the Prohibition of Privacy Slats Within Chain-link Fences (Approved 4/17/17; Published 4/19/17)
- Ordinance No. 17-008: An Ordinance to Amend Section 94.12.08 Access and Driveway Standards to Explicitly Refer the Requirements for Widths of Driveways Connected to A Public Right-Of-Way to Chapter 71 (Approved 4/17/17; Published 4/19/17)
- Ordinance No. 17-009: An Ordinance to Amend Section 94.12.09: Off Street Parking and Traffic Circulation Standards to Provide a Definition of Reconstruction and Maintenance and Their Associated Requirements (Approved 4/17/17; Published 4/19/17)
- Ordinance No. 17-010: An Ordinance to Amend Section 94.4.05(12) Commercial Animal Establishment Land Use Definition to Prohibit Outdoor and Overnight Activities Within The B-1 And B-2 Zoning Districts And To Amend Figure 3.05 To Allow Commercial Animal Establishments Within B-2 Zoning District As A Permitted Use By Right And Within The B-1 And Li Zoning Districts As A Conditional Use (Approved 4/17/17; Published 4/19/17)
- Ordinance No. 17-014: An amendment to Section 94.4.02(3): to allow the construction of a Townhome, create performance standards and allow the use within the 2F zoning District as a Conditional Use and establishing a prohibition on the construction of new carports for multi-family residence land uses (Approved 7/24/17; Published 7/26/17)
- Ordinance No. 17-015: An Ordinance to Amend Sections 94.4.09(1) and (2) to Limit Front Yard Placement of Accessory Structures and Setting Additional Standards for Said Circumstance, Referencing the Definitions of Detached Garage, Utility Shed, Gazebo and Carport, Establishing Roof Load Standards, Driveway Requirements and a Code Reference (Approved 6/19/17; Published 6/21/17)

- Ordinance No. 17-016: An amendment to Section 94.4.02(2): to establish a prohibition of construction of new carports for two-family residence land uses (Approved 7/24/17; Published 7/26/17)
- Ordinance No. 17-017: An Ordinance to Amend Sections 94.12.06(3) and (4) to Establish and Clarify Standards for Parking Operable and Inoperable Motorized Vehicles in all Zoning Districts (Approved 6/19/17; Published 6/21/17)
- Ordinance No. 17-018: An Ordinance to Amend Section 94.16.12 to Establish Criteria for the Expiration of a Variance. (Approved 6/19/17; Published 6/21/17)
- Ordinance No. 17-019: An Ordinance to Amend Section 94.17.04 to Establish Definitions for Detached Garage, Utility Shed, Gazebo and Carport (Approved 6/19/17; Published 6/21/17)
- Ordinance No. 17-020: An ordinance to amend Figure 3.05 in Section 94.3.05 Allowable uses in Non-Residential and Mixed Use Zoning Districts, to change the land use of Outdoor Display from a conditional use to a permitted use-by-right within the B-2 zoning district (Approved 6/19/17; Published 6/21/17)
- Ordinance No. 17-025: An amendment to Section 94.4.05(2): to prohibit the use of a "Payday Lender" or "Payday Loan Business" as defined by Wis. Stat. §§138.14 in pursuant to Wis. Stat. §§62.23(hi) (Approved 7/24/17; Published 7/26/17)
- Ordinance No. 17-026: An Ordinance to Amend Figures 5.01(2) and 5.02(2) to Remove "Principal" from "Minimum Principal Building Separation (Ft)," and Modify the "Minimum Building Separation (Ft)" in the FP, AR and MF Zoning Districts to 30 Feet And in the RR-2, SF-L and 2F Zoning Districts To 10 Feet; and to Amend Figure 5.02(1) to Modify The "Minimum Lot Area" in the INT Zoning District from 30,000 Square Feet to 20,000 Square Feet (Approved 8/21/17; Published 8/23/17)
- Ordinance No. 17-029: An Ordinance to amend figure 4.09(2) Detached Accessory Structure (for Residential Use) Allowances to add the FP zoning district and decrease the "Minimum Distance from Other Buildings" from 30 feet to 10 feet for the RM, FP, AR and RR-5 zoning districts (Approved 8/21/17; Published 8/23/17)
- Ordinance No. 17-032: An Ordinance to amend Section 94.4.07(4) Distribution Centers to accommodate a conditional use when adjacent to residential land uses and amend Figure 3.05 Allowable Uses in Non-Residential and Mixed-Use Zoning Districts to allow said use as a permitted use-by-right and a conditional use within the LI Limited Industrial zoning district. Ordinance No 17-029: An Ordinance to amend figure 4.09(2) Detached Accessory Structure (for Residential Use) Allowances to add the FP zoning district and decrease the "Minimum Distance from Other Buildings" from 30 feet to 10 feet for the RM, FP, AR and RR-5 zoning districts (Approved 9/18/17; Published 9/21/17)
- Ordinance No. 17-034: An ordinance to rename Section 94.4.09(10) Keeping of Farm Animals on Residential Lots to Keeping of Farm Animals on Residential Lots and School Sites, amend Chapter 94 Zoning to replace the words "Section 94.4.09(10) Keeping of Farm Animals on Residential Lots" with "Section 94.4.09(10) Keeping of Farm Animals on Residential Lots and School Sites" wherever it appears in Chapter 94 and amend Figure 3.05 Allowable Uses in Non-Residential and Mixed Use Zoning Districts to allow said use as a conditional use within the INT Institutional zoning district (Approved 11/20/17; Published 11/24/17)
- Ordinance No. 17-035: An ordinance amending Section 94.4.02(1) Single-Family Detached Residence and (2) Two-Family Residence to include structures which have been altered beyond 50% of the equalized assessed value of the structure and alterations to the elements listed in the performance standards of the respective codes (Approved 12/18/17; Published 12/20/17)
- Ordinance No. 17-036: An ordinance to amend Section 94.4.09(2) Detached Accessory Structure (for Residential Use) to exclude parcels exceeding 5 acres in area from performance standard 10. (Approved 11/20/17; Published 11/24/17)

- Ordinance No. 17-037: An ordinance to amend Section 94.10.02(1) General Design Requirements (for single-family and two-family housing) to state, "All new single-family detached residence shall meet the design requirements of Section 94.4.02(1). Expansion or exterior remodel (exceeding 50 percent of the equalized assessed value of the structure at the time of the proposed project) of existing single-family detached residence shall meet the design requirements of Section 94.4.02(1) to the extent determined practical by the applicable site plan approval authority. All new two-family residence shall meet the design requirements of Section 94.4.02(2). Expansion or exterior remodel (exceeding 50 percent of the equalized assessed value of the structure at the time of the proposed project) of existing two-family residence shall meet the design requirements of Section 94.4.02(2) to the extent determined practical by the applicable site plan approval authority" (Approved 12/18/17; Published 12/20/17)
- Ordinance No. 17-038: An ordinance to amend Figure 5.01(1) Rural, Open Space, and Residential District Lot Dimensions and Intensity Standards correcting footnote (a) to state, "Maximum Accessory Structure Floor Area may be increased by conditional use permit, subject to the procedures in Section 94.16.06, and per the standards in Section 94.4.09(2)," as stated in and consistent with Section 94.4.09(2)11 (Approved 12/18/17; Published 12/20/17)

2018

- Ordinance No. 18-007: An Ordinance To Amend Sec. 94.4.09(16) Outdoor Alcohol Area (Approved 2/19/18; Published 2/23/18)
- Ordinance No. 18-011: An Ordinance To Amend Section 94.13.04(4) Variable Message Signs (VMS) (Approved 4/16/18; Published 4/18/18)
- Ordinance No. 18-012: An Ordinance To Amend Section 94.17.04 Definitions (Approved 4/16/18; Published 4/18/18)
- Ordinance No. 18-021: An Ordinance Repealing Chapter 94 Zoning, Article 7 Floodplain Overlay Zoning and Amending and Recreating the Same (Approved 8/20/18, Published 8/23/18)

2019

- Ordinance No. 19-001: An Ordinance to Amend Various Provisions within Chapter 94 (Zoning Ordinance) to Address Recent Changes in State Law, Respond to Village Land Development Review Services Audit, and Make Other Miscellaneous Zoning Ordinance Changes (Approved 1/21/19; Published 1/23/19)
- Ordinance No. 19-012: An Ordinance to amend Section 94.16.16(1) Village Plan Commission. (Approved 8/19/19, Published 8/21/19)
- Ordinance No. 19-015: An Ordinance to amend Sections 94.4.02(1) Single-Family Detached Residence And 94.4.09(2) Detached Accessory Structure (For Residential Use). (Approved 9/17/19, Published 9/19/19)

2020

- Ordinance No. 20-005: An Ordinance to Amend Chapter 94 Zoning, Figure 5.01(1) Rural, Open Space, and Residential District Lot Dimensions and Intensity Standards In Regards to Decreasing the Minimum Lot Area Required Per Dwelling Unit in a MF Multiple Family Residential Zoning District and Figure 5.01(2) Rural, Open Space and Residential District Setback and Height Standards in Regards to Increasing the Maximum Building Height in a MF Multiple Family Residential Zoning District.
- Ordinance No. 20-013: An ordinance to amend Figure 5.02(2) and Section 94.12.08(4) within Chapter 94 of the Municipal Code, affecting hard or gravel surface setbacks.
- Ordinance No. 20-015: An Ordinance to Amend Sections 94.13.02(9) Special Exceptions.
- Ordinance No. 20-016: An Ordinance to Amend Section 94.11 within Chapter 94 of the Municipal Code, Affecting Landscaping Standards.

2021

- Ordinance No. 21-001: An Ordinance to Amend Section 94.10.03(7) Approved Materials and (8) Materials – Use of Metal and Other Non-Decorative Materials.

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Article 1: INTRODUCTION

Section 94.1.01: Title

This Chapter shall be known, cited, and referred to as the VILLAGE OF WESTON ZONING ORDINANCE except as referred to herein, where it shall be known as "this Chapter".

Section 94.1.02: Authority

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive, may not always be up to date, and shall in no manner be construed so as to limit the application or interpretation of this Chapter.

Section 94.1.03: Purpose

This Chapter is adopted for the following purposes:

(1) Protecting the public health, safety, morals, comfort, convenience, and general welfare;
(2) Implementing the Comprehensive Plan to the extent possible under zoning;
(3) Controlling and lessening congestion in the streets;
(4) Securing safety from fire, panic, and other dangers;
(5) Promoting adequate light and air;
(6) Encouraging the protection of natural resources;
(7) Preventing the overcrowding of land and undue concentration of population;
(8) Preserving and enhancing property values;
(9) Facilitating adequate transportation, water, sewage disposal, parks, and other public facilities;
(10) Promoting high quality and sustainable community design;
(11) Managing growth and the impacts of land development; and
(12) Preserving and enhancing community appearance and quality of life.

Section 94.1.04: Severability and Non-Liability

The provisions of this Chapter are separable in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

(2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.

(3) If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

Section 94.1.05: Abrogation

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right or abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

Section 94.1.06: Rules of Interpretation

(1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, shall be liberally

construed in favor of the Village, and shall not be construed to be a limitation or repeal of any other power now possessed by the Village.

(2) Where property is affected by the regulations imposed under this Chapter and by other governmental regulations, the regulations that are more restrictive or that impose higher or greater requirements shall prevail. Where there are conflicts between regulations in this Chapter, the regulations that are more restrictive or that impose higher standards or requirements shall prevail.

(3) Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof, for which a building permit has been issued before March 18, 2015 and the construction of which shall have been started within one year from the date of such permit.

(4) All plans approved under the predecessor zoning ordinance shall be valid and may be used to obtain a building permit for a period of not more than one year after the Village approval authority has provided approval, except where otherwise subject to developer's agreement provisions or approval conditions covering such matter. Where such period has elapsed without the issuance of a building permit, the previously approved plans are no longer valid and must be resubmitted for approval under this Chapter.

(5) Except as provided under provisions for substandard lots, nonconforming uses, nonconforming structures, and nonconforming sites in Article 15, no building, structure, development, or premises shall be hereinafter used or occupied, and no permit granted that does not conform to this Chapter.

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

(7) No yard or other open space shall be considered as providing a yard or open space for a building or structure on any other lot, except for outlots specifically designated and legally restricted for that purpose.

Section 94.1.07: Jurisdiction

This Chapter is applicable to all territory located within the corporate limits of the Village of Weston, and within the Extraterritorial Zoning Jurisdiction of the Village. Certain provisions are, where specifically indicated, not applicable within the Extraterritorial Zoning Jurisdiction or to certain land uses or development forms that are common in the Extraterritorial Zoning Jurisdiction. Articles 7 through 9 are not applicable within the Extraterritorial Zoning Jurisdiction, but similar rules administered by Marathon County are applicable there.

Section 94.1.08: Effective Date

This Chapter became effective upon passage and posting according to law, on the date of repeal and re-enactment of this Chapter. The re-enactment of this Chapter shall not adversely affect the Village's right to prosecute any violation of the predecessor zoning ordinance, provided that the violation occurred while that predecessor ordinance was in effect.

Section 94.1.09: Relationship to Restrictive Covenants

Property owners may record deed restrictions, covenants, easements, declarations, and other similar restrictions on their property. The Village will not enforce any such recorded restriction, except it may enforce such restriction if at least one of the following conditions is present:

(1) The restriction reflects a requirement in this Chapter, using the enforcement procedures in this Chapter.

(2) The restriction specifically provides the Village with an enforcement role, and the Village Board had approved that role.

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Article 2: ESTABLISHMENT OF STANDARD ZONING DISTRICTS

Section 94.2.01: Purpose

The jurisdiction of this Chapter is hereby divided into zoning districts of such number and location as necessary to achieve compatibility of land uses within each district and achieve the purposes of this Chapter. Article 2 addresses standard zoning districts. Overlay zoning districts are addressed in Articles 6 through 9.

Section 94.2.02: Listing and Purposes of Standard Zoning Districts

Aside from public rights-of-way, each part of the Village is mapped within one of the following standard zoning districts. The purpose of each district is stated below. Also listed (within parentheses) are parallel or similar zoning districts from the predecessor zoning ordinance, for reference purposes only.

(1) **Rural and Open Space Districts.**

(a) FP *Farmland Preservation*. The FP district is intended to promote continued agricultural and forestry uses on lands suited for such uses: protect and encourage long-term investments in food, fiber, building material, bioenergy, and other resource-related production; enable property owner eligibility in the State's farmland preservation tax credit program following State certification of the FP district; preserve rural character and manage non-agricultural and non-forestry development; provide opportunities for farm residences, agriculturally- and forestry-related businesses, and home occupations. The FP district is intended for areas planned for long-term farmland preservation in the Comprehensive Plan. (Predecessor district: None)

(b) AR *Agriculture and Residential*. The AR district is primarily intended to preserve agricultural, forested, and other open lands until ripe for non-agricultural development, including residential, commercial, and industrial development, and to allow for very low density residential development. The AR district is also intended for areas planned for denser development in the Comprehensive Plan, but not yet suited for such denser development due to lack of public utilities or services in the area, inadequate roads, a sufficient supply of lands zoned for development elsewhere, and other factors. (Predecessor districts: AG, RR-10)

(c) RR-2 *Rural Residential 2 Acres*. The RR-2 district is intended for mainly single family detached residential development on minimum two acre sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. Development within this district may be served by private on-site wastewater treatment systems (POWTS), and roadways within a rural cross section. The RR-2 district is intended for areas planned for rural residential development within the Comprehensive Plan. (Predecessor districts: RR Rural Residential; SR Suburban Residential)

(d) RR-5 *Rural Residential 5 Acres*. The RR-5 district is intended for mainly single family detached residential development on minimum five acre sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. Development within this district may be served by private on-site wastewater treatment systems (POWTS), and roadways within a rural cross section. The RR-5 district is intended for areas planned for rural residential development within the Comprehensive Plan. (Predecessor districts: RR Rural Residential; SR Suburban Residential)

(e) PR *Parks and Recreation*. The PR district is intended to accommodate parks, public recreational areas, public open spaces, and private lands and buildings available for public recreation and/or conservation. (Predecessor districts: PUL Public and Utility Lands, OC-1 Conservancy Overlay)

(2) **Residential Districts.**

(a) SF-L *Single Family Residential-Large Lot*. The SF-L district is intended for mainly single family detached residential development, along with compatible home occupations and small-scale institutional and

recreational uses. New development within this district shall be served by public sanitary sewer and water services but may have roadways with a rural cross section (e.g., roadside swales). The SF-L district generally requires a minimum lot size between those required in the RR and SF-S districts. The SF-L district is intended for areas planned for single family residential development, or for portions of areas planned for neighborhood development, within the Comprehensive Plan. (Predecessor district: S-R Suburban Residence and R-E Residential Estate)

(b) SF-S *Single Family Residential-Small Lot*. The SF-S district is intended for mainly single family detached residential development, along with compatible home occupations and small-scale institutional and recreational uses. Development within this district is served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The SF-S district enables smaller lot sizes than other single family residential districts. The SF-S district is intended for areas planned for single family residential development, or portions of those areas planned for neighborhood development, within the Comprehensive Plan. (Predecessor districts: R-1 Residential-Single Family and R-2 Residential-Single Family)

(c) 2F *Two Family Residential*. The 2F district accommodates two family residences such as duplexes and two-flats; single family residences; and compatible home occupations and small-scale institutional and recreational uses. Development within this district is served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The 2F district is intended for areas planned for two family residential development, or portions of areas planned for neighborhood development at the Village's discretion, within the Comprehensive Plan. (Predecessor district: RTF Residential Two Family)

(d) MF *Multiple Family Residential*. The MF district accommodates a range of housing types, including multiple family residences (e.g., townhouses, apartment buildings, multiplexes), two family residences, and single-family residences, along with compatible institutional and recreational uses. Development within this district is served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The MF district is intended for areas planned for multiple family residential development, or portions of areas planned for neighborhood development at the Village's discretion, within the Comprehensive Plan. (Predecessor district: R-3 Multiple Family, Garden Apartments and R-4 Multiple Family, Apartments)

(e) MH *Manufactured Home*. The MH district provides a safe, attractive, and functional environment for "parks" and subdivisions specifically intended for mobile and/or manufactured homes. Development within this district is served by public sanitary sewer and water services, and public roadways with an urban cross section (e.g., curbs, storm sewer). The roadway, sewer, and water networks within each manufactured home community are to be privately owned, except where otherwise approved by the Village. The MH district is intended for portions of areas planned for multiple family residential development or neighborhood development, within the Comprehensive Plan, at the Village's discretion. (Predecessor district: R-5 Residential Manufactured/Mobile Home Park)

(3) **Non-Residential and Mixed-Use Districts.**

(a) INT *Institutional*. The INT district enables a range of public, semi-public, educational, religious, and other "gathering" type uses generally intended for non-commercial purposes, subject to performance standards to ensure compatibility between institutional uses and surrounding uses, zoning districts, and infrastructure. Development within this district is generally served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The INT district is intended for areas planned for public/quasi-public uses within the Comprehensive Plan, and for other non-residential, non-agricultural use. (Predecessor district: PUL Public and Utility Lands; OIP Institutional and Public Service overlay)

(b) B-1 *Neighborhood Business*. The B-1 district accommodates small-scale office, retail, and service uses compatible with adjacent residential neighborhoods. Development within this district is served by public sanitary sewer and water services. The B-1 district is intended for areas planned for commercial uses, and for small portions of areas planned for neighborhood development, within the Comprehensive Plan. (Predecessor district: B-1 Neighborhood Convenience Retail and Service)

(c) B-2 *Highway Business*. The B-2 district accommodates a range of large- and small-scale office, retail, commercial service, restaurant, and lodging uses. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping (i) along major highway corridors; (ii) outside of the Village's neighborhood areas; and (iii) in areas planned for commercial uses within the Comprehensive Plan. (Predecessor district: B-2 Community Retail and Service)

(d) B-3 *General Business*. The B-3 district accommodates a wide range of commercial uses, along with compatible wholesale, light industrial, and outdoor storage and display uses. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping (i) along major highway corridors; (ii) outside of the Village's neighborhood areas; and (iii) in areas planned for commercial uses, and occasionally in areas planned for industrial uses, within the Comprehensive Plan. (Predecessor district B-3 General Commercial)

(e) BP *Business Park*. The BP district accommodates office, light industrial, and other compatible businesses and support uses in a controlled business or office park setting. Allowable uses and activities include those associated with low levels of noise, odor, vibrations, and particulate emissions. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in areas planned for commercial uses, and occasionally in areas planned for industrial uses, within the Comprehensive Plan. (Predecessor district: B-P Business Park and B-4 Office)

(f) LI *Limited Industrial*. The LI district accommodates primarily light industrial, storage, office, and other compatible businesses and support uses. Allowable uses are geared toward activities which are not associated with high levels of noise, odor, particulate emissions, outdoor activities, and other potential nuisances. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in areas planned for industrial uses within the Comprehensive Plan. (Predecessor district: LMD Light Manufacturing Distribution)

(g) GI *General Industrial*. The GI district accommodates a range of manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing, trucking, and utility uses. The uses associated with this district may have significant off-site impacts such as heavy truck traffic, noise, and odors. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in limited areas planned for industrial uses within the Comprehensive Plan, at the Village's discretion. (Predecessor district: M1 Manufacturing and warehousing)

(h) RM *Rural Mix*. The RM district is intended to allow for a range of low density residential, general agricultural and forestry, and related on-site processing, storage, and rural business uses that are appropriate for certain larger rural parcels. The RM district is generally shown over areas planned for residential and/or agricultural uses in the Comprehensive Plan. The RM zoning district is available for mapping within the Village limits only; it may not be mapped within the extraterritorial zoning jurisdiction because the associated Extraterritorial Zoning Committee has not recommended its use there. (Predecessor districts: AG, RR-10)

[Amended via Ord. 16-046, 12/21/2016]

(4) **Other Districts.**

(a) N *Neighborhood*. The N 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. Development within this district is served by public sanitary sewer and water services. See Article 14 for specifications. (Predecessor district: TND Traditional Neighborhood Development)

Section 94.2.03: Map of Standard Zoning Districts

Standard zoning districts established by this Chapter are shown on the Official Zoning Map and Official Extraterritorial Zoning Map, which together with all explanatory materials thereon, are hereby made part of this Chapter. For the remainder of this Chapter, the term Official Zoning Map is inclusive of the term Official Extraterritorial Zoning Map. The Zoning Administrator shall keep and maintain the Official Zoning Map; all other versions of such map(s) may not be complete or up to date.

Section 94.2.04: Interpretation of Zoning District Boundaries on Official Zoning Map

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

(2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the nearest right-of-way line of such streets or railroad lines.

(3) Zoning district boundaries shown as following or approximately following platted lot lines or other property lines as shown on parcel maps shall be construed to follow such lines. After March 18, 2015, no lot or parcel shall be divided into more than one standard zoning district.

(4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the then-current channel centerlines of such watercourses.

(5) Zoning district boundaries shown as separated from any of the features listed in paragraphs (1) through (4) above shall be construed to be at such distances there from as are shown on the Official Zoning Map.

(6) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

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Article 3: LAND USES ALLOWED IN ZONING DISTRICTS

Section 94.3.01: Purpose

The purpose of this Article is to indicate which types of land uses may locate in each standard zoning district.

Section 94.3.02: Treatment of Allowable Uses by Zoning District

The allowable land uses for each standard zoning district established in Article 2 are listed in Figures 3.04 and 3.05. Article 4 contains detailed descriptions and performance standards for the land uses listed in these figures. No land use is permitted or permissible on a property unless it can be located or implemented on that property in full compliance with all applicable provisions of this Chapter, unless a variance has been granted pursuant to Section 94.16.11.

(1) **Land Uses Permitted by Right.** Land uses listed as permitted uses (designated by the letter "P" in Figures 3.04 and 3.05) are permitted by right, subject to all applicable requirements of this Chapter and other regulations.

(2) **Land Uses Listed as Conditional Uses.** Land uses listed as conditional uses (designated by the letter "C" in Figures 3.04 and 3.05) are allowed only by conditional use permit, subject to the procedures in Section 94.16.06, other applicable requirements of this Chapter, and other applicable regulations.

(3) **Temporary Land Uses.** Temporary land uses (designated by the letter "T" in Figures 3.04 and 3.05) are allowed on a temporary basis subject to temporary use approval requirements in Section 94.16.07.

(4) **Multiple Land Uses in Single Building or on Single Lot.** Where, in the determination of the Zoning Administrator, multiple land uses are proposed or in existence within a single building and/or on a single lot, he or she shall first make a determination whether each such use is a principal use or an accessory use. All principal uses sharing a single building, and/or a single lot must be listed as either a permitted land use or a conditional land use in the associated zoning district, except in the case of legally established nonconforming uses under Article 15. If any such uses are listed as a conditional use, they shall be subject to the associated procedure requirements in Section 94.16.06.

[Amended via Ord. 16-003, 4/20/2016]

Section 94.3.03: Standards Generally Applicable to Land Uses

(1) **Allowable Land Uses (per Article 3).** Allowable land uses are stated in Figures 3.04 and 3.05. Allowable uses shall be subject to the use regulations applicable to all land uses in Section 3.03 and those applicable to the individual uses established in Article 4.

(2) **Density, Intensity, and Bulk Regulations (per Article 5).** Structures and site development shall comply with the density, intensity, and bulk regulations in Figures 5.01(1) and (2) and 5.02(1) and (2) and shall be subject to the general density, intensity, and bulk regulations of Article 5.

(3) **Overlay District Requirements (per Articles 6 through 9).** All lots, uses, structures, and site features within one or more overlay zoning districts shall be subject to applicable overlay zoning district requirements in Articles 6 through 9 in addition to those of the underlying standard zoning district.

(4) **Building and Site Design Standards (per Article 10).** Land use and development shall conform to applicable building and site design requirements of Article 10. Agricultural uses and structures associated with them are exempt from these requirements.

(5) **Landscaping and Preservation Standards (per Article 11).** Land use and development shall conform to applicable landscaping and preservation requirements of Article 11. Except for requirements specifically required for particular land uses under Article 4, agricultural uses and structures associated with them are exempt from these requirements.

(6) **General Performance Standards (per Article 12).** Land use and development shall comply with applicable performance standards of Article 12. Except where the application of performance standards in Article 14 is specifically made applicable to agricultural and/or single- and two-family residential uses in this Chapter, such as via the listing of such use in Article 4, agricultural and single- and two-family residential uses and structures associated with them are exempt from these requirements.

(7) **Signs (per Article 13).** All signs shall comply with applicable provisions of Article 13.

(8) **Nonconforming and Substandard Lots, Uses, Structures, and Sites (per Article 15).** Any non-conforming or substandard situation shall comply with the requirements of Article 15.

(9) **Procedural Regulations and Requirements (per Article 16).** All new and expanded uses and development of land shall comply with all applicable requirements of Article 16, pertaining to the procedures to secure approval of the land use and/or development.

(10) **Site Plan Review Required.** All development activities or uses of land that result in construction, reconstruction, exterior remodeling, or expansion of structures, parking lots, loading areas, or outdoor storage areas are subject to site plan approval under Section 94.16.09, except for the following activities, uses, and structures:

(a) "Single-Family Detached Residence" and "Two-Family Residence" structures. Before a "Community Living Arrangement" land use may be established in any residence, site plan approval shall be required.

(b) Uses for which a Specific Implementation Plan in an N Neighborhood district has been approved in accordance with the procedures of Article 14, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.

(c) Agricultural uses and structures associated with them, such as barns and silos.

(d) Accessory structures or improvements which, in the opinion of the Zoning Administrator, do not warrant site plan approval due to their insignificance on the landscape and to surrounding properties.

(11) **Number of Principal Buildings per Lot.** More than one principal building is allowed on any one lot, but only by conditional use permit in any RR or SF district.

(12) **Principal Use to Precede Accessory Use or Structure.** No accessory structure or use shall be constructed on any lot prior to establishment of a principal use on that same lot, unless otherwise allowed in this Chapter.

(13) **Utility Connections to Principal Buildings for Human Habitation.** All principal buildings used for human habitation shall be provided at all times with functional connections to water, sanitary sewer, and electrical utilities. Where public water utility service is not available to an area in the determination of the Village Public Works Director, connection to a functioning private well in accordance with Wis. Admin. Code NR § 812 shall suffice. Where sanitary sewer service is not available to an area in the determination of the Village Public Works Director, connection to a functioning private onsite wastewater treatment system approved by Marathon County shall suffice. The installation of holding tanks in the Village shall not be permitted, except in one of the following circumstances:

(a) As a replacement on a property where there was a legal holding tank as of March 18, 2015.

(b) As a replacement system for a private on-site wastewater treatment system only if the Marathon County Conservation, Planning & Zoning Department determines that the property is unsuitable for any other type of private on-site wastewater treatment system, including any conventional or mound system.

(c) In other circumstances if a conditional use permit is applied for and granted under Section 94.16.06.

[Amended via Ord. 16-012, 4/20/2016]

Section 94.3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

Figure 3.04: Allowable Uses in Rural, Open Space and Residential Zoning Districts

P = Permitted Use	**C = Conditional Use**	**T = Temporary Use**
P/C = Use allowance varies-see Sec. 94.4.0#	**Empty Cell = Prohibited Use**	

Land Use Category (#) Land Use Type	**Zoning District (see key at end of figure)**								
	FP	**AR**	**RR-2; RR-5**	**PR**	**SF-L**	**SF-S**	**2F**	**MF**	**MH**
Residential Land Uses (see Section 94.4.02 for descriptions and standards for each land use)									
(1) Single-Family Detached Residence	C	P	P		P	P	P	P	P
(2) Two-Family Residence							P	P	
(3) Multi-Family Residence (3-8 units)							C	P	
(3) Multi-Family Residence (9-32 units)								P	
(3) Multi-Family Residence (33+ units)								P	
(4) Manufactured Home Community									P
(5) Mixed Use Dwelling Unit								C	
Agricultural Land Uses (see Section 94.4.03 for descriptions and standards for each land use)									
(1) Agricultural Use	P	P	P/C	C					
(2) Agricultural-Related Use	P	C	C						
(3) Community Garden	P	P	P	P	P	P	P	P	P
(4) On-site Agricultural Retail	P	P	C						
Institutional and Recreational Land Uses (see Section 94.4.04 for descriptions/standards for each use)									
(1) Passive Outdoor Public Recreation	C	P	P	P	P	P	P	P	P
(2) Active Outdoor Public Recreation	C	C	C	P	C	C	C	C	C
(3) Indoor Institutional—General		C	C	P	C	C	C	P	
(4) Indoor Institutional—Intensive				C				C	
(5) Outdoor Institutional	C	C	C	C	C	C	C	C	
(6) Public Service or Utility	C	P	P	P	P	P	P	P	P
(7) Institutional Residential					C	C	C	C	
(8) Community Living Arrangement (1-8 residents)		P	P		P	P	P	P	
(9) Community Living Arrangement (9-15 residents)		C	C		C	C	P	P	
(10) Community Living Arrangement (16+ residents)							C	P	

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category (#) Land Use Type	Zoning District (see key at end of figure)								
	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH
Commercial Land Uses (see Section 94.4.05 for descriptions and standards for each land use)									
(1) Office									
(2) Personal or Professional Service								C	
(3) Artisan Studio								C	
(4) Group Day Care Center					C	C	C	C	
(5) Indoor Sales or Service									
(6) Outdoor Display									
(7) Indoor Repair and Maintenance									
(8) Outdoor and Vehicle Repair and Maintenance									
(9) Drive-In or Drive-Through Sales or Service									
(10) Indoor Commercial Entertainment									
(11) Outdoor Commercial Entertainment		C							
(12) Commercial Animal Establishment	C	C	C						
(13) Bed and Breakfast	C	C	C		C	C	C	C	
(14) Boarding House		C						C	
(15) Campground		C		P					
(16) Commercial Indoor Lodging									
(17) Tourist Rooming House		C	C				C	C	
(18) Adult Entertainment or Adult-Oriented Establishment									
(19) Large Retail and Commercial Service Development									
(20) Micro-beverage Production Facility									
Storage or Disposal Land Uses (see Section 94.4.06 for descriptions and standards for each land use)									
(1) Indoor Storage or Wholesaling									
(2) Outdoor Storage or Wholesaling									
(3) Personal Storage Facility								C	C
(4) Junkyard or Salvage Yard		C							
(5) Solid Waste Disposal, Composting, and/or Recycling Facility		C							
(6) Auction Yard									

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category (#) Land Use Type	Zoning District (see key at end of figure)								
	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH
Transportation Land Uses (see Section 94.4.07 for descriptions and standards for each land use)									
(1) Off-Site Parking				C				C	C
(2) Airport or Heliport		C							
(3) Freight Terminal and Mass Transportation Depot									
(4) Distribution Center									
(5) Livestock or Farm Commodity Trucking	C	C							
Industrial Land Uses (see Section 94.4.08 for descriptions and standards for each land use)									
(1) Light Industrial		C							
(2) Heavy Industrial									
(3) Communications Tower	C	P	C	C	C	C	C	C	C
(4) Non-Metallic Mineral Extraction	C	C							
Accessory and Miscellaneous Land Uses (see Section 94.4.09 for descriptions/standards for each use)									
(1) Detached Accessory Structure (For Non-Residential Use)	P	P	P	P	P	P	P	P	
(2) Detached Accessory Structure (For Residential Use)	P	P	P		P	P	P	P	P
(3) Family Day Care Home (4-8 children)	P	P	P		P	P	P	P	P
(4) Intermediate Day Care Home (9-15 children)	C	C	C		C	C	C	C	C
(5) Home Occupation	P	P	P		P	P	P	C	C
(6) Residential Business	C	C	C		C	C	C		
(7) In-Home Suite		P	P		C	C	P	P	
(8) Accessory Dwelling Unit		C	C		C	C	C	C	
(9) Animal Fancier	P	P	P		C	C			
(10) Keeping of Farm Animals on Residential Lots and School Sites	P	P	P						
(11) Company Cafeteria									
(12) Company Provided On-Site Amenities									
(13) Indoor Sales Incidental to Storage or Light Industrial Land Use		C							
(14) Light Industrial Activities Incidental to Indoor Sales or Services									

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category (#) Land Use Type	Zoning District (see key at end of figure)								
	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH
(15) Outdoor Display Incidental to Indoor Sales or Service									
(16) Outdoor Alcohol Area		P/C							
(17) Small Exterior Communication Device	P	P	P	P	P	P	P	P	P
(18) Large Exterior Communication Device	C	C	C	C	C	C	C	C	C
(19) Geothermal Energy System (GES)	P	P	P	P	P	P	P	P	P
(20) Small Wind Energy System	P	P	P	P	P	P	P	P	P
(21) Small Solar Energy System	P	P	P	P	P	P	P	P	P
(22) Outdoor Solid Fuel Furnace	P	P	C						
(23) Private Lake (Pond)	P	P	P	C	C	C	C	C	C
(24) Vehicle Course or Track	P	P	C	C					
(25) Donation Drop-Off Box or Vending Machine				P				C	C
Temporary Land Uses (see Section 94.4.10 for descriptions and standards for each land use)									
(1) Temporary Outdoor Sales				T					
(2) Garage, Yard, Estate, and In-Home Sales	T	T	T		T	T	T	T	T
(3) Outdoor Assembly or Special Event	T	T	T	T	T	T	T	T	T
(4) Contractor's Project Office	T	T	T	T	T	T	T	T	T
(5) Contractor's On-Site Equipment Storage Facility	T	T	T	T	T	T	T	T	T
(6) Relocatable Building	T	T	T	T	T	T	T	T	T
(7) On-Site Real Estate Sales Office		T	T	T	T	T	T	T	T
(8) Seasonal Outdoor Sales of Farm Products	T	T		T					
(9) Temporary Portable Storage Container	T	T	T	T	T	T	T	T	T
(10) Temporary Shelter	T	T	T	T	T	T	T	T	T
(11) Temporary Agricultural Structure	T	T							
(12) Temporary Unscreened Storage									
(13) Temporary Sales by Mobile Food Vendors				T					
(14) Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations	T/C	T/C	T/C	T/C	T/C	T/C	T/C	T/C	T/C

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category (#) Land Use Type	Zoning District (see key at end of figure)								
	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH

Key to Zoning Districts:

FP = Farmland Preservation
AR = Agriculture and Residential
RR-2 = Rural Residential (2-acre minimum)
RR-5 = Rural Residential (5-acre minimum)
PR = Parks and Recreation
SF-L = Single Family Residential-Large Lot
SF-S = Single Family Residential-Small Lot
2F = Two Family Residential
MF = Multiple Family Residential
MH = Manufactured Home

[Amended via Ord. 16-021, 4/20/2016; Ord. 16-025, 5/18/2016; Ord. 16-032, 8/18/2016; Ord. 16-044, 10/20/2016; Ord. 17-014, 7/26/2017; Ord. 17-034, 11/24/2017; Ord. 19-001, 1/23/2019]

Section 94.3.05: Allowable Uses in Non-Residential and Mixed Use Zoning Districts

Figure 3.05: Allowable Uses in Non-Residential and Mixed Use Zoning Districts

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category (#) Land Use Type	Zoning District (see key at end of figure)							
	INT	B-1	B-2	B-3	BP	LI	GI	RM
Residential Land Uses (see Section 94.4.02 for descriptions and standards for each land use)								
(1) Single-Family Detached Residence								P
(2) Two-Family Residence		C						
(3) Multi-Family Residence		C			C			
(4) Manufactured Home Community								
(5) Mixed Use Dwelling Unit		P	P	C				
Agricultural Land Uses (see Section 94.4.03 for descriptions and standards for each land use)								
(1) Agricultural Use								P/C
(2) Agricultural-Related Use			C	P	C	P	P	P/C
(3) Community Garden	P	P	P	P	C	C	C	P
(4) On-site Agricultural Retail								P
Institutional and Recreational Land Uses (see Section 94.4.04 for descriptions/standards for each use)								
(1) Passive Outdoor Public Recreation	P	P	P	P	P	P	P	P
(2) Active Outdoor Public Recreation	P	C	P	P	P	P	P	P

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category		Zoning District (see key at end of figure)							
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
(3)	Indoor Institutional—General	P	P	P	P		C	C	C
(4)	Indoor Institutional—Intensive	P	C	C	P				
(5)	Outdoor Institutional	P	C	C	C	C	C	C	C
(6)	Public Service or Utility	P	P	P	P	P	P	P	P
(7)	Institutional Residential	P	C	C	C	C	C	C	
(8)	Community Living Arrangement (1-8)		C						P
(9)	Community Living Arrangement (9-15)	C	C	C		C			C
(10)	Community Living Arrangement (16+)	P	C	C		C			
Commercial Land Uses (see Section 94.4.05 for descriptions and standards for each land use)									
(1)	Office	C	P	P	P	P	P	P	C
(2)	Personal or Professional Service		P	P	P	P	P	P	
(3)	Artisan Studio		P	P	P	C	C		C
(4)	Group Day Care Center	P	P	P	P	C	C		C
(5)	Indoor Sales or Service		P	P	P	C	C		
(6)	Outdoor Display		C	P	P		C	C	
(7)	Indoor Repair and Maintenance			P	P		P	P	C
(8)	Outdoor and Vehicle Repair and Maintenance			C	P		P	P	C
(9)	Drive-In or Drive-Through Sales or Service		C	P	P	C	C	C	
(10)	Indoor Commercial Entertainment		C	P	P	P	C	C	
(11)	Outdoor Commercial Entertainment		C	C	C				C
(12)	Commercial Animal Establishment		C	P	P		C		C
(13)	Bed and Breakfast		C	C					C
(14)	Boarding House			C					C
(15)	Campground	C							C

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category	Zoning District (see key at end of figure)							
(#) Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
(16) Commercial Indoor Lodging		C	P	P	P			
(17) Tourist Rooming House		C						C
(18) Adult Entertainment or Adult-Oriented Establishment							C	
(19) Large Retail and Commercial Service Development			C	C				
(20) Micro-beverage Production Facility		C	P	P	C	P	P	C
Storage or Disposal Land Uses (see Section 94.4.06 for descriptions and standards for each land use)								
(1) Indoor Storage or Wholesaling				P	C	P	P	C
(2) Outdoor Storage or Wholesaling	C			C		P/C	P	C
(3) Personal Storage Facility				C		C	C	
(4) Junkyard or Salvage Yard							C	
(5) Solid Waste Disposal, Composting, and/or Recycling Facility	C					C	C	
(6) Auction Yard				C		C	C	C
Transportation Land Uses (see Section 94.4.07 for descriptions and standards for each land use)								
(1) Off-Site Parking	C	C	C	C	C	C	C	C
(2) Airport or Heliport	C					C	C	C
(3) Freight Terminal and Mass Transportation Depot						C	P	
(4) Distribution Center						P/C	P	
(5) Livestock or Farm Commodity Trucking						C	P	C
Industrial Land Uses (see Section 94.4.08 for descriptions and standards for each land use)								
(1) Light Industrial				C	C	P	P	C
(2) Heavy Industrial						C	P	
(3) Communications Tower	C	C	C	P	C	P	P	P
(4) Non-Metallic Mineral Extraction							C	C

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category	**Zoning District (see key at end of figure)**							
(#) Land Use Type	**INT**	**B-1**	**B-2**	**B-3**	**BP**	**LI**	**GI**	**RM**
Accessory and Miscellaneous Land Uses (see Section 94.4.09 for descriptions/standards for each use)								
(1) Detached Accessory Structure (For Non-Residential Use)	P	P	P	P	P	P	P	P
(2) Detached Accessory Structure (For Residential Use)		P						P
(3) Family Day Care Home (4-8 children)		P	P					P
(4) Intermediate Day Care Home (9-15 children)								C
(5) Home Occupation		C						P
(6) Residential Business		C						C
(7) In-Home Suite								P
(8) Accessory Dwelling Unit		C	C	C				C
(9) Animal Fancier		C	C					P
(10) Keeping of Farm Animals on Residential Lots and School Sites	C							P
(11) Company Cafeteria	P	P	P	P	P	P	P	
(12) Company Provided On-site Amenities	P	P	P	P	P	P	P	
(13) Indoor Sales Incidental to Storage or Light Industrial Land Use				P	P	P	P	C
(14) Light Industrial Activities Incidental to Indoor Sales or Services				P	C	C		
(15) Outdoor Display Incidental to Indoor Sales or Services			P	P	C	C		
(16) Outdoor Alcohol Area	P/C	P/C	P/C	P/C	P/C			P/C
(17) Small Exterior Communication Device	P	P	P	P	P	P	P	P
(18) Large Exterior Communication Device	C	C	P	P	P	P	P	C
(19) Geothermal Energy System (GES)	P	P	P	P	P	P	P	P

P = Permitted Use	C = Conditional Use	T = Temporary Use
P/C = Use allowance varies-see Sec. 94.4.0#	Empty Cell = Prohibited Use	

Land Use Category		Zoning District (see key at end of figure)							
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
(20)	Small Wind Energy System	P	P	P	P	P	P	P	P
(21)	Small Solar Energy System	P	P	P	P	P	P	P	P
(22)	Outdoor Solid Fuel Furnace				C		P	P	P
(23)	Private Lake (Pond)	P	P	P	P	P	P	P	P
(24)	Vehicle Course or Track	C	C	C	C				P
(25)	Donation Drop-Off Box or Vending Machine	P	P	P	P	C	P	P	
Temporary Land Uses (see Section 94.4.10 for descriptions and standards for each land use)									
(1)	Temporary Outdoor Sales	T	T	T	T	T	T	T	T
(2)	Garage, Yard, Estate, and In-Home Sales								T
(3)	Outdoor Assembly or Special Event	T	T	T	T	T	T	T	T
(4)	Contractor's Project Office	T	T	T	T	T	T	T	T
(5)	Contractor's On-Site Equipment Storage Facility	T	T	T	T	T	T	T	T
(6)	Relocatable Building	T	T	T	T	T	T	T	T
(7)	On-Site Real Estate Sales Office		T	T	T	T	T	T	
(8)	Seasonal Outdoor Sales of Farm Products	T		T	T				T
(9)	Temporary Portable Storage Container	T	T	T	T	T	T	T	T
(10)	Temporary Shelter	T	T	T	T	T	T	T	T
(11)	Temporary Agricultural Structure								T
(12)	Temporary Unscreened Outdoor Storage Accessory to Industrial Use				T		T	T	
(13)	Temporary Sales by Mobile Food Vendors	T	T	T	T	T	T	T	T

P = Permitted Use	**C = Conditional Use**	**T = Temporary Use**
P/C = Use allowance varies-see Sec. 94.4.0#	**Empty Cell = Prohibited Use**	

Land Use Category	**Zoning District (see key at end of figure)**							
(#) Land Use Type	**INT**	**B-1**	**B-2**	**B-3**	**BP**	**LI**	**GI**	**RM**
(14) Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations	T/C	T/C	T/C	T/C	T/C	T/C	T/C	T/C

Key to Zoning Districts:

INT = Institutional
B-1 = Neighborhood Business
B-2 = Highway Business
B-3 = General Business
BP = Business Park
LI = Limited Industrial
GI = General Industrial
RM = Rural Mix

[Amended via Ord. 16-021, 4/20/2016; Ord. 16-025, 5/18/2016; Ord. 16-032 and 16-036, 8/18/2016; Ord. 16-044, 10/20/2016; Ord. 16-046, 12/21/16; Ord. 17-010, 4/19/17; Ord. 17-020, 6/21/2017; Ord. 17-032, 9/21/2017; Ord. 17-034, 11/24/17; Ord. 19-001, 1/23/19]

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Article 4: LAND USE DESCRIPTIONS AND STANDARDS

Section 94.4.01: Purpose

(1) Article 4 includes descriptions and performance standards for the land use types listed in Figures 3.04 and 3.05 as permitted, conditional, or temporary uses in at least one standard zoning district. Where provided, performance standards shall be met as part of the establishment, expansion, and operation of land uses within the corresponding land use type.

(2) While the number of parking spaces for each land use type is provided in this Article, other specifications for parking lots and spaces are provided in Section 94.12.09.

Section 94.4.02: Residential Land Use Types

(1) **Single-Family Detached Residence.**

A dwelling unit designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, and located on an individual lot. The dwelling unit must be a site-built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or by federal law may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label. Mobile homes that have not received a Federal Manufactured Housing Certificate label are not included within the Single-Family Detached Residence land use type.

Performance Standards: The following performance standards shall apply to each Single-Family Detached Residence constructed or expanded as defined by Section 94.10.02 after March 18, 2015, except that any of the standards 1 through 8 may be waived or modified by conditional use permit, upon a finding that the architectural style of the proposed residence provides compensating design features and that the proposed residence will be compatible and harmonious with other residences in the vicinity. If alterations are made to any of the individual standards listed below, then said standard shall be met.

1. Shall have minimum gross floor area of 1,000 square feet, not including an attached garage, carport, deck, porch, or unfinished basement.
2. Shall be served by a garage on the same lot of at least 400 square feet of gross floor area for each dwelling unit and meeting associated requirements in Section 94.4.09(2).
3. Shall have a roof with a pitch of at least 3 inches in height for each foot of width and an eave which extends at least 6 inches from the wall which supports the roof.
4. Each residence and attached building shall have a roof surfaced with any of the following: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; screw down metal roofing; rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator.
5. Each residence and attached building shall be covered with siding made of wood, masonry, concrete, stucco, Masonite, vinyl, metal lap, or similar material approved by the Zoning Administrator. Exterior siding shall extend down to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
6. Shall be placed on a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements. Such foundation shall not extend more than 24 inches above the exterior finished grade of the lot, except that where the grade of the lot slopes, only that portion of the foundation which is on the highest point of the lot must meet this requirement.
7. The side of any residence facing the front yard shall not be less than 24 feet in width, not including attached garages, carports, and open decks. The ratio of each residence's length to its

width shall be no greater than 5 to 2. Therefore, a minimum 24-foot long residence must be at least 9 feet 7 inches wide.

8. The width of attached garages with front yard facing garage doors shall be limited to a maximum of 60 percent of the overall width of the residence as it faces the front yard.
9. May not be split into two or more dwelling units, except for "In-Home Suites" meeting the requirements of this Article.
10. If in a subdivision platted after March 18, 2015, shall meet the single-family and two-family housing variety standards in Section 94.10.02.
11. No carport may be attached to a Single-Family Detached Residence after March 18, 2015.
12. Minimum Required Off-Street Parking: 2 outdoor spaces, such as in a driveway, plus garage space(s). All motor vehicles shall be parked on a hard surface as defined in Section 94.17.04, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.

[Amended via Ord. 17-035, 12/20/2017; Ord. 19-015, 9/19/19]

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

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

Performance Standards:

1. Each Two-Family Residence constructed or expanded as defined by Section 94.10.02 after March 18, 2015 shall meet performance standards 1 through 8 in subsection (1) above, except where otherwise allowed by conditional use permit.
2. The structure must be in compliance with the Wisconsin Uniform Dwelling Code (UDC).
3. Where side by side, a building code-required, fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
4. Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
5. The minimum gross floor area of each dwelling unit shall be 700 square feet, exclusive of attached garages, carports, and open decks/porches.
6. If in a subdivision platted after March 18, 2015, shall meet the single-family and two-family housing variety standards in Section 94.10.02.
7. Each unit within each new Two-Family Residence shall be served by a separate driveway, or minimum driveway width for any shared driveway shall be not less than 30 feet at the front lot line.
8. No carport may be attached to a Two-Family Residence after July 26, 2017.
9. Minimum Required Off-Street Parking: 2 outdoor spaces per dwelling unit, such as in a driveway, plus spaces in garage(s). All motor vehicles shall be parked on a hard surface, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.
10. Zero Lot Line Structures (see Figure 4.02(1)). For buildings containing two separate dwelling units constructed side-by-side, with each unit located on a separate lot, having a private

individual exterior access, and no shared internal access within the building, the following additional standards shall apply:

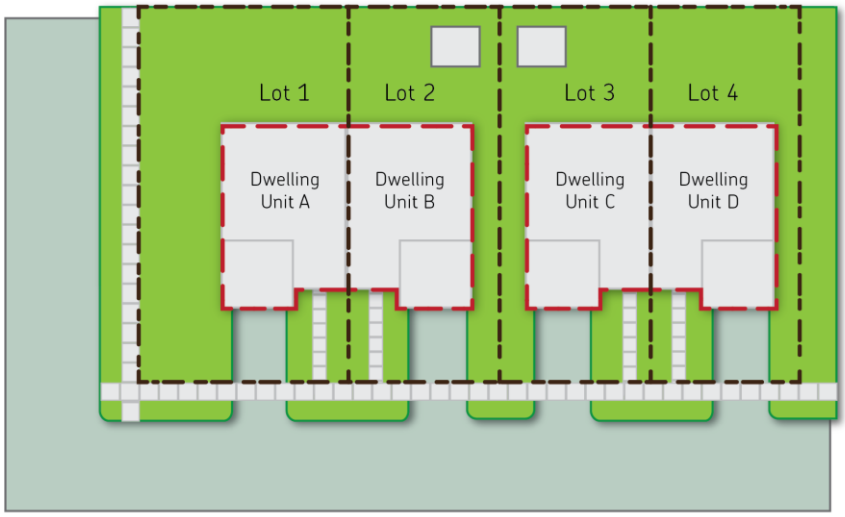
a. The duplex shall meet the front, side, and rear setbacks required for the applicable zoning district, except that the shared wall shall have no minimum setback requirement.

b. The builder shall provide, with the zoning permit or building permit application, an agreement or covenant specifying maintenance standards for the common wall, maintenance and replacement standards for exterior surfaces of the building to maintain a neat and harmonious appearance over time, maintenance standards for any common sewer lateral and any other common features, and restrictions against construction of detached single family residences on any of the affected lots in the event either or all sides of the zero lot line construction dwelling are destroyed. Such agreement or covenant shall also provide that it may not be terminated, amended or otherwise altered without the approval of the Village Board. Such agreement shall be subject to Zoning Administrator approval, and then recorded by the builder against all affected properties prior to occupancy of the dwelling as a zero-lot line structure.

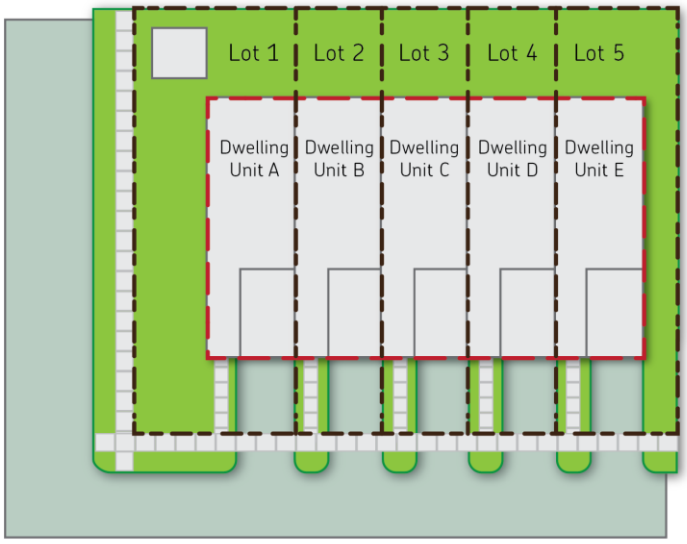
[Amended via Ord. 17-016, 7/26/2017; Ord. 17-035, 12/20/2017; Ord. 19-001, 1/23/19]

Figure 4.02(1): Examples of Zero Lot Line Structures

Duplex Example



Townhouse / Row House Example



[Amended via Ord. 19-001, 1/23/19]

(3) **Multi-Family Residence.**

A single structure with three or more individual attached dwelling units, including "rental apartments," condominium buildings with 3+ units each, townhouses, and row houses. Each dwelling unit may take access from a shared entrance or hallway or from a private, individual exterior doorway. "Institutional Residential Uses," as defined in this Chapter, are regulated separately.

Performance Standards: The performance standards in Figure 4.02(2) apply to each new development containing a Multi-family Residence established after January 1, 2019 and to any approved expansion or conversion to such a development after such date to the extent determined practical by the site plan approval authority. The site plan approval application shall, in addition to providing all materials required under Section 94.16.09(4), shall be accompanied by all materials necessary to assure compliance with the performance standards.

[Amended via Ord. 19-001, 1/23/19]

Figure 4.02(2): Performance Standards for Multi-Family Residences and Associated Developments

R = Required	Blank Cell = Allowed	NA = Not Allowed

Performance Standard (to right, R = Required)	Number of Dwelling Units in Development (regardless of number of units per building or number of buildings in development)		
	3-8 units	9-32 units	31+ units
1. Dwellings meet design standards for Multi-Family Residences in Section 94.10.03.	R	R	R
2. Detached Accessory Structures meet standards in Section 94.4.09(2).	R	R	R
3. Public sewer and water service.	R	R	R
4. Zero-lot line structures meet applicable standards in Section 94.4.02(2).	R	R	R
5. Minimum of 1 unit for every 33 units designed for handicapped accessibility.			R
6. Minimum of 500 square feet of Gross Floor Area per efficiency and 1-bedroom unit and 700 square feet per 2+ bedroom unit, not including garages or open decks, porches, patios, etc.	R	R	R
7. Within the 2F zoning district, each Multi-Family Residence of within a townhouse or row house building has an attached garage. (Townhouse/row house defined in Section 94.17.04.)	R	R	R
8. Off-street motor vehicle parking: • Minimum 1 parking space per efficiency/1-bedroom unit; 1 parking space per bedroom for each 2+ bedroom unit, and one visitor parking space for every 4 units. • On a hard surface as defined in Section 94.17.04. • No attached carport. • Minimum of 1 enclosed (e.g., underbuilding, garage) parking space per dwelling unit.	R	R	R
9. Safe and convenient pedestrian facilities, such as hard-surfaced walkways, linking residential building entrances with parking and recreational facilities and with existing and planned bike and pedestrian facilities along adjacent roadways and parcels.		R	R
10. Designated off-street bicycle parking space in bike rack or similar, near building entrance.		R	R
11. Serviced by manager with an office or residence <30 miles away.	R	R	R
12. Manager or maintenance person residing on-site.			R

R = Required	Blank Cell = Allowed	NA = Not Allowed

Performance Standard (to right, R = Required)	Number of Dwelling Units in Development (regardless of number of units per building or number of buildings in development)		
	3-8 units	9-32 units	31+ units
13. Bufferyard per Section 94.11.02(3)(d) along all property lines abutting single family residentially zoned property.	R	R	R
14. Storage and removal of waste and recyclable materials per Sections 66.112, 66.114, 66.115, and 94.12.06(2) as applicable.	R	R	R
15. All building entrances secured, either by key or keyless entry provided to residents.	R	R	R
16. Security cameras in parking lots (including underbuilding) and at common entryways.		R	R
17. Secured indoor storage areas to at least 50% of dwelling units.		R	R
18. Clothes washing machines and dryers in at least 50% of dwelling units.		R	R
19. Heating and air conditioning within all units and indoor common areas, except for enclosed parking areas, allowing for occupant control and not allowing window units.	R	R	R
20. Sound mitigation in all shared walls and floors between separate units to reduce sound transmission between units, with a minimum standard Sound Transmission Class (STC) meeting the requirements of Section 1207 of the International Building Code.	R	R	R
21. Dedicated, on-site location for centralized mail delivery (e.g., cluster mailbox), coordinating type and location with Village and U.S. Postal Service.		R	R
22. Deliberately designed and improved common recreational facility for use of tenants and their guests only, such as a community room, exercise room, clubhouse, pool, playground, play courts, gazebo, fire pit, fenced pet exercise area, or common garden with water, shed, fencing, and equipment. Selected facility should be geared to the expected demographics and interests of tenants.			R
23. Usable outdoor open space in the quantity provided in Figure 4.02(3). Usable outdoor open space is common outdoor area available, designed, and sufficiently square or round for the intended outdoor recreational activities (including those in line 22) and located outside of the floodplain, wetlands, surface waters, stormwater basins and conveyance routes, slopes of 12% or greater, and other areas with severe limitations for recreational use in the determination of the site plan approval authority.	R	R	R

[Amended via Ord. 19-001, 1/23/19]

Figure 4.02(3): Usable Outdoor Open Space Worksheet for Developments Containing Multi-Family Dwellings

	A Directions	B # dwelling units		C Sq. ft./unit		D Total sq. ft.
1	Calculate usable outdoor open space required [1]		x	300 required	=	
2	Calculate outdoor private open space provided for individual dwelling units, such patios, porches, balcony, and decks, counting only those areas of 48 sq. ft. or greater not including steps		x		=	
3	Subtract Column D of Line 2 from Line 1	Remaining usable outdoor open space required				
4	Calculate square footage of deliberately designed and improved common recreational facilities for tenants and their guests, such as community room, exercise room, clubhouse, pool; playground, play courts, gazebo, fire pit; fenced pet exercise area; common garden with water, shed, fencing, and equipment.	**Amenity (list and describe)**		**Sq. ft.**		
5	Add square footages from Line 5, Column C	Total common recreational facility square footage provided				
6	Multiply Line 5, Column C by 2	Common recreational facility "bonus" counting towards requirement		x 2	=	
7	Subtract Line 6 from Line 3, Column D	Remaining usable outdoor open space required for development [1]			=	

Note: [1] See Figure 4.02(3), line 23, for definition of "usable outdoor open space".

[Amended via Ord. 17-014, 7/26/2017; Ord. 19-001, 1/23/19]

(4) **Manufactured Home Community.**

This land use is a form of residential development that is exclusively reserved for individually sold or rented pads or sites containing mobile homes and/or manufactured homes. The placement or replacement of mobile homes, as defined in Article 17, is not permitted anywhere within the jurisdiction of this Chapter.

Performance Standards: The following performance standards apply to each new Manufactured Home Community established after March 18, 2015, any approved expansion or conversion to a Manufactured Home Community after such date, and each existing Manufactured Home Community to the extent determined practical by the Zoning Administrator.

1. No mobile or manufactured home may be split into two or more residences.
2. A concrete slab shall be provided for each mobile home space.
3. Prior to occupancy, the owner shall remove the axle, install a fire and weather resistant pre-finished material surrounding the entire perimeter of the home and completely enclosing a space between the exterior wall of such home and the ground. Such foundation siding shall be properly vented, harmonious, and compatible with the home.
4. Attachments to a mobile home unit, such as a sun porch or windbreak, shall not be wider than eight feet or longer than 24 feet.
5. Each mobile home shall be used primarily as a residence for one family. No mobile home shall be used primarily as a storage unit. Storage under mobile homes is prohibited.
6. No mobile or manufactured home site shall be rented for a period of less than 30 days.
7. Wrecked, damaged, dilapidated, or abandoned mobile or manufactured homes shall not be kept or stored upon any premise. The Building Inspector shall determine if a mobile home is abandoned, wrecked, damaged, or dilapidated to a point that makes it unfit for human occupancy without an investment in the mobile or manufactured home that is greater than 50 percent of its assessed value. Whenever the Building Inspector so determines and declared a public nuisance under Chapter 50 of the Code, he or she shall notify the licensee or landowner and owner of the mobile home in writing, giving the findings upon which, his determination is based and shall order such home removed or repaired to a safe and sanitary condition of occupancy.
8. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided and continuously maintained along all property borders abutting single family residentially zoned property.
9. No mobile/manufactured home units, attachments thereto, or associated parking areas shall be located closer than 40 feet to an abutting public right-of-way external to the Manufactured Home Community. Landscape plantings providing screening shall be provided between any external public right-of-way and a mobile/manufactured home or parking area.
10. No mobile/manufactured home unit or attachment thereto (including but not limited to decks and carports) shall be located closer than 20 feet from any other mobile/manufactured home unit or attachment thereto.
11. Vehicular entrances to a Manufactured Home Community shall only be provided on external collector streets or arterial streets.
12. Vehicular entrances to each mobile home shall be from a shared private street or dedicated public street internal to the Manufactured Home Community.
13. A minimum of 25 percent of the total lots or spaces approved within a Manufactured Home Community shall be completed and ready for occupancy before first occupancy is permitted. This standard shall not apply to an expansion of an existing Manufactured Home Community, provided such expansion is in full compliance with all applicable requirements of this Chapter.

14. No less than 10 percent of the total area of any Manufactured Home Community shall be devoted to common recreational areas and facilities, including but not limited to playgrounds, community swimming pools, community buildings, and off-street recreation trails. Areas included in the calculation of common recreational facilities shall not include streets or parking areas.
15. Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Pedestrian and bicycle crossings shall be safely located, marked, and controlled.
16. There shall be safe, efficient, convenient, and harmonious groupings of structures, uses, and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. Streets shall be arranged so as to discourage outside traffic from traversing the community.
17. Pedestrian walkways shall form a logical, safe, and convenient system for pedestrian access to all dwellings, project facilities, and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed 100 feet.
18. The Zoning Administrator, Fire Chief, or their lawful agents or employees are authorized and directed to inspect each Manufactured Home Community not less than once in every 12-month period to determine the health, safety, and welfare of the occupants of the park and inhabitants as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws.
19. Before any mobile or manufactured home may be located within a Manufactured Home Community, its placement shall be approved per Chapters 14 and 46 of the Code.
20. Except for those mobile homes in place as of March 18, 2015, there shall be no mobile homes placed, replaced, installed, stored, or otherwise kept in any Manufactured Home Community, as the term "mobile home" is defined in Article 17.
21. Except for those manufactured homes in place as of March 18, 2015, there shall be no manufactured homes placed, replaced, installed, stored, or otherwise kept in any Manufactured Home Community, as the term "manufactured home" is defined in Article 17, except for those manufactured homes that meet the criteria in Section 94.4.02(1).
22. Each vacant mobile home space or site shall be properly secured, maintained in a neat condition free from debris and properly mowed, and have all ground openings safely and securely covered or sealed.
23. No mobile or manufactured home or other building shall be installed, stored, or kept within any power, pipeline, or utility easement. Any preexisting mobile home so located shall be immediately removed from the Manufactured Home Community; any preexisting manufactured home may be removed or relocated to a non-easement location.
24. Each new and expanded Manufactured Home Community shall be subject to site plan approval under Section 94.16.09, and as part of the site plan submittal shall include a plan that includes clearly delineated lots that are at least 5,000 square feet and 50 feet in width each.
25. Each new and expanded Manufactured Home Community, with expansion meaning the addition of one or more improved mobile home sites, shall make available or install one or more storm shelters for use by residents during severe weather, meeting all applicable FEMA design standards.
26. Minimum Required Off-Street Parking: 2 spaces per mobile home plus parking necessary for other on-site uses, including but not limited to rental offices, community centers, or recreation facilities. All motor vehicles shall be parked on a hard surface, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.

    [Amended via Ord. 16-004, 4/20/2016]

(5) **Mixed Use Dwelling Unit.**

A Mixed Use Dwelling Unit is a residential dwelling unit located within the same building as another land use type, generally above the ground floor of a building used for an office, business, or institutional land use, except where otherwise allowed per the following performance standards.

Performance Standards:

1. With each building permit application, the applicant must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
2. A Mixed se Dwelling Unit located on the ground floor of a building used for an office, business, or institutional land use may not be located within the first 24 feet of the ground floor as measured from the front of the building.
3. Additional entrances shall not be added to the front elevation of an existing building, but may be added to interior side, rear, or street side elevations.
4. Mixed Use Dwelling Unit entryways located off of a rear or interior side yard shall be connected to a street frontage by a hard-surfaced walkway or driveway.
5. Such uses shall, to the extent determined practical by the Village approval authority, meet the performance standards for "Multi-Family Residences" established in Figure 4.02(2).
6. Minimum Required Parking: Per Figure 4.02(2). Each non-residential use in the same building as a Mixed Use Dwelling Unit shall meet associated parking requirements in Section 94.4.05.

[Amended via Ord. 19-001, 1/23/19]

Section 94.4.03: Agricultural Land Use Types

(1) **Agricultural Use.**

Any of the following activities conducted for the purpose of producing an income, livelihood, or for purposes related to any type of hobby farm: crop or forage production; keeping farm animals; beekeeping; nursery, sod, or Christmas tree production; maple syrup production; floriculture; aquaculture; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program. Also includes an activity that is an integral part of, or incidental to, an Agricultural Use. Excludes any other separately listed land use in this Section, including but not limited to the Keeping of Farm Animals on a Residential Lot and School Sites, a Commercial Animal Establishment, and an Animal Fancier.

Performance Standards:

1. Shall meet the requirements of the Village's Animal ordinance and the County's Animal Waste Management Ordinance, where applicable.
2. No farm animals shall be permitted as part of a principal Agricultural Use on a lot or parcel that is less than five acres in area, exclusive of existing public rights-of-way and road easements.
3. The keeping of hogs and pigs intended for slaughter or market, goats, roosters, or fur-bearing animals (other than rabbits and ferrets) shall not be permitted, except within the FP, AR, and RM districts or on a farm operation of at least 20 acres established before March 18, 2015.
4. Within any RR and RM district, hobby farms meeting the definition in Section 94.17.04, including not more than 25 animal units, and on a lot or parcel at least 10 acres in area, shall be allowed as permitted uses. All other Agricultural Uses shall be regulated as conditional uses in any RR or RM district.

5. Beekeeping is permitted subject to the standards in Section 94.4.09(10), except that that the number of beehives shall be limited to one for each 2,500 square feet of lot area.
6. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage. The definition of an animal unit is in Section 94.17.04. The Zoning Administrator may approve modifications and exceptions to this animal unit density standard if, each year the normal density standard is to be exceeded, the land owner provides conservation compliance documentation from Marathon County signifying that the keeping of a higher density of animal units is in compliance with all NR 151 Agricultural Runoff Performance Standards and Prohibitions.
7. Any area where farm animals are allowed to pasture or run shall be adequately fenced to keep them confined to such area.
8. Except for a farm in existence before March 18, 2015, barns, poultry houses, or similar animal enclosures may be no closer than 50 feet from any lot line, except that poultry houses for not more than eight chickens or ducks need only meet the minimum setback requirement for accessory structures.
9. This subsection does not establish regulations for household pets such as rabbits, ferrets, fish, song birds, potbelly pigs, cats, or dogs which are kept indoors. Household pets such as dogs or cats are regulated separately from this chapter through Chapter 10 of the Code. This subsection also does not establish regulations for the accessory use listed as "Keeping of Farm Animals on a Residential Lot and School Sites" in Section 94.4.09(10).

[Amended via Ord. 16-046, 12/21/2016; Ord. 17-034, 11/24/2017]

(2) **Agricultural-Related Use.**

A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose: providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services directly to farms; storing, processing, or handling raw agricultural commodities obtained directly from farms; slaughtering livestock; marketing livestock to or from farms; processing agricultural by-products or wastes received directly from farms. Examples of such uses include, but are not limited to, agricultural implement sales, storage, and/or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities (except those accessory to an "Agricultural Use"); commercial dairies; food processing facilities; licensed farm auction operations; canning and other food packaging facilities; greenhouses and garden centers; orchard stores; agricultural waste and by-product disposal facilities (except those accessory to an "Agricultural Use"); farms regularly open for tours, demonstrations, hayrides, corn mazes, farm breakfasts, and other similar events; sawmills; de-barking operations; and chipping facilities. Not included within this land use category are plants intended to convert agricultural products to energy on a large-scale basis, Sales of Farm and Forestry Products, landscape contractors, and or any other separately listed land use in this Section.

Performance Standards:

1. Within any RM district, agricultural and forestry storage facilities, sawmills, de-barking operations, chipping facilities, and other Agricultural-Related Uses of similar or lesser impact as determined by the Zoning Administrator shall be allowed as permitted uses. All other Agricultural-Related Uses shall be regulated as conditional uses in any RM district.
2. For agricultural implement sales, storage, and/or repair operations:
   a. The display of items shall not be permitted in required landscaped areas, required bufferyards, or required setback areas for the principal structure.
   b. Display areas shall be separated from any circulation area by a minimum of 10 feet, which shall be clearly delimited.

c. Items being displayed shall not interfere with motor vehicle, pedestrian, and bicycle traffic visibility.
d. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.

[Amended via Ord. 16-046, 12/21/2016]

(3) **Community Garden.**

An area for cultivation and related activities divided into one or more plots to be cultivated by more than two operators or members, as a principal land use of a property. The Community Garden may be the sole principal use of the property or may be a second principal use on a property. Does not include gardens for cultivation of crops for home consumption.

Performance Standards: For any new or expanded Community Garden after March 18, 2015:

1. Issuance of a zoning permit is required. With the application for a zoning permit, the applicant shall demonstrate through the submittal of plans, written statements, or both that the Community Garden will meet all applicable performance standards.
2. All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the associated zoning district. Fences shall comply with Section 94.12.03.
3. The application shall include the name(s) of the property owner, any established sponsoring organization, and the garden manager.
4. The application shall include a plan that demonstrates consideration for and indicates locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, and availability of parking.
5. The following structures are permitted: tool sheds, shade pavilions, restroom facilities, planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, fences, garden art, rain barrel systems, children's play areas, and barns with approval of the Plan Commission or Extraterritorial Zoning Committee.
6. There shall be no exterior lighting associated with the Community Garden use, except for standard residential yard lighting.

(4) **On-Site Agricultural Retail.**

The sale of non-animal agricultural products grown exclusively on the site or on an adjacent property in common ownership, on a year-round basis or requiring the construction and maintenance of permanent structures, except that packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) may be produced off-site. Includes permanent or seasonal dining establishments in which products are grown and served on the same farm.

Performance Standards:

1. The sale of products that are grown or otherwise produced on non-adjacent property under the same ownership, or on property under different ownership, shall be prohibited.
2. The maximum total Gross Floor Area of a structure or a combination of structures dedicated primarily to the On-Site Agricultural Retail use shall be 1,000 square feet in area.
3. Structures shall all be set back at least 100 feet from any lot in a residential zoned district.
4. Roadside stands, less than 200 square feet in area, shall be set back a minimum of 20 feet from any lot line.

5. Minimum Required Off-Street Parking: four off-street parking spaces shall be provided or one space per 200 square feet of indoor and outdoor sales areas plus one space per employee on the largest work shift, depending on which calculation provides for the greater amount of off-street parking spaces.

Section 94.4.04: Institutional & Recreational Land Use Types

(1) **Passive Outdoor Public Recreation.**

Includes all recreational land uses located on public property or a public easement that involves passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular "Active Outdoor Public Recreation" land use, picnic areas, picnic shelters, gardens, fishing areas (not including commercial fishing ponds), and similar land uses. Also includes private conservancy lands restricted against further development.

Performance Standards:

1. Minimum Required Off-Street Parking: One space per four expected patrons at maximum capacity for any use requiring over five spaces by this standard.
2. In the FP zoning district, the following additional standards shall also be met:
   a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
   b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
   c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
   d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
   e. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

(2) **Active Outdoor Public Recreation.**

Includes all outdoor land uses located on public property or public easement that accommodates active recreational activities. Such land uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses open to the public, and similar land uses.

Performance Standards:

1. Concession stands, shelters, pavilions, gazebos, restrooms, and other buildings commonly associated with an Active Outdoor Public Recreation use shall be permitted but shall meet size limitations associated with Accessory Buildings (for Non-Residential Use).
2. Air domes may be allowed to house part of use by conditional use permit.
3. Any Active Outdoor Public Recreation Use that involves balls or other projectiles shall provide netting, sufficient distance, or another method approved by the Zoning Administrator to prevent the balls or projectiles from leaving the property.
4. Minimum Required Off-Street Parking: One space per four expected patrons at maximum capacity for any use requiring over five spaces by this standard.

(3) **Indoor Institutional—General.**

Indoor facilities that include 20,000 square feet of indoor Gross Floor Area or less, including gyms, public or commercial swimming pools, libraries, museums, community centers, schools, churches, funeral homes, nonprofit clubs, nonprofit fraternal organizations, convention centers, and similar land uses generally serving a community purpose and meeting this size requirement. Crematoriums are lawful accessory use to a funeral home, where serving only customers of the funeral home and where meeting all performance standards in Article 12. Indoor Institutional uses do not include any arena, convention center, hospital, jail, prison, or similar use of a size and character that typically serve the needs of the whole community and region (regardless of whether over or under 20,000 square feet).

Performance Standards:

1. Shall provide a deliberately designed area exclusively for drop-offs and pick-ups of persons that is outside of the public right-of-way.
2. Minimum Required Off-Street Parking: Per Figure 4.04(1).

(4) **Indoor Institutional—Intensive.**

Indoor facilities that generally serve the community and (a) include over 20,000 square feet of indoor Gross Floor Area, including gyms, public or commercial swimming pools, libraries, museums, community centers, schools, churches, funeral homes, non-profit clubs, non-profit fraternal organizations that exceed this size threshold, and (b) all arenas, convention centers, hospitals, jails, prisons, and similar uses of a size and character that typically serve the needs of the whole community and region.

Performance Standards:

1. Shall provide a deliberately designed area exclusively for drop-offs and pick-ups of persons that is outside of the public right-of-way.
2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
3. Minimum Required Off-Street Parking: Per Figure 4.04(1).

Figure 4.04(1): Indoor Institutional Parking Requirements	
Church	One space per four seats at maximum capacity
Community/Recreation Center	One space per 300 SF of GFA or one space per four patrons at maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
Funeral Home	One space per three patron seats, plus one space per employee on the largest work shift
Hospital	One space per two hospital beds, plus one space per staff doctor, and one space per two staff on the largest work shift
Library, Museum	One space per 300 SF of GFA, or one space per four seats at maximum capacity, whichever is greater, plus one parking space per employee
Elementary or Middle School	One space per employee on the largest work shift
High School	One space per employee on the largest work shift, plus one space per three students at maximum school capacity

Figure 4.04(1): Indoor Institutional Parking Requirements	
University, College, or Trade School	One space per employee on the largest work shift, plus one space per three students at maximum school capacity
Other Uses	One space per three expected persons at maximum capacity

(5) **Outdoor Institutional.**

Includes cemeteries, country clubs, and similar land uses.

Performance Standards:

1. Minimum Required Off-Street Parking: Per Figure 4.04(2):

Figure 4.04(2): Outdoor Institutional Parking Requirements	
Cemetery	One space per shift employee
Other Uses	One space per three expected persons at maximum capacity

(6) **Public Service or Utility.**

Includes all municipal, county, State and Federal facilities (except those separately addressed in this Section); emergency service facilities such as fire departments and rescue operations; wastewater treatment plants; public and/or private utility substations; water towers and reservoirs; wells and well houses; utility and public service related distribution facilities; and similar land uses. Power production facilities (power plants) shall instead be regulated as "Heavy Industrial" uses.

Performance Standards:

1. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
3. The exterior of all buildings shall meet the standards for non-residential structures in Section 94.10.03.
4. Minimum Required Off-Street Parking: one space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office area.
5. In the FP zoning district, the following additional standards shall also be met:
   a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
   b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
   c. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
   d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
   e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(7) **Institutional Residential.**

Includes senior housing, retirement homes, assisted living facilities, nursing homes, hospices, group homes, convents, monasteries, dormitories, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be Community Living Arrangements under Wis. Stat. §62.23.

Performance Standards:

1. There shall be a minimum of 800 square feet of Gross Site Area for each occupant of the development.
2. A minimum of 30 percent of the development's Gross Site Area shall be held as permanently protected green space.
3. An off-street passenger loading area shall be provided at a minimum of one location within the development.
4. Minimum Required Off-Street Parking: Per Figure 4.04(3).

Figure 4.04(3): Institutional Residential Parking Requirements	
Senior Housing, Retirement Housing	one space per dwelling unit
Assisted Living or Limited Care Facility	one space per two dwelling units
Nursing Home or Hospice	one space per four patient beds, plus one space per two employees on the largest work shift, plus one space per doctor
Monastery, Convent, Dormitory	one space per six residents, plus one space per employee on the largest work shift

(8) **Community Living Arrangement.**

Includes community living arrangements for adults, as defined in Wis. Stat. § 46.03(22); community living arrangements for children, as defined in Wis. Stat. § 48.743(1); foster homes, as defined in Wis. Stat. § 48.02(6); or adult family homes, as defined in Wis. Stat. § 50.01 (1) (a) or (b). Community Living Arrangements do not include "Group Day Care Centers" (see separate listing); nursing homes (an "Institutional Residential" land use); or hospitals, prisons, or jails (all "Indoor Institutional" land uses). Community Living Arrangement facilities are regulated depending upon their capacity, as provided for in Wis. Stats. § 61.35 and 62.23(7)(i), provided any such regulations and the performance standards below do not violate preemptive federal or state housing or anti-discrimination laws.

Performance Standards:

1. Except as provided in subsections 3. and 4. below, no Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity unless the Plan Commission and Village Board agree to a reduction in spacing. Two community living arrangements may be adjacent if the Village authorizes that arrangement and if both facilities comprise essential components of a single program.
2. Except as provided in subsection 3 below, the total combined capacity of all Community Living Arrangements (of all capacities) in the Village shall not exceed one percent of the combined population of the Village (unless specifically authorized by the Village Board following a public hearing). The applicant shall be responsible for providing information on the total, combined capacity of all Community Living Arrangements within the Village and its Extraterritorial Zoning Area.
3. A foster home that is the primary domicile of a foster parent and that is licensed under Wis. Stat. § 48.62, or an adult family home certified under Wis. Stat. § 50.032 (1m)(b) shall be a permitted

use in all residentially zoned areas and are not subject to subsections 1. and 2. above except that foster homes operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subsections 1 and 2.

4. No adult family home described in Wis. Stat. §50.01(1)(b) may be established within 2,500 feet, or any lesser distance established by an ordinance of the Village, of any other adult family home described in Wis. Stat. §50.01(1)(b), or any Community Living Arrangement. An agent of an adult family home described in Wis. Stat. §50.01(1)(b) may apply for an exception to this requirement, and the exception may be granted at the discretion of the Village.
5. There shall be no maximum to the number of Community Living Arrangement facilities, except as other performance standards may indirectly establish a limit.
6. Minimum Required Off-Street Parking: three spaces, plus one space for every three residents over eight residents (except for those residents under 16 years of age and otherwise without the ability to drive).

Section 94.4.05: Commercial Land Use Types

(1) **Office.**

Includes all exclusively indoor land uses whose primary functions are the handling of information, administrative services, or both, generally with little direct service to customers on-site. Office uses that are accessory to a principal residential use of a property are not considered "Office" uses but are instead regulated as "Home Occupations" or "Residential Businesses" under this chapter.

Performance Standards:

1. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area.

(2) **Personal or Professional Service.**

Exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples include professional services, banks, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barber shops, and beauty shops. Payday loan uses, as defined in Wis. Stat. § 138.14, are not considered "Personal or Professional Service" uses under this chapter and are not permitted within the Village. Service uses that are accessory to a principal residential use of a property are not considered "Personal or Professional Service" uses but are instead regulated as "Home Occupations" or "Residential Businesses" under this chapter.

Performance Standards:

1. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area.

[Amended via Ord. 17-025, 7/26/2017]

(3) **Artisan Studio.**

A building or portion thereof used for the preparation, display, and sale of individually crafted artwork, photography, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven sections, and related items, and occupied by no more than five artists or artisans. Uses occupied by more than five artists or artisans shall be considered a "Light Industrial" use under Section 94.4.08(1). Studios that are accessory to a principal residential use of a property are not considered "Artisan Studio" uses but are instead regulated as home occupations under this chapter.

Performance Standards:

1. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area.

(4) **Group Day Care Center.**

A land use in which licensed persons and facilities provide child care services for nine or more children, such as day care centers, pre-schools, and nursery schools. Such land uses may be operated as a stand-alone use, or in conjunction with another principal land use on the same site such as a church, primary school, business, or civic organization. Any child care facility located on the same site as a principal land use, and that is reserved solely for the use of company employees and their guests on the same site, are instead regulated as a "Company Provided On-Site Amenities" accessory use.

Performance Standards:

1. No Group Day Care Center shall be located within a building that is also occupied as a residence.
2. Minimum Required Off-Street Parking: one space per five students, plus one space for each employee on the largest work shift.

[Amended via Ord. 19-001, 1/23/19]

(5) **Indoor Sales or Service.**

Includes all land uses, except as otherwise separately listed in this Section, that conduct or display sales or rental merchandise or equipment, or that conduct non-personal or non-professional services, entirely within an enclosed building. This includes a wide variety of retail stores and commercial service uses not otherwise listed in this Chapter, along with self-service facilities such as coin-operated laundromats. Includes uses like retail bakeries and delis where the consumption of products typically occurs off-site, but does not include restaurants, which are instead classified as "Indoor Commercial Entertainment" uses. Display of products outside of an enclosed building shall be considered an "Outdoor Display Incidental to Indoor Sales" accessory use, or, if outdoor sales exceed 15 percent of the total sales area of the building(s) on the property, an "Outdoor Display" principal land use. Sales or service uses that are accessory to a principal residential use of a property are not considered "Indoor Sales or Service" uses but are instead regulated as "Home Occupations" or "Residential Businesses" under this chapter. Does not include any "Commercial Animal Establishment" use.

Performance Standards:

1. Use may also be subject to conditional use permit requirements and adherence to performance, building design, and site design standards in Section 94.10.06 if classified as a "Large Retail and Commercial Service Development" under Section 94.10.04. However, following initial conditional use permit approval, individual "Indoor Sales or Service" uses may occupy the constructed spaces without the need for a further conditional use permit.
2. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area.

(6) **Outdoor Display.**

Includes all land uses, except as otherwise separately listed in this Article, that conduct sales or display sales or rental merchandise or equipment outside of an enclosed building. Examples include outdoor vehicle sales, outdoor vehicle rental, manufactured home sales, and monument sales. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a "Junkyard or Salvage Yard" use. If an area less than 15 percent of the total sales area of the building(s) on the property is used for display of products outside of an enclosed building, such use shall instead be considered an "Outdoor Display Incidental to Indoor Sales" accessory use.

Performance Standards:

1. The display of items shall not be permitted in required landscaped areas, required bufferyards, or required setback areas for the principal structure.
2. Display areas shall be separated from any circulation area by a minimum of 10 feet, which shall be clearly delimited.
3. Items being displayed shall not interfere with motor vehicle, pedestrian, and bicycle traffic visibility.
4. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
5. The display of items outdoors shall be permitted during the entire calendar year; however, if items are removed from the display area, all support fixtures used to display the items shall be removed.
6. There must be a principal building on the same lot as the Outdoor Display land use, which serving as an essential component of that use, such as a sales office, indoor showroom, and/or storage facility. Such building shall be attached to a permanent foundation, and if erected or expanded after March 18, 2015, shall meet building design standards in Section 94.10.03.
7. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below what is required in this Section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.

(7) **Indoor Repair and Maintenance.**

Includes all land uses, except as separately listed, that perform repair and maintenance services for consumer products and contain all operations (except loading) entirely within an enclosed building, including electronics, mechanical, and small engine repair service businesses. Because of outdoor vehicle storage requirements, all vehicle repair and maintenance uses shall instead be regulated as "Outdoor and Vehicle Repair and Maintenance" uses.

Performance Standards:

1. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area.

(8) **Outdoor and Vehicle Repair and Maintenance.**

Includes all land uses, except those that are separately listed in this Section, that perform maintenance services (including repair) and have all, or any portion (beyond simply loading) of their operations located outside of an enclosed building. Also includes all businesses that repair or maintain motor vehicles designed for road use and brought in from off-site.

Performance Standards:

1. All outdoor activity areas shall be completely enclosed by an opaque fence, wall, or building section for each Outdoor and Vehicle Repair and Maintenance use no later than January 1, 2017. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property.
2. Outdoor storage of vehicle parts and abandoned, unlicensed, and inoperable vehicles is prohibited, except that each inoperable vehicle being serviced may be kept outdoors for a period not exceeding 30 days.
3. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
4. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area, or one space per each employee on the largest shift, whichever is less.

(9) **Drive-Through and Drive-In Sales or Service.**

Includes all land uses that perform sales and/or services to persons in vehicles, or to vehicles that may or may not be occupied at the time of such activity (except "Outdoor and Vehicle Repair and Maintenance" land uses, which are separately listed and regulated). Such uses often have traffic volumes that exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples include drive-in, drive-up, and drive-through facilities in conjunction with another principal use (like a bank or restaurant), vehicular fuel stations, and car washes.

Performance Standards:

1. There shall be stacking space for at least five vehicles behind each drive-through order station, at least two vehicles between each order station and the first pass-through window, and at least two spaces beyond the last pass-through window for post-order pick-up.
2. The drive-through facility shall be designed so as to not impede or impair loading, vehicular movement, and pedestrian movement, or exacerbate the potential for conflicts with such activities.
3. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to drive-through lane(s).
4. All vehicular areas shall have a hard surface that is designed to meet the requirements of a minimum four-ton axle load.
5. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
6. Vertical concrete curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands.
7. Any land use that conducts sales from a vehicle such as a food truck or trailer, or from any other structure for an outdoor food or beverage vendor, that is in one place for more than 7 consecutive days is not classified as a "Drive-Through and Drive-In Sales or Service" use and is prohibited within the Village.
8. Minimum Require Off-Street Parking: Refer to the parking requirements of the other land uses on the site, such as "Indoor Sales and Service" land uses for a gas station/convenience store.

(10) **Indoor Commercial Entertainment.**

Includes all uses that provide entertainment services entirely within an enclosed building, or where outdoor entertainment facilities are present, the land area of such facilities is not greater than 15 percent of the gross floor area indoors. Indoor Commercial Entertainment uses often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, brewpubs, taverns, theaters, health or fitness centers, other indoor private recreation centers, training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, indoor shooting ranges, and pool halls. Does not include any "Micro-beverage Production Facility" or "Adult Entertainment or Adult-Oriented Establishment," which instead are listed and regulated separately. Does not include permanent or seasonal dining establishments in which products are grown and served on the same farm, which are instead regulated as "On-site Agricultural Retail" uses.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.

2. Where the limited outdoor space allowed for Indoor Commercial Entertainment uses allows for the service or consumption of alcohol, the use requires a conditional use permit and is subject to the performance standards associated with an "Outdoor Alcohol Area" in Section 94.4.09(17).
3. Air domes may be allowed to house all or part of the indoor commercial entertainment use by conditional use permit.
4. Minimum Required Off-Street Parking: one space per every three patron seats, or the maximum capacity of the establishment (whichever is greater).

(11) **Outdoor Commercial Entertainment.**

Includes all principal uses that provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples include outdoor commercial swimming pools, health or fitness centers where the area of outdoor facilities is greater than 15 percent of the gross floor area indoors, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, racetracks, trap clubs, and shooting ranges. Does not include any golf course or "Adult Entertainment or Adult-oriented Establishment," which instead are listed and regulated separately.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. Activity areas (including movie screens) shall not be visible from any residentially zoned property.
3. Shall at all times meet the noise standards in Section 94.12.13.
4. Where the limited outdoor space allowed for Indoor Commercial Entertainment uses allows for the service or consumption of alcohol, the use shall require a conditional use permit be subject to the performance standards associated with an "Outdoor Alcohol Area" in Section 94.4.09(17).
5. The keeping of horses and other non-domesticated animals may be permitted where accessory and integral to the principal use, where "Agricultural Use" standards in Section 94.4.03(1) related to the keeping of farm animals are met, and where other chapters including Chapter 10 of the Code are met.
6. Minimum Required Off-Street Parking: one space for every three persons at the maximum capacity of the establishment.

(12) **Commercial Animal Establishment.**

Includes uses that provide for the care, treatment, grooming, and/or boarding of animals as a principal use of the property. Examples include commercial stables, pet shops, grooming shops, boarding kennels, animal shelters, and veterinary facilities. A boarding kennel is a facility where dogs, cats, horses, or other animals are kept for 24 hours or more for boarding, training or similar purposes for compensation. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate approvals.

Performance Standards:

1. As part of the permit approval, the Village may establish a limit on the number of animals that are serviced or boarded. No boarding kennels or other commercial animal establishments including outdoor activities or overnight stays are allowed in the B-1 or B-2 districts.
2. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit or special event permit has been secured.

3. Commercial stables and boarding facilities for horses or other riding animals are subject to all "Agricultural Use" standards in Section 94.4.03(1) related to the keeping of farm animals.
4. All principal structures and outdoor containment areas for horses or other riding animals shall be no less than 100 feet from any residential zoning district.
5. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
6. Shall meet all performance standards in Article 12, including but not limited to odor standards in Section 94.12.15.
7. In the FP zoning district, the use must meet the standards set forth in Section 94.4.03(2) for an Agricultural-Related Use.
8. Commercial kennels and animal boarding facilities are subject to the requirements and licensing standards set forth in Chapter 10 of the Code.
9. Minimum Required Off-Street Parking: one space per every 1,000 square feet of indoor Gross Floor Area.

[Amended via Ord. 17-010, 4/19/2017]

(13) **Bed and Breakfast.**

Exclusively indoor lodging facilities that provide meals only to paying lodgers, and in which the operator is also a resident of the premises. Such land uses must be licensed by the State. They may provide indoor recreational facilities for the exclusive use of their customers. This use classification does not include a "Boarding House," which instead is separately regulated.

Performance Standards:

1. The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast establishment is active.
2. Shall meet all requirements of the Wisconsin Administrative Code.
3. The maximum stay for any occupants of a Bed and Breakfast establishment shall be 14 days.
4. Each operator shall keep a list of names of all persons staying at the Bed and Breakfast establishment. This list shall be kept on file for a period of one year. Such list shall be available for inspection by the Zoning Administrator at any time.
5. Meals may only be served to residents and overnight guests.
6. If alcoholic beverages of any kind are to be served on the premises, the owner of the establishment shall first obtain the appropriate licenses.
7. Prior to opening for business, every bed and breakfast establishment shall obtain a permit from the Village Clerk (or Town Clerk if in an Extraterritorial Zoning Area) by application made upon a form furnished by said officer. Such permit shall be void upon the sale or transfer of the property ownership. A bed and breakfast permit shall be valid until terminated by action of the Village Clerk for violation of the provisions of this Chapter or of State regulations.
8. Minimum Required Off-Street Parking: one space per each bedroom in addition to standard requirements for principal residential use.

(14) **Boarding House.**

Includes any residential use renting rooms, or providing rooms as part of an employment package on a farm, where each room does not contain a private bathroom facility or full kitchen. Also commonly referred to as a "rooming house." Does not include any "Multi-Family Residence", "Community Living Arrangement," "Institutional Residential," "Bed and Breakfast" uses, which are separately classified and regulated.

Performance Standards:

1. Uses that meet the definition of a Boarding House above, and the performance standards below, shall only be allowed where listed in Figures 3.04 and 3.05.
2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public rights-of-way.
3. Each Boarding House may have no more than eight boarders and bedrooms for boarders.
4. The Boarding House must meet all design standards applicable to Multi-Family Residences in Section 94.10.03.
5. Except within the AR district, the operator of the Boarding House must live within the same building as the boarders.
6. If within the AR district:
   a. All boarders must be workers on the farm where the Boarding House is located.
   b. There may not be more than one boarder per every 20 acres on the farm.
   c. Wis. Stat. §103.92, regarding migrant labor camps, may also apply.
7. Minimum Required Off-Street Parking: one space per room for rent, plus one space per each employee on the largest work shift.

[Amended via Ord. 16-046, 12/21/2016; Ord. 19-001, 1/23/19]

(15) **Campground.**

A parcel of land designed, maintained, intended, or used for the purposes of providing a location for two or more camping units and designed and approved for overnight accommodation. A campground may be the sole principal use of a property, or part of a range of principal uses on a property (e.g., a component of a park, school forest, or other recreational facility).

Performance Standards:

1. The application for a conditional use permit shall include the following information:
   a. A written description of the proposed operation, including proposed months of operation; desired types of camping units; other ancillary uses proposed for the site; and assurances that the campground will be developed and operated in accordance with all approved plans.
   b. A campground plan map(s), drawn to scale, and including the proposed layout; location of camp sites, roads, parking areas, site boundaries; topography lines; minimum required yards; existing and proposed buildings and other structures; common recreational facilities; water supplies; sanitary waste disposal systems; grading plan and stormwater management system meeting the requirements of this Chapter; covered refuse storage areas; existing natural features including waterways, wetlands, floodplains, and shoreland areas; existing and proposed vegetation and recreation areas, and any other information the Zoning Administrator shall deem necessary. Professional engineering assistance is encouraged in such design, especially of access roadways, camping unit siting, site grading and stormwater management, and utility placement.
2. Any subsequent expansion beyond its approved number of sites and units or density of site or units, and construction of new or expanded recreational or service facilities shall require a new conditional use permit. Any modification of an approved plan which only moves sites and units or accessory buildings or recreational facilities shall only require site plan approval.
3. No single camping unit shall be occupied by the same party for a period of time longer than six continuous months in any 12-month period, except as may be further limited by State Statutes or Administrative Rules.

4. Campground shall have direct access to a public road, with no more than two camp road access points to each abutting public road for the first 100 camp sites, plus one additional access for each 100 sites thereafter. Access to public roads shall also meet applicable requirements of Chapter 71 of the Weston Municipal Code.
5. Camp sites and access roads shall be located, graded, and maintained so as to provide each site with positive site drainage.
6. Minimum lot size for any campground established after March 18, 2015 shall be 10 acres.
7. Maximum gross density shall be eight individual camp sites or camping units per acre of active camping area. Active camping area consists of camp sites and land supporting the camp sites including access roads, recreational facilities, and other permanent campground infrastructure.
8. Individual camp sites shall be at least 1,200 square feet in area. Each camp site shall be clearly marked with an alpha or numeric symbol on a sign which is clearly visible from an access road.
9. There shall be a minimum separation of 10 feet between camping units. Any accessory structure on the campsite, such as but not limited to, a deck, porch, awning, or storage structure shall be considered part of the camping unit for purposes of this separation requirement. The total footprint of these accessory structures plus the camping unit shall not exceed 400 square feet.
10. Separate areas may be designated as a campground for group camping in tents. Within each group camping area, no more than 20 tents containing no more than 80 persons per acre shall be permitted. The group camping area must be provided with proper sanitary service as required by State Statutes.
11. Each campground may have up to two single-family dwellings for the private use and occupation of the owners and caretakers of the campground.
12. Each campground may, for only those persons camping on site, registered as guests or visitors or persons making a bona fide visit to check out the campground, or otherwise paying for the use of the campground, provide for purchases of sundry supplies, cooked meals, and drinks including alcoholic beverages, if so licensed.
13. Each campground may accommodate common recreational facilities and amenities such as swimming pools, tennis courts, and other similar facilities. These facilities shall be considered a part of the active camping area.
14. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public roads.
15. Each campground established after March 18, 2015 shall provide a minimum of 200 square feet per camping unit or one continuous acre of common recreation open space, whichever is greater. Yard areas within minimum required setbacks around the perimeter of the campground and land within landscaped transitional yards may not be counted towards meeting this requirement.
16. Each campground or camping resort shall be maintained under a single management so that responsibility can be easily placed for cleaning of common facilities such as water supply, sewage disposal station, toilet, laundry, and washrooms, and refuse areas, and for enforcement of camp site cleanliness.
17. The number of camping cabins within a campground shall not exceed 15 percent of the total number of camping units in the campground.
18. Each campground shall comply with all state regulations applicable to campgrounds, except as may be permitted through other licenses or approvals from the state.
19. Minimum Required Off-Street Parking: 1.5 spaces per campsite.

(16) **Commercial Indoor Lodging.**

Includes land uses that provide overnight housing in more than one individual room or suite of rooms, each room or suite having a private bathroom, including hotels and motels. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate principal land use. This land use category does not include "Bed and Breakfast" or "Tourist Rooming House" uses, which are instead listed and regulated separately.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. Minimum Required Off-Street Parking: one space per bedroom, plus one space for each employee on the largest work shift.

(17) **Tourist Rooming House.**

A permanent dwelling unit where sleeping accommodations are offered for pay to tourists or transients for periods of time of 7 days or fewer. Commercial lodgings consisting of structures with rentable rooms or suites shall instead be regulated as a "Commercial Indoor Lodging" use (or if a room in a residence operated by the primary resident, a "Bed and Breakfast"). Also, does not include any "Boarding House," which is described and regulated separately. Any restaurant, arcade, fitness center, and other on-site facility available to non-lodgers is not considered an accessory use and therefore requires review as a separate principal land use.

Performance Standards:

1. The use must meet all performance standards associated with the type of dwelling in which it is located.
2. Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the unit. Two exits are required for each bedroom.
3. The appearance of use of the Tourist Rooming House shall not be altered in a manner that would cause the premises to differ from a typical dwelling unit either by the use of colors, materials, construction, lighting, signs, or noise exceeding Section 94.12.13.
4. No recreational vehicle may be used for living or sleeping purposes as part of a Tourist Rooming House.
5. The use must be licensed by the State of Wisconsin.
6. Required Off-Street Parking: A minimum/maximum of one space per bedroom.

[Amended via Ord. 19-001, 1/23/19]

(18) **Adult Entertainment or Adult-oriented Establishment.**

Any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specific sexual activities or specified anatomical areas, or the removal of articles of clothing to appear totally nude or to display a nude genital area or female nude breasts. Also, an adult bookstore having as its stock in trade, for sale, rent, lease, inspection or viewing, books, films, videocassettes, CDs, SD cards, flash drives, internet connection, magazines or other periodicals that are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specific anatomical areas, and in conjunction therewith have facilities for the presentation of adult-oriented films, movies or live performances, for observation by patrons.

Performance Standards:

1. Shall be further regulated under Chapter 18, Article 2 of the Code.
2. Shall be located a minimum of 1,000 feet from any residentially zoned property; and a minimum of 1,000 feet from any existing school, church, public library, "Institutional Residential" land use, "Active Outdoor Public Recreation" land use, or another Adult Entertainment or Adult-oriented Establishment.
3. Exterior signage shall be in accordance with that permitted for the zoning district within which the use is located. One additional exterior wall sign with an area of 2 square feet that reads "admittance to adults only" shall be placed near or on each customer entrance, along with hours of operation.
4. The use shall not admit minors on the premise and shall comply with all applicable federal, state, and Village laws and ordinances regulating alcoholic beverages and obscenity.
5. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area, or one space per person at the maximum capacity of the establishment (whichever is greater).

(19) **Large Retail and Commercial Service Development.**

See Section 94.10.06 for description and performance standards.

(20) **Micro-beverage Production Facility.**

A type of beer, wine, spirits, or coffee production facility that produces limited amounts of product per year, and often includes a tasting room and on-site purchase of beer and related products, including gifts and food. Includes microbreweries, micro-distilleries, micro-wineries/small wineries, and micro-roasteries/small batch roasters that meet the following performance standards. In the event such a use exceeds one or more of the following performance standards, either at time of commencement or via growth, it shall instead be considered a "Light Industrial" land use. As defined in Article 17, brewpubs are also regulated separately as an "Indoor Commercial Entertainment" use.

Performance Standards:

1. Shall not exceed the following production quantities per year: microbrewery, 15,000 barrels or equivalent; micro-distillery, 10,000 gallons or equivalent; micro-winery, 15,000 gallons or equivalent; micro-roastery, 15,000 pounds or equivalent.
2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
3. Shall meet all performance standards in Article 12, including but not limited to odor standards in Section 94.12.15.
4. Must provide evidence of valid State license before commencing operations or at any time upon the request of the Zoning Administrator.
5. If located outside of an industrial district, the following standards apply:
   a. The area used for production may not exceed 10,000 square feet.
   b. The operation must install odor-reducing filters or other equipment to minimize the impact on nearby properties.
   c. No outdoor growing of product used in the operation. Outdoor storage shall be limited to grain silos designed to be compatible with the principal building materials and colors. No other materials or equipment shall be stored outdoors.
6. Minimum required off-street parking: one space per every three patron seats, or the maximum capacity of the establishment (whichever is greater), plus one space for every employee engaged in production.

Section 94.4.06: Storage or Disposal Land Use Types

(1) **Indoor Storage or Wholesaling.**

Uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples include warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses, which are separately listed and regulated.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. Minimum Required Off-Street Parking: one space per 2,000 square feet of Gross Floor Area.

(2) **Outdoor Storage or Wholesaling.**

Uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses, and where any activity beyond loading and parking is located outdoors. Examples of include contractors' outdoor storage yards, equipment yards, lumber yards, coal yards, landscaping materials yards, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a "Junkyard or Salvage Yard" use, which is separately listed and regulated.

Performance Standards:

1. Within the LI Light Industrial zoning district, outdoor storage yards be located or expanded within 300 feet of residentially zoned property shall first require a conditional use permit, and all other outdoor storage yards in the LI district shall be a permitted use. In either case, all of the following standards shall be met.
2. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
3. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
4. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrially zoned areas and public rights-of-way, up to the maximum fence heights allowed under Section 94.9.03.
5. The storage of items shall not be permitted in the minimum required front yard.
6. Minimum Required Off-Street Parking: one space for every 10,000 square feet of Gross Storage Area, plus one space per each employee on the largest work shift.

[Amended via Ord. 19-001, 1/23/19]

(3) **Personal Storage Facility.**

Includes indoor storage of items entirely within partitioned buildings with individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as mini-warehouses.

Performance Standards:

1. In addition to the building design standards in Section 94.10.03, buildings and facility shall be designed to minimize adverse visual impacts on nearby developments. The color, exterior

materials, and orientation of proposed buildings and other structures shall complement surrounding development and be consistent with any building design standards within the Comprehensive Plan.

2. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public rights-of-way.
3. The Plan Commission or Extraterritorial Zoning Committee may restrict or limit unit doors facing a public street right-of-way or property not in an industrial zoning district, or may otherwise require that any such doors be screened from view with berms, landscaping, and/or opaque fencing.
4. Facility shall be limited to indoor storage of household items and similar durable goods. No live animals, perishable items, odor producing materials (see Section 94.12.15), flammable or explosive materials (see Section 94.12.17), toxic or noxious materials (see Section 94.12.18), or hazardous materials (see Section 94.12.20) shall be stored on site.
5. No storage unit may have any other function aside from storage, including but not limited to any retail, wholesale, workshop, hobby shop, manufacturing, residential, lodging, or service use.
6. No outdoor storage of materials shall be permitted on site, with the exception of an outdoor trash or recycling receptacle, if proposed and approved as part of the site plan and screened in accordance with Section 94.12.06.
7. To prevent unauthorized access, each storage unit shall be outfitted with quality commercial locks and the Plan Commission or Extraterritorial Zoning Committee may require gated access to the facility and/or security fencing.
8. The Plan Commission or Extraterritorial Zoning Committee may require that the project be equipped with a digital security camera(s) that records site activity, with footage made available to the Everest Metro Police Department upon suspicion of criminal activity.
9. All storage units shall gain access from the interior of the building or site, as opposed to direct access from units to public streets.
10. The Plan Commission or Extraterritorial Zoning Committee may deny or limit a conditional use permit, where required, if it determines that the location, size, quantity, job or tax base creation, or other applicable characteristics of the proposed facility are incompatible with the economic development goals and objectives of the Village, including those within the Comprehensive Plan and any approved tax incremental district project plan.
11. Minimum Required Off-Street Parking: one space for each employee on the largest work shift.

[Amended via Ord. 19-001, 1/23/19]

(4) **Junkyard or Salvage Yard.**

Any land or structures used for a salvaging operation including but not limited to the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of two or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

Performance Standards:

1. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
2. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from off site, up to the maximum fence heights allowed under Section 94.12.03.

3. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
4. Activity and storage areas shall not be permitted in the minimum required front yard.
5. Shall not involve the storage, handling, or collection of hazardous materials, including any of the materials listed in Section 94.9.20.
6. A license must be also obtained pursuant to Chapter 18, Article V of the Code for the proposed use.
7. Minimum Required Off-Street Parking: one space for every 20,000 square feet of Gross Storage Area, plus one space for each employee on the largest work shift.

(5) **Solid Waste Disposal, Composting, and/or Recycling Facility.**

Any use dedicated to the collection, storage, processing, and/or disposal of solid wastes as defined by Wis. Stat. § 289.01(33), organic materials for composting or for off-site energy production, and/or materials for recycling.

Performance Standards:

1. In addition to the information normally required for conditional use permit applications, the application shall include the following information:
   a. A written description of the proposed operation, including the types and quantities of the materials that would be kept, stored, or processed; the proposed date to begin operations; existing natural features on and adjacent to the site; where materials would be hauled from and to and over what roads; types, quantities, and frequency of use of equipment to move, process, and haul materials within and to and from the site; whether, which, and how frequently sorting, burning, processing, and other activities would be performed on site; description and elevations of all temporary and permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, and environmental protection; methods to keep all public roads free of all mud, debris, and dust; assurances that the site will be developed and operated in accordance with all approved plans and all village, county, state, and federal regulations; and a listing of all applicable regulations, licenses, and permits required.
   b. A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, entrances, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 1,000 feet; location of the proposed staging areas, fueling, fuel storage, and material and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed and fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of bufferyards, screening berms, and landscaping; and proposed temporary and permanent structures, including scales and offices.
   c. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, state, and county requirements.
   d. A reclamation plan clearly depicting proposed stages of restoration, proposed contours following restoration, and proposed land use.
2. The applicant shall obtain all required Federal, State, County permits and licenses, as well as any other Village permits and/or licenses, necessary to operate the facility. The applicant shall maintain requirements set forth by these permits and licenses, and abide any standards set therein, as well as any other ordinances and statutes applicable to the operation. The applicant shall provide copies of all required permits and licenses, and inspections and reports thereunder,

to the Village Zoning Administrator immediately upon applicant receipt or in another timeframe specified by the conditional use permit.

3. All buildings, structures, storage, and activity areas shall be located a minimum of 50 feet from all lot lines.
4. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders.
5. Operations shall not involve the on-site holding, storage, processing or disposal of hazardous materials, food scraps, or other vermin-attracting materials.
6. Outdoor material stockpiles shall be limited to no more than 30 feet in height, except as may be specifically prescribed by the Plan Commission or Extraterritorial Zoning Committee by conditional use permit.
7. All performance standards in Article 12 shall be met.
8. The use shall be established and maintained so as to not create a fire hazard as determined by the Fire Inspector.
9. Trucking activity shall be limited to a maximum number of trips per day as indicated in the Plan Commission/Extraterritorial Zoning Committee approved operational plan. A written request to exceed the maximum number of trips for a specific limited period of time not to exceed 30 days may be approved in advance by the Zoning Administrator, where he or she determines that exceptional circumstances are present. Exceptions exceeding 30 days must first be approved by the Plan Commission or Extraterritorial Zoning Committee.
10. To prevent tracking of mud onto public roads, access driveways for all new and expanded uses shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced.
11. All public roads to all such uses shall be kept free of all mud, debris, and dust by sweeping or other means.
12. Access to the site shall only be through points designated as entrances on the site or operations plan. Such access points shall be secured when the site is not in operation.
13. The conditional use permit may include limits on the amount of time the use shall remain in operation and/or hours and days of operation.
14. The conditional use permit may include provisions for the upgrade, repair, and maintenance of public roads serving the use, which shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required as part of the conditional use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
15. If any public road is damaged or destroyed as a result of any such use, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operation.
16. For all such facilities, including facilities established prior to March 18, 2015, noise levels shall be kept at or below allowable limits under Section 94.12.13. The owner may be required to verify, through use of appropriate equipment and an analysis technique approved by the Zoning Administrator, that such limits are met. If the Zoning Administrator determines that noise requirements under Section 94.12.13 are not met, he or she may enforce such requirements per Section 94.16.19 and/or refer the matter to the Plan Commission or Extraterritorial Zoning Committee. The Commission or Committee may require additional conditions or mechanisms to control noise in a manner that meets ordinance requirements, or may enact proceedings under subsection 17 below.

17. Approval shall be subject to amendment or revocation if non-compliance with approved plans, this subsection, or approval conditions is identified.
18. Approved operations shall be subject to periodic review to ensure compliance with the conditional use permit, including but not limited to approved limitations over the portion of the lot or parcel where activities may occur.
19. Any conditional use permit issued for such use shall not be transferable to a new owner of the property, except via a new or amended conditional use permit. In other words, the conditional use permit shall not run with the land.
20. Minimum Required Off-Street Parking: one space for each employee on the largest work shift, plus parking spaces for expected patrons of the facility as indicated in the approved conditional use permit.

[Amended via Ord. 19-001, 1/23/19]

(6) **Auction Yard.**

A use or parcel dedicated to the regular auctioning of products, generally produced at another location and transported to the site for the auction.

Performance Standards:

1. In addition to the information normally required for conditional use permit applications, the application shall include the following information:
   a. A written description of the proposed operation, including the types and quantities of the materials that would be auctioned; the proposed date to begin operations; existing natural features on and adjacent to the site; where materials would kept; description and elevations of all temporary and permanent structures and parking; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; methods to keep all public roads free of all mud, debris, and dust; assurances that the site will be developed and operated in accordance with all approved plans and all village, county, state, and federal regulations; and a listing of all applicable regulations, licenses, and permits required.
   b. A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, entrances, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; location of the proposed auction, storage, staging, and parking areas; proposed location and surfacing of roads, driveways, and site access points; and proposed temporary and permanent structures.
2. The use shall comply with all county, State and Federal regulations at all times.
3. All buildings, structures, storage, and activity areas shall be located a minimum of 50 feet from all lot lines.
4. Operations shall not involve the on-site holding, storage, auctioning, processing, or disposal of hazardous materials, food scraps, or other vermin-attracting materials.
5. Outdoor material stockpiles shall be limited to no more than 30 feet in height.
6. No odor shall be created that exceeds the standard in Section 94.12.13.
7. The level of noise generated by the facility or equipment meet the noise standards in Section 94.12.13.
8. Access to the site shall only be through points designated as entrances on the site or operations plan. Such access points shall be secured when the site is not in operation.
9. Hours or days of operation may be limited by the Village.

10. Minimum Required Off-Street Parking: one space for each employee on the largest work shift, plus additional on-site parking in suitable quantity and location to accommodate projected and actual traffic.

Section 94.4.07: Transportation Land Use Types

(1) **Off-Site Parking.**

Includes any areas used for the parking of vehicles that are fully registered, licensed, and operative, which are not accessory to another principal use on the same lot.

Performance Standards:

1. All off-site parking areas must be hard surfaced as defined in Section 94.17.04.
2. Must meet landscaping and other applicable general performance standards of this Chapter.

(2) **Airport or Heliport.**

A facility providing takeoff, landing, servicing, storage, and other services for air transportation vehicles. The operation of any type of air transportation vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved Airport or Heliport land use. Does not include helipads that are accessory to certain uses, such as hospitals.

Performance Standards:

1. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
2. All crops, trees, structures, fences, storage areas, and parking areas shall be located and setback from all runways in accordance with an airport master plan developed by the applicant in accordance with FAA guidelines.
3. Minimum Required Off-Street Parking: one space per each employee on the largest work shift, plus one space per every leasable hangar space, plus sufficient parking required for any other approved on-site use.

(3) **Freight Terminal and Mass Transportation Depot.**

Lands and buildings representing either end of one or more truck carrier line(s) principally serving several businesses, bus storage yards or garages, bus transfer stations, train stations, or similar facilities focused on the storage or staging of multiple trucks, busses, train cars, and/or other large vehicles designed to carry goods or passengers. Such uses may have some or all of the following facilities: large vehicle storage and/or staging yards, multiple loading docks, management offices, indoor and outdoor storage yards, fueling stations, weighing stations, parking areas, vehicle maintenance and repair facilities serving the use, and other related facilities.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. For freight terminals and train stations, all buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
3. For freight terminals and train stations, all outdoor storage areas and vehicles shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials and vehicles from view from non-industrial zoned areas and public rights-of-way, up to the maximum fence heights

allowed under Section 94.12.03. For other types of transportation depot uses, landscaping installed to screen the vehicles from view are sufficient meet this requirement (but not outdoor storage areas).

4. Activity and storage areas shall not be permitted in the minimum required front yard setback, except for employee or patron parking.
5. Minimum Required Off-Street Parking: one space per each onsite employee on the largest work shift and one space for each four passengers for uses where patrons are parking on-site.

[Amended via Ord. 16-044, 10/20/2016]

(4) **Distribution Center.**

Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of the materials and products of a single user. Retail outlets associated with this use shall be considered accessory uses, which are separately listed and regulated.

Performance Standards:

1. A conditional use permit and a bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
3. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrial zoned areas and public rights-of-way, up to the maximum fence heights allowed under Section 94.12.03.
4. Activity and storage areas shall not be permitted in the minimum required front yard.
5. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

[Amended via Ord. 17-032, 9/21/2017]

(5) **Livestock or Farm Commodity Trucking.**

A type of freight service dedicated primarily to movement of locally produced agricultural products principally serving one or more farms or lumber operations, and which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities. Trucking services not specifically related to local agriculture production shall instead be regulated as a "Freight Terminal and Mass Transportation Depot."

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
3. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrial zoned areas and public rights-of-way, up to the maximum fence heights allowed under Section 94.12.03.
4. Activity and storage areas shall not be permitted in the minimum required front yard.
5. Shall meet all performance standards in Article 12, including but not limited to odor standards in Section 94.12.15.

6. In the FP zoning district, the Livestock or Farm Commodity Trucking use must meet the standards set forth in Section 94.4.03(2) for an Agricultural-Related Use.
7. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

[Amended via Ord. 16-044, 10/20/2016]

Section 94.4.08: Industrial Land Use Types

(1) **Light Industrial.**

Industrial facilities, manufacturing operations, and contractor shops at which all operations are conducted entirely within an enclosed building, with the exception of fully screened outdoor storage and loading operations. Light industrial facilities are those which are not associated with nuisances such as odor, noise, heat, vibration, and radiation detectable at the property line and which do not pose a significant safety hazard such as danger of explosion. A "Light Industrial" land use may conduct retail sales activity as an accessory use in accordance with the requirements of Section 94.4.09(13). Landscape contractors and indoor aquaculture uses, which include the farming of aquatic organisms (plants and animals) under controlled conditions that are located entirely within an enclosed building and utilize recirculating (closed) system technology (including aquaponics), are considered "Light Industrial" uses. Primary food processing activities involving the processing of cabbage, fish and fish products, and meat products shall be considered and regulated as "Heavy Industrial" land uses. Breweries, distilleries, wineries, and coffee roasters that exceed one or more limitations of the "Micro-beverage Production Facility" land use are considered "Light Industrial" uses. Crematoriums shall be considered "Heavy Industrial" uses, except where accessory to a funeral home and where serving only customers of the funeral home.

Performance Standards:

1. All activities shall be conducted entirely within the confines of a building, except for parking, circulation, loading and unloading, and fully screened outdoor storage.
2. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from all adjacent properties and rights-of-way, up to the maximum fence heights allowed under Section 94.12.03.
3. No loading, unloading, or storage shall be permitted in the minimum required front yard.
4. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
5. The use shall comply with all of the performance standards in Article 12.
6. For indoor aquaculture uses, the following additional performance standards shall apply:
   a. Indoor aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
   b. Applicants wishing to establish indoor aquaculture operations shall prepare and submit a report outlining the estimated average daily water usage and quantity of wastewater discharge.
   c. On-site processing of seafood is permitted, provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
   d. The on-site retail sale of seafood or vegetables shall be considered an "Indoor Sales Incidental to Storage or Light Industrial Land Use" subject to the provisions of Section 94.4.09(13).

e. On-site composting shall be permitted, provided compost areas are fully screened on all four sides and comply with all county, state, and federal rules, regulations, and permitting requirements.

7. New Light Industrial development within the AR and RM zoning districts shall be served by public sanitary sewer and water services.
8. Minimum Required Off-Street Parking: One space per each employee on the largest work shift.

[Amended via Ord. 16-046, 12/21/2016]

(2) **Heavy Industrial.**

Industrial facilities at which operations have one or more of the following characteristics: conducted partially or wholly outside of an enclosed building (not including loading/unloading operations); associated with nuisances such as odor, noise, heat, vibration, and radiation detectable at the property line; and/or involving materials that pose a significant safety hazard (such as danger of explosion). Examples of "Heavy Industrial" land uses include slaughter houses; tanneries; primary meat processing and fish processing; cabbage processing; alcoholic beverage producers other than breweries and wineries; paper, pulp, or paperboard producers; chemical and allied product producers (except drug producers); petroleum and coal product producers; asphalt, concrete, or cement producers; stone, clay, or glass product producers; power production facilities (power plants); primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

Performance Standards:

1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
2. All indoor activity areas and outdoor storage areas shall be located a minimum of 100 feet from residentially zoned property, "Institutional Residential" uses, or "Indoor Institutional" uses.
3. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

(3) **Communications Tower.**

Includes all free-standing broadcasting, receiving, or relay structures, and similar principal land uses; and any office, studio, or other land uses directly related to the function of the tower. See land use descriptions and regulations associated with "Exterior Communication Devices" regulated as accessory uses later in this Section, where, unlike Communications Towers, the communications use is clearly incidental to the principal use on the site. It is the policy of the Village to encourage the placement of communications devices on pre-existing towers and other support structures (e.g., water towers) over the erection of new Communications Towers.

Performance Standards:

1. Each application for conditional use permit, site plan approval, and/or building permit under this subsection shall include the following information:
   a. The name and business address of, and the contact individual for, the applicant.
   b. The location of the proposed or affected Communications Tower or other support structure.
   c. The location of the proposed equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment.
   d. If the application is for a "substantially modification" to an existing Communications Tower or other support structure, a construction plan which describes the proposed modifications

to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications. For purposes of this subsection (3), "substantial modification" means the modification of a Communications Tower, including the mounting of an antenna on such a structure, that does any of the following:

i. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

ii. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

iii. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

iv. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

e. If the application is to construct a new Communications Tower, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

f. If an application is to construct a new Communications Tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

g. Evidence and information to indicate compliance or intent to obtain compliance with other applicable provisions of this subsection and Chapter.

2. Each Communications Tower and modification thereto shall be erected and installed in accordance with the state electrical code adopted by reference in the National Electrical Code, Federal Communications Commission and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

3. If an application is to construct a new Communications Tower, the Village may consult with a third party to verify that collocation on an existing Communication Tower or other support structure within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. All costs and expenses associated with such consultation shall be borne by the applicant, except for travel expenses. Failure to pay such costs and expenses or provide related information to the third-party consultant shall be grounds for denial of the conditional use permit.

4. Each Communications Tower shall be placed or constructed so it can be utilized for the collocation of additional antenna arrays to the extent technologically and economically feasible. The Village shall, unless it is shown to be unreasonable, condition the granting of each conditional use permit upon the applicant placing or constructing the Communications Tower to accommodate, at a minimum height of 150 feet, the collocation of two additional antenna arrays similar in size and function to that placed on the Tower by the applicant. Collocation sites need not be available on the Tower as initially placed or constructed, provided that the Tower will support the later addition of the required number of collocation sites at the specified minimum height. The holder of each conditional use permit under this subsection (3) and the predecessor

Chapter shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.

5. Each Communications Tower and associated equipment shall, to the extent determined possible by the Zoning Administrator, match the color of existing facilities and be installed in a fashion to lessen the visual impacts of such installation. Accessory buildings, if required, shall be constructed to be compatible with the surrounding or adjacent buildings by virtue of their design, materials, textures, and colors.
6. For Communications Towers erected after March 18, 2015, and in conjunction with the installation of new ground mounted buildings or equipment totaling 300 square feet or greater, the applicant shall provide a bufferyard meeting the requirements of Section 94.11.02(3)(d) along all property borders abutting residentially zoned property. Other landscaping requirements of Article 11 shall also apply.
7. A new or amended conditional use permit and site plan shall be required for a "substantial modification" to an existing Communication Tower. Neither a conditional use permit nor site plan approval shall be required for any modification including collocation that is not defined as a "substantial modification," but a building permit shall be required.
8. Prior to the issuance of a building permit for a Communications Tower erected after March 18, 2015, the applicant shall provide a written agreement stating that if the Communications Tower, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower, antennas, or transmitters upon written request from the Zoning Administrator at no cost to the Village within 60 days of such request. If such listed items are not removed within 60 days of such notification, the Village may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the Village with written notice of the cessation of use. A performance bond or deposit of $20,000 shall be required to ensure compliance with all applicable requirements for removal of the Communications Tower and equipment.
9. The owner of any Communications Tower shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the Communications Tower and accessory structures with a single combined limit of not less than $1,000,000.00 per occurrence. The policy shall contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Village with a certificate of such insurance before issuance of a building permit and upon each policy renewal thereafter.
10. Upon written inquiry from the Village, the recipient of a conditional use permit under this subsection (3) shall have the burden of presenting credible evidence establishing the continued compliance with the approved plans and all conditions placed upon the conditional use permit. Failure to establish compliance with the approved plans and all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. If the Village determines that it is necessary to consult with a third party to ascertain compliance with conditions on a conditional use permit, all costs and expenses associated with such consultation shall be borne by the holder of subject conditional use permit, except for travel expenses. Failure to pay such costs and expenses or provide information requested by the Village shall be grounds for revocation of the conditional use permit.
11. Upon written inquiry from the Village, any owner or operator of a Communications Tower shall provide information on the Tower, including but not limited to available sites on the Tower for potential co-locators; evidence that such collocation sites are in fact available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are

standard in the industry and at prevailing market rates allowing the Tower owner to recoup the cost of providing the collocation sites and a fair return on investment; contact information for future co-location inquiries that the Village may receive; and number and placement of antenna arrays and ground mounted equipment, type of service provided (e.g., 4G LTE, etc.), contact information, and expiration dates of user agreements or leases associated all current users of the Tower.

12. In its evaluation of any permit or plan approval for a Communications Tower, the limitations under Wis. Stat. §§ 66.0404(4) and 66.0406(2) shall apply.
13. In the FP zoning district, the following additional standards shall also be met:
    a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
    b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
    c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
    d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
    e. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
14. Minimum Required Off-Street Parking: one space per each employee vehicle needed for ongoing maintenance.

(4) **Non-Metallic Mineral Extraction.**

Any land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities. Wisconsin Statutes may limit Village regulation of non-metallic mineral extraction operations associated with projects completed by the Wisconsin Department of Transportation.

Performance Standards:

1. In addition to the information normally required for conditional use permit applications, each application for approval of a new or expanded Non-Metallic Mineral Extraction Operation shall include the following information:
    a. A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and archaeological features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; types of materials and equipment used or stored on site; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site; if washing is to be performed, estimated daily quantity of water required, its source and its disposition; whether excavation will occur below the water table and, if so, how ground water quality will be protected; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; if within the FP district, justification that the use meets all standards associated with such district; and assurances that the site will be

developed, operated, and reclaimed in accordance with all approved plans and all county, state, and federal regulations, including a listing of all applicable regulations.

b. A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms, fencing, and/or landscaping; and proposed temporary and permanent structures, including scales and offices.

c. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, state, and county requirements.

d. A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the Marathon County non-metallic mining reclamation ordinance, and clearly depicting proposed stages of restoration, proposed contours following restoration, depth of topsoil and vegetative cover, and proposed land use.

2. Each Non-Metallic Mineral Extraction Operation, regardless of when established, shall have on file with the Zoning Administrator current operational, erosion control, and reclamation plans covering the subject matter in subsection 1. above. Operations established before March 18, 2015 shall operate and restore the site in compliance with previously approved plans and conditions; with the provisions of this chapter; and to assure public safety, minimization of nuisances, and proper restoration of the site, provided that such requirements shall not be economically and technically unreasonable with respect to existing conditions.
3. The applicant shall obtain all required Federal, State, County permits and licenses, as well as any other Village permits and/or licenses, necessary to operate the Non-Metallic Mineral Extraction operation. The applicant shall maintain requirements set forth by these permits and licenses, and abide any standards set therein, as well as any other ordinances and statutes applicable to the operation. The applicant shall provide copies of all required permits and licenses, and inspections and reports thereunder, to the Village Zoning Administrator immediately upon applicant receipt or in another timeframe specified by the conditional use permit.
4. For new and expanded operations, a bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public rights-of-way.
5. The conditional use permit may include limits on the amount of time the non-metallic mineral extraction use shall remain in operation and/or hours and days of operation.
6. The conditional use permit may include restrictions and/or hours for blasting, drilling, screening, asphalt batching, washing, and other processing.
7. All mineral extraction activities and washing, crushing and similar processing shall be at least 200 feet from any right-of-way or property line. All ancillary operations, such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line. This provision shall apply to all Non-Metallic Mineral Extraction operations, including pre-existing ones, except to the extent that buildings, structures, and surface activity areas were closer than specified as of March 18, 2015.
8. To prevent tracking of mud onto public roads, access driveways for all new and expanded Non-Metallic Mineral Extraction operations shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced.

9. All public roads to all Non-Metallic Mineral Extraction operations, including operations established prior to March 18, 2015, shall be kept free of all mud, debris, and dust by sweeping or other means.
10. Access to all Non-Metallic Mineral Extraction sites shall only be through points designated as entrances on the site or operations plan map or as otherwise legally established. The operator shall secure such access points when the site is not in operation.
11. For all Non-Metallic Mineral Extraction operations, the site and driveway shall be sprayed to control dust, except when the temperature is below freezing. Spraying may also be required in and around the excavation pit to further reduce dust. All operations and sites, regardless of when established, shall also meet the air pollution standards in Section 94.12.14.
12. The conditional use permit may include provisions for the upgrade, repair, and maintenance of public roads serving the use, which shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required as part of the conditional use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
13. If any public road is damaged or destroyed as a result of any Non-Metallic Mineral Extraction operation, including operations established prior to March 18, 2015, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operation.
14. On-site bulk fuel storage areas and areas for fueling of equipment shall be located in accordance with the Wisconsin Administrative Code and State Statutes. A conditional use permit granted for a new or expanded operation may also require that such areas, facilities, and equipment be located above the water table to minimize the potential for groundwater contamination.
15. If blasting, drilling, or other processing is requested and approved as part of the conditional use permit, additional standards or conditions may be applied to the conditional use permit with relation to frequency, dust, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures in accordance with the Wisconsin Administrative Code.
16. All approved blasting shall be conducted in accordance with the provisions of Wis. Admin. Code Chapter SPS 307. The owner shall notify the Village Zoning Administrator, and any others as specified by law or under the conditional use permit, of blasting days and times at least three (3) days in advance of such blasting. The owner may be required to verify, such as through hiring a professional engineering firm, that vibrations and other impacts associated with actual blasting activities are within the limits prescribed by Wis. Admin. Code and the conditional use permit.
17. For all Non-Metallic Mineral Extraction operations, including operations established prior to March 18, 2015, noise levels shall be kept at or below allowable limits under Section 94.12.13. The owner may be required to verify, through use of appropriate equipment and an analysis technique approved by the Zoning Administrator, that such limits are met. If the Zoning Administrator determines that noise requirements under Section 94.12.13 are not met, he or she may enforce such requirements per Section 94.16.19 and/or refer the matter to the Plan Commission or Extraterritorial Zoning Committee. The Commission or Committee may require additional conditions or mechanisms to control noise in a manner that meets ordinance requirements, or may enact proceedings under subsection 20 below.
18. For Non-Metallic Mineral Extraction operations established or expanded after March 18, 2015, the area of extraction shall be completely enclosed by a security fence meeting applicable requirements of Section 94.12.03, or maintained at a slope not to exceed 3:1.

19. The owner of each Non-Metallic Mineral Extraction operation, regardless of when established, shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the Non-Metallic Mineral Extraction operation and accessory structures. Such insurance policy shall have with a single combined limit of not less than $1,000,000.00 per occurrence and contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Zoning Administrator with a certificate of such insurance before issuance of a building permit, upon each policy renewal thereafter, and otherwise upon written request.
20. Upon written inquiry from the Village, each Non-Metallic Mineral Extraction operation, regardless of when established, shall have the burden of presenting credible evidence establishing the continued compliance with applicable provisions of this subsection (4), and approved plans and conditions placed upon the conditional use permit or any other prior or subsequent Village approval. Failure to establish compliance with applicable provision, the approved plans, and all conditions placed upon the conditional use permit or other Village approval shall be grounds for revocation of the permit. If the Village determines that it is necessary to consult with a third party to ascertain compliance, all costs and expenses associated with such consultation shall be borne by the owner of the Non-Metallic Mineral Extraction operation. Failure to pay such costs and expenses or provide information requested by the Village shall be grounds for revocation of the conditional use permit or other Village approval, and/or enforcement under the provisions of this chapter.
21. Any conditional use permit issued for a Non-Metallic Mineral Extraction operation shall not be transferable to a new owner of the property, except via a new or amended conditional use permit. In other words, the conditional use permit shall not run with the land.
22. Within the FP district, such use shall also be subject to the following additional limitations:
    a. The operation complies with subch. I of Wis. Stat. § 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under §§ 295.13 or 295.14, and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
    b. The operation and its location in the FP district are consistent with the purposes of that district.
    c. The operation and its location in the FP district are reasonable and appropriate, considering alternative locations outside the FP district, or are specifically approved under state or federal law.
    d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
    e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
23. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

[Amended via Ord. 16-025, 5/18/2016; Ord. 19-001, 1/23/19]

Section 94.4.09: Accessory & Miscellaneous Land Use Types

(1) **Detached Accessory Structure (for Non-residential Use).**
An accessory structure serving a non-residential principal land use and building (e.g., an industry or commercial service use), but not attached to the principal building.

Performance Standards:

1. Any such structure exceeding 2,000 square feet or the maximum height for an accessory structure established in Figures 5.04(2) and 5.05(2) shall be regulated as a principal structure.

2. No Detached Accessory Structure (for Non-residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot, unless otherwise stated in this Chapter.
3. Each Detached Accessory Structure (for Non-residential Use), shall be designed to withstand a minimum of a 40-pounds per square foot of snow load.
4. See Figures 5.02(1) and 5.02(2) for setback, floor area, and coverage standards associated with Detached Accessory Structures in non-residential zoning districts.
5. Except within an agricultural zoning district, no hoop building or structure of similar design shall be permitted as a Detached Accessory Structure (for Non-residential Use), 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 following issuance of a temporary use permit.
6. No Detached Accessory Structure (for Non-residential Use) shall be occupied as a dwelling unit or otherwise used for human habitation, unless it has first been approved for such use by the Building Inspector and meet all applicable code requirements for a dwelling of the State for a dwelling and under Section 94.4.09(8).
7. Each Detached Accessory Structure (for Non-residential Use) shall meet associated building and site design standards in Section 94.10.03.

(2) **Detached Accessory Structure (for Residential Use).**
An accessory structure serving a residential principal land use and building (e.g., a house or apartment building), but not attached to the principal building. Includes detached residential garages and carports (where permitted) designed primarily to shelter parked passenger vehicles, utility sheds as defined in Section 94.17.04, private recreation structures such as gazebos, and detached elevated decks or walkways associated with residential uses. All structures that are utilized for Agricultural Land Use Types (as listed in Section 94.4.03), that exceed 2,000 square feet in floor area, are within a rural and open space or RM zoning district, or are on parcels over 10 acres in area shall instead be regulated as a principal structure, and not as a "Detached Accessory Structure."

Figure 4.09(2): Detached Accessory Structure (for Residential Use) Allowances

Principal Land Use	Zoning District	Maximum Permitted Type and Quantity of Detached Accessory Structure [1]	Minimum Distance from Other Buildings [2]
Single-Family Detached Residence	FP, RM, AR and RR-5	Maximum of five [3]	10 feet
	Any other zoning district	1 Detached Garage; and 1 Utility Shed; and 1 Gazebo	10 feet
Two-Family Residence	Any district where principal building located	1 Utility Shed per Housing Unit	10 feet
Multi-Family Residence	Any district where principal building located	*As approved through Site Plan Procedures	10 feet
Manufactured Home or Mobile Home	MH	1 Utility Shed [4] and 1 Carport [5] or 1 Detached Garage [6]	5 feet from the accompanying home and 10 feet from all other buildings

[1] The terms detached garage, utility shed, gazebo and carport are defined in Section 94.17.04.

[2] See Figures 5.01(1) and 5.01(2) for maximum floor areas, maximum lot coverage, minimum property line setbacks, and maximum heights relating to detached accessory buildings.

[3] Except where approved by the Plan Commission as part of an approved site plan.

[4] Each Utility Shed within the MH zoning district shall not be greater than 144 square feet in floor area with a 5-foot building separation.

[5] Each Carport within the MH zoning district shall not be greater than 200 square feet in floor area with a maximum width of 10 feet.

[6] Each Detached Garage within the MH zoning district shall not be greater than 344 square feet in floor area with a maximum width of 14 feet.

Performance Standards:

1. No Detached Accessory Structure (for Residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot.
2. Except within the AR and RM zoning districts, no hoop building, tarp shed, or carport shall be a permitted as a Detached Accessory Structure (for Residential Use), 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 on the property following issuance of a temporary use permit.
3. The roof of each Detached Accessory Structure (for Residential Use), including those permitted under standard 2, shall be designed to withstand a minimum of a 40-pounds per square foot of snow load.
4. All driveways built to serve Detached Accessory Structures (for Residential Use) are subject to associated standards under Section 94.12.08. Each Detached Accessory Structure (for Residential Use) shall be served by a driveway connected to a public road if used to shelter a motor vehicle or trailer, or where vegetative ground cover to an overhead door cannot be maintained in the determination of the Zoning Administrator or Building Inspector.
5. The exterior walls of each Detached Accessory Structure (for Residential Use) shall be sided with wood, masonry, concrete, stucco, Masonite, horizontal vinyl or metal lap siding, or similar material approved by the Zoning Administrator. Vertical siding is also allowed in all RM and rural and open space zoning districts aside from RR-2. All exterior siding shall extend to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
6. Roofs of Detached Accessory Structures (for Residential Use) shall be surfaced with any of the following materials: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; screw down metal roofing; rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator.
7. Pole or ladder constructed buildings shall be permitted only within the RM and rural and open space zoning districts, except for the RR-2 district, and shall be subject to subsections 5. and 6. of this section.
8. No Detached Accessory Structure (for Residential Use) shall involve or include the conduct of any business, trade, or industry, except for home occupations and residential businesses as described and limited elsewhere in this Article 4.
9. No Detached Accessory Structure (for Residential Use) shall be occupied as a dwelling unit or otherwise used for human habitation, unless it has first been approved for such use by the Building Inspector and meets all applicable requirements of the State for a dwelling and under Section 94.4.09(8).
10. In all residential, RR-2 and non-residential and mixed-use zoning districts, and for all Multi-family Residences regardless of district, no portion of a Detached Accessory Structure (for Residential Use) shall occupy any land between the principal building on a residential lot and a

street right-of-way, except where approved by the Plan Commission as part of an approved site plan.

11. See Figures 5.01(1) and 5.01(2) for other setback, floor area, building height, and coverage standards associated with Detached Accessory Structures in residential zoning districts. Maximum floor area and total building coverage shall not exceed the maximums set forth in Figure 5.01(1), except as allowed by a conditional use permit, subject to the procedures in Section 94.16.06 and all of the following standards for the Detached Accessory Structure:
    a. Not taller or have more floors above ground level than the principal building.
    b. Has a similar roof slope and overhang width as the principal building. If the principal building has multiple roof slopes and/or overhang widths, the roof slopes and widths of the accessory structure shall reflect those principal building roof characteristics that are most visible from the public street.
    c. Shingles or other roof surface shall be of a similar material and color as the roof surface of the principal building.
    d. Siding shall be of a similar material and color as the siding on the principal building, except that where the siding on the principal building is stone or brick, another compatible material may be selected.
    e. May not be located further toward the front lot line than the principal building.
    f. Shall meet all setback requirements normally applicable to principal buildings per Figure 5.01(2).
12. Detached garages serving Multi-Family Residences shall be accompanied by a bufferyard meeting the requirements of Section 94.11.02(3)(d) between the garage and (a) the public right-of-way and (b) a property line abutting any residentially zoned property.

[Amended via Ord. 16-034, 8/18/2016; Ord. 16-046, 12/21/2016; Ord. 17-015, 6/21/2017; Ord 17-026 8/23/2017; Ord. 17-036, 11/24/2017; Ord. 19-001, 1/23/19; Ord. 19-015, 9/19/19]

(3) **Family Day Care Home (4 to 8 Children).**

An occupied residence in which a qualified person(s) provides child care for four to eight children. Does not include a child provided care by his or her legal guardian or his or her parent, grandparent, great-grandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption. The care of fewer than four children is not subject to the regulations of this Chapter. These shall not be considered "Home Occupations" or "Residential Businesses" for purposes of this Chapter.

Performance Standards:

1. Facility must be licensed by the State and follow rules and procedures in Wis. Stats. § 48.65 and 66.1017(1)(a) and DCF 202, Wis. Admin. Code, including but not limited to physical plant, equipment, and open space requirements.
2. Each Family Day Care Home must be conducted by one or more members of the immediate family residing on the premises, with no outside employees conducting care on site.
3. The use must meet all performance standards associated with the type of dwelling in which it is located.
4. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling.

[Amended via Ord. 19-001, 1/23/19]

(4) **Intermediate Day Care Home (9 to 15 Children).**

An occupied residence in which a qualified person(s) provides child care for 9 to 15 children. These shall not be considered "Home Occupations" or "Residential Businesses" for purposes of this Chapter.

Performance Standards:

1. Facility must be licensed by the State and follow rules and procedures in Wis. Stat. § 48.65 and DCF 202 and 251, Wis. Admin. Code, as applicable, including but not limited to physical plant, equipment, and open space requirements.
2. Each Intermediate Day Care Home must be conducted by one or more members of the immediate family residing on the premises.
3. Subject to Plan Commission or Extraterritorial Zoning Committee approval, an Intermediate Day Care Home may employ up to one employee living off-site.
4. The Plan Commission or Extraterritorial Zoning Committee may impose additional limitations on the percentage of the property and/or buildings that may be devoted to the use.
5. The use must meet all performance standards associated with the type of dwelling in which it is located.
6. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling, except that signage shall be as permitted for Intermediate Day Care Homes in Article 13.
7. Each Intermediate Day Care Home shall provide for drop-off and pick-up of children in a manner that the Plan Commission or Extraterritorial Zoning Committee determines is safe and not impactful to traffic movement and the character of the neighborhood.
8. No dwelling unit in a Two-family Residence or Multi-family Residence, and no mobile or manufactured home, may serve as an Intermediate Day Care Home.
9. No Intermediate Day Care Home shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
10. No residence may serve as both an Intermediate Day Care Home and a Home Occupation or Residential Business.
11. Each conditional use permit for an Intermediate Day Care Home shall run with the applicant and not with the land.

[Amended via Ord. 19-001, 1/23/19]

(5) **Home Occupation.**

A low-impact economic activity performed within a dwelling unit and/or its attached garage, where the principal use of the lot is the residence of the person conducting the economic activity.

Performance Standards:

1. The occupation shall be conducted only within the dwelling and/or an attached garage.
2. The area used to conduct the Home Occupation shall not exceed 25 percent of the improved square footage of the dwelling unit, excluding the garage, and shall not exceed 25 percent of the area of any floor.
3. A Home Occupation shall be undertaken only by a member of the immediate family residing on the premises.
4. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling, except for signage. Signage shall be as permitted for Home Occupations in Article 13.

5. No activity, materials, goods or equipment incidental to the Home Occupation shall be externally visible, except for one licensed car, van, or light duty truck used for the Home Occupation and external storage normally allowed for the principal residential use.
6. No Home Occupation shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
7. No mechanical or electrical equipment may be used other than such as customarily incidental to domestic use or that creates any disturbance at the property line.
8. The use shall not involve the use of commercial vehicles for more than the occasional delivery of materials to or from the premises.
9. No occupied residence may serve as both a Home Occupation and a Family or Intermediate Day Care Home, except if approved by conditional use permit and meeting the performance standards for a Residential Business use.
10. No Home Occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day.

[Amended via Ord. 19-001, 1/23/19]

(6) **Residential Business.**

Compared to a "Home Occupation," a higher-impact economic activity performed in a dwelling unit, its attached garage, and/or its "Detached Accessory Structure (for Residential Use)," where the principal use of the lot remains the residence of the person primarily conducting the economic activity.

Performance Standards:

1. A Residential Business may be conducted within the dwelling, an attached garage, and/or in a permanent Detached Accessory Structure (for Residential Use).
2. The area used to conduct the Residential Business shall not exceed 25 percent of the improved square footage of the principal dwelling unit, excluding any attached garage.
3. The Plan Commission or Extraterritorial Zoning Committee may impose additional limitations on the percentage of the property and/or buildings that may be devoted to the occupation.
4. Subject to Plan Commission or Extraterritorial Zoning Committee approval, a Residential Business may employ up to one employee living off-site, provided an immediate family member residing on site is the principal owner and operator of the business.
5. No activity, materials, goods or equipment incidental to the Residential Business shall be externally visible, except for one licensed car, van, or light duty truck used for the Residential Business and external storage normally allowed for the principal residential use.
6. No Residential Business may include retail sales other than items produced or value added on site. The Plan Commission may prohibit or limit the on-site sale of items or products produced or enhanced on the premises.
7. No Residential Business shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
8. No mechanical or electrical equipment may be used that creates any disturbance at the property line.
9. Signage shall be as permitted for Residential Businesses in Article 13.
10. No occupied residence may serve as both a Residential Business and an Intermediate Day Care Home.
11. Each conditional use permit for a Residential Business shall run with the applicant and not with the land.

[Amended via Ord. 19-001, 1/23/19]

(7) **In-Home Suite.**

An area within a "Single-Family Detached Residence" dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and/or recreation areas. A permanent interior, non-locking access way between the habitable area of the principal dwelling and the In-Home Suite is required. A separate outdoor access to a shared garage may be provided. Distinguished from an "Accessory Dwelling Unit," which is a separately listed and regulated land use.

Performance Standards:

1. Each In-Home Suite shall be considered a part of the principal dwelling unit for purposes of this Chapter.
2. The principal dwelling unit and the In-Home Suite shall together appear from the outside as one single-family detached residence.
3. A separate address and utility connection or meters for the In-Home Suite is not permitted.
4. An all-weather interior access between the main habitable area of the principal dwelling and the In-Home Suite shall be maintained at all times. Connections through attics, basements, garages, porches, or non-living areas shall not be sufficient to meet the requirement for connected interior access. A connecting door may be used to separate the In-Home Suite from the rest of the dwelling provided that it is a non-locking door. Doors to bedrooms and bathrooms are exempt from the non-locking requirement.
5. A separate driveway, garage, or walled garage area shall not be permitted. A separate connecting door between the In-Home Suite and the garage may be provided.
6. Direct incidental access to the In-Home Suite from the building exterior may be provided via exterior porches, patios, and decks, but external stairs providing principal access to a second story In-Home Suite shall be prohibited.
7. When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Home Suite, the building plan shall be marked as "Not a separate dwelling unit nor apartment," and a signed letter from the applicant stating agreement with the performance standards in this subsection shall be filed with the Zoning Administrator.

(8) **Accessory Dwelling Unit.**

A residential dwelling unit located on the same lot as a "Single-Family Detached Residence", either as part of the same building as the "Single-Family Detached Residence" or in a detached building. Accessory Dwelling Units are sometimes also referred to as granny flats. An Accessory Dwelling Unit is different from an "In-Home Suite" in that an interior physical connection between the Accessory Dwelling Unit and the primary "Single-Family Detached Residence" is not required for the former. The "Single-Family Detached Residence"/Accessory Dwelling Unit combination is different from a "Two-Family Residence" because the former may be in separate buildings and because they are subject to different performance standards.

Performance Standards:

1. The gross floor area of the Accessory Dwelling Unit shall not exceed 50 percent of the principal dwelling's gross floor area, or 1,500 square feet, whichever is less.
2. The appearance or character of the "Single-Family Detached Residence" must not be significantly altered so that its appearance is no longer that of a single-family dwelling.
3. The Accessory Dwelling Unit shall not be sold separately from the "Single-Family Detached Residence," or the land under the Accessory Dwelling Unit divided from the land occupied by the "Single-Family Detached Residence."

4. Attached Accessory Dwelling Units shall adhere to the setback requirements and standards applicable to principal structures in the applicable zoning district. Detached Accessory Dwelling Units shall adhere to the setback requirements and standards applicable to accessory structures in the applicable zoning district.
5. The occupants of the Accessory Dwelling Unit shall not exceed one family plus one unrelated person, or two unrelated individuals.

(9) **Animal Fancier.**

An accessory use wherein a person who owns or keeps, within or adjoining a residence, four to ten dogs or five to ten cats for personal and noncommercial purposes, which are limited to hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding, animal foster rescue or to enhance or perpetuate a given breed, and who has secured a license for such activity in accordance with the provisions of this Chapter and Chapter 10 of the Code.

(10) **Keeping of Farm Animals on Residential Lots and School Sites.**

The keeping or raising of farm animals on a residential lot or school sites, in zoning districts where allowed under Figure 3.04 and where such activity is clearly accessory to the principal residential use, as opposed to a principal "Agricultural Use." Farm animals are as defined in Article 17. The animals may be kept for show, breeding, or products that are predominantly consumed or used by the residents of the same lot. Gardening and residential composting are allowed in all zoning districts.

Performance Standards:

1. All animals shall be kept within a completely enclosed, covered area to the rear of the residence.
2. Animal enclosure areas may not exceed 20 percent of the lot area.
3. Use shall meet all performance standards in Article 12, including odor standards in Section 94.12.15.
4. Any slaughtering shall take place in a completely enclosed building.
5. The use of mechanized farm equipment and on-site sale of food or fur are prohibited.
6. To be considered an accessory use within any RR zoning district:
   a. The only permitted farm animals are up to 8 chickens, up to 8 ducks, and bees.
   b. All animal enclosures and beehives shall meet the minimum interior side and rear setback requirements for detached accessory buildings per Figure 5.01(2).
   c. No animal enclosure shall be located closer than 10 feet from the principal building.
   d. The minimum lot size for the keeping of farm animals is two acres (three acres for bees).
   e. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage.
7. Within the AR and RM zoning districts:
   a. The keeping or raising or hogs or fur-bearing animals as an accessory use to the principal residential use, as opposed to a principal "Agricultural Use," shall not be permitted.
   b. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage. The definition of an animal unit is in Section 94.17.04. The Zoning Administrator may approve modifications and exceptions to this animal unit density standard if, each year the normal density standard is to be exceeded, the land owner provides conservation compliance documentation from Marathon County signifying that the keeping of a higher density of animal units is in compliance with all NR 151 Agricultural Runoff Performance Standards and Prohibitions.

c. Animal enclosures may be no closer than 50 feet from any lot line, except that beehives and poultry houses for not more than eight chickens or ducks need only meet the minimum setback requirement for detached accessory buildings in Figure 5.01(2).

8. The keeping of bees shall be governed by the following additional regulations:
   a. No more than one beehive shall be kept for each 5,000 square feet of lot area.
   b. The front of any beehive shall face away from the property line of the residential property closest to the beehive. A "flyway barrier" consisting of a solid fence of six feet in height or a dense hedge at least six feet in height shall be placed along the side of the beehive that contains the entrance to the hive, be located within five feet of the hive, and extend at least two feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least 25 feet from all property lines.
   c. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
   d. No Africanized bees may be kept.

[Amended via Ord. 16-046, 12/21/2016; Ord. 17-034, 11/24/2017]

(11) **Company Cafeteria.**

A food service operation that provides food only to company employees and their guests, meets state food service requirements, and is located on the same property as a principal land use engaged in an operation other than food service.

(12) **Company Provided On-Site Amenities**

An accessory use located on the same site as a principal land use, with such accessory use providing an amenity or benefit reserved solely for the use of company employees, their families, and their occasional guests. Such accessory uses may be devoted to recreation, health, wellness, child care, training, and other similar employee and guest support activities as determined by the Zoning Administrator. The Zoning Administrator may also apply to a "Company Provided On-Site Amenities" use those performance standards in this Article that are normally applicable when such use is a principal use of a premises. Such uses may require further licensing by the State.

[Amended via Ord. 19-001, 1/23/19]

(13) **Indoor Sales Incidental to Storage or Light Industrial Land Use.**

Includes any retail sales activity conducted exclusively indoors that is incidental to a principal land use such as warehousing, wholesaling, or any "Light Industrial" land use on the same site.

Performance Standards:

1. The total gross floor area devoted to sales activity shall not exceed 25 percent of the total gross floor area of the buildings on the property. Areas devoted to uses such as custom ceramics, glass, wood, paper, fabric, and similar crafts may exceed 5,000 square feet with the granting of a conditional use permit.
2. The indoor sales area shall by physically separated by a wall from other activity areas.
3. Parking requirement: Adequate parking, per the requirements for "Indoor Sales or Service" land uses, shall be provided for customers. Said parking shall be in addition to that required for the "Light Industrial" or other uses on the lot.

(14) **Light Industrial Activities Incidental to Indoor Sales or Services.**

Any "Light Industrial" use conducted exclusively indoors that is incidental to another principal land use such as "Indoor Sales or Service" land use on the same site.

Performance Standards:

1. Must be conducted exclusively indoors and with doors and windows to the building closed.
2. Floor area devoted to light industrial activities must not exceed 20 percent of the total floor area of the buildings in the property, or 5,000 square feet, whichever is less.
3. Must be physically separated by a wall from other activity areas that are available for public access.
4. Must not generate any noise, odor, or vibration at any property line.
5. May only operate between the hours of 7 a.m. and 6 p.m., Monday through Friday.

(15) **Outdoor Display Incidental to Indoor Sales or Service.**

Any "Outdoor Display" use as defined in Section (d)(6) of this Section that does not exceed 15 percent of the total sales area of the principal building on the site, or 15 percent of the Gross Floor Area of the principal use(s) with which it is associated, whichever is less.

Performance Standards:

1. Shall comply with all conditions applicable to a principal "Outdoor Display" principal use.

(16) **Outdoor Alcohol Area.**

Outdoor Alcohol Areas are those that serve or allow for the consumption of alcohol outside of the principal structure, generally associated with an approved "Indoor Commercial Entertainment" use such as a restaurant, tavern, bar, and/or live music venue, but possibly also certain "Indoor Institutional" uses and other land uses. Examples of Outdoor Alcohol Areas include, but are not limited to, beer gardens and outdoor dining and recreational areas (e.g., volleyball courts) that allow the consumption of alcohol.

Performance Standards: The following standards shall apply to all Outdoor Alcohol Areas established or expanded after March 18, 2015, except as specifically indicated below:

1. In the zoning districts where they are allowed, Outdoor Alcohol Areas that are proposed to be within 300 feet of residentially zoned property and/or propose hours different than subsection 6 shall first require a conditional use permit, and all other Outdoor Alcohol Areas shall be a permitted use. In either case, all of the following standards shall be met.
2. Non-temporary Outdoor Alcohol Areas shall be set back a minimum of 100 feet from any residential use in any zoning district and provide a bufferyard meeting the requirements of Section 94.11.02(3)(d) along all property borders abutting residentially zoned property.
3. The maximum allowable area for an Outdoor Alcohol Area shall not exceed 50 percent of the indoor gross floor area where accessory to a principal "Indoor Commercial Entertainment" use.
4. As may be limited by State Statute or rule, the exterior of the Outdoor Alcohol Area shall be enclosed with a fence or wall, which shall be decorative except for temporary areas as determined by the Zoning Administrator. Emergency exits shall be provided in accordance with applicable Fire and Building Codes.
5. Except as a temporary use or in conjunction with a recreational use, an Outdoor Alcohol Area must be located on an impervious surface or hard all-weather decking material. No parking lot or driveway shall be used for any Outdoor Alcohol Area established or expanded after February 23, 2018, unless the pavement is professionally replaced or overlaid with a raised non-asphaltic material to establish the Outdoor Alcohol Area as a protected and deliberately designed space for persons outside of vehicles.
6. Except where otherwise specified by the conditional use permit, Outdoor Alcohol Areas shall not open earlier than 7 a.m. or remain open later than 11 p.m. on any day.

7. Except where otherwise limited by conditional use permit, Outdoor Alcohol Areas may play amplified music, whether live or recorded and may have speakers, microphones, televisions, or other audio or video devices provided all noise standards established in Section 94.12.13 are met.
8. Outdoor Alcohol Areas shall at all times comply with all applicable regulations concerning accessibility and nondiscrimination in the providing of service.
9. All applications for conditional use permit or site plan approval for an Outdoor Alcohol Area shall include operational details and site plan details addressing each of the requirements above in addition to the requirements for site plan review in Section 94.16.09. Any application for this use directly abutting a public right-of-way, parking lot, or driveway shall include details regarding the specific location of street, parking lot, or driveway improvements, and how the activity will be kept off of the street, parking lot, or driveway.
10. Each Outdoor Alcohol Area shall meet all state and local permit and license requirements before commencing operations and at all times during operation, including but not limited to a local liquor license and a Wisconsin Department of Health and Family Services to operate said establishment pursuant to Wis. Stat. Chapter 254.
11. Minimum Parking Off-Street Requirements: one space for every three persons at the maximum capacity of the Outdoor Alcohol Area. No conversion of space formally utilized for parking spaces to the Outdoor Alcohol Area shall reduce the number of parking spaces serving all uses on the premises below, or further below, the minimums under this chapter.

[Amended via Ord. 18-007, 2/23/2018; Ord. 19-001, 1/23/19]

(17) **Small Exterior Communication Device.**

Includes roof top antennas 15 feet in height or less as measured from the highest part of the roof to the top of the antenna and satellite dishes with an area of 7 square feet or less, generally used for television, radio, telephone, or internet reception, but allowable for other forms of transmission or reception (except for cellular and digital communication facilities).

Performance Standards:

1. Small Exterior Communications Devices shall meet setback standards applicable to accessory structures.
2. Small Exterior Communications Devices shall be erected and installed in accordance with the state electrical code adopted by reference in the National Electrical Code, Federal Communications Commission, and the instructions of the manufacturer.

(18) **Large Exterior Communications Device.**

Includes any apparatus capable of sending and/or receiving communications from a transmitter or a transmitter relay, and consisting of satellite dishes with a diameter greater than 7 square feet; antennas greater than 15 feet in height as measured from highest part of the roof to the top of the antenna; and/or ground-mounted antenna arrays. Does not include any commercial cellular and digital communication facilities that are mounted on a "Communications Tower," which instead is described and regulated as a principal use earlier in this Article.

Performance Standards:

1. No Large Exterior Communications Device shall be erected or installed within the front yard or street side yard. In non-residential districts, if reasonable reception of signals is not possible within an interior side or rear yard placement due to the physical characteristics of the lot and area, such facility may be placed in the front yard or street side yard, or on a building roof. Any ground-mounted device and its supporting structure shall be located a minimum of 10 feet from any interior side or rear property line.

2. There shall be not more than one Large Exterior Communications Device per residentially zoned lot. On residentially zoned lands, Large Exterior Communications Devices shall not be allowed on rooftops, and the total height of ground-mounted signal receiving devices and any platform or structure upon which said device is mounted or affixed shall not exceed 12 feet in height as measured from the ground to the highest point of the device.
3. Signal receiving antennas attached to any structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
4. The signal receiving antenna shall not exceed 15 feet in diameter, except for systems used to provide community antenna television services or cellular transmission.
5. In non-residential zoning districts, ground-mounted signal receiving devices, including any platform or structure upon which said device is mounted or affixed, may not exceed 18 feet in height.
6. All such devices shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of 80 MPH.
7. Large Exterior Communication Devices shall be erected and installed in accordance with the Wisconsin State electrical code adopted by reference in the National Electrical Code, Federal Communications Commission, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground installation. If a signal receiving antenna is to be used by two or more residential property owners, all interconnecting electrical connections, cables, and conduits must also be underground. The location of all such underground lines, cables, and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
8. No form of advertising or identification sign or mural is allowed on the any part of the device other than the customary manufacturer's identification and warning plates.
9. Communications devices shall be filtered, positioned, and/or shielded so as to prevent the emission and reflection of any electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on the same or adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the communications device shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
10. Supporting structures and equipment for antennas and satellite dishes shall be screened with foundation landscaping, decorative fencing, or placement within a building.
11. The installation and use of all signal receiving antennas shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
12. In making a recommendation on each conditional use permit application for an amateur radio antennae that exceeds the one or more thresholds for a "Small Exterior Communications Device," the Plan Commission shall make reasonable efforts to formulate reasonable conditions and the minimal practical restrictions that will allow for the approval of such facilities and shall deny such application only if it finds that the requested use, if installed and operated in accordance with all reasonable conditions and restrictions, will cause a significant danger to the public safety or welfare. It shall be a condition to each conditional use permit for an amateur radio antenna that the operation of the amateur radio service using such antennae shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission.

(19) **Geothermal Energy System (GES).**

A Geothermal Energy System (GES) is a central heating and/or cooling system that uses the moderate temperatures of subsurface ground or a body of water to assist with the heating or cooling of a building or a building's water. A GES requires an underground heat exchanger, in the form of a network of underground or underwater pipes or tubes filled with a liquid medium (refrigerant, water mixed with anti-freeze, or water). The liquid medium within the heat exchanger is transferred between a structure and the heat exchanger via pumps. In an Open Loop GES, ground or surface water is continuously drawn from an outside source through the heat exchanger pipes and discharged after use. In a Closed Loop GES, the system is designed so that heat exchanger fluid does not come in direct contact with soils, groundwater, or surface water.

Performance Standards:

1. Mechanical pumps used to move water between heat exchangers structures shall be located entirely within principal or accessory structures.
2. Underground GES pipes or tubes shall be set back a minimum of 10 feet from any lot line, public right-of-way, buried utility line, utility easement, and permanently protected natural resource area.
3. Underground GESs shall comply with state requirements regarding setbacks from private or public water wells.
4. Earth moving or drilling activities associated with installation or maintenance of the underground element of GES heat exchangers shall comply with applicable erosion control requirements.
5. Installation of a GES within a WHP Wellhead Protection Area Overlay District shall be allowed subject to review and approval by the Director of Public Works and in accordance with all applicable licensing and permit requirements.
6. All activities, materials, structures, and products associated with the installation and maintenance of a GES shall comply with applicable state-approved standards and drilling permit procedures and shall meet the certification standards established by the IGSHPA or other professional geothermal system accreditation association recognized by the State of Wisconsin. Materials shall be able to withstand long-term exposure to the levels of moisture and/or acidity of soils of the site.
7. Open loop GESs using only water as the heat exchange fluid shall be permitted. GESs may not be installed directly in a navigable body of water, and discharged water shall meet the state requirements for thermal and other water pollutants. Discharged water shall not be directed onto adjacent property or interfere with the function of on-site or off-site stormwater management structures.
8. In closed loop GESs, only heat exchange fluids certified by the State of Wisconsin for use with underground heat exchangers may be utilized. Heat exchange fluids shall not pose a contamination hazard to ground water quality. Fluids removed from closed loop heat exchangers shall be disposed of in accordance with State and Federal requirements and shall not be discharged onto neighboring properties.

(20) **Small Wind Energy System.**

Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy with an installed nameplate capacity of not more than 100 kilowatts each and a total installed nameplate capacity of not more than 300 kilowatts.

Performance Standards: The following performance standards shall apply to any new Small Wind Energy System, and to any expansion or other material change to any existing Small Wind Energy System:

1. Shall be subject to all definitions, provisions, and requirements of Wis. Admin. Code PSC § 128 and Wis. Stat. § 66.0401 that are applicable to Small Wind Energy Systems, including the owner's and the Village's responsibilities under such requirements, except as limited by the standards below.
2. The height and setback of a Small Wind Energy System near airports, heliports, or helipads shall be as follows:
   a. If near a public use airport, shall comply with Wis. Stat. §§ 114.135 or 114.136, or if no applicable height or setback provision is contained in such sections, shall comply with Federal Aviation Administration obstruction standards in 14 CFR Part 77.
   b. If near a private use airport or private heliport/helipad at a medical facility used for air ambulance service, shall comply with Federal Aviation Administration obstruction standards for private use airports or public use heliports/helipads, respectively.
   c. If the Small Wind Energy System includes turbine-mounted lighting, such lighting shall include shielding or control systems approved by the Federal Aviation Administration to reduce visibility of lighting to individuals on the ground, to the extent determined practical by the Zoning Administrator.
3. No Small Wind Energy System, or an expansion or material change to an existing System, shall be constructed prior to obtaining zoning and building permits. In addition to meeting zoning permit and building permit application requirements, the applicant shall submit all application materials required under Wis. Admin. Code PSC §128.30(2), as limited for Small Wind Energy Systems by Wis. Admin. Code PSC §128.60, along with information showing that the applicant has complied with the notice requirements in Wis. Admin. Code PSC §128.105 and Wis. Admin. Code PSC §128.30(5), with such notices also providing contact information for the Zoning Administrator.
4. After receiving an application for zoning and building permit approval for a Small Wind Energy System (or expansion or material change thereto), the Zoning Administrator shall:
   a. Determine the completeness of the application, and notify the applicant in writing whether the application is complete or incomplete no later than 15 days after the day the application is filed.
   b. Publish a Class I notice per Wis. Stat. §66.0401(4)(a)1, including a brief description of the proposed Small Wind Energy System, its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments, and the approximate schedule for review of the application by the Village.
   c. Make the application available for public review at the nearest public library to the proposed installation and at the Zoning Administrator's office.
   d. Accept written public comments on the application for 20 days after the Class I notice is published, or until the administrative hearing is held, whichever is later.
   e. Prior to action on the zoning and building permit, conduct an administrative hearing to obtain comments on and to inform the public about the proposed Small Wind Energy System.
   f. Either grant or deny the land use permit within 60 days of the submittal of a complete application.
5. The Village may hire professional consultants to assist with the review and processing of the application. In addition to paying the required permit fees, the applicant for any Large Wind Energy System shall reimburse the Village for such consultant time, within 30 days of receipt of

an invoice from the Village, per the requirements and limitations in Wis. Admin. Code PSC § 128.32(5)(b).

6. Per PSC 128.33(5), the Zoning Administrator may require a written report from the owner of an approved Small Wind Energy System, no greater than once per year, documenting compliance over the previous calendar year with the requirements of this Chapter, Wis. Admin. Code PSC §128, Wis. Stat. § 66.0401, approved plans, conditions of approval, the requirement to maintain the System in good repair and operating condition; including all necessary state and federal permits and approvals; and including the maintenance log for each wind turbine. The log must contain the date and time maintenance was performed, the nature of the maintenance performed, and the reason for the maintenance. Such written report shall be provided within 60 days of Zoning Administrator request.
7. In the event that the Village determines that a Small Wind Energy System does not comply with the requirements of this Chapter, Wis. Admin. Code PSC §128, Wis. Stat. § 66.0401, approved plans, conditions of approval, and the requirement to maintain the System in good repair and operating condition, the zoning and building permits may be revoked per normal procedures associated with such permits.
8. Consistent with Wis. Admin. Code PSC §§128.12(2) and128.18(3)(am), and Wis. Stat. Chapter 91, in the FP zoning district, the Small Wind Energy System shall be subject to the following additional standards:
   a. The use and its location are consistent with the purpose of the FP district.
   b. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
   c. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(21) **Small Solar Energy System.**

A Small Solar Energy System is an energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the lot (such as a solar panel system providing energy for a dwelling on the same lot), and primarily supplies energy to such principal use.

Performance Standards:

1. Rooftop, ground-mounted, and building-mounted solar energy systems shall comply with the height limits and minimum required yards for principal structures.
2. The requirements of Wisconsin Statutes, including but not limited to Wis. Stat. §§ 66.0401 and 66.0403, shall apply to all Small Solar Energy Systems.

(22) **Outdoor Solid Fuel Furnace.**

An outdoor accessory structure designed to heat air or water through a fire and then transmit that heated air or liquid to a different structure for direct use and/or structural heating.

Performance Standards:

1. Shall be set back a minimum of 75 feet from all property lines and roads and 100 feet from any dwelling unit on an adjacent property.
2. If less than 300 feet from any dwelling unit on an adjacent property, the smoke stack shall be required to be raised to the height of the roofline of the dwelling that the furnace serves and a Class A (triple wall) chimney pipe shall be installed to facilitate the dispersion of smoke.
3. Shall be prohibited on lots less than three acres in area.

4. Fuel shall only be natural wood (not painted, stained, or treated), wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions, such as fuel oil, coal, natural gas or propane backup.
5. Shall be required to have a spark arrestor if the manufacture's specifications allow such spark arrestor.
6. Shall comply with SPS 323.045, Wis. Adm. Code, and the Uniform Dwelling Code. Design shall also be laboratory tested and listed to comply with appropriate safety standards, such as Underwriters Laboratories or American National Standards Institute standards.
7. Shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Chapter. In the event of a conflict, the requirements of this Chapter shall apply unless the manufacturer's instructions are stricter in which case the manufacturer's instructions shall apply.

(23) **Private Lake (Pond).**

A manmade water body containing water year-round.

Performance Standards:

1. The slope of the proposed pond is no steeper than three to one.
2. The perimeter of the pond and all other associated disturbed areas shall be planted to vegetation within five days of completion of the excavation or construction. In cases where pond construction occurs during frozen soil conditions the establishment of vegetation cover may be delayed until soils have thawed.
3. The private lake or pond must meet the setback requirements normally applicable to a principal building in the associated zoning district.
4. The stocking of a private lake or pond with fish for personal use shall be permitted. Commercial fish hatcheries shall be regulated as an "Agricultural Use." Commercial fishing ponds shall be regulated as an "Outdoor Commercial Entertainment."

(24) **Vehicle Course or Track.**

Any privately-operated track, course, circuit, strip, or loop designed for use by motorized vehicles such as automobiles, trucks, ATVs, motorcycles, motocross bikes, "dirt bikes," snowmobiles, go-carts, or boats, where an accessory use. Such uses occasionally are operated for recreational purposes for family use. This use shall meet the following performance standards:

Performance Standards:

1. Minimum lot size shall be 5 acres.
2. If such use abuts any residentially zoned or used property, all track facilities shall be located a minimum of 200 feet from such property and such use shall not be permitted to have night lighting nor operate between 8 p.m. and 8 a.m.
3. Such uses may be subject to enforcement actions under nuisance law and Article 12 for noise, dust, or other impacts.

(25) **Donation Drop-Off Box or Vending Machine.**

A free-standing receptacle located outside of a building that is used either to (a) automatically dispense small consumer goods, such as beverages, candy, and DVDs, when money is inserted, or (b) collect clothing, shoes, or other contributions, generally collected from persons not occupying the premises on which the receptacle is located and with such contributions generally intended for reuse elsewhere. The term does not include a trash container or recycling bin designed to contain waste from a household, business, or other land use on the same premise.

Performance Standards: The following standards shall apply to all Donation Drop-Off Box or Vending Machines installed after March 18, 2015, and for pre-existing installations to the extent determined practical by the Village approval authority in cases where site plan approval is required for a new or expanded activity on the parcel per Section 94.3.03(10):

1. Shall require issuance of a zoning permit prior to installation, which shall be issued only upon evidence of compliance with this subsection and receipt of written authorization by the property owner, or his legal representative.
2. Shall be setback from property lines a distance equal to accessory buildings in the district.
3. Must be placed on a hard, all-weather surface.
4. Shall not obstruct pedestrian or vehicular circulation nor be located in a public right-of-way or approved parking space.
5. Shall not be placed in a fire lane, loading zone, or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses and developments.
6. May be constructed of painted metal, rubber, wood, or plastic and shall be properly maintained in a safe and good condition.
7. Shall not be accompanied by any items stored or left outside of the container that houses the Donation Drop-Off Box or Vending Machine. The area around each Donation Drop-Off Box or Vending Machine shall be maintained by the property owner, free of litter and any other undesirable materials. All donated items must be collected and stored in the Donation Drop-Off Box.
8. Each Donation Drop-Off Box shall:
   a. Have a firmly closing lid.
   b. Have a capacity no greater than six cubic yards.
   c. Not exceed seven feet in height.
   d. Be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owners of the donation container, and a telephone number where the owner, operator or agent of the owner or operator may be reached at any time.
   e. Display a notice stating that no items or materials shall be left outside of the Donation Drop-Off Box.
9. Each Donation Drop-Off Box or Vending Machine not located or maintained in compliance with this Article shall be subject to revocation of the zoning permit or other enforcement actions under this Chapter.

Section 94.4.10: Temporary Land Use Types

(1) **Temporary Outdoor Sales.**

Includes the short-term display and/or sale of any items outside the confines of a building. Examples of this land use include but are not limited to seasonal garden shops, tent sales, flea markets, and church sales. This category does not include "Garage, Yard, Estate, and In-Home Sales", "Seasonal Outdoor Sales of Farm Products" (including farmers markets) or "Drive-in or Drive-Through Sales or Service."

Performance Standards:

1. Each such use shall not exceed 120 days in any calendar year, except via Plan Commission approval of a site plan under Section 94.16.09.

2. In commercial and industrial zoning districts, the products displayed and sold outdoors shall be of the same general nature as the permanent retail activity conducted on the property.
3. Within the PR district and within public parks in other zoning districts, Temporary Outdoor Sales are permitted only in conjunction with a Village approved festival or other event.
4. There shall be no evidence of the Temporary Outdoor Sales use 24 hours before or after the sales are permitted, either on-site or off-site.
5. No fireworks stands are permitted.
6. Hoop buildings and structures of similar design shall be a permitted for a maximum of five consecutive days within a 30-day period, shall comply with Chapter 34, Fire Prevention and Protection, and shall in non-residential and mixed-use zoning districts require a tent permit from the Fire Department.
7. The applicant and operator shall comply with temporary use review and approval procedures in Section 94.16.07. A temporary use permit shall only be issued to the owner/operator of the associated permanent use of the property.
8. The applicant or operator shall provide a layout of the activities, and additional details if requested by the Zoning Administrator.

(2) **Garage, Yard, Estate, and In-Home Sales.**

Includes the short-term display and sales of household products in a residence, residential garage, driveway, or yard, whether for one or multiple families.

Performance Standards:

1. Shall be limited to properties in residential use.
2. Shall be permitted in association with a two-family and multiple family residence only in a private driveway from the residential unit to the public street or in a garage serving a two- to four-unit building. Sales within parking lots, common driveways, or yard areas of two-family or multiple family residences are not permitted.
3. May only be conducted by or on behalf of the occupants of the residence.
4. Shall be limited to a maximum of four sales per year, with a maximum duration of three days per sale.
5. Shall not require a temporary use review and approval under Section 94.16.07.
6. No hoop buildings or structures of similar design shall be used in conjunction with the sale.
7. Signs shall meet applicable one-time event sign standards in Section 94.13.08 No sign shall be placed in the public right-of-way, except with the express consent of the Zoning Administrator.

[Amended via Ord. 15-021, 10/21/2015]

(3) **Outdoor Assembly or Special Event.**

Includes any organized assembly of more than 200 persons, outdoors, including church festivals, community events, and other similar activities open to the public, but excluding one-time and occasional auctions, weddings, funerals, family reunions, and other similar private events. Also includes special events as defined in Chapter 67 of the Code.

Performance Standards:

1. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
2. Adequate parking, drinking water, toilet facilities, and crowd control shall be provided.

3. If the subject property is located within or adjacent to a residentially zoned area, activities shall be limited to daylight hours, unless licensed for longer hours.
4. Each such use or activity shall not exceed 14 days per quarter.
5. The applicant and operator shall comply with temporary use review and approval procedures in Section 94.16.07.

(4) **Contractor's Project Office.**

Includes any structure containing an on-site construction management office for an active construction project.

Performance Standards:

1. Facility may be installed no sooner than 10 days before construction commences and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
2. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

(5) **Contractor's On-Site Equipment Storage Facility.**

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

Performance Standards:

1. Facility may be installed no sooner than 10 days before construction commences and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
2. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

(6) **Relocatable Building.**

Includes any manufactured building that serves as a temporary building, supplementing permanent buildings on the site, but not including other temporary uses or buildings included in this Section. Examples include temporary classrooms and temporary manufacturing facilities.

Performance Standards:

1. The building shall conform to all setback and height regulations for principal buildings in the associated zoning district, as provided in Article 5.
2. The building shall conform to all building code regulations.
3. Each such building shall not be placed on a site for more than 120 days in any calendar year, except by conditional use permit.
4. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

(7) **On-Site Real Estate Sales Office.**

Includes any building that serves as an on-site sales office for a development project.

Performance Standards:

1. Facility may be installed no sooner than 10 days before construction commences.
2. The office shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.

3. The applicant shall comply with temporary use review and approval procedures in Section 94.16.07.

(8) **Seasonal Outdoor Sales of Farm Products.**

Includes outdoor display and sales of farm products on a seasonal basis as an accessory use, including but not limited to seasonal roadside stands, farmers markets, and Christmas tree lots.

Performance Standards:

1. Outside of agricultural zoning districts, such uses shall be limited to the sale of holiday trees and associated products, except where conducted by organizations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.
2. The display of products shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
3. If subject property is located adjacent to residentially zoned property, sales and display activities shall be limited to daylight hours.
4. Each such use shall not exceed 120 days in any calendar year.
5. Roadside stands, less than 200 square feet in area, shall be set back a minimum of 30 feet from the existing road right-of-way line and 20 feet from any other lot line.
6. Shall comply with temporary use review and approval procedures in Section 94.16.07.

(9) **Temporary Portable Storage Container.**

A portable storage container designed and used primarily for temporary storage of household goods and other such materials for use on a limited basis on residential property. Also known as a "pod."

Performance Standards:

1. The container shall be permitted on the property for up to 30 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.
2. The Temporary Portable Storage Container cannot encroach on the public right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on a hard surface as defined in Section 94.17.04.
3. Shall comply with temporary use review and approval procedures in Section 94.16.07.

(10) **Temporary Shelter.**

Shelters that are typically supported by poles, have a fabric, metal, or vinyl roof and/or sides, and are usually used to shelter automobiles, boats, recreational vehicles, temporary sales use, and gatherings of people on a temporary basis. These structures are not designed for the snow loading that can occur during the winter months.

Performance Standards:

1. Shall be a permitted as a temporary use only, for a maximum of five consecutive days within a 30-day period.
2. Shall comply with Chapter 34, Fire Prevention and Protection of the Code.
3. Shall comply with temporary use review and approval procedures in Section 94.16.07.

(11) **Temporary Agricultural Structure.**

Temporary structures normally accessory and incidental to farming operations.

Performance Standards:

1. Shall be a permitted as a temporary use only, for a maximum of 180 days.

2. The parcel the structure is proposed to be located on shall be a minimum of 40 acres in area.
3. The structure shall conform to the underlying zoning district's setback regulations.
4. The structure must be affixed to the ground or a structure to prevent the wind from relocating the structure.
5. Need not comply with temporary use review and approval procedures in Section 94.16.07.

(12) **Temporary Unscreened Outdoor Storage Accessory to an Industrial Use.**

Provisions for the temporary unscreened or marginally screened outdoor storage of products, equipment, or supplies used by a principal "Light Industrial" or "Heavy Industrial" use on the same property, intended to address one-time and rare occasions of heavy activity in the business.

Performance Standards:

1. Shall be a permitted as a temporary use only, for a maximum of 90 days.
2. The building shall conform to all setback regulations for principal buildings.
3. Must be sited on a hard surface or gravel surface.
4. Shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
5. The Zoning Administrator may limit such storage to only those uses and lots where a site plan approved after March 18, 2015 designated the possibility of a Temporary Unscreened Outdoor Storage Accessory to an Industrial Use.
6. The Zoning Administrator may require measures to screen or buffer the storage area, or direct the placement to a location that minimizes visual impact, to the extent practical.
7. Shall comply with temporary use review and approval procedures in Section 94.16.07.

(13) **Temporary Sales by Mobile Food Vendors**

Includes the short-term sale of products and foods outside the confines of a building. Foods and beverages are made by the licensed mobile food vendor. Examples of this land use category include, but are not limited to, mobile retail food establishment, temporary retail food establishment, pushcart, ice cream vendor and temporary food stands. This category does not include "Seasonal Sales of Farm Products" (including farmers' markets), "Drive-in or Drive-through Sales or Service," or licensed mobile food vendors associated with a licensed and approved "Outdoor Assembly or Special Event."

Performance Standards:

1. Each such use shall require the issuance of a "Mobile Food Vendor" License from the Village Clerk per Section 18.148 of the Municipal Code.
2. Vending shall only be permitted to operate between the hours of 7:00 a.m. and 30 minutes after the provided closing hours for Class "B" licensed alcohol establishments as provided in Wis. Stat. §125.32(3).
3. No mobile food vending unit may be set up at any one location for more than a 7-day period. Mobile food vending units that operate out of a motorized vehicle shall be parked in a parking stall overnight as to not inhibit traffic flow.
4. All mobile food vendor units shall be located on a hard or gravel surface, as defined by this Chapter.
5. All mobile food vendor units shall adhere to the setbacks of the hard or gravel surface of the respected zoning district as defined in Figure 5.02(2) Non-residential District Setbacks and Height Standards within this Chapter.
6. Written permission from the property owner or designee granting the permission to vend food from a mobile food vending unit on their property.

7. No mobile food vendor unit shall be located or operate within a rural, open space or residentially zoned district, with the exception of the PR – Parks and Recreation district or unless the mobile food vendor is identified under Section 18.148(d)(2) of Licensing.
8. No mobile food vendor unit shall be located or operate within the right-of-way, which includes, but not limited to, the street and sidewalk, with the exception of a mobile ice cream vendor. No vending shall be made in a public street from a vehicle or other on-street unit except from the curbside of said vehicle or on-street unit. Vehicle or pedestrian flow shall not be impeded in any way. All vending from the right-of-way shall cease at sunset.
9. No mobile food vendor unit shall be located within 10 feet of a fire hydrant or designated bus stop and shall not be located within the vision triangle as described in Chapter 71.
10. No mobile food vendor unit shall be located on the same parcel or any adjacent parcel where a business is selling the same or similar products during the hours of operation of said business, unless written permission is granted by the owner of said business and such documentation is provided with the required application.
11. No mobile food vendor unit shall be located or operating within 1000 feet of school property during school hours, unless written permission is granted by the school superintendent or designee and such documentation is provided with the required application.
12. It shall be prohibited for any mobile food vendor units to be connected to any public source of water, sewer or electricity.
13. The utilization of public property, such as light poles, utility pole, planters is prohibited.
14. The utilization of a drive-up or drive-through window for motorized vehicles is prohibited.
15. The licensee or designated operator of the mobile food vendor unit shall be present at all times during which food is being displayed and sold, except that the operator may leave his/her vending location and mobile vending unit unattended during lawful vending hours for a maximum of 30 minutes per day.
16. The Everest Metropolitan Police Department or the Village shall have the authority to remove or cause the removal of any mobile food vendor unit, any of its accessories or product that is in violation of this chapter or poses a risk to the health, safety or welfare of the general public. In addition to any forfeiture that may be imposed, the violator shall also be liable for any removal, towing and storage charges incurred by the Village or any of its associated agencies as a result.
17. Any signs that are attached to the mobile vending unit are exempt from the requirements of filing a sign permit but shall adhere to all regulations within Article 13.

[Amended via Ord. 16-021, 4/20/2016]

(14) **Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations**

Where not accessory to a non-metallic mineral extraction operation, this temporary use shall be proposed in conjunction with and exclusively serving a specific public highway or road improvement, other public works project, or large scale construction project warranting on-site processing in the Zoning Administrator's opinion that benefits the Village and/or the Extraterritorial Zoning District, subject to the issuance of a temporary use permit and the following performance standards.

Performance Standards:

1. The permitted length of time of operation are as follows:
   a. All temporary use permits within the Village for any such operation shall not exceed a six-month (6) period.
      i. An extension of the permit may only be considered for up to one year by conditional use permit. Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5).

b. All temporary use permits within the Extraterritorial Zoning District for any such operation shall only be considered by conditional use permit.
   i. Projects proposed to exceed 1-year must qualify as a Solid Waste Disposal, Composting and/or Recycling Facility as defined in Section 94.4.06(5)

2. Batch plants and material processing operations shall only be permitted as a temporary use within the AR *Agriculture and Residential* district, Non-Residential, and Mixed-Use Districts; or within a Subdivision where the preliminary plat has been approved or construction phase authorized within the preceding year.
3. All temporary use permit applications shall include detailed site and operational plans, which describe the specific nature of the proposed operation, justification for why the operation needs to be performed on-site; the specific project(s) which the operation would supply; types and quantities of materials and processes; types, quantities, and frequency of use of equipment to move, process, and haul materials within and to and from the site; where materials would be hauled from and to and over what routes and roads; any special measures that will be used for spill prevention and control, dust control, and environmental protection; methods to keep all public roads free of all mud, debris, and dust; number of employees; proposed days and hours of operation; proposed time length of operation; other state, county, or federal permits required; public safety measures including fencing; evidence of adequate insurance, and contact information for all on-site managers/supervisors.
4. All applications shall include a detailed map of the impacted areas showing the designated truck routes and frequency of travel. All off-site travel shall be restricted to arterial and collector streets and highways unless prior written approval is received from the Director of Public Works to use other streets.
5. A bond or other performance guarantee for such work may be required as part of the temporary use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
6. All applications shall include a detailed site plan in accordance with Section 94.16.09 and shall also include the following:
   a. Location of all fences or other screening mechanisms;
   b. Location of processing equipment and areas and material and equipment storage areas;
   c. The proposed type and amount of material being processed and/or stored;
   d. Employee parking; and
   e. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable Village, State, and County requirements.
   f. Other location-specific items required under subsection 3 indicated.
7. Driveway access of the operation shall adhere to Section 94.12.08 and Chapter 71 of the Municipal Code.
8. Batch plants and material processing operations proposed within 1,000 feet of any residential land use (not including undeveloped subdivisions) shall also have to obtain a conditional use permit per Section 94.16.06.
9. On-site bulk fuel storage areas and areas for fueling of equipment shall be located in accordance with the Wisconsin Administrative Code and State Statutes. Fuel storage located within the Wellhead Protection Zones shall require a conditional use permit per Section 94.6.03 to minimize the potential for groundwater contamination.
10. Depending on the nature of the use, the Zoning Administrator may require a reclamation plan clearly depicting the restoration of the property, proposed contours, depth of topsoil, vegetative cover and the proposed land use. A bond or letter of credit may be required to cover the costs of

reclamation in the event that the applicant fails to complete the process or is unable to due to other circumstances. The amount is determined by the preexisting conditions of the site.

11. At maximum, the operation of the batch plants and material processing uses shall be permitted between the hours of 7:00AM through 5:00PM, Monday through Friday; and between 7:00AM and 12:00PM on Saturday. Transportation of materials to and from the site shall not occur outside of these hours when within 1,000 feet of an existing residential land use. The entire project area shall be screened from view from all neighboring parcels and rights-of-way.
12. To prevent tracking of mud onto public roads, access driveways shall be hard surfaced within one 100 feet of public roads, unless the adjacent road is not hard surfaced. This requirement may be satisfied with the use of a tracking pad as part of the erosion control plan.
13. Material processed on site shall be only used for the project specified on the permit application. If it has been determined by the Zoning Administrator that other activities are occurring within the proposed site area unrelated to the specified project the temporary use permit shall be revoked.
14. All public roads to all operations shall be kept free of all mud, debris, and dust.
15. Operation sites and driveways shall be sprayed to control dust, except when the temperature is below freezing. All operations and sites shall also meet the air pollution standards in Section 94.12.14.
16. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

[Amended via Ord. 16-032, 8/18/2016]

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Article 5: DENSITY, INTENSITY AND BULK REGULATIONS

Section 94.5.01: Purpose

The purpose of this Article is to establish base density, intensity, and dimensional requirements for each standard zoning district.

Section 94.5.02: Location of Density, Intensity, and Bulk Regulations

(1) Except where otherwise expressly stated, all lots and improvements within the Rural, Open Space and Residential standard zoning districts shall comply with the regulations prescribed in Figures 5.01(1) and (2), and all lots and improvements within non-residential standard zoning districts shall comply with the regulations prescribed in Figures 5.02(1) and (2).

(2) Allowable yard setback adjustments, intrusions into required yards, and exceptions to maximum height are found in Sections 5.03 through 5.05. Substandard lots, nonconforming uses, nonconforming structures, and nonconforming sites legally created before establishment of these requirements are addressed in Article 15.

Section 94.5.03: Yard Setback Adjustments

(1) **Limitations on Yard Setback Adjustments**

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

(b) No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.

(2) **Front Yard Setback and Corner Lot Street Side Yard Setback Adjustment**

The required front or street side yard setback for a principal structure may be reduced on any lot where more than 50 percent of the same-type principal structures on the same block face do not meet the required front yard or street side yard setback. In such instances, the required front yard or street side yard setback for the proposed structure shall be the average of all the same-type principal structures on the same block face.

Section 94.5.04: Intrusions into Required Yards

The minimum setbacks listed in Figures 5.01(2), 5.02(2), and 5.03(2) establish the minimum required yards/setbacks in the associated zoning districts, except that the following intrusions by buildings and structures are permitted into the minimum required yards:

(1) **Permitted Intrusions into Required Front and Street Side Yards.**

(a) Chimneys, flues, sills, pilasters, lintels, cornices, eaves, gutters, satellite dishes with a diameter of 20 inches or less, and other architectural and ornamental features attached to a building, provided they do not extend more than two and one-half feet into the required yard.

(b) Yard lights, ornamental lights, and nameplate signs, provided they comply with applicable exterior lighting requirements of Section 94.12.11.

(c) Terraces, steps, open walled porches, decks, stoops, or similar appurtenances to residential buildings that do not extend above the floor level of the adjacent building entrance, provided they do not locate closer than 20 feet to any front or street lot line.

(d) Fences, in accordance with Section 94.12.03.

(e) Lawn ornaments and flag poles, provided that in residential zoning districts flag poles do not exceed 35 feet in height and lawn ornaments do not exceed 6 feet in height, and that flag poles are constructed with footings that extend not less than 42 inches below the existing ground level unless secured in another manner verified by a structural engineer.

(f) Stormwater retention and detention ponds and stormwater related structures.

(2) **Permitted Intrusions into Required Interior Side Yards.**

(a) Chimneys, flues, sills, pilasters, lintels, cornices, eaves, gutters, satellite dishes with a diameter of 20 inches or less, and other ornamental features attached to a building, provided they do not extend more than two and one-half feet into the required yard.

(b) Fences, in accordance with Section 94.12.03.

(c) Fire escapes that do not extend more than three feet into the required yard.

(d) Lawn ornaments and flag poles, provided that in residential zoning districts flag poles do not exceed 35 feet in height and all lawn ornaments do not exceed 6 feet in height, and that flag poles are constructed with footings that extend not less than 42 inches below the existing ground level unless secured in another manner verified by a structural engineer.

(e) Stormwater retention and detention ponds and stormwater related structures.

(3) **Permitted Intrusions into Required Rear Yards.**

(a) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings, provided they do not locate closer than 20 feet to the rear lot line.

(b) Chimneys, flues, sills, pilasters, lintels, cornices, eaves, gutters, satellite dishes with a diameter of 20 inches or less, and other architectural and ornamental features attached to a building, provided they do not extend more than two and one-half feet into the minimum required yard.

(c) Fences, in accordance with Section 94.12.03.

(d) Fire escapes that do not extend more than three feet into the minimum required yard.

(e) Lawn ornaments, play sets, tree houses, trampolines, and flag poles, provided that in residential zoning districts flag poles do not exceed 35 feet in height and all other lawn ornaments do not exceed 6 feet in height, that flag poles are constructed with footings that extend not less than 42 inches below the existing ground level unless secured in another manner verified by a structural engineer, and that tree houses are not intended for human habitation.

(f) Stormwater retention and detention ponds and stormwater related structures.

[Amended via Ord. 16-043, 10/20/2016]

Section 94.5.05: Exceptions to Maximum Height Regulations; Collaborative Opportunities

(1) **Exceptions:** The maximum building heights listed in Figures 5.01(2), 5.02(2), and 5.03(2) are the maximum permitted heights for all buildings and structures in the associated zoning districts, except for

(a) Church spires; belfries; cupolas and domes that do not contain useable space; public monuments; water towers; telecommunication towers; fire and hose towers; flag poles; and farm structures such as barns, silos, and grain elevators.

(b) Any building or structure not listed in subsection (a), subject to the granting of a conditional use permit that specifically states the maximum permitted height of the proposed building or structure.

(2) **Criteria for the Granting of Exceptions:** For a structure described under subsection (1) to exceed the maximum building heights in Figures 5.01(2), 5.02(2), and 5.03(2), all of the following criteria must be met:

(a) The structure must be constructed with footings that extend not less than 42 inches below the existing ground level, or a greater depth if required by the Building Code.

(b) The structure will be set back from all property lines consistent with the applicable requirements of Figures 5.01(2), 5.02(2), and 5.03(2), or with any permitted intrusions in Section 94.5.06.

(c) The placement of the structure will not have an undue negative impact on light and air on adjacent properties, in the opinion of the Zoning Administrator.

(3) **Relationship to AH Airport Height Limitation Overlay District:** In the event of conflict between the exceptions authorized under subsection (1) and the maximum heights permitted under Section 94.6.04, the maximum heights under Section 94.6.04 shall control.

(4) **Collaboration with Telecommunication Providers:** As part of the approval of building permits for structures listed in subsection (1), the Village encourages collaboration with telecommunication providers to collocate antenna arrays on such structures as a means to increase phone and internet access and minimize the proliferation of stand-alone telecommunication towers.

Section 94.5.06: Building Area and Coverage Inclusions and Exclusions

(1) The maximum accessory structure floor areas listed in Figure 5.01(1) are the maximum permitted areas for all buildings and structures in the associated zoning districts, except for farm structures such as barns, silos, and grain elevators in those districts where such structures are used for agricultural purposes.

(2) In all districts, all principal and accessory structures rising one or more feet above the immediate surrounding grade, including garages, sheds, carports, roofed or walled storage areas, covered or uncovered decks, gazebos, boathouses, and above-ground swimming pools shall be counted toward the calculation of building coverage. No other structures or improvements shall be counted.

Section 94.5.07: Landscape Surface Ratio Inclusions and Exclusions

(1) In all districts, except as allowed in subsection (2), no impervious surfaces, including gravel, shall count toward the calculation of landscape surface area.

(2) Minor or temporary impervious surfaces such as landscaping retaining walls, planters, bird baths, lawn statues, seasonal decorative displays, poles for clothes drying, flag poles, portable play structures such as swing sets and trampolines, stormwater management basins and swales, and grass roofs shall count toward the calculation of landscape surface area.

Figure 5.01(1): Rural, Open Space and Residential District Lot Dimension and Intensity Standards

Zoning District	Minimum Lot Area	Minimum Lot Width (ft)	Minimum Public Street Frontage (ft)	Maximum Total Building Coverage	Maximum Accessory Structure Floor Area (sf) (a)	Minimum Landscape Surface Ratio (LSR)
FP Farmland Preservation	20 acres	300	60	N/A	N/A	N/A
AR Agriculture and Residential	20 acres(f)(g)	300(f)	60	N/A	1,600(h)	N/A
RR-2 Rural Residential 2 Acres	2.0 acres	150	60	20%	1,600	N/A
RR-5 Rural Residential 5 Acres	5.0 acres	200	60	20%	1,600(h)	N/A
PR Parks and Recreation	N/A	N/A	N/A	10%	N/A	75%
SF-L Single Family – Large Lot	20,000 sf	100	50	30%	1,000	50%
SF-S Single Family – Small Lot	10,000 sf	80	40	40%	800	40%
2F Two Family Residential (c)	10,000 sf	80 (b)	40	40%	800	40%
MF Multi Family Residential (d)	1,600 sf/studio dwelling unit + 400 sf per each bedroom	100 (b)	40	40%	10% of Lot Area	30%
MH Manufactured Home	5,000 sf/home (e)	50	N/A	40%	350	30%

(a) Maximum Accessory Structure floor area may be increased by Conditional Use Permit as provided under Section 94.16.06 and per the standards in Section 94.4.09(2).
(b) For zero lot line structures, each separate lot must be at least 50 feet in width.
(c) Single-Family Detached Residences within the 2F district shall comply with the SF-S district requirements.
(d) Single-Family Detached Residences within the MF district shall comply with the SF-S district requirements. Two-family Residences within the MF District shall comply with 2F district requirements.
(e) Total area of each "Manufactured Home Community" shall be a minimum of 10 acres.
(f) Instead of a 20-acre minimum lot size, land in the AR district may be developed at a density of one residential lot per 20 acres and a minimum lot size of 2.0 acres and minimum lot width of 150 feet. See Section 94.5.08 for further description and method of calculation for regulating at a one residential lot per 20-acre density in the AR district.
(g) Parcel size in the AR district to be calculated based on gross acreage, including roads and navigable waters within the deeded parcel. Each such parcel meets the 20-acre minimum, even if net acreage is less than 20 acres following the removal of roads and navigable waters, if such removal does not reduce the gross acreage by greater than 15% for corner parcels or 10% for all other parcels.
(h) Maximum Accessory Structure Floor Area is increased to 2,500 square feet on parcels that exceed 10 acres.

[Amended via Ord. 15-022, 10/21/2015; Ord. 16-014, 4/20/2016; Ord. 16-035, 8/18/2016; Ord. 17-038, 12/20/2017; Ord. 19-001, 1/23/19; Ord. 20-005, 3/19/2020]

Figure 5.01(2): Rural, Open Space and Residential District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) (b)								Minimum Building Separation (ft)	Maximum Building Height			
	Principal Residential Building including Attached Garage				Detached Accessory Building (a)		Hard or Gravel Surface (d)			Principal Building		Accessory Building	
	Front (a)	Street Side (a)	Interior Side	Rear	Interior Side (c)	Rear	Interior Side or Rear	Front or Street (a)		Feet	Floors	Feet	Floors
FP	50	30	20	40	15	15	15	10	10	NA	NA	NA	NA
AR	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
RR-2	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
RR-5	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
PR	30	30	12	20	12	12	6	10	10	35	2.5	25	2
SF-L	50	30	12	20	6	6	6	10	10	35	2.5	15	1
SF-S	30	20	8	20	6	6	6	10	10	35	2.5	15	1
2F (e)	30	30	8	20	6	6	6	10	10	35	2.5	15	1
MF (f)	30	30	8	20	6	6	6	10	10	50	4	15	1
MH	20(g)	20(g)	6	10	6	6	6	10	10(h)	20	1	15	1

(a) See Section 94.4.09(2) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory buildings, and other standards associated with detached accessory structures.
(b) Additional setbacks may be required along zoning district boundaries for bufferyards, if required for the particular land use under Article 4 or Section 94.11.02(3)(d).
(c) Minimum street side yard setbacks are equal to the minimum street side setback for the principal structure.
(d) Includes all gravel and hard surfaces as defined in Section 94.17.04, along with recreational vehicles. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots.
(e) Single-Family Detached Residences shall comply with the requirements for the SF-S district.
(f) Single-Family Detached Residences shall comply with requirements of the SF-S District. Two-Family Residences shall comply with the requirements for the 2F district.
(g) A minimum 100-foot wide buffer must be provided around the perimeter of each "Manufactured Home Community."
(h) See Section 94.4.09(2) for further requirements regarding setbacks for Detached Accessory Structures (for Residential Use).
[Amended via Ord 17-026, 8/23/2017; Ord 20-005, 3/19/2020]

Figure 5.01(3): Representation of Dimensional Standards Terms on Typical Lot

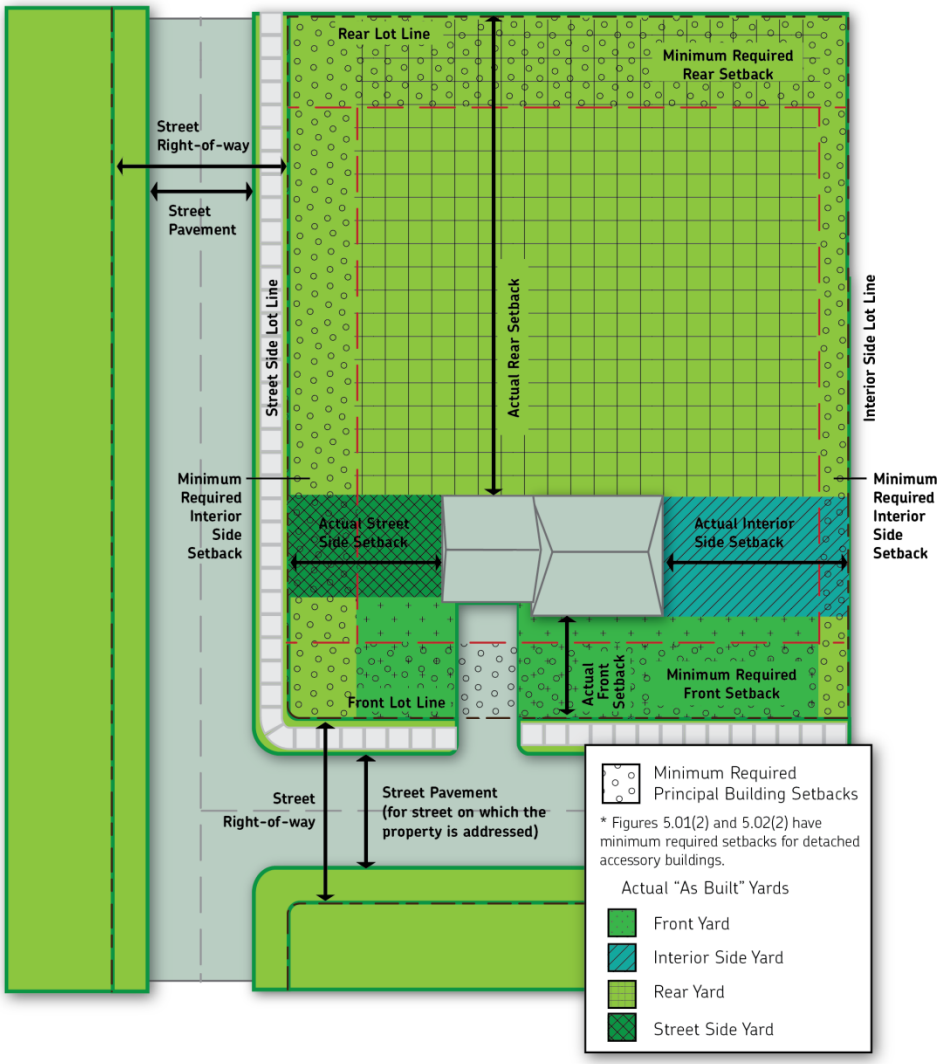


Figure 5.01(4): Different Yard and Setback Areas in a Variety of Different Lot Configurations

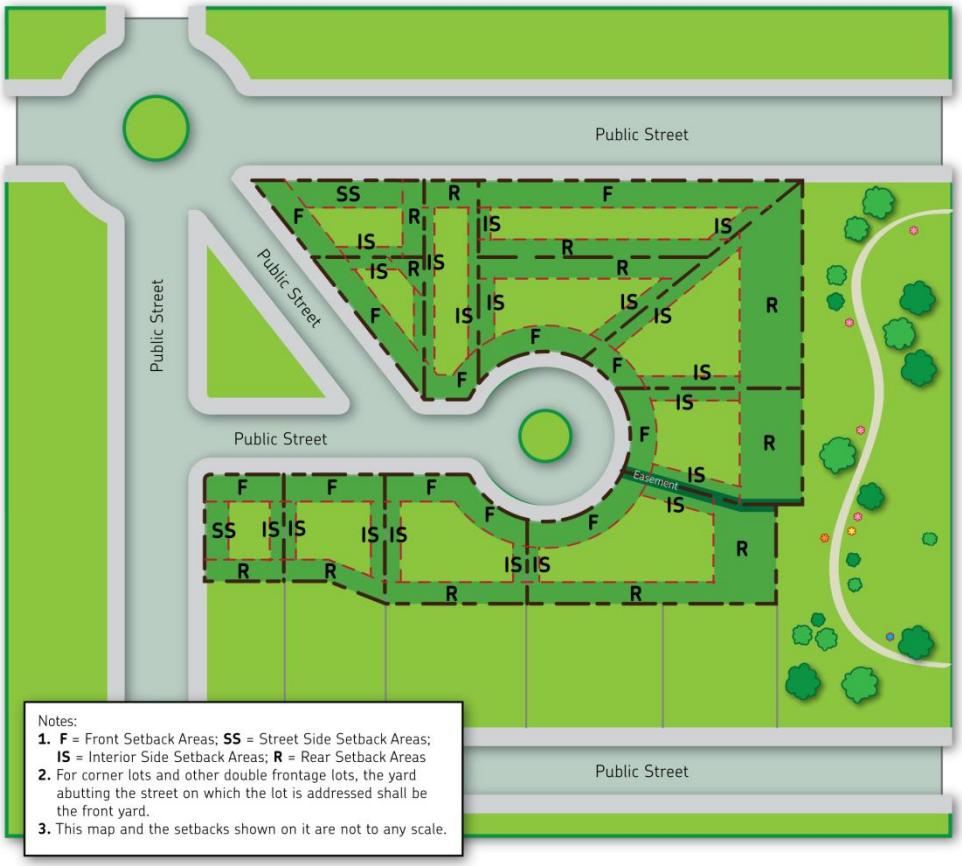


Figure 5.02(1): Non-residential District Density and Intensity Standards

Zoning District	Minimum Lot Area	Minimum Lot Width (ft)	Minimum Public Street Lot Frontage (ft)	Minimum Landscape Surface Ratio (LSR)	Max Floor Area Ratio (FAR) (a)
INT Institutional	20,000 sf	80	40	20%	0.5
B-1 Neighborhood Business	20,000 sf	80	40	20%	0.5
B-2 Highway Business	30,000 sf	80	40	20%	1.0
B-3 General Business	30,000 sf	80	40	20%	0.5
BP Business Park	40,000 sf	100	50	20%	1.5
LI Light Industrial	30,000 sf	80	40	15%	0.5
GI General Industrial	40,000 sf	100	50	10%	1.0
RM Rural Mix	20 acres (b)	300	60	N/A	0.1

(a) Does not include structured parking or underground parking.

(b) Parcel size in the RM district to be calculated based on gross acreage, including roads and navigable waters within the deeded parcel. Each such parcel meets the 20-acre minimum, even if net acreage is less than 20 acres following the removal of roads and navigable waters, if such removal does not reduce the gross acreage by greater than 15% for corner parcels or 10% for all other parcels.

[Amended via Ord. 16-046, 12/21/2016; Ord 17-026, 8/23/2017; Ord. 19-001, 1/23/19]

Figure 5.02(2): Non-residential District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) (b)						Minimum Building Separation (ft)	Maximum Building Height (stories/ft, whichever is greater)	
	Principal Building to Front and Street Side Lot Lines (a)	Principal Building to Interior Side Lot Line	Principal Building to Rear Lot Line	Accessory Building to Interior Side/Rear Lot Line (a) (d)	Hard or Gravel Surface (c)			Principal Buildings	Accessory Buildings
					Front or Street Side	Interior Side or Rear			
INT Institutional	20	8	20	3	15	10	10	3/45	1/20
B-1 Neighborhood Business	10	6	10	3	10	5	10	3/45	1/20
B-2 Highway Business	30	12	20	6	15	10	10	3/45	1/20
B-3 General Business	30	12	20	6	15	10	10	3/45	1/20
BP Business Park	30	12	20	10	15	10	10	4/60	1/20
LI Light Industrial	30	12	20	10	10	5	10	2/30	1/20
GI General Industrial	40	15	30	10	10	5	10	4/60	2/35
RM Rural Mix	50	30	20	40	15	10	10	3/45	2.5/35

(a) See Section 94.4.09(1) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory structures, and other standards associated with detached accessory structures.

(b) Additional setbacks may be required along zoning district boundaries for bufferyards, if required for a particular land use in Article 4 or Section 94.11.02(3)(d).

(c) Includes all gravel and hard surfaces as defined in Section 94.17.04. This setback does not apply to intrusions for driveway and pedestrian way entrances from street; driveways, pedestrian ways, and parking lots that are shared or provide cross-access between lots; or any land inside of a fenced yard area in an industrial district.

(d) Front and street side yard setbacks for accessory structures as the same as the minimum front and street side setback for the principal structure.

[Amended via Ord. 16-046, 12/21/2016; Ord. 17-026, 8/23/2017; Ord. 20-013, 9/25/2020]

Section 94.5.08: Calculating Maximum Permitted Density in AR District

(1) **Calculation Method.** The method described in this Section shall be used to calculate the maximum permitted number of dwelling units on lands in the AR Agriculture and Residential district.

(a) Determine Parcel(s) to be used in Calculation. Determine whether calculation of maximum residential density will be based on a single parcel (e.g., a single ¼ ¼ section of land), or on all lands in contiguous common ownership. Generally, maximum density will be calculated on a parcel basis. However, when there is more than one common contiguous parcel, the applicant is encouraged to include all AR zoned lands in contiguous common ownership in the calculation.

(b) Measure Parcel/Ownership Area. Measure the "gross site area" of the individual parcel or contiguous common ownership lands, including all roads and navigable waters that are within the deed parcel.

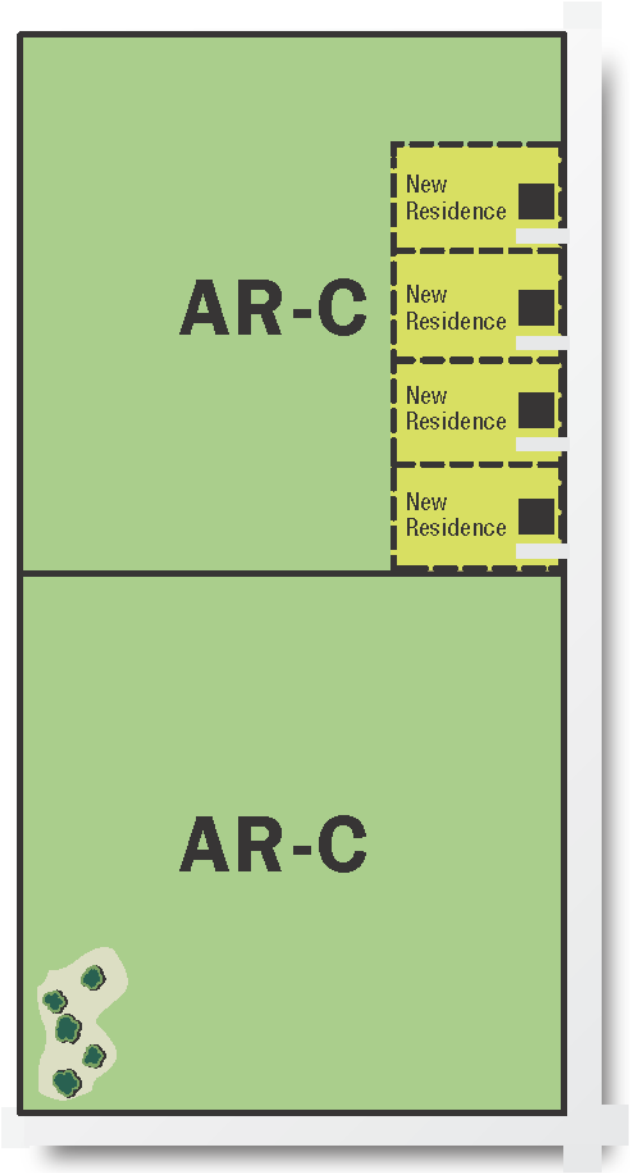
(c) Incorporate Density Factor. Divide the gross site area by 20 and round up if any fractional amount is equal to ½ or greater. This is the total number of dwelling units that are permitted on the lands zoned AR, including preexisting dwellings and other preexisting principal uses.

(d) Small Parcels. Individual, legally created parcels that are less than 20 acres in gross site area in the AR district shall be allowed a total of one dwelling unit. No further residential dwelling units or principal land uses shall be permitted while the land remains under AR zoning on individual parcels less than 20 acres.

(e) Figure 5.03 shows one of several possible approaches of how the total of 4 dwelling units might be constructed on an 80-acre example contiguous common ownership tract zoned AR.

[Amended via Ord. 16-015, 4/20/2016]

Figure 5.03: Example of "1 per 20" Density in AR Zoning District



(2) **Demarcation on Official Zoning Map.** Upon the date of the first permit for a residential dwelling unit or other principal use under the provisions of this Section, the Zoning Administrator shall mark the associated parcel or set of contiguous common ownership lands as AR-C (with the "C" representing cluster) on the Official Zoning Map. The Zoning Administrator shall keep track of the total number of dwelling units or other principal uses created and remaining on each parcel or set of contiguous common ownership lands from the date of that first permit and may also mark remaining dwelling units for each parcel or set of contiguous common ownership lands on the Official Zoning Map. All additional dwelling units or other principal uses following that initial date shall conform to the maximum density calculated for the parcel or contiguous common ownership lands as such lands were sized and configured on that initial date.

(3) **Recorded Document Required.** In conjunction with the division of the first residential lot or permitting of the first new residence on a parcel in the AR zoning district, the landowner must record a document in the Marathon County Register of Deeds Office reflecting how the allotted number of dwelling units are to be allocated among the affected parcels. This shall be done prior to the recording of any land division, and in a form approved by the Zoning Administrator. Subsequent modifications to any such recorded document, changing the allotment or assignment of principal uses or otherwise, shall be permitted only upon advance written authorization of the Zoning Administrator. The land owner shall then record a new or amended document showing the modifications.

Article 6: OVERLAY ZONING DISTRICTS

Section 94.6.01: Purpose and Application of Overlay Districts

(1) **Purpose.** The purpose of this Article is to establish and convey overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth in Article 2 of this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying standard zoning district.

(2) **Representation on Zoning Map.** Except where otherwise stated, the overlay zoning districts described in this Article are represented on the Official Zoning Map (or on a separate Official Overlay Zoning Map). The boundaries or presence of each overlay zoning district may be amended via the rezoning procedure in Section 94.16.03.

(3) **Other Overlay Zoning Districts.** Floodplain, shoreland, and shoreland-wetland overlay zoning districts are described in separate articles of this Chapter, as each is adopted, maintained, enforced, and from time to time amended under unique state statutory requirements.

Section 94.6.02: D Design Overlay District

(1) **Description and Purpose.** The D Design overlay district is intended to codify unique and specific site and building design standards to preserve and enhance the appearance, character, and property values of key districts within the Village. The unique design standards applicable within each D district are either included in this section or within separate plans or ordinances duly adopted by the Village Board, as indicated in this section.

(2) **D Design Overlay District Boundaries.** The boundaries of each D overlay district are as depicted on the Official Zoning Map and/or Official Overlay Zoning Map. A unique suffix is applied to each D district related to its geographic area or district name.

(3) **Established D Design Overlay Districts.** The following D Design overlay districts, and documents within which design standards are located, are as follows:

(a) D-CONDO *Condominium Overlay*. The Village Board hereby exercises the authority set forth in Wis. Stat. § 703.27 in the regulation of condominiums. This Chapter does not impose a greater burden or restriction and does not provide a lower level of service to a condominium than would be imposed or is imposed if the condominium ownership were under a different form of ownership.

1. Rezoning to the D-CONDO district shall be per Section 94.16.02. In addition to the normal rezoning application requirements in that section, the applicant shall submit a condominium plat and site plan meeting the requirements of Section 94.16.09.
2. No use or structure in the D-CONDO district shall be established, maintained, or expanded except in conformity with a condominium plat and site plan approved under Section 94.16.09. Such requirements and conditions made a part of an approved condominium plat and site plan shall be, along with the site plan itself, construed to be and enforced as a part of this Chapter.
3. Within the D-CONDO overlay district, the only permitted uses shall be residences in the condominium form of ownership, Community Garden, Passive Outdoor Public Recreation, Active Outdoor Public Recreation, Public Service or Utility, Community Living Arrangement (1-8 residents), Detached Accessory Structure (for Residential Use), Family Day Care Home (4-8 children), Home Occupation, and Private Lake (Pond).
4. Density, Intensity and Bulk Regulations in Article 5 shall be applied to each development within the D-CONDO district to the extent determined practical by the Village approval authority at the time of rezoning to the D-CONDO district, or subsequent condominium plat and site plan amendment approved by the Village.
5. Each D-CONDO district shall be no less than two acres in area.

6. Each interior condominium site shall be at least 24 feet in width. Each condominium site located on a corner of a public street shall be at least 48 feet in width. Each interior condominium site that is intended to be at the end of a row of attached condominium units shall be at least 34 feet wide.
7. Each condominium development shall not exceed a density of seven dwelling units per acre, not including street rights-of-way and stormwater detention areas.
8. No more than four condominium units shall be built in a row having the same building line. In a condominium building having more than four dwelling units, the required minimum offset in the building line shall be three feet. No single condominium building shall exceed 250 feet in any horizontal dimension.

(b) D-RT *Rail-to-Trail Overlay*. This district is intended to establish unique controls for lands, buildings, and uses adjacent to the Mountain Bay Trail and other potential "rail-to-trail" conversions in the Village, while still providing for an appealing environment for recreational use of the trail. This district promotes coordinated site planning as a means to achieve flexibility from certain provisions normally applicable to development in the underlying standard zoning district.

1. Rezoning to the D-RT overlay district shall be per Section 94.16.02. In addition to the normal rezoning application requirements in that section, the applicant shall submit a site plan meeting the requirements of Section 94.16.09, along with a written explanation of why D-RT zoning is desired and how the standards of this subsection will be met.
2. No use in the D-RT district shall be established, maintained, or expanded except in conformity with a site plan approved under Section 94.16.09. Such requirements and conditions made a part of an approved site plan shall be, along with the site plan itself, construed to be and enforced as a part of this Chapter.
3. Specific lot size, density, open space, building location, height, size, floor area, screening and other such requirements within each site zoned D-RT shall be based upon determination as to their appropriateness to the proposed uses or structures as they relate to the total environmental concept of the development, and consistent with the purpose of this Chapter. The D-RT district does not allow any greater range of land uses than that allowed within the underlying standard zoning district.
4. Design of and relative to adjoining properties, streets, sidewalks, street lighting, storm drainage, lot size, lot arrangement, screening, or other elements of the site development shall be based upon determination as to the appropriate standards necessary to effectively implement the specific function in the specific situation, and compatible with the trail. In no case shall minimal standards be less than those necessary to protect the public health, safety and welfare in the determination of the Village.
5. The site plan shall be prepared with competent professional advice and guidance and shall produce significant benefits in terms of improved environmental design in the determination of the Village approval authorities.
6. The site plan shall reflect sensitive consideration of the physical nature of the site with particular concern for conservation of natural features, preservation of open spaces, careful consideration of terrain and landscaping which protects and enhances the recreational use of the trail, and proper drainage and preservation of natural terrain wherever appropriate.
7. The site plan shall serve to implement the spirit and intent of the Village's Comprehensive Plan and Parks and Open Space Plan, especially as related to preservation of conservation and recreation areas, creation of common open spaces, and establishment of a diversified and interesting development pattern.
8. The proposed design shall be functional in terms of circulation, parking, emergency services, delivery of other services and utilities, and snowplowing. Applicable building and site design,

landscaping, and performance standards within Articles 10 through 12 shall be met, except where specifically waived or modified by the Plan Commission.

(c) D-CC *Commercial Corridor Overlay*. The purpose of the D-CC overlay district is to establish a greater development design requirements along the most highly traveled, utilized, and visited roadway corridors in the Village. The objectives are to achieve a more unified vision and development form along these corridors, promote orderly and comprehensive development proposals, direct site and building designs that will stand the test of time, enhance the image of and entryway experiences in the Village, facilitate motor vehicle, bike, and pedestrian movement, enhance the surrounding neighborhoods, and create a unique sense of place. See definition of placemaking in Section 94.17.04. Single-family and two-family dwellings are exempt from the requirements of the D-CC district, and may not benefit from the bonus densities or setbacks if in this overlay district.

1. The maximum allowable floor area ratio (FAR) in the D-CC overlay zone may exceed that allowed in the base zoning district under Figure 5.02(1), per the following schedule (totals are additive):
   a. Add 0.5 FAR if outdoor recreational, leisure, plazas, dining, activity, or other similar space is incorporated into the development, not including space in parking lots;
   b. Add 0.5 FAR if one or more buildings in the development includes residential uses combined with commercial service, retail, office, and/or institutional uses;
   c. Add 0.25 FAR if development includes residential uses in separate buildings from commercial service, retail, office, and/or institutional uses on the same site. Add 0.50 FAR if development includes other features to mitigate the impact of greater density on the environment, in the opinion of the Zoning Administrator, such as graduated setbacks of upper stories, exceptional building transparency (windows), pervious pavement, and vegetative or active roofs.
2. Where the base zoning district is INT, B-2, B-3, or B-P, the minimum required setback from the principal building to the front and street side lot lines shall be building setbacks in Figure 5.02(2) shall be reduced to 15 feet.
3. The maximum required setback from each new principal building to the front lot line shall be 40 feet, except for multiple building developments where at least 50% of the street frontage is occupied by buildings that meet this requirement.
4. All loading and service areas shall be orientated away from all street frontages. In cases where the parcel is surrounded by right-of-way on three or more sides, this requirement may be waived; however, any such area shall be screened by a landscaped bufferyard as established in Section 94.11.02(3)(d) or by a wall or fence as described below.
5. Parking lots shall be orientated to the rear and/or side of the buildings, and not closer to the front lot line than the principal building except in multiple building developments where at least 50% of the street frontage is occupied by buildings.
6. Parking facilities within a parcel may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily when the remaining uses are not in operation. Applicants shall make an application to the Zoning Administrator for authorization for shared parking. Applicants shall include a draft of the easement establishing formal shared-parking between the applicant and all affected property owners. Shared parking arrangements may be approved by the site plan approval authority upon determination that the above stated off-street parking requirements for each use are met during said use's operational hours.
7. Buildings and parking lots shall be orientated to facilitate and protect pedestrian movement, such as via a pedestrian plaza or promenade. All public and employee building entryways shall be connected via walkways to parking lots.

8. Wherever practical in the determination of the Zoning Administrator, public roadway access shall be shared, and cross-access driveways and pedestrian ways shall be provided, between adjoining properties.
9. All utility systems including, but not limited to water, electric, gas, sewer, storm water, telephone, fiber optics servicing the site, shall be installed underground.
10. Wall and fences between the street side landscaping area and the building shall not exceed 3 feet in height unless used to screen public plazas, patios, outdoor dining areas or similar permitted outdoor uses in conformance with Section 94.4.05(11). Materials and design of all walls and fences shall be consistent with the architectural theme and materials of the building.
11. Materials and design of all walls, fences, refuse and recycling enclosures, signs, and exterior lighting shall be unified across the site and consistent with the architectural theme of the building. No wall, fence, or enclosure shall exceed 6 feet in height. Roofed enclosures may exceed this limit but shall be no higher than 10 feet in height.
12. If specified in an adopted element of the Village's Comprehensive Plan for the particular geographic area in which the development is proposed, building, site, landscaping and other design components of the proposed development shall conform to the standards in that Comprehensive Plan element.
13. The Plan Commission may approve a waiver or modification to one or more of the above requirements where it finds such requirement(s) would create practical difficulties in the development of the site and compensating design elements are incorporated.

(d) D-WM *Weston Marketplace Overlay*. Design requirements are included within the Schofield Avenue Lifestyle Center Master Plan, dated October 19, 2006, amendments made to the Weston Center Master Plan, dated November 6, 2013 and now known as the Weston Marketplace Master Plan and as such plan may be amended or supplemented from time to time by the Plan Commission under the site plan approval procedures in Section 94.16.09. All future buildings depicted in such plan shall utilize materials, architectural design, and signage that are consistent with those used on the constructed "Retail Center #1" in such Plan. The areas around such buildings shall be landscaped in accordance with such Plan.

(e) D-R *Renaissance Development Overlay*. Design requirements are included within the Renaissance Development Plan, dated December 19, 2007 and as such plan may be amended or supplemented from time to time by the Plan Commission under the site plan approval procedures in Section 94.16.09.

[Amended via Ord. 15-005, 5/22/2015]

Section 94.6.03: WHP Wellhead Protection Area Overlay District

(1) **Description and Purpose.** The Village depends exclusively on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of this Section is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields, and to promote the public health, safety, and general welfare of the residents, employees, and visitors of the Village. The restrictions imposed in this Section are in addition to those of the underlying standard zoning district or any other provisions of this Chapter. This section is established under the authority of Wis. Stat. § 62.23(7)(a) and (c) and Wis. Admin. Code NR Chapter 811.

(2) **Wellhead Protection Area Overlay District Boundaries.** The regulations of this Section shall apply to land within Wellhead Protection Area district boundaries mapped as "WHP" on the Official Zoning Map and/or Official Overlay Zoning Map. The WHP district is further divided into WHP-A and WHP-B, on the Map, indicating different zones of groundwater contribution to the associated well. WHP-A indicates

one-year time of travel to the wellhead (Zone A); WHP-B indicates five year time of travel (Zone B). The list of conditional and prohibited uses in the WHP district varies depending on whether the property is in WHP-A or WHP-B per Figure 6.03.

(3) **Separation Distance Requirements.** Minimum separation distances listed in Wis. Admin. Code NR Chapter 811 shall be maintained between the well and other potential sources of contamination, per Wis. Admin. Code NR §811.12(5)(d), where such potential sources of contamination were not in existence on the date that the district was first mapped on the Official Zoning Map or Official Overlay Zoning Map in that area and were not in continuous operation following that date. Such potential sources of contamination include, but may not be limited to:

(a) Emergency or standby power system.

(b) Storm water retention or detention pond.

(c) Storm sewer main.

(d) Sanitary sewer main, manhole, lift station.

(e) Storage tank for gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(f) Private on-site wastewater treatment system tank or dispersal component.

(g) Cemetery.

(h) Land application of municipal, commercial, or industrial waste.

(i) Agricultural, industrial, commercial or municipal waste water treatment plant, treatment units, lagoons, or storage structures.

(j) Manure stacks or storage structures.

(k) Solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one-time disposal or small demolition facility.

(l) Sanitary landfill.

(m) Any property with residual groundwater contamination that exceeds NR 140 enforcement standards.

(n) Salt or deicing material storage area.

(4) **Conditional and Prohibited Uses**. Figure 6.03 lists land uses that are conditional and prohibited (restricted) land uses within the different WHP districts, with a "C" indicating conditional status and a "R" indicating prohibited (or restricted) status. The land uses listed as conditional uses within a particular Wellhead Protection Area overlay district are only allowed if such uses are also listed as permitted or conditional uses in the underlying standard zoning district (See Figures 3.04 and 3.05). Uses marked with a "P" and other uses not listed below are permitted by right in the associated Wellhead Protection Area overlay district, provided that such uses are also permitted by right in the underlying standard zoning district. Any of the following uses that are not allowed in the underlying standard zoning district, per Figures 3.04 and 3.05, may not be established in the Wellhead Protection Area district that overlays that standard zoning district. All uses shall be further subject to the separation standards in subsection (3). Existing potential sources of contamination and land uses as of March 18, 2015 shall be permitted to continue subject to the requirements in subsection (6) below.

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

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

Land Use	Status in WHP-A District	Status in WHP-B District
Printing and publishing establishments	C	C
Private on-site wastewater treatment systems designed for 12,000+ gallons per day flow	C	C
Private on-site wastewater treatment systems on new lots under 20,000 square feet	C	P
Pulp and paper manufacturing	C	C
Rendering plants and slaughterhouses	R	R
Salt or de-icing storage facilities	C	C
Septage, wastewater, or sewage spreading, storage, treatment or disposal, outdoor, except for lagoons and pits exclusively for industrial use	R	C
Storage, manufacturing or disposal of toxic or hazardous materials not otherwise listed	R	C
Storage or processing of extremely hazardous substances, radioactive materials or substances listed in Table 1, Wis. Admin. Code NR Chapter 140. (Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)	R	R
Underground petroleum products storage tanks, and above-ground petroleum product storage tanks greater than 660 gallons. All new or replaced tanks shall also be installed in compliance with Wis. Admin. Code SPS Chapter 10.	C	P
Woodworking, wood preserving, and wood products manufacturing	C	P

[Amended via Ord. 16-005, 4/20/2016]

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

(a) Application. In addition to conditional use permit application requirements in Section 94.16.06, the request shall include an environmental impact study or environmental assessment prepared by a licensed environmental engineer. Said report shall be forwarded to an engineer designated by the Village for recommendation and final decision by the Village. The applicant shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.

(b) Criteria. General criteria for conditional use permit approval are included within Section 94.16.06(7). In its consideration of conditional use permit applications for one of the listed conditional uses in subsection (4) within the associated Wellhead Protection Area overlay district, the Plan Commission shall also consider the following additional criteria:

1. The Village's responsibility as a public water supplier to protect and preserve public health, safety and welfare.
2. The potential of the proposed use to seriously threaten or degrade groundwater quality.
3. The availability of alternative uses, locations, and operational characteristics, and the cost, effect, and extent of availability of such alternatives.

4. The proximity of the applicant's property to other potential sources of contamination or vulnerable activities or uses.
5. The then-existing condition of the associated well, well field, well recharge area, and the vulnerability to further contamination.
6. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table, and location of private wells.
7. The zone of contribution for, or distance from, the associated well within which the proposed use is located.
8. Any other hydrogeological data or information which is available from any public or private agency or organization.
9. The potential benefit, both economic and social, from the approval of the application.

(c) Approval Conditions. In its approval of any conditional use permit within the Wellhead Protection Area overlay district, the Plan Commission may impose conditions to provide:

1. Environmental and/or safety monitoring to indicate whether the potential sources of contamination may be emitting any contaminants.
2. A financial guarantee in a form and amount determined by the Village for future monitoring and cleanup costs.
3. Any requirement authorized for existing potential sources of contamination and land uses under subsection (6).

(6) **Requirements for Existing Potential Sources of Contamination and Land Uses.**

(a) At the request of the Zoning Administrator, existing potential sources of contamination and land uses, as defined under Section 94.17.04, shall provide to the Village copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results.

(b) Existing potential sources of contamination and land uses shall provide additional environmental or safety monitoring as deemed necessary by the Village Board, including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.

(c) Existing potential sources of contamination and land uses, when upgrading or expanding, shall replace equipment or expand in a manner that improves existing environmental and safety technologies and performance. Before such operations upgrade or expand, the owner or operator may be required to obtain conditional use permit and/or site plan approval under this Chapter. If a conditional use under this Section, the operation would be required to comply with all applicable provisions of this Section, to the extent determined practical by the designated Village approval authority.

(d) At the request and to the satisfaction of the Zoning Administrator, existing potential sources of contamination and land uses shall prepare and file with the Village, a contingency plan for unexpected release of contaminants or other emergency events.

(e) Property owners with an existing agricultural use are exempt from requirements of this section as they relate to restrictions on agricultural uses, but such exemption shall only apply to operations in existence as of the date that the Wellhead Protection Area district was first mapped on the Official Zoning Map in that area, and continually operating after that date.

(7) **Violations and Compliance.** In the event an individual and/or potential source of contamination within the Wellhead Protection Area district causes the release of any contaminants which endanger the public, in the determination of the Village, the individual and/or potential source of contamination causing said release shall immediately cease and desist and initiate clean-up satisfactory to the Village and

the other State and Federal regulatory agencies. The person or other entity who releases such contaminants and the person who owns the potential source of contamination whereon the contaminants have been released shall be jointly and severally responsible for the cost of clean-up, consultant or other contractor fees, and all administrative costs for oversight, review and documentation, including for Village employees, contractors, equipment, and mileage. Following any such release, the Village may require additional environmental and/or safety monitoring. As a substitute for or in addition to any other action authorized above and under Section 94.16.19, the Village may commence legal action against the individual and/or potential source of contamination to recover the costs, together with the costs of prosecution.

Section 94.6.04: AH Airport Height Limitation Overlay District

(1) **Description and Purpose.** The AH Airport Height Limitation Overlay District is intended to regulate the height of structures relative to air travel associated with the Wausau Downtown Airport, in order to protect the public health, safety, and welfare of airport users and residents and employees within the surrounding area. In addition to the standards in this Section, lands within the AH district may also subject to the regulations set forth in Title 22 of the City of Wausau Municipal Code.

(2) **AH Airport Height Limitation Overlay District Boundaries.** The AH District extends to many areas under the geographic jurisdiction of this Chapter, limiting the height and use of structures within such jurisdiction. As such, the AH district may not be shown on the Village's Official Zoning Map and/or Official Overlay Zoning Map. The map listed in subsection (3)(a) serves as the official height limitation zoning map.

(3) **AH Airport Height Limitation Overlay District Requirements.**

(a) The maximum height above mean sea level of all new or expanded structures shall be as indicated on the Height Limitation Zoning Map, Wausau Downtown Airport, Wausau, WI (Wisconsin Bureau of Aeronautics) dated December 6, 2007, as from time to time amended. The Zoning Administrator may permit a greater height than specified by such Map, if such greater height is favorably recommended by the Bureau of Aeronautics. This requirement shall not be applied retroactively to any structure lawfully erected before December 6, 2007, except if a subsequent vertical expansion of such a structure is sought.

(b) Prior to issuing or authorizing a zoning permit or building permit, the Zoning Administrator may require any information deemed necessary to make a determination regarding compliance with the requirements of AH district (such as exact height, location, and current and finished ground elevation of the structure) and/or refer the application to the airport owner or operator or the Wisconsin Bureau of Aeronautics for recommendation. If the Zoning Administrator elects to refer the application, the normally required timeframe for issuing a zoning permit or building permit under this Chapter and the Building Code shall be extended by ten days.

(c) No use may be made in the AH district that causes interference with radio or electronic facilities associated with the airport and any lighting that makes it difficult to distinguish airport lights, results in glare in pilot's eyes, or otherwise impairs visibility.

(d) Other than any use that meets the criteria in subsection (c), all allowable uses and structures within the AH District shall comply with all other applicable standards of the underlying standard zoning district and any other applicable overlay district requirements with regard to use and all other requirements.

Article 7: FLOODPLAIN OVERLAY ZONING DISTRICTS

Section 94.7.01: Title

This article shall be known as the Floodplain Zoning Ordinance for the Village of Weston, Marathon County, Wisconsin.

Section 94.7.02: Statutory authorization

This article is adopted pursuant to the authorization in Wis. Stats. § 61.35 and 62.23, for villages and cities; and the requirements in Wis. Stat. § 87.30.

Section 94.7.03: Finding of fact

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

Section 94.7.04: Statement of purpose

This article is intended to regulate floodplain development to:

(1) Protect life, health and property;
(2) Minimize expenditures of public funds for flood control projects;
(3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
(4) Minimize business interruptions and other economic disruptions;
(5) Minimize damage to public facilities in the floodplain;
(6) Minimize the occurrence of future flood blight areas in the floodplain;
(7) Discourage the victimization of unwary land and homebuyers;
(8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
(9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

Section 94.7.05: General Provisions

(1) *Areas to be regulated*. This article regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) *Official maps and revisions*. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the zoning administrator, Village of Weston. If more than one map or revision is referenced, the most restrictive information shall apply.

   (a) *Official Maps*. Based on the FIS:

      1. Flood Insurance Rate Map (FIRM), panel numbers 55073C0412F, 55073C0416F, 55073C0417F, 55073C0418F, 55073C0419F, 55073C0438F, 55073C0652F, 55073C0660F, 55073C0700F of 1000, community panel number 550323, dated July 22, 2010; and panel numbers 55073C0411G and 55073C0413G of 1000, community panel number 550323, dated September 28, 2018; with

corresponding profiles that are based on the Flood Insurance Study FIS dated September 28, 2018, Volume number 55073CV000B.

2. Approved by: The DNR and FEMA

(b) *Official Maps.* Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

(3) *Establishment of Floodplain Zoning districts.* The regional floodplain areas are divided into three districts as follows:

(a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.

(b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

(c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(4) *Locating floodplain boundaries*. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to Section 94.7.12. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to Section 94.7.11(3)(c). and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from FIRM, FIMA must approve any map amendment or revision pursuant to Section 94.7.12 *Amendments*.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale.

(5) *Removal of lands from floodplain.* Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Section 94.7.12.

(6) *Compliance.* Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) *Municipalities and state agencies regulated.* Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. § 30.2022 applies.

(8) *Abrogation and greater restrictions*.

(a) This article supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stat. § 61.35 for villages; or Wis. Stat. § 87.30 which relate to floodplains. If another ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the

greater restrictions, but not otherwise.

(b) This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this article imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) *Interpretation*. In their interpretation and application, the provisions of this article are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this article, required by Wis. Admin. Code NR Chapter 116, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this article.

(10) *Warning and disclaimer of liability*. The flood protection standards in this article are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This article does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This article does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this article.

(11) *Severability*. Should any portion of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected.

(12) *Annexed areas for cities and villages*. The Marathon County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code NR Chapter 116, and 44 CRF 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the Village's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

Section 94.7.06: General standards applicable to all floodplain districts

The Village shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this article and all other requirements in Section 97.7.11(1)(b). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

(1) Hydraulic and hydrologic analyses.

(a) No floodplain development shall:

1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
2. Cause any increase in the regional flood height due to floodplain storage area lost.

(b) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood heights, based on the officially adopted

FIRM or other adopted map, unless the provisions of Section 94.7.12 Amendments are met.

(2) *Watercourse alterations.* No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of Section 94.7.06(1) must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to Section 94.7.12 *Amendments*, the Village shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(3) *Chapter 30, 31, Wisconsin Statute Development.* Development which requires a permit from the Department, under Wis. Stats. Chapters 30 and 31., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Section 94.7.12 *Amendments*.

(4) *Public or private campgrounds.* Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(a) The campground is approved by the Department of Health Services.

(b) A land use permit for the campground is issued by the zoning administrator.

(c) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.

(d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

(e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in subparagraph (d). to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.

(f) Only camping units that are fully licensed, if required, and ready for highway use are allowed.

(g) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.

(h) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.

(i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.

(j) All camping units that remain in place for more than 180 consecutive days must meet the applicable

requirements in either Sections 94.7.07, 94.7.08 or 94.7.09 for the floodplain district in which the structure is located.

(k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

(l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Section 94.7.07: Floodway district (FW)

(1) *Applicability*. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Section 94.7.09(4).

(2) *Permitted uses*. The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- They are not prohibited by any other ordinance;
- They meet the standards in Sections 94.7.07(3) and 94.7.07(4); and
- All permits or certificates have been issued according to Section 94.7.11(1).

(a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Section 94.7.07(3)(d).

(d) Uses or structures accessory to open space uses or classified as historic structures that comply with Sections 94.7.07(3) and 94.7.07(4).

(e) Extraction of sand, gravel or other materials that comply with Section 94.7.07(3)(d).

(f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stats. Chapters 30 and 31.

(g) Public utilities, streets and bridges that comply with Section 94.7.07(3)(c).

(3) Standards for developments in floodway areas.

(a) General.

1. Any development in floodway areas shall comply with Section 94.7.06 and have a low flood damage potential.
2. Applicants shall provide the following data to determine the effects of the proposal according to Section 94.7.06(1):
   a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
   b. An analysis calculating the effects of this proposal on regional flood height.
3. The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subparagraph

b. above.

(b) *Structures*. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

1. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage.
2. Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit automatic entry and exit of floodwaters.
3. Must be anchored to resist flotation, collapse, and lateral movement;
4. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
5. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(c) *Public utilities, streets and bridges.* Public utilities, streets and bridges may be allowed by permit, if:

1. Adequate floodproofing measures are provided to the flood protection elevation; and
2. Construction meets the development standards of Section 94.7.06(1).

(d) *Fill or deposition of materials.* Fills or deposition of materials may be allowed by permit, if:

1. The requirements of Section 94.7.06(1) are met;
2. No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Wis. Stat. Chapter 30., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
4. The fill is not classified as a solid or hazardous material.

(4) *Prohibited uses.* All uses not listed as permitted uses in Section 94.7.07(2) are prohibited, including the following uses:

(a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(b) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code SPS Chapter 383;

(e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code NR Chapters 811 and 812;

(f) Any solid or hazardous waste disposal sites;

(g) Any wastewater treatment ponds or facilities, except those permitted under section Wis. Admin. Code NR §110.15(3)(b);

(h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

Section 94.7.08: Floodfringe district (FF)

(1) *Applicability*. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Section 94.7.09(4).

(2) *Permitted uses*. Any structure, land use, or development is allowed in the floodfringe district if the standards in Section 94.7.08(3) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Section 94.7.11(1) have been issued.

(3) *Standards for development in the floodfringe*. Section 94.7.06(1) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Section 94.7.10 *Nonconforming Uses*;

(a) *Residential uses*. Any habitable structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe area, shall meet or exceed the following standards:

1. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill unless the requirements of 94.7.08(3) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
2. The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
3. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subparagraph 4.
4. In developments where existing street or sewer line elevations make compliance with subparagraph 3. above impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
   a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
   b. The municipality has a DNR-approved emergency evacuation plan.

(b) *Accessory structures or uses*. Accessory structures shall be constructed with its lowest floor at or above the regional flood elevation.

(c) *Commercial uses*. Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of Section 94.7.08(3)a. Subject to the requirements of Section 94.7.08(3)e., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(d) *Manufacturing and industrial uses*. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in Section 94.7.11(5). Subject to the requirements of Section 94.7.08(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) *Storage of materials*. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Section 94.7.11(5). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) *Public utilities, streets and bridges.* All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with Section 94.7.11(5);
2. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the Regional Flood Elevation.

(g) *Sewage systems.* All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Section 94.7.11(5)(c), to the flood protection elevation and meet the provisions of all local ordinances and Wis. Admin. Code SPS Chapter 383.

(h) *Wells.* All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Section 94.7.11(5)(c), to the flood protection elevation and shall meet the provisions of Wis. Admin. Code NR Chapters 811 and NR 812.

(i) *Solid waste disposal sites.* Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(j) *Deposition of materials.* Any deposited material must meet all the provisions of this ordinance.

(k) *Manufactured homes.*

1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
   a. have the lowest floor elevated to the flood protection elevation; and
   b. be anchored so they do not float, collapse or move laterally during a flood.
3. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Section 94.7.08(3)(a).

(l) *Mobile recreational vehicles.* All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Sections 94.7.08(3)(k)2. and 3. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

Section 94.7.09: General floodplain district (GFP)

(1) *Applicability.* The provisions for this district shall apply to all floodplains mapped as A, AO or AH Zones.

(2) *Permitted uses.* Pursuant to Section 94.7.09(4), it shall be determined whether the proposed use is located within a floodway or floodfringe area.

Those uses permitted in floodway (Section 94.7.07(2)) and floodfringe areas (Section 94.7.08(2)) are allowed within the general floodplain district, according to the standards of Section 94.7.09(3), provided that all permits or certificates required under Section 94.7.11(1) have been issued.

(3) *Standards for development in the general floodplain district.* Section 94.7.07 applies to floodway areas, Section 94.7.08 applies to floodfringe areas. The rest of this ordinance applies to either district.

(a) In AO/AH Zones the structure's lowest floor must meet one of the following conditions, whichever is greater:

1. at or above the flood protection elevation; or
2. two (2) feet above the highest adjacent grade around the structure; or
3. The depth as shown on the FIRM

(b) In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

(4) *Determining floodway and floodfringe limits.* Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

(a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.

(b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

1. A hydrologic and Hydraulic Study as specified in Section 94.7.11(1)(b)3.
2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

Section 94.7.10: Nonconforming uses

(1) *General.*

(a) *Applicability*. If these standards conform with Wis. Stat. § 87.30, NR 116.15, Wis. Adm. Code and 44 CR 59-72, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this article or any amendment thereto.

(b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

1. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this article. For purposes of this article, the words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered an extension, modification or addition; these include painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private on-site wastewater treatment or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

   The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of

the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

2. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this article;
3. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
4. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 94.7.08(3)(a). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
5. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 94.7.08(3)(a).
6. If on a per event basis the total value of the work being done under subparagraphs 4. and 5. equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 94.7.08(3)(a).
7. Except as provided in subparagraph 8. below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current requirements of this article. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
8. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.
    a. Residential Structures
        i. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of Section 94.7.11(5)(b).
        ii. Shall be anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
        iii. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent

water from entering or accumulating within the components during conditions of flooding.

iv. In A Zones, obtain, review and utilize any flood data available from a federal, state or other sources.

v. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section 94.7.09(3)(a).

vi. AO Zones shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

b. Nonresidential Structures

i. Shall meet the requirements of Sections 94.7.10(1)(b)8.a. i.- ii. and v.- vi.

ii. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Sections 94.7.11(5)(a) or (b).

iii. In AO Zones with no elevations specified, shall have the lowest floor including basement, meet the standard in Section 94.7.09(3)(a)

(c) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with Section 94.7.07(3)(a)., flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 94.7.11(5) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Section 94.7.10(1)(b)8.a. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(2) *Floodway District.*

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway district, unless such modification or addition:

1. Has been granted a permit or variance which meets all ordinance requirements;
2. Meets the requirements of Section 94.7.10(1);
3. Shall not increase the obstruction to flood flows or regional flood height;
4. Any addition to the existing structure shall be floodproofed, pursuant to Section 94.7.11(5), by means other than the use of fill, to the flood protection elevation;
5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.

c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

d. The use must be limited to parking or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing

on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code SPS Chapter 383.

(c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway district. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code NR Chapters 811 and 812.

(3) *Floodfringe district.*

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of Section 94.7.08(3), except where Section 94.7.10(3)(b). is applicable.

(b) Where compliance with the provisions of par. (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Zoning Appeals, using the procedures established in Section 94.7.11(3), may grant a variance from those provisions of paragraph (a) above for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

1. No floor is allowed below the regional flood elevation for residential or commercial structures;
2. Human lives are not endangered;
3. Public facilities, such as water or sewer, shall not be installed;
4. Flood depths will not exceed two feet;
5. Flood velocities will not exceed two feet per second; and
6. The structure will not be used for storage of materials as described in Section 94.7.08(3)(e).

(c) All new private wastewater treatment systems, or addition to, replacement, repair or maintenance of a private wastewater treatment system shall meet all the applicable provisions of all local ordinances and Wis. Admin. Code SPS Chapter 383.

(d) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and Wis. Admin. Code NR Chapters 811 and 812.

Section 94.7.11: Administration

Where a zoning administrator, Plan Commission or a board of zoning appeals has already been appointed to administer a zoning ordinance adopted under Wis. Stats. §§ 59.69, 59.692 or 62.23(7) these officials shall also administer this article.

(1) *Zoning Administrator.*

(a) *Duties and Powers.* The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers under this article:

1. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
2. Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
3. Inspect and assess all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

4. Keep records of all official actions such as:
   a. All permits issued, inspections made, and work approved;
   b. Documentation of certified lowest floor and regional flood elevations;
   c. Floodproofing Certificates.
   d. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
   e. All substantial damage assessment reports for floodplain structures.
   f. List of nonconforming structures and uses.
5. Submit copies of the following items to the Department Regional office:
   a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
   b. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
   c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
6. Investigate, prepare reports, and report violations of this ordinance to the municipal Plan Commission, Village Board and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
7. Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(b) *Land use permit*. A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

1. *General information*.
   a. Name and address of the applicant, property owner and contractor;
   b. Legal description, proposed use, and whether it is new construction or a modification;
2. *Site development plan*. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
   a. Location, dimensions, area and elevation of the lot:
   b. Location of the ordinary highwater mark of any abutting navigable waterways;
   c. Location of any structures with distances measured from the lot lines and street center lines;
   d. Location of any existing or proposed on-site sewage systems or private water supply systems;
   e. Location and elevation of existing or future access roads;
   f. Location of floodplain and floodway limits as determined from the official floodplain zoning map(s);
   g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
   h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Sections 94.7.07 or 94.7.08 are met; and
   i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 94.7.06(1). This may include any of the information noted in Section 94.7.07(3)(a).

3. *Hydraulic and Hydrologic studies to analyze development.* All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.
   a. Zone A floodplains
      i. *Hydrology*. The appropriate method shall be based on the standards in Wis. Admin. Code NR § 116.07(3), *Hydrological Analysis: Determination of Regional Flood Discharge*.
      ii. *Hydraulic modeling*. The regional flood elevation shall be based on the standards in Wis. Admin. Code NR § 116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
         1. Determination of the required limits of the hydraulic model shall be based on the detailed study information for downstream structures (dam, bridge, and culvert) to determine adequate starting WSEL for the study.
         2. Channel sections must be surveyed.
         3. Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
         4. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
         5. The most current version of HEC_RAS shall be used.
         6. A survey bridge and culvert openings and the top of road is required at each structure.
         7. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
         8. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall provide for any parameters outside standard accepted engineering practices.
         9. The model must extend past the upstream limit of the difference in the existing and proposed flood profiled in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
      iii. *Mapping*. A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
         1. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
         2. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

b. Zone AE Floodplains

i. *Hydrology*. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Wis. Admin. Code NR § 116.07(3), *Hydrologic Analysis: Determination of Regional Flood Discharge*.

ii. *Hydraulic Model*. The regional flood elevation shall be based on the standards in Wis. Admin. Code HR §116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

1. *Duplicated Effective Model*. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
2. *Corrected Effective Model*. The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for department review.
3. *Existing (Pre-Project Conditions) Model*. The existing model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post –Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
4. *Revised (Post-Project Conditions) Model*. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
5. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
6. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

iii. *Mapping*. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

1. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans and bridge plans.
2. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
3. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
4. If an annotated FIRM and/or FBFM and digital mapping (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plan Coordinate System in accordance with FEMA mapping specifications.
5. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

6. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
7. Both the current and proposed floodway shall be shown on the map.
8. The stream centerline, or profile baseline used to measure stream distance in the model shall be visible on the map.

4. *Expiration.* All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(c) *Certificate of Compliance.* No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
2. Application for such certificate shall be concurrent with the application for a permit;
3. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
4. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of Section 94.7.11(5) are met.

(d) *Other Permits.* Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

(2) *Plan Commission.*

(a) Under this article, the Plan Commission shall:

1. Oversee the functions of the office of the zoning administrator; and
2. Review and advise the Village Board on all proposed amendments to this ordinance, maps and text.

(b) This Plan Commission shall not:

1. Grant variances to the terms of the ordinance in place of action by the Board of Zoning Appeals; or
2. Amend the text or zoning maps in place of official action by the Village Board.

(3) *Zoning Board of Appeals (ZBA).* The Zoning Board of Appeals (ZBA), created under Wis. Stat. § 62.23(7)(e), for villages, is hereby authorized or shall be appointed to act for the purposes of this article. The ZBA shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the ZBA.

(a) *Powers and duties.* Under this article, the ZBA shall:

1. Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this article.
2. Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the

official floodplain zoning map.

3. Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(b) Appeals to the ZBA.

1. Appeals to the ZBA may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the ZBA, by filing with the official whose decision is in question, and with the ZBA, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the ZBA all records regarding the matter appealed.
2. *Notice and hearing for appeals including variances*.
   a. Notice - The ZBA shall:
      i. Fix a reasonable time for the hearing;
      ii. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
      iii. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
   b. Hearing - Any party may appear in person or by agent. The ZBA shall:
      i. Resolve boundary disputes according to Section 94.7.11(3)(c).
      ii. Decide variance applications according to Section 94.7.11(3)(d).
      iii. Decide appeals of permit denials according to Section 94.7.11(4)
3. *Decision*. The final decision regarding the appeal or variance application shall:
   a. Be made within a reasonable time;
   b. Be sent to the Department Regional office within 10 days of the decision;
   c. Be a written determination signed by the chairman or secretary of the ZBA;
   d. State the specific facts which are the basis for the ZBA's decision;
   e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
   f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the ZBA proceedings.

(c) *Boundary disputes*. The following procedure shall be used by the ZBA in hearing disputes concerning floodplain district boundaries:

1. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
2. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the ZBA.
3. If the boundary is incorrectly mapped, the ZBA should inform the Plan Commission or the person contesting the boundary location to petition the governing body for a map amendment according to Section 94.7.12.

(d) *Variance*.

1. The ZBA may, upon appeal, grant a variance from the standards of this article if an applicant convincingly demonstrates that:

a. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
c. The variance is not contrary to the public interest; and
d. The variance is consistent with the purpose of this ordinance in Section 94.7.04(3).

2. In addition to the criteria in subparagraph 1., to qualify for a variance under FEMA regulations, the following criteria must be met:
   a. The variance may not cause any increase in the regional flood elevation;
   b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
   c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
3. A variance under this article shall not:
   a. Grant, extend or increase any use prohibited in the zoning district.
   b. Be granted for a hardship based solely on an economic gain or loss.
   c. Be granted for a hardship which is self-created.
   d. Damage the rights or property values of other persons in the area.
   e. Allow actions without the amendments to this ordinance or map(s) required in Section 94.7.12(1).
   f. Allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.
4. When a floodplain variance is granted the ZBA shall notify the applicant in writing that it may increase risk to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

(4) *To review appeals of permit denials.*

(a) The Plan Commission (Section 94.7.11(2)) or ZBA shall review all data related to the appeal. This may include:
   1. Permit application data listed in Section 94.7.11(1)b.
   2. Floodway/floodfringe determination data in Section 94.7.09(4).
   3. Data listed in Section 94.7.07(3)(a)2. where the applicant has not submitted this information to the zoning administrator.
   4. Other data submitted with the application or submitted to the ZBA with the appeal.

(b) For appeals of all denied permits the ZBA shall:
   1. Follow the procedures of Section 94.7.11(3);
   2. Consider zoning agency recommendations; and
   3. Either uphold the denial or grant the appeal

(c) For appeals concerning increases in regional flood elevation the Board shall:
   1. Uphold the denial where the ZBA agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property

owners as per the requirements of Section 94.7.12 *amendments*; and.

2. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

(5) *Floodproofing standards for nonconforming structures or uses.*

(a) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

(b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

1. Certified by a registered professional engineer or architect; or
2. Meets or exceeds the following standards:
   a. A minimum of two openings having a total net area of not less than one square inch for every square foot on enclosed area subject to flooding;
   b. The bottom of all openings shall be no higher than one foot above grade; and
   c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(c) Floodproofing measures shall be designed, as appropriate to:

1. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
2. Protect structures to the flood protection elevation;
3. Anchor structures to foundations to resist flotation and lateral movement; and
4. Minimize or eliminate infiltration of flood waters.
5. Minimize or eliminate discharge into flood waters.

(6) *Public information.*

(a) Place marks on structures to show the depth of inundation during the regional flood.

(b) All maps, engineering data and regulations shall be available and widely distributed.

(c) All real estate transfers should show what floodplain zoning district any real property is in.

Section 94.7.12: Amendments

(1) Obstructions or increases may only be permitted if amendments are made to this article, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 94.7.12(2).

(a) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with 94.7.12(2). Any such alterations must be reviewed and approved by FEMA and the DNR.

(b) In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this article, the official floodplain maps, floodway lines, and water surface profiles, in accordance with 94.7.12(2).

(2) *General.* The Village Board shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in 94.7.12(3) below. Actions which require an amendment to the

ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

(a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

(b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

(c) Any changes to any other officially adopted floodplain maps listed in Section 94.7.05(2)(b);

(d) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

(e) Correction of discrepancies between the water surface profiles and floodplain zoning maps.

(f) Any upgrade to a floodplain zoning ordinance text required by Wis. Admin. Code NR § 116.05, or otherwise required by law, or for changes by the Village.

(g) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(3) *Procedures*. Amendments to this article may be made upon petition of any party according to the provisions of Wis. Stat. § 62.23, for cities and villages. Petitions shall include all necessary data required by Sections 94.7.09(4) and 94.7.11(1)(b). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

(a) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stat. § 62.23, for cities and villages.

(b) No amendments shall become effective until reviewed and approved by the Department.

(c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

Section 94.7.13: Enforcement and penalties

Any violation of the provisions of this article by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than $ 50, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this article is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the Village, the state, or any citizen thereof pursuant to Wis. Stat. § 87.30(2).

Section 94.7.14: Definitions

Unless specifically defined, words and phrases in this article shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary. The definitions below are limited to this article.

(1) "A ZONES" - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

(2) "AH ZONE" – see "AREA OF SHALLOW FLOODING"

(3) "AO ZONE" – see "AREA OF SHALLOW FLOODING"

(4) "ACCESSORY STRUCTURE OR USE" - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

(5) "ALTERATION" – An enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilation, air conditioning and other systems within a structure.

(6) "AREA OF SHALLOW FLOODING" – A designated AO, AH, AR/AH or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where the velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

(7) "BASE FLOOD" - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

(8) "BASEMENT" - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

(9) "BUILDING" - See STRUCTURE.

(10) "BULKHEAD LINE" - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to Wis. Stat. § 30.11, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

(11) "CAMPGROUND" - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

(12) "CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle that is fully licensed, if required, and ready for highway use.

(13) "CERTIFICATE OF COMPLIANCE" - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

(14) "CHANNEL" – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

(15) "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

(16) "DECK" – An unenclosed exterior structure that has no roof or sides but has a permeable floor which allows the infiltration of precipitation.

(17) "DEPARTMENT" - The Wisconsin Department of Natural Resources.

(18) "DEVELOPMENT" - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the

placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private wastewater treatment systems or water supply facilities.

(19) "DRYLAND ACCESS" - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

(20) "ENCROACHMENT" - Any fill, structure, equipment, building, use or development in the floodway.

(21) "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" - The federal agency that administers the National Flood Insurance Program.

(22) "FLOOD INSURANCE RATE MAP" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

(23) "FLOOD" or "FLOODING" – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

(a) The overflow or rise of inland waters,

(b) The rapid accumulation or runoff of surface waters from any source,

(c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or

(d) The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

(24) "FLOOD FREQUENCY" - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

(25) "FLOODFRINGE" - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

(26) "FLOOD HAZARD BOUNDARY MAP" - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study (FIS) and a Flood Insurance Rate Map (FIRM).

(27) "FLOOD INSURANCE STUDY" (FIS) - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps (FIRM), that accompany the Flood Insurance Study (FIS), form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program (NFIP).

(28) "FLOODPLAIN" - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

(29) "FLOODPLAIN ISLAND" - A natural geologic land formation within the floodplain that is

surrounded, but not covered, by floodwater during the regional flood.

(30) "FLOODPLAIN MANAGEMENT" - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

(31) "FLOOD PROFILE" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

(32) "FLOODPROOFING" - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

(33) "FLOOD PROTECTION ELEVATION" - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

(34) "FLOOD STORAGE" - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

(35) "FLOODWAY" - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

(36) "FREEBOARD" - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

(37) "HABITABLE STRUCTURE" - Any structure or portion thereof used or designed for human habitation.

(38) "HEARING NOTICE" - Publication or posting meeting the requirements of Wis. Stat. Chapter 985. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

(39) "HIGH FLOOD DAMAGE POTENTIAL" - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

(40) "HIGHEST ADJACENT GRADE" – The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

(41) "HISTORIC STRUCTURE" - Any structure that is either:
- (a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

(42) "INCREASE IN REGIONAL FLOOD HEIGHT" - A calculated upward rise in the regional flood

elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

(43) "LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

(44) "LOWEST ADJACENT GRADE" – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

(45) "LOWEST FLOOR" – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

(46) "MAINTENANCE" – The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

(47) "MANUFACTURED HOME" - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

(48) "MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION" – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

(49) "MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING" – A parcel of land divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

(50) "MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING" – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

(51) "MOBILE RECREATIONAL VEHICLE" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

(52) "MODEL, CORRECTED EFFECTIVE" – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

(53) "MODEL, DUPLICATE EFFECTIVE" – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

(54) "MODEL, EFFECTIVE" – The hydraulic engineering model that was used to produce the current

effective Flood Insurance Study.

(55) "MODEL, EXISTING (PRE-PROJECT)" – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model, but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

(56) "MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-projected conditions.

(57) "MUNICIPALITY" or "MUNICIPAL" - The county, city or village governmental units enacting, administering and enforcing this article.

(58) "NAVD" or "NORTH AMERICAN VERTICAL DATUM" – Elevations referenced to mean sea level datum, 1988 adjustment.

(59) "NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1929 adjustment.

(60) "NEW CONSTRUCTION" - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

(61) "NONCONFORMING STRUCTURE" - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this article for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

(62) "NONCONFORMING USE" - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this article for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

(63) "OBSTRUCTION TO FLOW" - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

(64) "OFFICIAL FLOODPLAIN ZONING MAP" - That map, adopted and made part of this ordinance, as described in Section 94.7.05(2)(a), which has been approved by the Department and FEMA.

(65) "OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.

(66) "ORDINARY HIGHWATER MARK" - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(67) "PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

(68) "PRIVATE WASTEWATER TREATMENT SYSTEM" - A sewage treatment and disposal system

serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

(69) "PUBLIC UTILITIES" - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

(70) "REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

(71) "REGIONAL FLOOD" - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

(72) "START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or 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 not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(73) "STRUCTURE" - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

(74) "SUBDIVISION" - Has the meaning given in Wis. Stat. § 236.02(12).

(75) "SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

(76) "SUBSTANTIAL IMPROVEMENT" – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement regardless of a building required to correct existing health, sanitary or safety code violations identified by the building inspector and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(77) "UNNECESSARY HARDSHIP" - 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 article.

(78) "VARIANCE" - An authorization by the Zoning Board of Appeals (ZBA) for the construction or

maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

(79) "VIOLATION" - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

(80) "WATERSHED" - The entire region contributing runoff or surface water to a watercourse or body of water.

(81) "WATER SURFACE PROFILE" - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(82) "WELL" - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

[Amended by Ord. No. 17-98-1, § 1(b), 11-16-1998, Ord. 4-21-2007; Ord. 4-22-2010; Ord. 6-4-2014; Amended via Ord. No. 18-021, 8/23/18]

Article 8: SHORELAND OVERLAY ZONING DISTRICT

Section 94.8.01: Statutory Authorization

This article is adopted pursuant to the authorization in Wis. Stat. Sec. 61.35 and 61.353.

Section 94.8.02: Finding of Fact and Purpose

Uncontrolled use of shorelands and pollution of the navigable waters of the Village of Weston would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

(1) Promote the public health, safety, convenience and general welfare;
(2) Limit certain land use activities detrimental to shorelands; and
(3) Preserve shore cover and natural beauty by controlling the location of structures in shoreland areas and restricting the removal of natural shoreland vegetation.

Section 94.8.03: Jurisdiction

The jurisdiction of this article shall include all lands and waters within the corporate limits of the Village of Weston.

Section 94.8.04: Compliance

The use of shorelands within the shoreland area of the Village of Weston shall be in full compliance with the terms of this article and other applicable local, State or Federal regulations. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this article.

Section 94.8.05: Municipalities and State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all required permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction/reconstruction, maintenance/repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Wis. Stat. § 30.12 applies.

Section 94.8.06: Abrogation and Greater Restrictions

This article supersedes all provisions of any other applicable municipal ordinance except that where another municipal ordinance is more restrictive than this article, that ordinance shall continue in full force and effect of the greater restrictions, but not otherwise.

(1) This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this article imposes greater restrictions, the provisions of this article shall prevail.

Section 94.8.07: Terms of Article

The following are terms of Article: Village shall mean Village of Weston, Plan Commission shall mean the Village of Weston Plan Commission, Village Board shall mean the Village of Weston Village Board, Zoning Board of Appeals shall mean the Village of Weston Zoning Board of Appeals.

Section 94.8.08: Interpretation

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the Village of Weston and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes or Wisconsin Constitution.

Section 94.8.09: Severability

Should any portion of this article be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this article shall not be affected.

Section 94.8.10: Applicability of Shoreland District Regulations

The Shoreland Zoning District regulations apply only to the following shorelands:

(1) A shoreland that was annexed by the Village of Weston after May 7, 1982, and that prior to annexation was subject to a County Shoreland Zoning Ordinance under Wis. Stat. Sec. 59.692; and

(2) A shoreland that before incorporation by the Village of Weston was part of a town that was subject to a County Shoreland Zoning Ordinance under Wis. Stat. Sec. 59.692 if the date of incorporation was after April 30, 1994.

(a) *District Boundaries*. The Shoreland District areas regulated by this article shall include all the lands (referred to herein as shorelands) in the Village of Weston that are:

1. Within 1,000 feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources Surface Water Data viewer, available on the DNR website, or are shown on United States Geological Survey quadrangle maps or other zoning base maps.
2. Within 300 feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
3. Determinations of navigability and ordinary highwater mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Wisconsin Department of Natural Resources for a final determination of navigability or ordinary highwater mark.
4. Pursuant to Wis. Stat. Sec. 61.353(7) or 62.233, the Shoreland Zoning District does not include lands adjacent to an artificially constructed drainage ditch, pond, or retention basin if the drainage ditch, pond or retention basin is not hydrologically connected to a natural navigable water body.

(b) *Effect of existing land division, sanitary, zoning and other regulations*. The lands within the Shoreland Zoning District are subject to all applicable provisions of the Village of Weston Municipal Code. Where the provisions of this article are more restrictive than other regulations in the Municipal Code, the provisions of this article shall apply.

Section 94.8.11: Administration and Enforcement of Code

The Zoning Administrator or their designee(s) are hereby designated as the administrative and enforcement officer(s) for the provisions of this article. The duty of the Zoning Administrator's designees shall be to interpret and administer this article and to issue, after on-site inspection, all permits required by this article. They shall further:

(1) Maintain records of all permits issued, inspections made, work approved, and other official actions.

(2) Record the lowest floor elevations of all structures erected, moved, altered, or improved in the floodland districts.

(3) Establish that all necessary permits that are required for floodland uses by State and Federal law have been secured.

(4) Inspect all structures, lands, and waters as often as necessary to assure compliance with this Article.

(5) 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 article to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney.

(6) Assist the Village Attorney in the prosecution of violations of this Article.

(7) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by them to ensure compliance with this article. If, however, they are refused entry after presentation of their identification, they may procure a special inspection warrant in accordance with Wis. Stat. § 66.0119.

(8) Prohibit the use or erection of any structure, land or water until they have inspected and approved such use or erection.

(9) Request assistance and cooperation from the Everest Metro Police Department and Village Attorney as deemed necessary.

(10) Attend all meetings of the Plan Commission and the Zoning Board of Appeals.

Section 94.8.12: Building Permit Required

No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building permit from the Building Inspector, unless otherwise exempted pursuant to this article. Applications for building permit shall be made in duplicate to the Village on forms furnished by the Village and shall include the following where applicable:

(1) Name and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.

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

(3) Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations to Marathon County datum, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and drive-ways; existing highway access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.

   (a) When it is proposed to construct an addition to an existing structure, or construct an accessory structure, the Village Building Inspector may accept a location sketch drawn to scale in lieu of a plat of survey. The location sketch shall contain all information and dimensions required on the plat of survey.

   (b) The Village Building Inspector may waive the requirement for elevations on either a plat of survey or a location sketch when the development is neither located within nor adjacent to a floodplain or wetland.

(4) Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Marathon County Health Department for the installation of a Private On-site Wastewater Treatment System (POWTS), or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.

(5) Proposed water supply plan if municipal water service is not available. This plan shall be in accordance with Wis. Admin. Code NR Chapter 812 and shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.

(6) Additional information as may be required by the Village Plan Commission, Zoning Administrator or their designees.

(7) A building permit shall be granted or denied in writing by the Village Building Inspector within 30 days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

Section 94.8.13: Occupancy Permit Required

(1) No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until an occupancy permit shall have been issued by the Village Building Inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this article. Such permit shall be applied for at the time of occupancy of any land and/or building.

(2) No land within the Floodland Districts shall be developed, occupied or used, and no structure hereafter erected, altered, or moved shall be occupied until the applicant submits to the Building Inspector a certification by a registered professional engineer or land surveyor that the floodplain regulations set forth in this Chapter have been fully complied with. Such certification shall include the elevations of the lowest opening and the lowest floor of any structure erected on the site.

(3) No building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new occupancy permit by the Building Inspector. Such permit shall show that the building or premises, or part thereof, is in compliance with the provisions of this Chapter, Uniform Dwelling Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the Village and State of Wisconsin. Such occupancy permit for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for an occupancy permit shall be made in the same manner as for a building permit.

Section 94.8.14: Conditional Use Permit Required

See Article 16 *Procedures and Administration* Section 94.16.06 *Conditional Uses*

Section 94.8.15: Sign Permit Required

See Article 13 *Signs* Section 94.13.02 *Sign Permits*

Section 94.8.16: Other Permits

It is the responsibility of the permit applicant to secure all other necessary permits required by any State, Federal, or local agency. This includes, but is not limited to, a water use permit pursuant to Wis. Stat. Chapter 30 or a wetland fill permit pursuant to Section 404 of the Clean Water Act.

Section 94.8.17: Site Restrictions

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Zoning Administrator or their designee, in applying the provisions of this section, shall in writing recite the particular facts upon which they base their conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if they so desire. Thereafter, the Plan Commission may affirm, modify, or withdraw the determination of unsuitability. In addition:

(1) All lots shall abut upon a public street, and each lot shall have a minimum frontage as defined by Figures 5.01(1) *Rural, Open Space and Residential District Lot Dimensions and Intensity Standards* and 5.02(1) *Non-residential District Density and Intensity Standards* in Article 5 *Density, Intensity and Bulk Regulations*.

(2) All principal structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot in single-family and two-family residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.

(3) No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

(4) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 50 feet from the district boundary line so as to equal the average of the street yards required in both districts.

(5) *Buffering*. The Plan Commission may require the construction of a buffer between dissimilar zoning districts or dissimilar uses to screen the dissimilar activities from view. The buffer may consist of a landscaped buffer yard, a landscaped berm, a screening fence or wall, or a combination of buffering/screening elements. The specific design of which shall be approved by the Plan Commission in order to sufficiently provide attractive visual screening and in a maintained fashion during all seasons if landscaped or with attractive view and design from adjacent properties and right-of-way if screened by architectural wall or fence.

Section 94.8.18: Use Restrictions

The following use restrictions and regulations shall apply:

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

(2) Accessory uses and structures are permitted in accordance with Section 94.4.09 of this Chapter in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Ordinance.

(3) Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission in accordance with Section 94.16.06 of this Chapter.

(4) Legal Non-Conforming Uses are considered as special uses that at one time were legally approved and met the standards of the code, but now for various reasons no longer conform to the code. Some of these uses may be granted Legal Non-Conforming Conditional Use status to allow for the expansion and/or modification of said use.

(5) Temporary Uses are uses in accordance with Section 94.4.10 of this Chapter that an approved permitted or conditional use desires to add to their operations for a limited time and a limited scope, but would not necessarily be a permitted or conditional use of its own accord. The Plan Commission shall give great weight to the protection of public safety and welfare when considering the appropriateness of Temporary Uses.

Section 94.8.19: Shoreland Regulations

In addition to any other applicable use, site, or sanitary restrictions and regulations, the following regulations shall apply to all shorelands, as defined in Section 94.8.10 of this article.

(1) *Tree Cutting and Shrubbery Clearing.* Tree cutting and shrubbery clearing within 100 feet of the ordinary high water mark of all navigable waters is prohibited except for home site development; park site development; access roads; path and trail construction; timber stand improvement; customary trimming; dead tree removal; and managed timber harvesting under a State District Forester's Plan. Such tree cutting and shrubbery clearing shall not involve the clear cutting of more than 30 feet in any 100 feet, as measured along the ordinary high water mark, and shall be so regulated as to prevent erosion and sedimentation, preserve and improve scenic qualities, and during foliation substantially screen any development from stream or lake users. Paths and trails shall not exceed ten (10) feet in width and shall be so designed and constructed as to result in the least removal and disruption of shoreland cover and the minimum impairment of natural beauty.

(2) A shoreland that was annexed by the Village after May 7, 1982, and prior to annexation, was subject to a County Shoreland Zoning Ordinance shall be subject to the following additional provisions:

   (a) Any person who owns shoreland property that contains vegetation shall maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending 35 feet inland from the ordinary high-water mark of the navigable water, except as provided in (2).

   (b) If the vegetation, in a vegetative buffer zone, contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove such vegetation, except that if the owner removes all of the vegetation, as described herein, within the vegetative buffer zone, the owner shall reestablish vegetation within the vegetative buffer zone.

   (c) A person who is required to maintain or establish a vegetative buffer zone under (1) or (2) shall be allowed to remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than 30 feet wide per every 100 feet of shoreline frontage and that extends no more than 35 feet inland from the ordinary high-water mark.

   (d) For the purposes of this section, vegetative buffer zone is defined as land that extends from the ordinary high-water mark to 35 feet inland.

(3) Earth movements, such as construction, altering or enlargement of waterways, removal of stream or lake bed materials, channel clearing, dredging, lagooning, grading, topsoil removal, filling, road cutting, ditching, and soil and water conservation structures are conditional uses in accordance with Section 94.16.06 of this Ordinance in addition to any permit required from the state agency having jurisdiction under Wis. Stat. §§ 30.11, 30.12, 30.19, 30.195, and 30.20.

(4) Shoreland Setback. Areas within shorelands as defined by this article shall be subject to the following:

   (a) Within the shoreland area, no structure, except navigational aids, piers and boat launching facilities, shall be closer than 75 feet to the ordinary highwater mark of a navigable body of water and two feet above the experienced highwater mark unless a smaller setback is approved by the Plan Commission. A shoreland that was annexed by the Village after May 7, 1982, and prior to annexation was subject to a County Shoreland Zoning Ordinance shall be subject to the following additional provisions:

      1. A shoreland setback area of at least 75 feet from the ordinary high-water mark, except as provided in (2).
      2. Construction or placement of a structure within the shoreland setback area established under (1) shall be allowed if all of the following apply:
         a. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b. The structure is constructed or placed within a distance equal to the average setback of the structure on the adjacent lots or 50 feet from the ordinary high-water mark, whichever distance is greater.

c. For purposes of this section, structures shall include: fences, ice fishing shanties, accessory structures other than boathouses, minor structures, and retaining walls not approved by the Wisconsin Department of Natural Resources (DNR).

d. For purposes of this section, principal building means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.

(5) Tillage, grazing, livestock watering and feeding, and application of fertilizers shall be prohibited unless conducted in accordance with applicable County, State and Federal laws and regulations and unless conducted in such a manner as to safeguard the health, safety and welfare of individuals, animal and aquatic life, in the surrounding environment.

(6) Surface water withdrawal and diversion, or discharge for irrigation, processing, cooling or other purposes are conditional uses in accordance with Section 94.16.06 of this Ordinance. The Plan Commission shall then advise the state agency having jurisdiction under Wis. Stat. §§ 30.18 and Chapter 281 Subchapter II of its findings, prior to the issuance of the required state permits.

(7) Crop production on lands with an erosion factor of three or more is prohibited and such lands shall be planted to permanent vegetation.

(8) Shoreland regulations do not apply to lands adjacent to an artificially constructed drainage ditch, pond, or storm water retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable water body.

(9) "Shorelands" has the meaning given in Wis. Stat. § 59.692(1) and (2).

(10) "Shoreland setback" has the meaning given in Wis. Stat. § 59.692(1)(bn).

Section 94.8.20: Restriction or Joint Use

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

[Amended by Ord. No. 17-98-1, § 1(e), 11-16-1998; Ord. of 8-21-2014]

Article 9: SHORELAND-WETLAND OVERLAY ZONING DISTRICT

Section 94.9.01: Statutory authorization

This article is adopted pursuant to the authorization in Wis. Stats. §§ 61.35, 61.351, 87.30 and 281.31.

Section 94.9.02: Finding of fact and purpose

Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the village would adversely affect the public health, safety, convenience and general welfare, and impair the tax base. The state legislature has delegated responsibility to all municipalities to:

(1) Promote the public health, safety, convenience and general welfare;

(2) Maintain the stormwater and floodwater storage capacity of wetlands;

(3) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(4) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habits;

(5) Prohibit certain uses detrimental to the shoreland-wetland area; and

(6) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth-moving activities.

(Ord. No. 17-98-1, § 1(e), 11-16-1998; Ord. of 8-21-2014)

Section 94.9.03: General shoreland-wetland provisions

(1) *Compliance*. The use of wetlands and the alteration of wetlands within the shoreland area of the village shall be in full compliance with the terms of this article and other applicable local, state or federal regulations. (However, see section 94.302(f) for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this article.

(2) *Municipalities and state agencies regulated*. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the state department of transportation are exempt when Wis. Stats. § 30.12(4) (a) applies.

(3) *Abrogation and greater restrictions*.

   (a) This article supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stats. §§ 61.35 or 87.30 which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

   (b) This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this article imposes greater restrictions, the provisions of this article shall prevail.

(4) *Interpretation*. In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other powers granted by the state statutes. Where a provision of this article is required by a standard in Wis. Admin. Code NR Chapter 117, and where the article provision is unclear, such provision shall be interpreted in light of the Wis. Admin. Code NR Chapter 117 standards in effect

on the date of the adoption of this article or in effect on the date of the most recent text amendment to this article.

(5) *Annexed areas*. The county shoreland zoning provision in effect on the date of annexation remain in effect administered by the village for all areas annexed by the village after May 7, 1982. These annexed lands are described on the village's official zoning map. The county shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the village zoning administrator.

[Amended by Ord. No. 17-98-1, § 1(e), 11-16-1998; Ord. of 8-21-2014]

Section 94.9.04: Shoreland-wetland zoning district

(1) *Shoreland-wetland zoning maps*. The following maps are hereby adopted and made part of this article and are on file in the office of the municipal clerk:

(a) State wetland inventory maps stamped "final" on August 25, 1989.

(b) Floodplain zoning maps based on the FIS, Flood Insurance Rate Map (FIRM), panel numbers 55073C0411F, 55073C0412F, 55073C0413F, 55073C0416F, 55073C0417F, 55073C0418F, 55073C0419F, 55073C0438F, 55073C0652F, 55073C0660F, 55073C0700F of 1000, community panel number 550323, dated July 22, 2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated July 22, 2010, Volume number 55073CV000A.

(c) Zoning map titled "Zoning District Map, Village of Weston, Marathon County, Wisconsin."

(2) *District boundaries*.

(a) The shoreland-wetland zoning district includes all wetlands in the village which are five acres or more and are shown on the final wetland inventory map that has been adopted and made a part of this article and which are:

1. Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the village shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this article.

2. Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this article. Floodplain zoning maps adopted in section 94.9.04(1)(b) shall be used to determine the extent of floodplain areas.

(b) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Wisconsin Department of Natural Resources (DNR), hereafter called Department, for a final determination of navigability or ordinary high-water mark.

(c) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate Department to determine if the shoreland-wetland district boundary as mapped, is in error. If Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted

wetlands designated in this section, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

(3) *Filled wetlands; wetlands landward of a bulkhead line*. Wetlands which were filled prior to January 27, 1983, the date on which the village received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this article. Wetlands located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982, under Wis. Stats. § 30.11, are not subject to this article.

(4) *Permitted uses*. The following uses are permitted subject to the provisions of Wis. Stats. chs. 30 and 31 and the provisions of other local, state and federal laws, if applicable:

(a) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:

1. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is no injurious to the natural reproduction of such crops;
3. The practice of silviculture, including the planting, thinning and harvesting of timber;
4. The pasturing of livestock;
5. The cultivation of agriculture crops; and
6. The construction and maintenance of duck blinds.

(b) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided as follows:

1. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
2. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
3. The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
4. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
5. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary such construction or maintenance;
6. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district, provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in this section; and
7. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(c) Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided as follows:

1. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under this section, provided that:
   a. The road cannot, as a practical matter, be located outside the wetland;
   b. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in this section;
   c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
   d. Road construction activities are carried out in the immediate area of the roadbed only; and
   e. Any wetland alteration must be necessary for the construction or maintenance of the road.
2. The construction and maintenance of nonresidential buildings, provided that:
   a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
   b. The building cannot, as a practical matter, be located outside the wetland;
   c. The building does not exceed 500 square feet in floor area; and
   d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
3. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
   a. Any private development allowed under this subsection (4)(c)3 of this section shall be used exclusively for the permitted purpose;
   b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
   c. The construction and maintenance of roads necessary for the uses permitted under this subsection (4)(c)3 are allowed only where such construction and maintenance meets the criteria in this section; and
   d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
4. The construction and maintenance of electric and telephone transmission lines, water, and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad liens, provided that:
   a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
   b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
   c. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in this article.

(5) *Prohibited uses.*

(a) Any use not listed in subsection (4) of this section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this article in accordance with subsection (7) of this section.

(b) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(6) *Nonconforming structures and uses*. The lawful use of a building, structure or property which existed at the time the ordinance from which this article is derived, or an applicable amendment to this article, took effect and which is not in conformity with the provisions of this article, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions

(a) The shoreland-wetland provisions of this article authorized by Wis. Stats. § 61.351 shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to Wis. Stats. § 62.23(7)(h) which limits total lifetime structural repairs and alterations to 50 percent of current fair market value.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure or property shall conform to this article.

(c) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this article adopted under Wis. Stats. §§ 61.351 or 62.231 may be continued although such use does not conform to the provisions of this article. However, such nonconforming use may not be extended.

(d) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Wis. Stats. § 30.121.

(e) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

(7) *Amending shoreland-wetland zoning regulations*.

(a) The board may alter, supplement or change the district boundaries and the regulations contained in this article in accordance with the requirements of Wis. Stats. § 62.23(7)(d)2., Wis. Admin. Code NR Ch. 117 and the following:

(b) A copy of each proposed text or map amendment shall be submitted to the appropriate regional office of the WDNR within five days of the submission of the proposed amendment to the municipal planning agency;

(c) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after class 2 notice as required by Wis. Stats. § 62.23(7)(d)2. The appropriate regional office of the Department shall be provided with written notice of the public hearing at least ten days prior to such hearing.

(d) In order to ensure that this article will remain consistent with the shoreland protection objectives of Wis. Stats. § 281.31, the board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

1. Stormwater and floodwater storage capacity;
2. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
4. Shoreline protection against erosion;

5. Fish spawning, breeding, nursery or feeding grounds;
6. Wildlife habitat; or
7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

(e) Where the regional office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in subsection (7)(d) of this section, the regional office of the Department shall so notify the village of its determination either prior to or during the public hearing held on the proposed amendment.

(f) The appropriate district office of the department shall be provided with:

1. A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within ten days after the submission of those recommendations to the board.
2. Written notice of the action on the proposed text or map amendment within ten days after the action is taken.

(g) If the regional office of the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection (7)(d) of this section that proposed amendment, if approved by the board, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the Department, as required by subsection (7)(e) of this section. If within the 30 day period, the Department notifies the village that the Department intends to adopt a superseding shoreland-wetland zoning article for the village as provided by Wis. Stats. §62.231(6) and 61.351(6), the proposed amendment shall not become effective until the article adoption procedure under Wis. Stats. § 62.231(6) or 61.351(6), is completed or otherwise terminated.

[Amended by Ord. No. 17-98-1, § 1(e), 11-16-1998; Ord. of 8-21-2014]

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Article 10: BUILDING AND SITE DESIGN STANDARDS

Section 94.10.01: Purpose

The purpose of this Article is to establish regulations that address the exterior design and appearance of new buildings and their relationship to other structures, hard surfaced areas, landscaping areas, and other required site design elements on the same building site or adjoining building sites. Sites and buildings within a D Design overlay zoning district, as specified in Section 94.6.02, shall also be subject to the unique building and site design standards of that district.

Section 94.10.02: Single-Family and Two-Family Housing Standards

(1) **General Design Requirements.** All new single-family detached residence shall meet the design requirements of Section 94.4.02(1). Expansion or exterior remodel (exceeding 50 percent of the equalized assessed value of the structure at the time of the proposed project) of existing single-family detached residence shall meet the design requirements of Section 94.4.02(1) to the extent determined practical by the applicable site plan approval authority. All new two-family residence shall meet the design requirements of Section 94.4.02(2). Expansion or exterior remodel (exceeding 50 percent of the equalized assessed value of the structure at the time of the proposed project) of existing two-family residence shall meet the design requirements of Section 94.4.02(2) to the extent determined practical by the applicable site plan approval authority.

(2) **Housing Variety in New Subdivisions.** As part of each residential plat approved after March 18, 2015, the subdivider shall prepare, the Plan Commission shall approve, and the subdivider shall record private restrictions over the subdivision to increase variety and reduce monotony in the design, materials, and colors of Single-Family Detached and/or Two-Family Dwellings. Once recorded, such restrictions may be removed or amended only upon the subsequent approval of the Plan Commission.

[Amended via Ord. 17-037, 12/20/2017]

Section 94.10.03: Design Standards for Multi-Family and Non-Residential Buildings

(1) **Applicability.** All new multi-family (3+ unit) residential principal buildings and non-residential principal buildings shall meet the design requirements in this Section, with the exception of farm structures such as barns, silos, and grain elevators. Expansion and exterior remodeling (exceeding 50 percent of the equalized assessed value of the structure at the time of the proposed project) of existing multi-family (3+ unit) residential principal buildings and non-residential principal buildings shall meet the design requirements in this Section to the extent determined practical by the applicable site plan approval authority. All Detached Accessory Structures serving multi-family residential principal buildings shall meet applicable design requirements in Section 94.4.09(2). All Detached Accessory Structures serving non-residential principal buildings shall meet applicable design requirements in Section 94.4.09(1).

(2) **No Conversion of Residential Buildings for Commercial Use.** No building designed and constructed for residential use shall be remodeled, converted, or used for a nonresidential use or activity, except for any of the permitted or conditional uses in the associated residential zoning district listed in Figure 3.04.

(3) **When Licensed Architect Required.** All proposed new construction and additions to multi-family residential and non-residential buildings shall require building elevations stamped by an architect licensed in the State of Wisconsin, except for buildings devoted to a storage or disposal land use listed in Section 94.4.06, a transportation land use in Section 94.4.07, an industrial land use in Section 94.4.08, or as otherwise approved by the Plan Commission or Extraterritorial Zoning Committee.

(4) **Building Size and Mass.** The size and mass of buildings and structures shall be designed with consideration of the buildings, public ways, and places to which they are visually related (see Figure 10.03(1) for examples). The relative proportion of a building to its neighboring existing buildings, to pedestrians, or to other existing buildings shall be maintained or enhanced when new buildings are built

or when existing buildings are altered.

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

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

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

(6) **Building Design Proportions.**

(a) The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.

(b) The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.

(c) The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.

(d) The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings, public ways, and places to which it is visually related.

(e) The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.

(7) **Approved Materials.** Material selection shall relate to the prevailing material already used on recently constructed buildings in the area, or to a different character if identified in the Village's Comprehensive Plan, the examples in Figures 10.03(3) and (4), or unique requirements associated with any D Design overlay district applicable to the site. In addition:

(a) All new construction shall have a façade that consists of 50 percent of brick, native stone, tinted and/or textured concrete masonry units, glass, copper panels, stainless steel, brushed nickel, stained natural woods (as provided in subsection (c)) or other comparable material as approved by the site plan approval authority, except as provided below:

1. On all new commercial construction, for non-public facing façades, the requirement in subsection (a) shall remain, but at 40 percent.
2. On all new industrial construction, 35 percent in the Village and 50 percent in the ETZ area of all non-expansion facades abutting a public right-of-way and the extension of 20 feet or 10 percent of the length of the side, whichever is greater, on either side shall meet the requirements of subsection (a).
3. On all new industrial construction, the site plan approval authority may reduce the requirement in subsection (a) to 0 percent in the Village and 40 percent in the ETZ area so long as the property is not abutting Schofield Avenue, Camp Phillips Road, Weston Avenue, Ross Avenue and/or State Highway 29.

At least two of the materials listed in the first paragraph of this subsection (a) shall be used, including a comparable material as approved by the site plan approval authority, except where the authority determines that a single such material adequately fulfills the intent of this section.

(b) Vinyl, Dryvit, Exterior Insulation Finishing Systems (EIFS), plaster products, and metal panels shall not be counted towards the 50 percent requirement in subsection (a), except for (i) architecturally finished and decorative versions of such materials if approved by the site plan approval authority and (ii) metal panels without exposed fasteners that are copper, brushed nickel, stainless steel, or other comparable material approved by the site approval authority.

(c) Natural wood, including treated wood, shall be painted or stained. The site plan approval authority may authorize the use of cedar, redwood, or other naturally weather resistant wood species to be untreated.

(d) Facades with an uninterrupted length of 200 feet or more shall include the use of two or more colors or employ the use of protruding or intruding exterior walls in a way that breaks and reduces the monotony.

(e) Multifamily dwellings are required to have architectural and trim details such as frieze board, vertical corner trim, drip caps, gable vents, shingles and shakes.

(f) Commercial buildings are required to be designed to provide human scale, interest, and variety, which shall be accomplished by incorporating at least two of the following techniques:

1. Variation in building form, such as recessed or projecting bays, shifts in massing or distinct roof shapes.
2. Emphasis on building entries through projecting or recessing forms (e.g., cover entries or columns), details or material differences.
3. Variation in materials, material modules, express joints and details, surface relief, and/or texture to break up building forms and walls.

(g) Where concrete block or masonry is used on industrial buildings, such material shall be painted with no less than two coats of paint, stain, or shall be a decorative pattern or treatment as approved by the site plan approval authority.

[Amended via Ord. 19-001, 1/23/2019: Ord. 21-001, 1/21/2021]

(8) **Materials—Use of Metal and Other Non-Decorative Materials.** No exposed façade shall be faced with a material that presents an unfinished appearance to the public and surrounding properties. The following exterior construction materials shall not be exposed along front or street side yard facing building facades: non-decorative concrete block, cinder block, or concrete foundation walls (except for the first two feet above grade), non-decorative plywood, chipboard, T1-11, asphaltic siding, vinyl siding less than 0.044 inches of thickness, metal sheets not designed for commercial exterior walls, paneling, and other similarly inferior materials as determined by the site plan approval authority. No façade of any principal building intended for a residential, institutional, or commercial use as listed in Figure 3.04 shall be sided with metal sheets or panels or any material using non-concealed fastener systems. Buildings for industrial use as listed in Figure 3.04 shall be permitted to utilize exposed fastener metal panels. Any accessory non-residential building sided with metal sheets or panels shall be fully screened from the public rights-of-way. Pole buildings shall be prohibited in any residential, commercial, and industrial zoning district.

[Amended via Ord. 19-001; 1/23/2019; Ord. 21-001, 1/21/2021]

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

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

(9) **Colors.** Building colors shall be selected to enhance or maintain general harmony with the existing area or neighborhood buildings, without creating a monotonous street appearance. See examples of appropriate color combinations in Figures 10.03(3) and 10.03(4).

(10) **Design.** Building design features, materials and articulations shall be continued in all sides.

(11) **Roofing.** Exposed roofing materials shall be variegated in color and texture in a manner that is complimentary to the color and texture of the façade.

(12) **Corner Lot Buildings.** Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.

(13) **Vents and Mechanical Units.** All chimney and fireplace vents shall be enclosed in a case constructed of materials similar to those materials used on the building elevations. Metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable. All heating, ventilating, and air-conditioning equipment shall be designed to be integral with the building architecture and site design and screened from view from public rights-of-way.

(14) **Building Orientation.** All buildings shall be sited to present their most desirable façade(s) to adjacent public rights-of-way. Garages and loading docks shall be designed as integral elements to the building and site, and shall not be the dominant visual element from public rights-of-way unless pre-existing site or building conditions would not allow this. For multi-family residential buildings, achieving this standard may require techniques such as rear- or side-loaded garages, or front-loaded garages that are fully or partially recessed into the main body of the building. All new loading docks shall be screened from public view to the extent practical. No truck canopies with visible wall hangers are permitted.

[Amended via Ord. 19-001; 1/23/2019]

(15) **Outdoor Waste/Recycling Containers.** Solid waste/recycling containers (dumpsters) stored outdoors shall be subject to applicable standards in Section 94.12.06(2) and Chapter 66 of the Municipal Code.

(16) **Waiver or Modification of Standards.** The applicable site plan approval authority under Section 94.16.09 may waive or modify any of the standards in this Section if at least one of the following circumstances is present:

(a) Supplemental design elements or improvements that exceed normal standards are incorporated into the project.

(b) Restricted building materials are used as limited decorative elements on a building façade that contributes to its architectural design.

(c) Undesirable site or building conditions will not be visible from the public right-of-way and/or adjoining properties.

Section 94.10.04: Large Retail and Commercial Service Development Standards

A Large Retail and Commercial Service Development is any development comprised of one or more contiguous lots or building sites for a single retail or commercial service enterprise or multiple such enterprises within which the total combined gross floor area of all principal buildings exceeds 25,000 square feet. In addition to applicable zoning district and other standards of this Chapter, each Large Retail and Commercial Service Developments shall meet procedural, building design, and site design standards of this Section, except as may be waived or modified under subsection (4)(t).

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

(2) **Traffic Impact Analysis.** A traffic impact analysis is required for each Large Retail and Commercial Service Development exceeding 75,000 square feet in total building gross floor area. The traffic impact analysis shall be completed by a consultant approved by the Village and holding appropriate experience and in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin DOT, except as otherwise approved by the Village Engineer. Where the Traffic Impact Analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below level of service (LOS) C, the Village may deny the application, may require a size reduction in the proposed development, and/or may require the developer to construct and/or pay for required off-site improvements to achieve LOS C for a planning horizon of a minimum of ten years assuming full build-out of the development.

(3) **Neighborhood Plan**. Applicants for Large Retail and Commercial Service Developments exceeding 75,000 square feet in total building gross floor area shall prepare a neighborhood plan including the subject site and an impact area beyond the boundary of the development site as determined by the Zoning Administrator. The neighborhood plan must be submitted prior to or with the application for conditional use permit. The Zoning Administrator may waive this requirement if a neighborhood plan that anticipated the development has already been adopted or if the impact area is already substantially developed. The neighborhood plan shall be of sufficient detail to establish the mix of land uses and their relationship to the Large Retail and Commercial Service Development with regard to provision of street, bicycle/pedestrian, and bus transit connectivity, utilities, stormwater management, and community character, and a general layout that support the objectives of the Comprehensive Plan. The neighborhood plan shall contain the following elements:

(a) General types of land use types with specific zoning districts and/or land uses.

(b) Transitional treatments such as berms and/or landscaping between areas with differing land uses or character.

(c) Complete public road network.

(d) Pedestrian and bicycle network.

(e) Transit routes and stops, where applicable.

(f) Conceptual stormwater management network.

(g) Public facility sites including parks, schools, conservation areas, public safety facilities and public utility facilities.

(h) Recommendations for community character themes including building materials, landscaping, streetscaping, and signage.

(4) **Facilities and Associated Features**. The following requirements are applicable to each Large Retail and Commercial Service Development, in addition to other applicable standards in this Chapter:

(a) Building Location. Where buildings are proposed to be distant from a public street, as determined by the Plan Commission, the overall development design shall include smaller buildings on pads or secondary lots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads, and neighboring commercial areas and neighborhoods, and must forward any community character objectives in the Comprehensive Plan.

(b) Building Materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as determined appropriate by the Plan Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building. See Figure 10.04(1).

(c) Building Design. The building design shall complement other buildings in the vicinity, meet Section 94.10.03(6), and include the following (see also examples in Figure 10.04(1)):

1. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent building size and scale.
2. A minimum of 20 percent of the structure's facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least four feet. No uninterrupted facade shall extend more than 100 feet.
3. A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being four feet or more as measured eave to eave or parapet to parapet.
4. Roofs with particular slopes may be required to complement existing buildings or otherwise establish a particular aesthetic objective.
5. Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. The integration of windows into building design is required, and shall be transparent, clear glass (not tinted) or spandrel glass between three to eight feet above the walkway along any facades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity.
6. Building facades shall include a repeating pattern that includes no less than three of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
7. All buildings on secondary lots or sites within the development shall be of architectural quality comparable to or exceeding that of the primary building.

(d) Building Entrances. Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details.

(e) Building Colors. Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage. See Figure 10.04(1) for examples.

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

(f) Screening.

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

(g) Parking.

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

(h) Vehicular Access.

1. All such projects shall have direct access to an arterial or collector street.
2. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through

adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; traffic control devices; and sidewalks.

3. The site design shall provide direct vehicular connections to adjacent land uses if required by the Village.

(i) Bicycle and Pedestrian Facilities.

1. The development shall provide for safe pedestrian and bicycle access to all uses, and connections to existing and planned public pedestrian and bicycle facilities and adjacent properties.
2. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be eight feet; and the minimum width for sidewalks elsewhere in the development shall be five feet.
3. Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50 percent of their length.
4. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different materials, or colors, or textures, and signage.
5. The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every 50 vehicle parking spaces.
6. The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 20,000 square feet of gross floor area.

(j) Central Areas and Features**.** Each such development exceeding 75,000 square feet in total building gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.

(k) Cart Returns. A minimum of one 200-square foot cart return area shall be provided for every 100 parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards.

(l) Outdoor Display Areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten feet.

(m) Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Such outdoor storage uses and areas shall be appropriately screened.

(n) Landscaping. On-site landscaping shall be provided at time of building occupancy and maintained per the requirements of Article 11.

(o) Lighting. On-site exterior lighting shall meet all the standards of Section 94.12.11. In addition, the color and design of pole lighting standards shall be compatible with the building and the public lighting in the area, and shall be uniform throughout the entire development site.

(p) Signage. In addition to meeting the applicable requirements of Article 13, a signage plan for all exterior signage shall be provided for coordinated and complimentary exterior sign locations, configurations, and colors throughout the development, including secondary lots within the development. Combined signs for multiple users may be required instead of multiple individual signs.

(q) Natural Resources Protection. Natural resources shall be protected in accordance with this Chapter and State and Federal regulations. In general, existing natural features shall be integrated into the site design as a site and community amenity.

(r) Relationship to Existing Sites. Where such a building is proposed as a replacement location for a business already located within the Village, the Village prohibits any privately imposed limits on the type or reuse of the previously occupied building through conditions of sale or lease.

(s) Development Agreement. The developer may be required to enter into a development agreement with the Village, which may address fees, off-site improvements, and other matters to assure compliance with conditional use permit approval conditions.

(t) Exceptions. In the event the applicant desires a waiver or modification from the requirements of this Section, the applicant shall present justification for such deviation or exception, which may be approved or denied by the Plan Commission.

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Article 11: LANDSCAPING AND PRESERVATION STANDARDS

Section 94.11.01 Purpose

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

Section 94.11.02: Landscaping Requirements

(1) **Applicability**. Except as exempted elsewhere in this Chapter, any use for which site plan approval is required under Section 94.3.03(10) shall provide landscaping in accordance with the requirements of this Section, including expansion, renovation, and redevelopment of existing buildings and sites. Where the predecessor zoning ordinance, or a Village zoning decision under that ordinance, required landscaping which has not been satisfactorily installed or maintained, the property owner shall be required to install or restore such landscaping. Where the appropriate site plan approval authority under Section 94.16.09 determines that full compliance with the requirements of this Section is impractical, the approval authority may require compliance to the extent it determines practical. Such a determination of "impracticality" may be based on one or more of the following conditions:

(a) Preexisting buildings or impervious services, and/or insufficient lot area, do not provide sufficient green space for full compliance.

(b) Village stormwater management or easement requirements do not provide sufficient area for full compliance.

(c) A redevelopment project would otherwise be infeasible, based on financial information provided by the applicant.

(d) Full compliance would result in a plan in which landscaping would, by maturity, interfere with or compete with one another for survival and may therefore require removal at a later date.

(e) Where a proposed expansion, plus any other expansions in the previous five years, does not exceed 50% of the building or hard surfaced area before such expansion(s).

[Amended via Ord. 19-001; 1/23/2019]

(2) **Required Landscape Plan and Preparer Qualifications**. All proposed landscape plantings to be located on the subject property shall be depicted on a landscape plan as to their location, type, and size at time of planting and maturity. All landscape plans required under this Article shall be prepared in accordance with landscaping best practices and by a licensed landscape architect, certified landscape designer, or another professional or individual skilled in landscape design. The Zoning Administrator shall have the right to reject any landscape plan that does not follow best practices and/or is not prepared by a person with such credentials or skills.

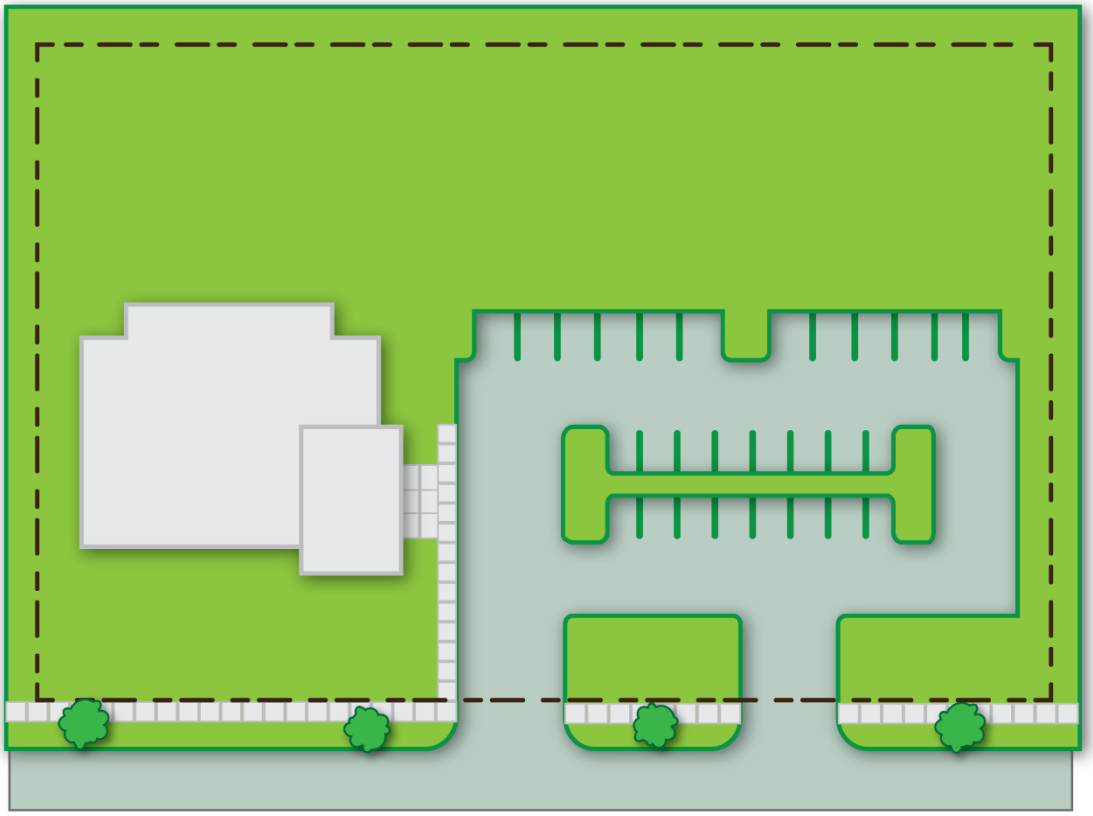
[Amended via Ord. 19-001; 1/23/2019]

(3) **Landscape Planting Requirements**. Landscaping shall be provided based on the following requirements for street frontages, hard or gravel surfaced areas, building foundations, bufferyards (where applicable), and general yard areas. These requirements are additive to each other and any other landscaping or screening requirements in this Chapter. By approval of the applicable site plan approval authority, required landscaping points may be shifted between areas (e.g., hard surfaced areas to building foundations). The landscaping point system is described in greater detail in subsection (4), below.

(a) Street Frontages. Street trees shall be planted in accordance with the following standards (see also example in Figure 11.02(1)):

1. The total number of street trees shall be equal to or exceed the ratio of one for each 100 feet of street frontage, minus widths of proposed or existing driveways.
2. Street trees shall be planted no closer than ten feet from intersecting driveways, regulatory and wayfinding signs, fire hydrants, and other above-ground utility fixtures; no closer than 20 feet from the corner of two streets as measured from the intersection of their right-of-way lines; and so as to not conflict with underground utilities or traffic visibility.
3. Such trees shall generally be planted in the street right-of-way, midway between the curb or street edge and a current or future sidewalk except where the Zoning Administrator approves a different placement. When conditions are such that the Zoning Administrator determines that the required spacing cannot be satisfied in the right-of-way, or the right-of-way is not wide enough to support tree growth, street trees under this subsection shall instead be planted within the first ten feet of the private property adjacent to the street right-of-way.
4. The unpaved portion of a public right-of-way abutting a parcel shall be sodded with a salt tolerant grass equivalent to a mixture containing 30 percent alkali grass.
5. Tree or shrub planting in any public right-of-way or on any public land in the Village shall be governed by Chapter 90 of the Code.

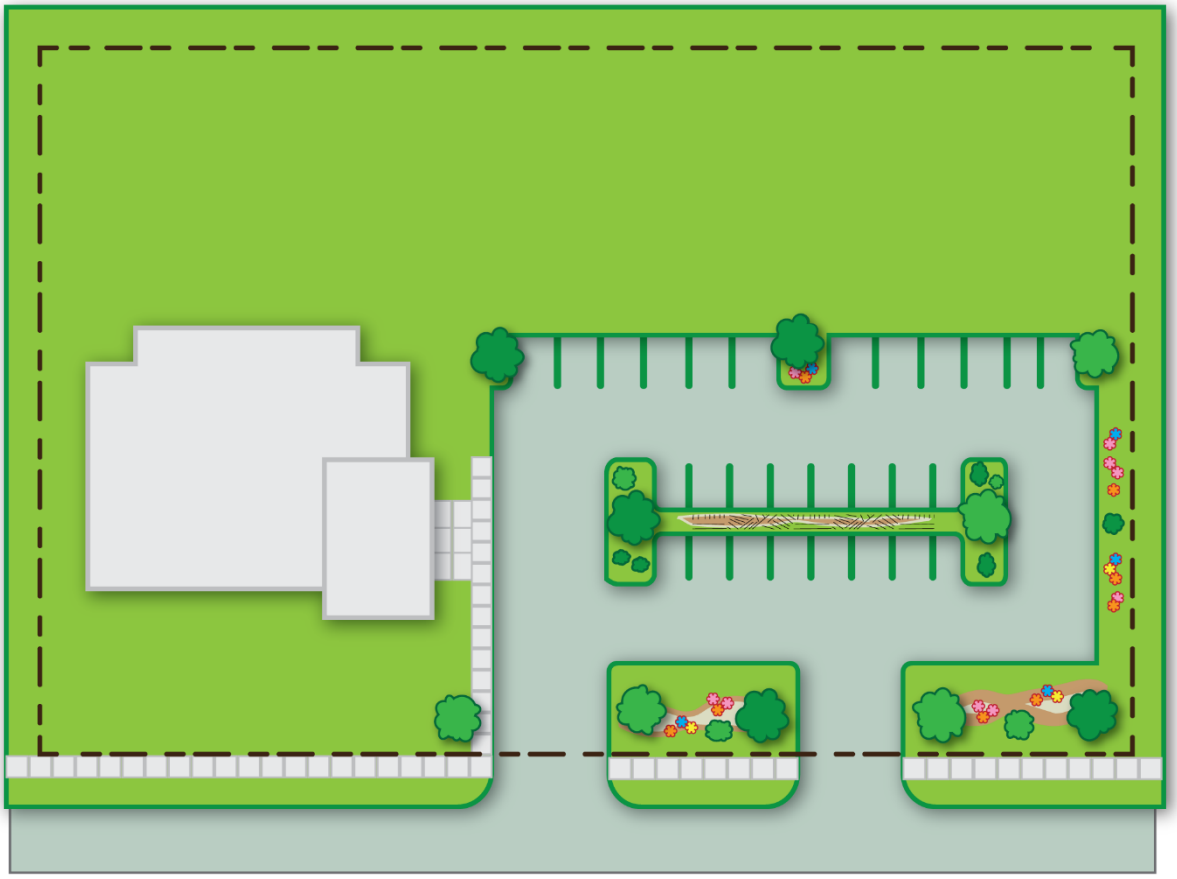
Figure 11.02(1): Street Frontage Landscaping Example



(b) Hard and Gravel Surfaced Areas. Within industrial zoning districts, 100 points of landscaping shall be planted for each 3,500 square feet of hard and gravel surfaced area, not including rooftops.

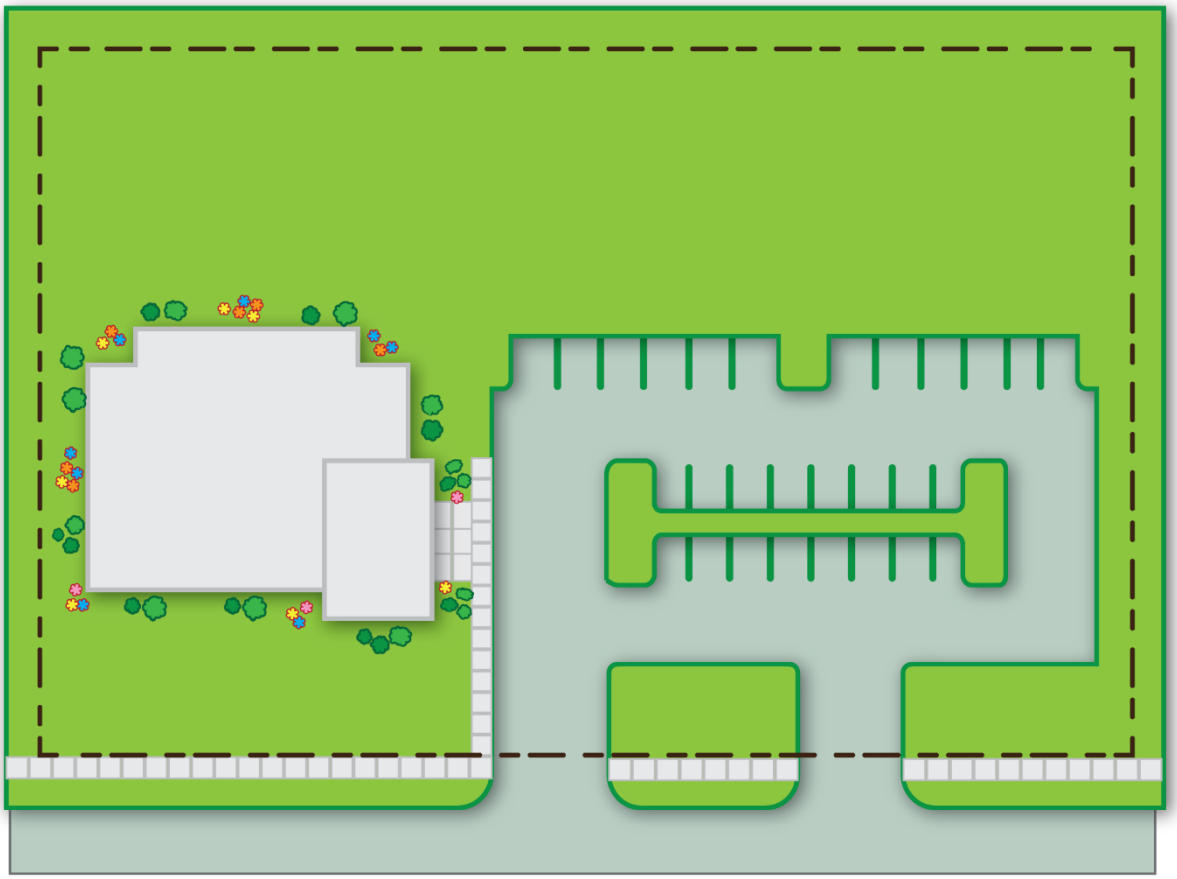
Within all other zoning districts, 100 points of landscaping shall be planted for each 1,500 square feet of hard or gravel surfaced area, not including rooftops. Plants required under this subsection shall be installed within landscaped islands within the hard or gravel surfaced area or within 15 feet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

Figure 11.02(2): Hard or Gravel Surfaced Area Landscaping Example Assuming Mature Planting Sizes



(c) Building Foundations. Within industrial zoning districts, 100 points of landscaping shall be planted for each 50 lineal feet of exterior building wall that is visible from a public right-of-way or residentially zoned property. Within all other zoning districts, 100 points of landscaping shall be planted for each 75 lineal feet of exterior building wall. Plants required under this subsection must be installed within 20 feet of the building foundation, and shall not include large deciduous shade trees. See example in Figure 11.02(3).

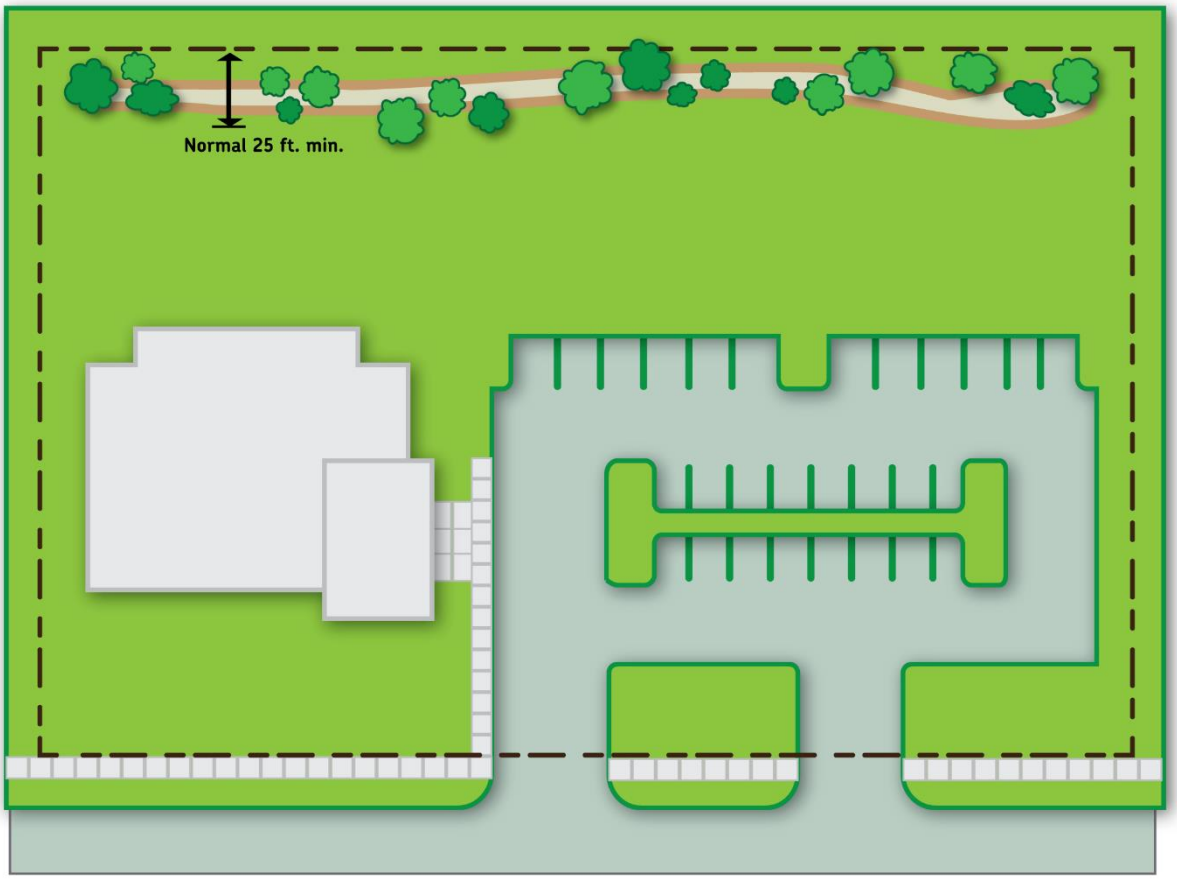
Figure 11.02(3): Building Foundation Landscaping Example Assuming Mature Planting Sizes



(d) Bufferyards. A bufferyard is a landscaped area, berm, fence, and/or wall that results in a reduction of visual and other interaction with an adjoining property. A bufferyard shall be provided if required for a particular land use listed in Article 4, and where otherwise required via site plan approval under Section 94.16.09. Where required, bufferyards shall comply with the following.

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

Figure 11.02(4): Bufferyard Landscaping Example Assuming Mature Planting Sizes



(e) General Yard Areas. Within industrial zoning districts, 100 points of landscaping shall be planted for each 5,000 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Within all other zoning districts, 100 points of landscaping shall be planted for each 3,500 square feet of total lot area, excluding those areas under a rooftop, hard or gravel surfaced area, required bufferyard, or being reserved for a future phase of development. Landscaping required by this standard shall be placed where appropriate on the site to maximize visual impact of landscaping, such as in a front or street side yard or adjacent to other uses.

Figure 11.02(5): General Yard Area Landscaping Example Assuming Mature Planting Sizes

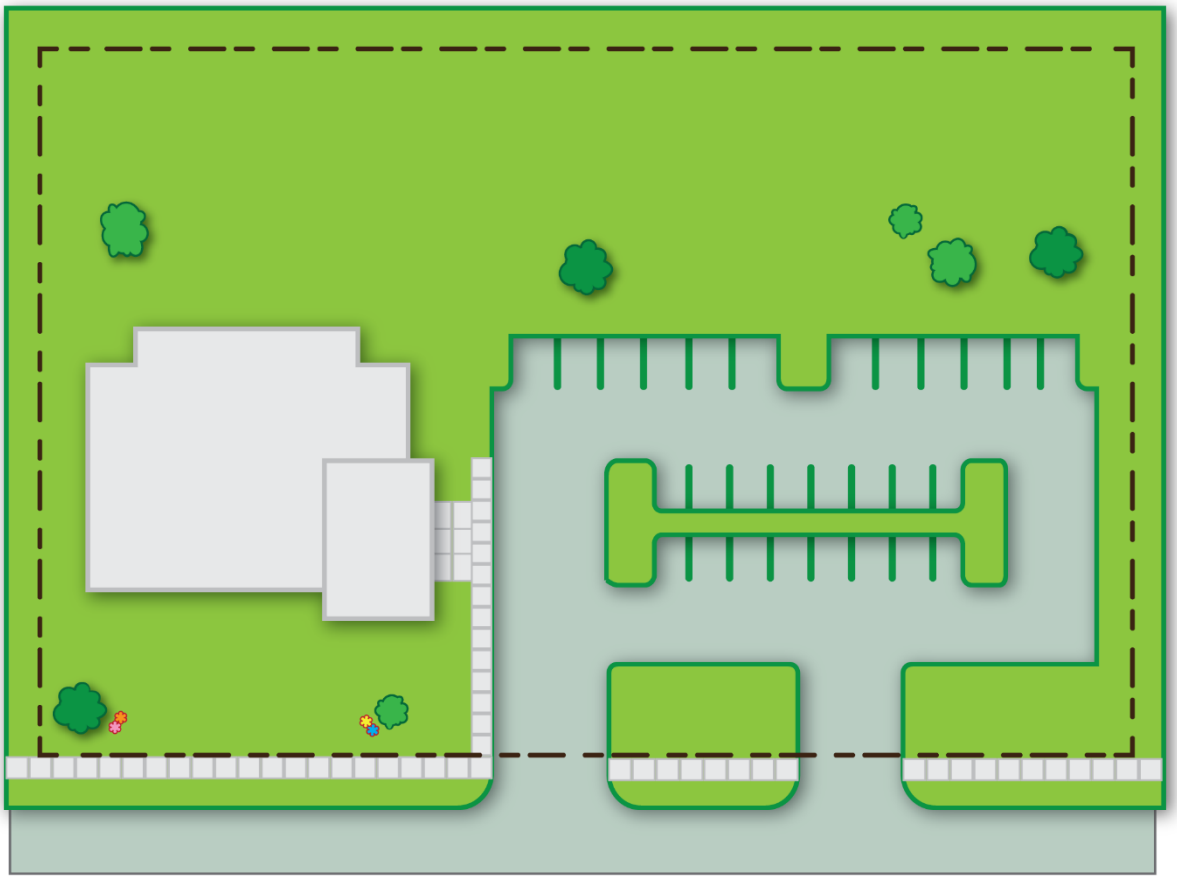
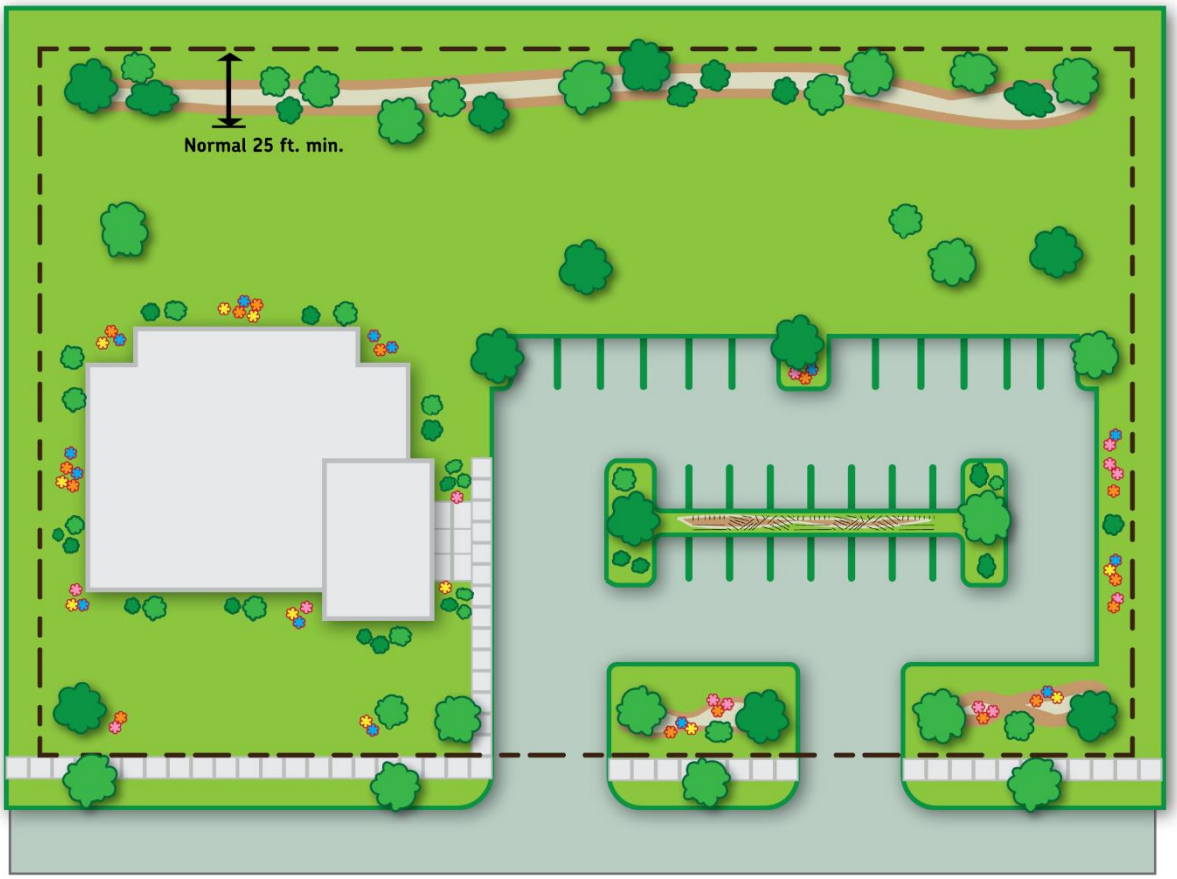


Figure 11.02(6): "Complete Picture" Landscaping Example Assuming Mature Planting Sizes (bufferyard will not be required in most cases)



(f) Other Green Space Areas. Green space areas not used for landscape plantings, other than natural resource protection areas, shall be graded and sodded or seeded with a maintainable seed mix. Organic or natural mulch of plantings or planting beds is acceptable, but shall be installed so it does not erode, fall, be plowed, or otherwise transported into walks, drives, streets, or other hard-surfaced portions of the site.

(4) **Landscaping Points and Minimum Installation Sizes**. Most of the above landscaping requirements are expressed in terms of landscape points. Each plant type, below, is worth a certain number of landscape points that can be used to fulfill the landscaping requirements. Minimum permitted installation sizes for each plant category are provided to ensure that landscaping provides its aesthetic and screening functions at the time of installation and to improve survival rates. The schedule of landscaping points and minimum permitted installation sizes is as presented in Figure 11.02(7).

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

Plant Category	Expected Mature Height	Minimum Permitted Installation Size	Landscape Points per Plant	Examples of Appropriate Species[1] (see Notes)
Large Deciduous Tree	Greater than 25 feet	2 inch diameter (1½ inch for street trees)	125	Oak[2], Honeylocust, Gingko (male)[2], Yellowwood, Hackberry[2], Basswood or Linden[2], Larch, Disease resistant Elm, Kentucky Coffeetree, Freemand or Sugar Maple[2], London Planetree,
Small Deciduous Tree	25 feet or less	1½ inch diameter or 8 feet tall minimum	60	Birch, Serviceberry, Hawthorn, MN Redbud[3], Callery Pear, Flowering Crab, Ironwood, Japanese Tree Lilac, Hornbean/Hophornbeam[3], Amur Corktree, Pagoda Dogwood[3], Winter King Hawthorne[3], Korean Mountain ash, Ornamental Crabapple (persistent or sterile)[3], Newport Plum[3], Scarlet Hawthorne[2]
Evergreen Tree	Usually greater than 10 feet	4 feet tall	50	Spruce, Hemlock, Cedar, Fir, Pine
Large Shrub (Deciduous or Evergreen)	Usually between 4 and 10 feet	2 feet in height or 2 gallon pot	20	Serviceberry, Dogwood, Euonymus, Sumac, Lilac, Viburnum, Hedge Cotoneaster, Forsythia, Yew, Hazelnut, Ninebark, Arborvitae,
Small Shrub (Deciduous or evergreen)	Usually 4 feet or less	1 foot in height or 1 gallon pot	10	Gro-low Sumac, Weigela, Barberry, Hydrangea, Dwarf-Bush Honeysuckle, Potentilla, Rose, Juniper, Dwarf Ninebark, Azalea, Rhododendron, Spirea
Annual/Perennial Bed (including rain gardens and vegetative roofs)	Varies	Varies	1 point per square foot of bed, up to a maximum of 500 points per lot	Black-eyed Susan, Catmint, Coneflower, Lily, Daylily, Hosta, Ornamental grasses, Lady's Mantle, Columbine, Aster, Astilbe, Indigo, Brunnera, Cimicifuga, Liatris, Peony, Pachysandra, Sedum, others that are native to the region
Landscaped berm	Minimum of 3 feet	Minimum of 3 feet	1 point per lineal foot of berm, up to a maximum of 150 points per lot	Must be deliberately designed and contoured to provide a screen or buffer to adjoining properties
Natural Landscape Boulders		8 cubic feet	10 points per boulder, up to a maximum of 200 points per lot	Granite, Limestone, Sandstone, Marble[4]
Notes:				

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

[2] Appropriate trees in street terrace area, where no overhead power lines are present. Shall be balled and burlapped at time of installation.

[3] Appropriate trees in street terrace area, where overhead power lines are present. Shall be balled and burlapped.

[4]. Other proposed landscape features, such as sculpture, fountains, or outdoor seating or recreational aesthetically pleasing facilities, with landscaping points afforded by the site plan approval authority based generally on the cost of such feature relative to landscaping planting costs.

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

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

1. Ailanthus (Tree of Heaven).
2. American Elm, and any other species of elm not resistant to Dutch Elm Disease
3. Ash (all varieties, until threat of emerald ash borer is eliminated)
4. Buckthorn (common or glossy)
5. Black Locust
6. Box Elder
7. Catalpa
8. Cottonwood (except along water edges)
9. European White Birch
10. Fruit-bearing Trees (excluding crabapples)
11. Honeysuckle
12. Lombard Poplar
13. Mulberry
14. Red Maple
15. Russian Olive
16. Siberian Elm
17. Silver Maple
18. Walnut
19. Willow (except along water edges).
20. Other weak-wooded tree species or species that deposit a significant number of twigs, seed pods, fruits, nuts, and/or other debris, as determined by the Zoning Administrator.

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

(6) **Existing Plant Materials.** A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the landscape plan, including techniques for preservation. In instances where healthy plant materials of acceptable species, as determined by the Village, exist on a site prior to its development, the application of the standards in this section may be adjusted by the Village to allow credit for such material, provided that such adjustment is consistent with the intent of this Article.

(7) **Installation**. All landscaping required under this Section shall be installed consistent with Village standard specifications and industry accepted standards and shall be guaranteed by the applicant or the applicant's contractor for three years. Street terrace trees shall be balled and burlapped. All landscape beds shall be edged in accordance with industry best practices Installation shall occur prior to occupancy or commencement of operations, unless doing so would result in unsatisfactory plant survival. In this case, landscaping shall be installed within six months of occupancy or commencement of operations, and the Village may require a performance guarantee, such as a bond, cash deposit or letter of credit, before a permit or certificate for building occupancy is granted and until such landscaping is installed according to plan.

(a) A single tree species may not exceed twenty percent (20%) of all the tree species proposed to be planted on a single site.

(8) **Maintenance**. Landscaping required by this Section is intended to be a permanent site improvement. As such, all landscaping shall be continually maintained in a live state. Maintenance shall include periodic and timely watering, irrigation where necessary, replenishment of mulch, weeding, fertilizing, pruning and any other such normally required horticulture activity necessary to keep all landscaping in a healthy, safe and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes; maintenance shall also include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a plant dies or in the spring planting season of the following year. Landscaping shall also be subject to applicable maintenance standards with Section 50.102 of the Code.

(9) **Location in Utility Easements.** Planting in utility easements is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at his or her cost.

[Amended via Ord. No 17-006, 4/19/2017; Ord. No 20-016, 12/23/2020]

Section 94.11.03 Lawn Care, Alternative Groundcover, and the Preservation of Topography

(1) **Lawn Care and Alternative Groundcover.** Care of lawns, gardens, and natural areas shall comply with the requirements of Section 50.102(h) of the Code

(2) **Preservation of Topography.**

(a) With development of any land, effort shall be maintained to preserve pre-existing topography to the extent practical and consistent with safe, efficient, and attractive land development.

(b) No structure shall be built that would alter the existing drainage or topography in any way as to adversely affect the adjoining property(ies).

(c) In no case shall any slope exceed the normal angle of slippage of the material involved.

(d) No change in existing topography shall be made that would result in increasing the slope of any land within a distance of 20 feet from a property line to a ratio greater than four horizontal to one vertical (maximum 4:1 slope).

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Article 12: GENERAL PERFORMANCE STANDARDS

Section 94.12.01: Purpose and Applicability

(1) **Purpose.** The purpose of this Article is to indicate requirements for drainage structures, earth filling/moving, fences, swimming pools, vehicle access and driveways, parking and circulation, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, , glare, heat, fire and explosion, toxic and noxious materials, waste materials, exterior construction materials, and hazardous materials.

(2) **Non-applicability to Agricultural and Single- and Two-family Residential Land Uses.** Except where a performance standard in this Article is specifically made applicable to agricultural uses and single- and two-family residential land uses in this Article, such uses and associated structures are exempt from these requirements (but subdivisions intended for future residential use are not exempt).

Section 94.12.02: Stormwater Management, Earth Filling, and Excavating

(1) **Stormwater Management and Erosion Control.** All stormwater management and erosion control improvements shall comply with all applicable Village, County, State, and Federal standards, including Chapter 86, Article 5 of the Code if within the Village. The Village encourages rain gardens, bioswales, and other similar natural forms of stormwater management and infiltration.

(2) **Earth Filling and Excavating.** Earth filling and excavating activities include any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state. Earth filling and excavating activities:

   (a) Shall comply with the Village's Construction Site Erosion Control and Storm Water Management regulations if within the Village.

   (b) Shall not increase drainage onto other properties or impede on-site drainage.

   (c) Shall comply with provisions of the Village Subdivision Ordinance.

Section 94.12.03: Fences, Landscape Walls, and Hedges

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

(2) **Applicability.** The requirements of this Section apply to all permanent fencing, landscape walls, and decorative posts equal to or exceeding four feet in height.

(3) **Standards**

   (a) Traffic Visibility. All fences, walls, and hedges must comply with the vision clearance requirements of Section 94.12.08(12).

   (b) Access. No fence shall be considered a hardship to access a rear yard, for purposes of storage of vehicles or other purposes in this Chapter.

   (c) Fences for All Residentially Zoned Land, in Any RR or PR District, and for Any Residential Use Regardless of District

      1. Street Yard Fences. The maximum height of each fence, wall, or continuous hedge shall be four feet within the front yard and six feet within any side or rear yard where the associated lot line abuts a public street. In such instances, fences, walls, and hedges shall be set back a minimum of two feet from the property line abutting the public street.

2. Interior Side and Rear Yard Fences. The maximum height of each fence or wall in the interior side and interior rear yard shall be six, and any such fence or wall may be installed up to the property line.

(d) Fences within all Non-residential Zoning Districts, Except for RM and for Residential Fences Located in Such Districts.

1. Fences, walls, and continuous hedges not exceeding ten feet in height are permitted. Such fence, wall, or continuous hedge shall be set back a minimum of two feet from any front or street side property line abutting a public street, but may be installed up to the property line of interior side and rear yards.
2. Fences, walls, or continuous hedges may be required for screening particular land uses per Article 4 and Section 94.11.02(3)(d).

(e) Agricultural-related Fences. Garden fences, partition fences under Wis. Stat. Chapter 90, and all other fencing within agricultural and RM zoning districts, shall be exempt from the requirements of this Section, except that all front and street side yard fences shall adhere to the front yard fence requirements for residential districts where such regulation is not prohibited by Statute. Agricultural-related fences under this subsection shall not require a zoning permit or building permit, except for garden fences that are closer than two feet from any property line.

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

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

(h) Construction and Maintenance. All fences, landscape walls, or decorative posts shall be constructed and maintained in a structurally sound and attractive manner per manufacturer's instructions. Living hedges must be trimmed so that all limbs remain entirely within the property. Each fence shall be built and maintained with a single material and a single color for its full length.

(i) Prohibited Fences

1. The use of a fence that delivers an electric shock is prohibited, except for electric fences used for the confinement of livestock or undomesticated animals in any agricultural zoning district.
2. Fences within and adjacent to any residential and RR zoning district, and for residential uses regardless of zoning district, may not be comprised of stranded wire, exposed/reflective metal, or corrugated metal.
3. The use of barbed wire, razor wire, or similar cutting wire is prohibited on any fence, except in any non-residential district on top of a security fence on which the wire is a minimum of eight feet above ground level and the wire section is directed inward, or for confinement of livestock or undomesticated animals in agricultural districts.
4. Snow fences or other fences designed for temporary use shall not be used for a period exceeding 30 days in any residential or non-residential or mixed use zoning district. Snow fences shall not exceed four feet in height, and are prohibited between May 1 and November 1 of each year. No privately owned snow fence shall extend beyond the highway right-of-way line.

[Amended via Ord. 16-046, 12/21/2016; Ord. 19-001; 1/23/2019]

Section 94.12.04: Swimming Pools

(1) **Applicability.** This section applies to all swimming pools as defined in Section 94.17.04, excluding structures exempted by that definition.

(2) **Permit Required.** Before work is commenced on the construction or erection of a swimming pool or on any alterations, additions, remodeling, or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel, or add thereto must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data shall be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required fee shall accompany such application.

(3) **Construction Requirements.**

(a) Approved Materials. All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all State regulations and with any and all applicable ordinances of the Village.

(b) Plumbing. All plumbing work shall be in accordance with all applicable local ordinances and all State codes and requirements. Every swimming pool shall be provided with a suitable draining method, meeting the requirements of subsection (8) below.

(c) Electrical Installations. All electrical installations, including lighting and heating, but not limited thereto, that are provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with State laws and local ordinances regulating electrical installations.

(4) **Placement and Setbacks.**

(a) Swimming pools shall be erected or constructed in rear yard only and only on a lot occupied by a principal building.

(b) All swimming pools shall meet the side and rear setback requirements applicable to accessory structures in Figures 5.01(2) and 5.02(2).

(5) **Enclosure.**

(a) Each swimming pool as defined in Section 94.17.04 shall be completely enclosed by a fence, wall, cover, or other protective device of sufficient strength to prevent access to the pool by a person weighing 250 pounds or less.

(b) If a fence or wall is used for the required enclosure, such fence or wall shall not be less than four feet in height. The Zoning Administrator may require a minimum of six feet in height upon a determination that the selected fence design will facilitate climbing. The pool wall of an above ground pool may serve as all or part of the required fence height. Fences or walls shall not have voids, holes, or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any building that forms a part of the enclosure.

(c) If a cover or other protective device is used for the required enclosure, such cover or other protective device shall have a strength, design, and material that meets the requirements of this Section and is securely fastened in place when the swimming pool is not in use.

(6) **Compliance.** All swimming pools existing as of March 18, 2015 not satisfactorily fenced shall comply with the fencing requirements of this Section when water is placed in the pool.

(7) **Maximum Pool Size.** No pool, together with its deck area, shall occupy more than 40 percent of the usable area of the rear yard excluding all garages or accessory structures located in the area.

(8) **Draining and Approval Thereof.** No swimming pool shall be constructed so as to allow water to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Draining a swimming pool into public streets, other public property, or the storm sewer system may occur only with the prior approval of the Village Director of Public Works.

(9) **Filter System Required.** All swimming pools must have, in connection therewith, some filtration system to ensure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(10) **Dirt Bottoms Prohibited.** All swimming pools shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Section 94.12.05: Firewood Storage

(1) **Applicability.** This section is applicable in all residential zoning districts and for lots that are occupied by residences and located within non-residential and mixed-use zoning districts (except for the RM district), as those terms are defined in Section 94.17.04.

(2) **Definitions Applicable to this Section.** See also Figure 12.05.

(a) Cord of wood means a unit of wood cut for fuel equal to a stack eight-foot wide by four-foot high by four-foot deep or 128 cubic feet.

(b) Face cord of wood means a unit of wood cut for fuel equal to a stack eight-foot wide by four-foot high by 18 inches deep or 48 cubic feet.

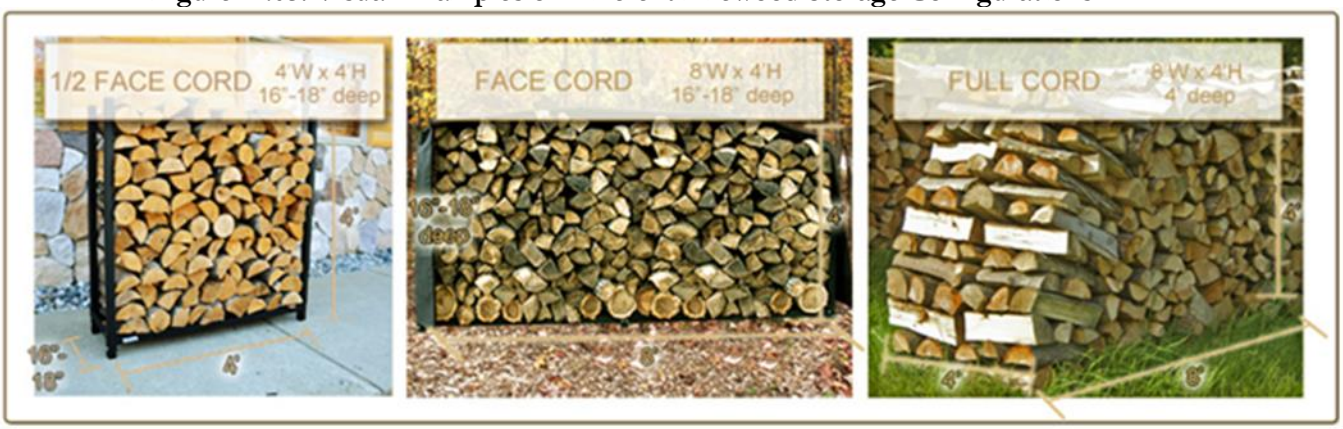
(c) Outside storage of firewood means any firewood which is not enclosed by four walls and a roof.

(d) Processing of firewood means the cutting of logs/wood and or the splitting of wood for burning.

(e) Firewood means any wood or wood product used or intended to be used as heating fuel in a residence or for burning in recreational fires as defined and regulated in Section 34.209(b)(2) of the Weston Municipal Code. Painted or treated wood shall not be considered firewood.

(f) Neat, secure stack means a stack of firewood that is piled in regular, orderly arrangement that is stable and reasonably resistant to collapse.

Figure 12.05: Visual Examples of Different Firewood Storage Configurations



(3) **Outside Storage of Firewood.** Except for firewood and construction materials necessary for on-site use or work, no wood or wood product shall be kept or stored outdoors. Firewood may be stored solely for use on the premises and not for resale. No person shall permit the outside storage of firewood in the

front yard and/or on any side yard abutting a street, except that firewood may be temporarily stored in the front yard and/or in any side yard abutting a street for a period not to exceed 15 days from the date of its delivery. Firewood shall be neatly stacked and stored no closer than three feet from any lot line and not higher than four feet from grade. No more than five full cords of wood shall be stored outside unscreened at any given time. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are considered public nuisances and may be abated pursuant to the provisions of the Village Municipal Code.

(4) **Processing of Firewood.** No person shall process firewood between the hours of seven p.m. and seven a.m., and no property shall process firewood for more than six total hours during the permitted time. Processing must be completed within 45 days or less of delivery and may not begin again for sixty days. Processing may only be done two times in a calendar year. No persons shall process firewood on the property that is not for the owner/occupant's personal use at the said property. All brush, bark, and refuse from processing of firewood shall be promptly and properly disposed of or processed as mulch and shall not be allowed to remain on said premises.

(5) **Non-conforming Woodpiles to be Removed.** Those individuals not in compliance with this Section as of March 18, 2015 shall have one year from such date to comply.

[Amended via Ord. 16-046, 12/21/2016]

Section 94.12.06: Exterior Storage Standards

(1) **Purpose.** The purpose of this Section is to regulate the use of property for exterior storage, except as otherwise specifically regulated in this Article. The Section is designed to promote the safety and general welfare of the public. Additional standards for outdoor storage applicable to specific land uses as specified in Article shall also apply.

(2) **Exterior Storage Standards for Multi-Family Dwellings and Non-Residential Facilities and Properties.**

(a) All exterior (outside) storage of recyclable and non-recyclable containers, within multi—family dwellings and non-residential facilities and properties (all land uses other than "Single-Family Detached Residence", "Two-Family Residence", and "Agricultural Use"), shall be placed and maintained within a three-sided enclosure and enclosed on the fourth side with a gate to contain garbage, refuse, waste, recycling, and other debris. The enclosure shall further meet all of the following requirements:

1. Subject to accessory structure setback requirements included in Figures 5.01(2) and 5.02(2).
2. Must be at least 10 feet from any combustible walls, openings, or combustible roof eave lines, as per NFPA 1 (most recent addition).
3. Not placed in any minimum required front or street side yard.
4. Must be placed to the interior side or rear of the principal structure, unless such a location is not possible in the determination of the Zoning Administrator.
5. Must be a minimum of 30-feet long by 10-feet wide.
6. Must be 8-feet tall.
7. Placed on a permanent hard surface.
8. The recyclable and non-recyclable containers shall be fully screened and not visible from public rights-of-way and adjacent properties from the ground level; the screening shall consist of a solid fence constructed of masonry, commercial grade wood fencing, or other commercial grade material approved by the Zoning Administrator.

9. This fence shall be constructed in such a manner so as to prevent paper, debris, and other refuse material from being blown through the fence.

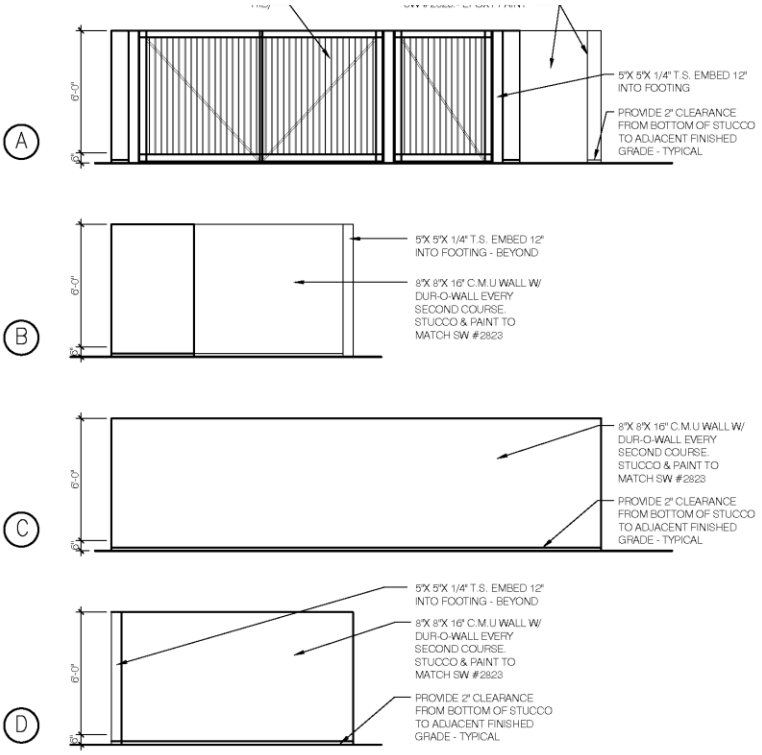
10. The Village's Refuse and Recycling Site Application must be submitted and approved by the Village prior to installation. The owner shall provide proof to the Zoning Administrator, from the owner's contracted solid waste/recycling hauler, that the design provides safe and reasonable access to the hauler to provide the contracted service.

(b) The site plan approval authority, or Zoning Administrator in the case where the project does not require site plan approval under this chapter, may waive or modify one or more requirements in subsection (a). Such waiver or modification may be provided only if the authority or Administrator determines that the intent of the ordinance requirement(s) will be met in another way and that the reduction is not contrary to the public interest, the purpose of this chapter, and the purpose of the associated zoning district.

(c) The exterior storage of non-recyclable and recyclable material, and associated containers and enclosures, which are not in compliance with this subsection as of March 18, 2015, shall have one year from such date to comply.

[Amended via Ord. 19-001; 1/23/2019]

Figure 12.06: Example of Appropriate Dumpster Enclosure Design



(3) **Motor Vehicle Storage.** Except in AR and RM zoning districts, storage of operable and licensed motor vehicles shall be on a hard or gravel surface. No motor vehicle in any zoning district shall be stored within the minimum hard or gravel surface setbacks of Article 5. All motor vehicle storage areas shall be landscaped in accordance with Article 11. Storage or parking of semi-trailers, busses, and heavy-duty trucks on property zoned or used for residential purposes is prohibited.

(4) **Inoperable Vehicles and Junk.** The outside storage of inoperable or unlicensed vehicles, appliances, and other junk or trash shall be prohibited, except as described within the "Junkyard or Salvage Yard" and "Outdoor and Vehicle Repair and Maintenance" land use performance standards and for those uses approved in accordance with the requirements of this Chapter. The storage of inoperable vehicles in association with said uses shall be on a hard or gravel surface meeting applicable hard or gravel surface setback requirements; and is also subject to the regulations set forth in Section 50.105 of the Code.

(5) **Construction Materials and Equipment Related to On-site Construction.** Except within agricultural zoning districts, all temporary storage of construction materials and equipment related to on-site construction shall be set back a minimum of three feet from any interior side or rear property line, and outside of any front or street side yard unless provided site plan approval under Section 94.16.09.

[Amended via Ord. 16-046, 12/21/16; Ord. 17-007, 4/19/17; Ord 17-016, 6/21/2017]

Section 94.12.07: Outdoor Recreational Vehicle Storage

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

(a) All recreational vehicles must be operable, have current registration, and be in good repair to be parked outdoors.

(b) All recreational vehicles that are also licensed, drivable motor vehicles shall be kept on a hard surface as defined in Section 94.17.04, or on gravel surface that was in existence as of March 18, 2015.

(c) Where a recreational vehicle is permitted to be stored on a vegetative surface such as grass, the grass must be maintained and free of weeds and tall grass per applicable requirements of Section 50.102(H) of the Municipal Code.

(d) Recreational vehicles shall not be stored on or extend into the public right-of-way or public access easement, including but not limited to on a public street or over a public sidewalk or path.

(e) Each recreational vehicle shall not be used as a dwelling unit for more than 7 days per calendar year, and shall not be considered or used as an accessory structure.

(f) No recreational vehicle shall be connected to municipal water, sanitary sewer, or a private on-site wastewater treatment system at any time, except for maintenance.

(g) An unlimited number of recreational vehicles may be stored in fully enclosed buildings as allowed under this Chapter.

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

(a) A maximum of two recreational vehicles may be stored outdoors on each residentially zoned lot, and on each lot that is used for residential purposes, except within rural and open space zoning districts. Within rural and open space zoning districts, a maximum of four recreational vehicles may be stored outdoors. A trailer and other recreational vehicle(s) mounted on it shall count as one recreational vehicle for purposes of these quantitative limitations.

(b) Outdoor storage of recreational vehicles in such zoning districts shall be permitted in a side yard but set back from the side property line a distance equal to the parking setback in the associated zoning district under Figure 5.01(2).

(c) Outdoor storage of recreational vehicles in such zoning districts shall be permitted in the front yard if on hard surface, or if on a gravel surface that was in existence as of March 18, 2015. Such hard or gravel surface shall be a component to or attached to the driveway that connects to the public roadway.

(d) Outdoor storage of recreational vehicles shall not be permitted in the rear yard in residential zoning districts, except where such storage is accompanied by a bufferyard as provided in Section 94.11.02(3)(d). Outdoor storage of recreational vehicles shall be permitted in the rear yard in rural and open space zoning districts but set back from the rear and side property lines a distance equal to the parking setbacks in the associated zoning district under Figure 5.01(2).

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

(a) Residential uses within non-residential zoning districts shall be subject to the limitations in subsection (2).

(b) Outside storage of recreational vehicles associated with an allowed vehicle retail sale, service, or repair land use in a non-residential district, or commercial storage of recreational vehicles shall be regulated as an "Outdoor Display" land use and is subject to site plan approval for that use.

(c) Recreational vehicles shall not be stored on or extend into the public right-of-way, including but not limited to on a public street or over the public sidewalk.

Section 94.12.08 Access and Driveway Standards

(1) **Purpose and Applicability.** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way, protect and enhance property values and community aesthetics, and promote the safety and general welfare of the traveling public. This Section establishes minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.

(2) **Roadway Access Control.** Access control to public roadways and driveway access design standards shall be per Chapter 71 of the Village of Weston Municipal Code

(3) **Depiction on Required Site Plan.** The configuration and location of all proposed access drives on a property shall be depicted on any required site plan.

(4) **Distance from Property Line.** The distance from an access drive or parking lot to the property line shall not be less than the minimum associated setback for hard or gravel surface areas in Figures 5.01(2) and 5.02(2), except or approved shared driveways, shared parking lots, cross-access ways, or as otherwise exempted in such figures.

(5) **Width of Driveways.** All openings for access drives onto public streets shall adhere to the widths as specified in Chapter 71 of the Code.

(6) **Traffic Control.** Traffic into and out of all off-street parking, loading, and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways.

(7) **Surfacing.** Driveway surfacing shall be per Section 94.12.09(6)(a).

(8) **All Garages to be Served by Driveways.** All garages intended for vehicle parking shall be served by a driveway extending from the garage to the curb or street edge. Where such driveway(s) meets the garage, the width shall be, at minimum, the width of all garage door openings.

(9) **Installation Timing.** Except for apron sections within public rights-of-way, no residential driveway shall be constructed until the owner has been issued a building permit for the residence. Each residential driveway shall be constructed prior to occupancy of the associated dwelling, except in cases when construction of the dwelling is completed between December 1st and March 31st. In such cases, driveways must be installed no later than June 1st following occupancy.

(10) **Provision for Sidewalk.** Where there is existing curb and gutter street sidewalks shall be installed for all new construction and substantial remodels, which exceed 50% of the assessed value, of a structure, regardless if a sidewalk is present on either side of said project, in accordance with the Village's Complete Streets Policy. Where the construction project or remodel does not exceed 50% of the assessed value

then all driveways, new or existing, shall accommodate a 5-foot wide concrete sidewalk section within the public right-of-way, built to Village sidewalk standards, to maintain connection with existing sidewalks or to allow for the connection of future sidewalks on either side of the driveway. Plan Commission may waive the above stated provisions under the following circumstances:

(a) The Village Capital Improvement Plan and/or sidewalk and trail planning maps, or similar planning documents do not include sidewalks within the project neighborhood; or
(b) The Director of Public Works has determined that future sidewalk grades cannot be determined or;
(c) The Director of Public Works has determined that substantial grading of the area between the curb and the right-of-way line is required for both the subject parcel and both neighboring parcels.

(11) **Maintenance.** All driveways shall be maintained so as to prevent the transport of gravel, dirt, or other material from the property into the public right-of-way.

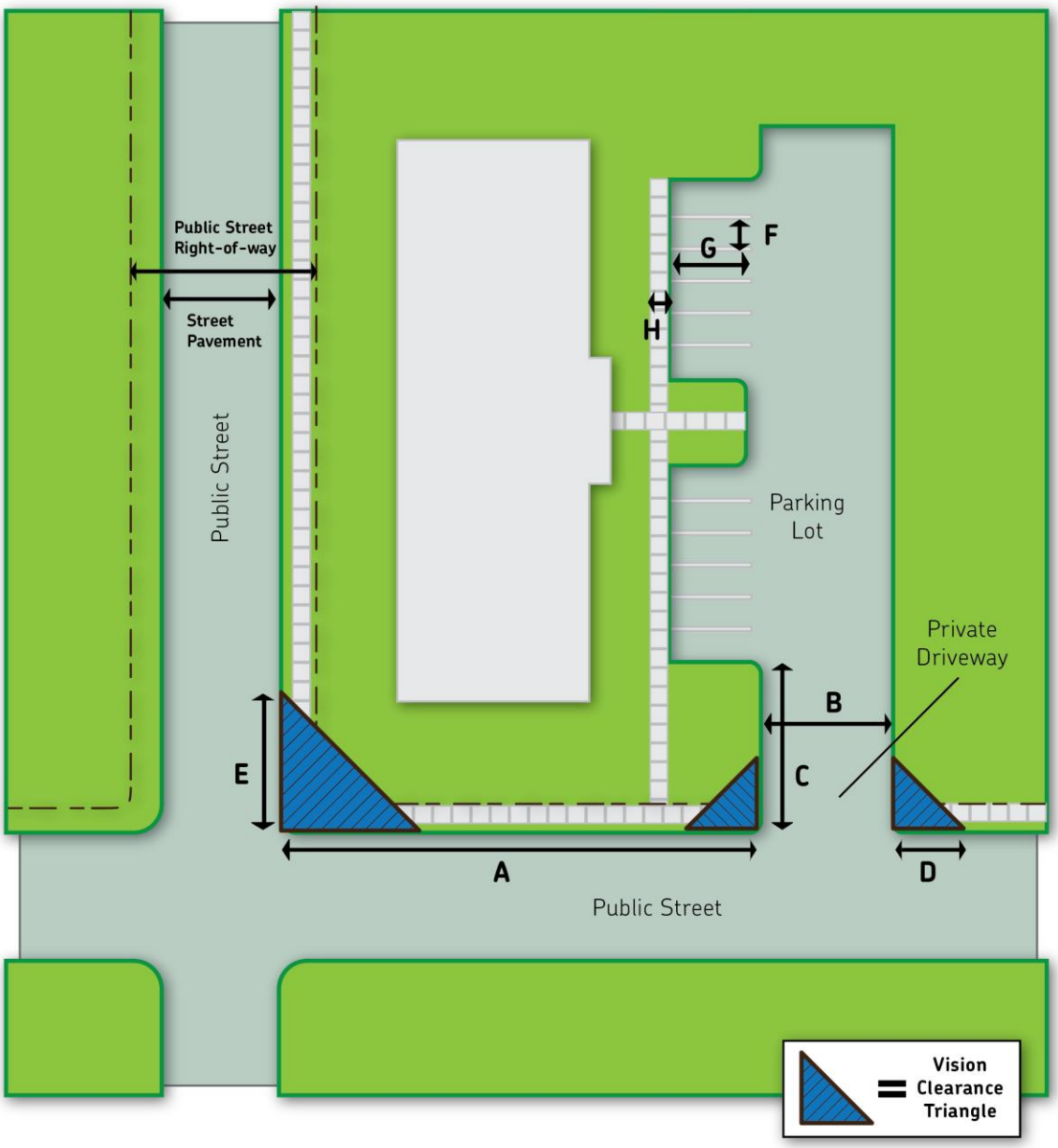
(12) **Vision Clearance Triangles.** Within vision clearance triangles, no signs, structures, earthwork, vegetation, or other obstructions between 18 inches and ten feet in height shall be permitted, except for tree trunks, mailboxes and sign poles. The vision clearance triangle shall apply where public streets intersect, and where private driveways and alleys intersect with public streets, per the following standards (as also represented in Figure 12.08).

(a) Where public streets intersect with each other. To draw the first two lines of the triangle, measure 20 feet from the point of intersection of the two street rights-of-way along the two right-of-way lines. Next, draw a third straight line between the ends of the first two lines to form the vision clearance triangle.

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

[Amended via Ord. 16-028, 5/18/2016, Ord. 17-008, 4/19/2017, Ord. 20-013, 9/25/2020]

Figure 12.08: Representation of Minimum Dimensional Requirements Affecting Vehicular Access



Minimum Distances/Widths

A: Generally 75 to 300 feet (see Chapter 71 of Code)
B: 12 feet for one-way/24 feet for two-way (for non-residential uses)
C: 20 feet (for non-residential uses)
D: 10 ft for local street, 15 ft for collector street, 20 ft for arterial street
E: 20 feet (on each non-hypotenuse side)
F: 10 feet (8 ½ feet for end spaces)
G: 18 feet
H: 6 feet (where vehicles parked against walkway)

Section 94.12.09: Off-Street Parking and Traffic Circulation Standards

(1) **Purpose and Applicability.**

(a) The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation.

(b) The requirements of this Section shall apply to all uses other than agricultural uses.

(c) The requirements of this Section shall not apply to the ordinary maintenance and repairs of existing parking, driveway, and other circulation areas. Ordinary maintenance and repairs are defined as activities that are reasonably necessary to extend the life and/or prevent the deterioration of the surface, including sweeping, pot hole filling, chip and crack sealing, resealing (but not resurfacing), and replenishment of gravel to an approved gravel surface where hard-surfacing is not otherwise required by this Section.

(2) **Depiction on Required Site Plan; Parking Lot Permit.** Any and all proposed parking and traffic circulation areas shall be depicted as to their location and configuration on the site plan, if a site plan is required under Section 94.3.03(10). For any construction, expansion, or reconstruction of a parking lot with six or more parking spaces, where a site plan is not required under Section 94.3.03(10), a parking lot permit shall instead be required. Such permit shall be issued by the Zoning Administrator, following submittal of a completed application form, all required material under such form, payment of the associated fee per the Village's fee schedule, and the Zoning Administrator's determination of compliance with applicable requirements of this Chapter.

[Amended via Ord. 19-001; 1/23/2019]

(3) **Use of Off-Street Parking Areas; Snow Storage.** Except as otherwise allowed below, the use of all off-street parking areas shall be limited to the parking of licensed and operable vehicles not for lease, rent, or sale. Within residentially zoned property, only licensed and operable cars and trucks with a rated gross vehicle weight of 26,000 pounds or less shall be parked or kept in parking areas or any other exterior location. The use of parking spaces and their circulation areas for purposes such as seasonal sales and snow storage shall be permitted only if sufficient parking spaces remain available to meet the parking requirements of this chapter and normal traffic and pedestrian movement and safety is not impeded.

(4) **Traffic Circulation and Traffic Control.** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns and traffic control measures shall conform to the general rules of the road and the requirements of the Manual of Uniform Traffic Control Devices.

(5) **Installation and Maintenance of Off-Street Parking and Traffic Circulation Areas.** All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times.

(6) **Off-Street Parking and Traffic Circulation Design Standards.**

(a) **Surfacing.** All off-street parking, driveway, and traffic circulation areas constructed or expanded after March 18, 2015, including residential driveways and former gravel surfaces proposed for refurbishment, shall be surfaced and continuously maintained with a hard surface as defined in Section 94.17.04, except that gravel, crushed stone, or a similar material is permitted for:

1. Agricultural uses.
2. Driveways in rural and open space zoning districts, where the intersecting road is gravel, or the driveway is greater than 50 feet in length.

3. Emergency access driveways where required or approved by the Zoning Administrator.
4. Lightly traveled service drives for non-residential uses where included as part of an approved site plan under Section 94.16.09, and where in the Village at least the first 50 feet connecting to a public street is hard surfaced.

In cases where gravel or crushed stone is permitted under one of the above exceptions, the portion of the driveway within the public street right-of-way shall be hard surfaced, except where serving agricultural uses, where the intersecting public road is gravel surfaced, or for uses outside of non-residential and mixed-use zoning districts in the ETZ area. Where any gravel or crushed stone driveway exists, the Village Public Works Director may require a hard surface tracking pad adjacent to the public street right-of-way, or other remedial action, if he or she determines that gravel or stone is being tracked into the public street.

(b) **Marking.** All hard-surfaced areas intended for six or more parking stalls shall be striped in a manner that clearly indicates the boundaries of required parking spaces.

(c) **Curbing.** For developments that require site plan approval under this Chapter, construction of concrete curb and gutter shall be required around all parking lots, driveways, other vehicular access areas, and landscaped islands and peninsulas within such areas. The site plan approval authority may modify this standard in one or more of the following circumstances:

1. To facilitate a unique stormwater management approach or condition.
2. For lightly traveled service or emergency access drives.
3. At the edges of a phase of development of a parking area.
4. Around paved areas primarily used for the storage of waste, snow, or other materials, as opposed to vehicle parking or circulation.
5. For approved gravel surfaced areas.
6. Within industrial zoning districts, where the public street providing access to the site does not have curb and gutter or where the parking lot, driveway, other vehicular access area, and landscaped islands and peninsulas will not be visible or accessible to the public.
7. For reconstruction or resurfacing of existing parking lots, or expansion of existing parking lots where the size of the expansion plus any other expansions in the previous five years does not exceed 50% of the parking lot area before such expansion(s).

(d) **Lighting.** All off-street parking and traffic circulation areas serving six or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use, with said illumination level shall not exceeding the standards of Section 94.12.11.

(e) **Access.** Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner that least interferes with traffic movements. Off-street parking spaces for residential uses may be stacked or in front of one-another for the same dwelling unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.

(f) **Signage.** All signage located within, or related to, required off-street parking or traffic circulation areas shall comply with the requirements of Article 13.

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

(h) **Dimensional Standards.** Other than parking required to serve the handicapped, the minimum required length of parking spaces shall be 18 feet and the minimum required width is 10 feet (8½ feet for end spaces). All parking spaces shall have a minimum vertical clearance of 8 feet. Horizontal widths for driveways serving parking spaces shall be no less than 24 feet for two-way driveways and 12 feet for one-way driveways, except that wider driveways may be required for loading and service routes.

(i) **Landscaping Standards.** Parking lot landscaping shall comply with the hard and gravel surface area landscaping requirements in Section 94.11.02(3)(b), as may be modified under Section 94.11.02(1)(e). Provided that the project does not involve an area expansion, such landscaping requirements shall not apply to the reconstruction; resurfacing; reconfiguration; restriping; or conversion from a gravel, crushed stone, grass, or similar surface to a hard surface as defined in Section 94.17.04 of a parking lot, driveway, or vehicle circulation area legally constructed before March 18, 2015.

(j) **Setback Requirements.** See Figures 5.01(2) and 5.02(2) for hard and gravel surface setback requirements that apply to off-street parking, driveway, and traffic circulation areas, except for the reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area existing before March 18, 2015 and not meeting such setback requirements, provided that the project does not involve an area expansion or conversion from a gravel, crushed stone, grass, or similar surface to a hard surface as defined in Section 94.17.04. In the instance of such expansion or conversion, parking lot setbacks shall comply with Figures 5.01(2) and 5.02(2).

[Amended via Ord. 19-001; 1/23/2019]

(7) **Calculation of Minimum Required Parking Spaces.** The minimum number of required parking spaces is stated for each land use in Article 4. A garage stall shall be considered a parking space.

(8) **Potential Reduction in Automobile Parking Spaces.** The site plan approval authority may approve a decrease in the required number of off-street automobile parking spaces for each land use in Article 4 by up to 25 percent of the normal requirement. Such a reduction must be supported by technical documentation furnished by the applicant that indicates that actual off-street parking demand for that particular use is less than the normally required minimum.

(9) **Partial Development of Required Parking Spaces.** The applicant for any development may seek permission to not install a portion of its required parking at time of site plan approval; however, said site plan shall depict the minimum number of required parking spaces to be available for future construction.

(10) **Limit on the Maximum Number of Required Parking Spaces.** No site plan may be approved for a multi-family residential or non-residential use that contains more than 150 percent of the use's minimum number of required parking spaces under Article 4, except by conditional use permit.

(11) **Joint and Off-Site Parking Facilities**

(a) Parking facilities providing required parking for one or more uses shall provide a total number of parking spaces that shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses, unless reduced by the site plan approval authority per subsection (8).

(b) To obtain a greater reduction in required parking spaces that is enabled under subsection (8), the applicant(s) for approval of a joint parking facility shall demonstrate that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses the joint parking facility is proposed to serve.

(c) A legally binding instrument, addressing the particulars of the parking arrangement and potentially limiting future change of uses, shall be executed by any and all parties to be served by said joint parking facility, where there is a reduction in required parking spaces that is greater than that enabled

under subsection (8). This instrument shall be approved by the Village Attorney, recorded with the Register of Deeds Office prior to the issuance of any zoning permit or building permit associated with the facility, and filed with the Zoning Administrator once recorded.

(12) **Locational Prohibitions for Off-Street Parking Areas.** Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on any approved site plan. No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way, except by conditional use permit. See also Section 94.12.07(9) and Figures 5.01(2) and 5.02(2).

(13) **Minimum Permitted Throat Length.** All uses requiring site plan approval shall have a minimum permitted throat length of access drives serving parking lots of 20 feet from the nearest street right-of-way, except as modified by the site plan approval authority based on unique or pre-existing site conditions and suitable assurance that traffic will not back up into public rights-of-way.

(14) **Bicycle Parking.** Except for reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area legally constructed before March 18, 2015, a number of off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, with no fewer than two bicycle parking spaces provided for all uses requiring 20 or more vehicular parking spaces. Each "Inverted-U" or similar type rack counts as two bicycle parking spaces. All bicycle parking shall be on a hard-surfaced area in a location accessible to building entrances.

(15) **Pedestrian Facilities.**

(a) The site shall provide for safe pedestrian and bicycle access to all uses, and connections to existing and planned public pedestrian and bicycle facilities and adjacent properties.

(b) Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks and/or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be five feet.

(c) Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50 percent of their length if said sidewalk is over 50 feet in length.

(d) Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different materials, or colors, or textures, and signage.

(e) Projects involving the reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area legally constructed before March 18, 2015 shall meet subsection (15) to the extent the Zoning Administrator determines practical.

[Amended via Ord. 16-028, 5/18/2016; Ord. 17-009, 4/19/2017]

Section 94.12.10: Off-Street Loading Standards

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

(2) **Applicability.** Any new building that has a gross floor area of 10,000 square feet or more and that requires regular deliveries, or makes regular shipments from semi-trucks and trailers, shall provide off-street loading facilities in accordance with the regulations of this Section, except for agricultural uses.

(3) **Location**

(a) All loading berths shall be at least 25 feet from the intersection of two street right-of-way lines.

(b) In commercial and institutional zoning districts, loading berths shall not be located along any front façade or street side façade of any building. In all other districts, loading berths shall not be located within any minimum required front yard or street side yard.

(c) All loading and vehicle maneuvering areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way or minimum required hard and gravel surface setback in Figures 5.01(2) and 5.02(2).

(4) **Size of Loading Area.** The first required loading berth shall be designed in accordance with Figure 12.10. All remaining required loading berths shall be a minimum of 50 feet in length and 10 feet in width. All required loading berths shall have a minimum vertical clearance of 14 feet.

(5) **Access to Loading Area.** Each loading area shall be located so as to facilitate access to a public street or alley, shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. Loading areas shall not rely on backing movements into public rights-of-way, except where building or site conditions established before March 18, 2015 require such movements.

(6) **Surfacing and Marking.** All required loading areas shall be hard surfaced as defined in Section 94.17.04. Said surface shall be marked in a manner that clearly indicates required loading areas.

(7) **Use of Required Loading Areas.** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.

(8) **Depiction on Required Site Plan.** Any and all proposed or required loading areas and trailer and container storage areas shall be depicted as to their location and configuration on any required site plan.

(9) **Calculation of Required Loading Spaces.**

(a) **Indoor Institutional and Recreational Land Uses.** One loading berth shall be required for each building with a gross floor area of 10,000 to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.

(b) **Commercial (except Offices), Storage/Disposal, Transportation, and Industrial Land Uses.** One loading berth shall be required for each building having a gross floor area of 10,000 to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.

(c) **Office Land Uses.** One loading berth shall be required for each building having a gross floor area of 10,000 to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

Figure 12.10: Loading Standards

Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (F)
Semitrailer (Model WB-40)	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
			36	10	37	73

		45°		12	32	68
				14	29	65
Semitrailer Combination (Model WB-50)	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76

Section 94.12.11: Exterior Lighting Standards

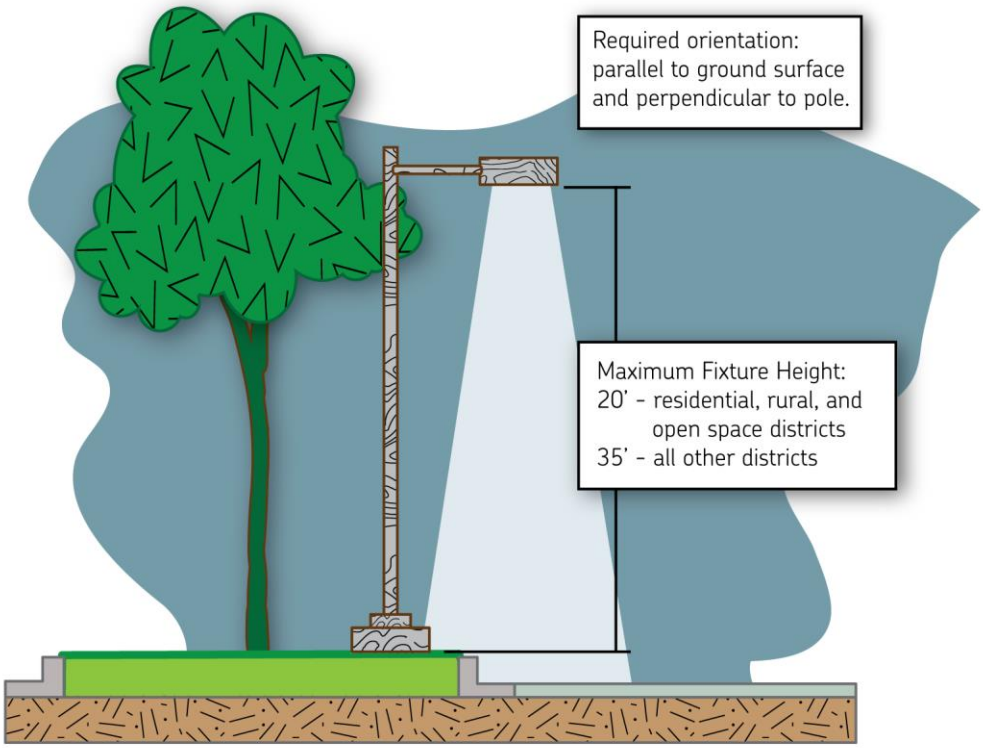
(1) **Purpose.** The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.

(2) **Applicability.** The requirements of this Section apply to all exterior lighting and all interior light visible from the exterior on private property within the jurisdiction of this Chapter, except for lighting within public rights-of-way; on communications towers or airports, heliports, helipads, or other similar facilities where required to meet federal and state safety regulations; and as excepted in subsection (10).

(3) **Depiction on Required Site Plan.** Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on any site plan, if required under Section 94.3.03(10).

(4) **Orientation of Fixture.** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a residentially zoned property or allowed to direct light skyward. Shielded luminaries and careful fixture placement shall be used to ensure that exterior lighting prevents direct lighting above a horizontal plane, except that architectural lighting that focuses all light below the roof line may exceed the horizontal plane. Search lights are prohibited except for any search light deemed necessary by the FAA.

Figure 12.11: Illustration of Required Pole Lighting Orientation and Height



(5) **Intensity of Illumination.** The amount of illumination attributable to exterior lighting, as measured at the property line, shall not exceed 1.0 footcandle above ambient lighting conditions on a cloudless night. The maximum average lighting within any lit area shall not exceed 5.0 footcandles, except where the Zoning Administrator determines that greater illumination is necessary for public safety.

(6) **Fixture Heights.** The maximum height from the base of the pole or its support to the fixture shall be 20 feet in residential, rural, and open space zoning districts, and 35 feet in all other districts.

(7) **Location.** Light fixtures shall not be located within any required bufferyard under this Chapter, or closer than three feet from a property line.

(8) **Flashing, Flickering and other Distracting Lighting.** Flashing, flickering, moving (such as search spot or search lights), and/or other lighting that may distract motorists is prohibited.

(9) **Qualitative Requirements.** Design and color of light fixtures and poles shall be compatible with building design and color on the same lot. Street intersections, driveway intersections, and pedestrian access routes shall be illuminated with lights of appropriate scale to the function, without providing an obviously uneven illumination pattern across the site.

(10) **Exceptions.** The appropriate site plan approval authority may grant exceptions to the requirements of this Section in the following circumstances:

(a) Outdoor recreation use and assembly areas such as athletic fields.

(b) Gas station pump islands and other uses in which motor vehicles and pedestrians routinely operate in close proximity with one another. Use of recessed canopy lighting to minimize off-site impacts may be required.

(c) Lighting for special events, per an approved special event permit under Chapter 67 of the Municipal Code.

(11) **Nonconforming Lighting.** All lighting fixtures existing prior to the effective date of this Chapter shall be considered legal conforming structures and may be continued (see Article 15). However, as part of a site plan approval for a new, expanded, or remodeled project or use on the same site, the site plan approval authority may require that such lighting be reoriented to achieve greater or full compliance with this Section.

Section 94.12.12: Vibration Standards

(1) **Purpose.** The purpose of this Section is to regulate the creation of vibration that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

(2) **Applicability.** The requirements of this Section apply to all uses and activities that create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on a property.

(3) **Depiction on Required Site Plan.** Any activity or equipment that creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan, if required for the development of a property.

(4) **Requirements.** No activity or operation shall cause or create earthborn vibrations in excess of the displacement values given below. The Zoning Administrator may require the owner or operator of any use, facility, or operation suspected of being in violation of this Section to verify compliance by a licensed engineer at his, her, or its own expense.

(5) **Method of Measurement.** Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line, as described below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula:

$D = K/f$, where D = displacement in inches
K = a constant to be determined by reference to the tables below
f = the frequency of vibration transmitted through the ground, cycles per second

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

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

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

Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

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

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

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

Section 94.12.13: Noise Standards

(1) **Applicability.** The requirements of this Section apply to all uses and activities on real property that create detectable noise, except these standards shall not apply to incidental traffic, parking, loading, maintenance, or agricultural operations or where the activity is otherwise exempt or the standard is modified under state or federal law. The requirements in this Section shall be in addition to those in Section 50.103 of the Weston Municipal Code.

(2) **Standards.** In no event shall the sound-pressure level of noise radiated continuously from a facility exceed at the lot line of a property the values given in Figure 12.13(1) as measured by a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, at both the surface level and five feet above the surface level, and for a duration of four consecutive hours. Noise levels shall also meet the standards in Section 50.103 of the Weston Municipal Code.

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

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

[Amended via Ord. 16-046, 12/21/2016]

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

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

(3) **Legal Nonconforming Noises.** Noises that were in effect as of March 18, 2015 shall be considered legal nonconforming noises under this Chapter but may not be exempt from Chapter 50.103. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Chapter shall be the responsibility of the noise producer.

(4) **Compliance and Enforcement.** The Zoning Administrator may require the owner or operator of any use, facility, or operation that the Zoning Administrator reasonably suspects is in violation of this Section to verify compliance, by a licensed acoustic engineer, at the owner's or operator's expense. Enforcement actions may be per Section 94.16.19, and per Section 50.103(h) and (k) of the Weston Municipal Code.

Section 94.12.14: Air Pollution Standards

(1) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on a property, or by incidental traffic, parking, loading, maintenance, or agricultural operations.

(2) The emission, from all sources within any lot, of particulate matter containing a section diameter larger than 44 microns is prohibited.

(3) Emission of smoke or particulate matter of density equal to or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.

(4) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, surfacing,

watering, or other acceptable means. This standard shall not apply to allowable agricultural uses within an agricultural zoning district.

(5) All uses shall comply with all applicable State and Federal standards.

(6) The Zoning Administrator may require the owner or operator of any use, facility, or operation suspected of being in violation of this Section to verify compliance by a certified air quality specialist at his, her, or its own expense.

Section 94.12.15: Odor Standards

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

Section 94.12.16: Glare and Heat Standards

(1) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of a principal use, or by incidental traffic, parking, loading, maintenance, or agricultural operations.

(2) No direct or sky-reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at any lot line of a property shall be permitted. Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Zoning Administrator or a designee) at the lot line. Solar Energy Systems regulated by Wis. Stat. § 66.0401 shall be entitled to the protection of its provisions.

Section 94.12.17: Fire and Explosion Standards

(1) Any use involving materials that could detonate shall locate such materials not less than 400 feet from any residentially zoned property, except that this standard shall not apply to the storage or usage of liquefied petroleum, diesel, or natural gas for normal on-site purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with all fire prevention codes of the State of Wisconsin.

(2) All materials that have capabilities ranging from "active" to "intense" burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings that have incombustible exterior walls and an automatic fire extinguishing system. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed that in Figure 12.17.

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

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

Section 94.12.18: Toxic or Noxious Material Standards

(1) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.

(2) No use shall discharge at any point into any public or private wastewater treatment system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

Section 94.12.19: Waste Material Standards

(1) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.

(2) No use shall discharge at any point into any public or private wastewater treatment system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources and Wisconsin Department of Safety and Professional Services.

Section 94.12.20: Hazardous Materials Standards

(1) **Compliance with Statutes.** All hazardous materials shall be regulated in accordance with the relevant Wisconsin Statutes or their successors:

(a) Micro-Organism Cultures subject to Wis. Stat § 94.65;

(b) Pesticides subject to Wis. Stat. § 94.67(25);

(c) Biological Products subject to Wis. Stat. § 95.39;

(d) Hazardous Substances subject to Wis. Stat. § 100.37(1)(c);

(e) Toxic Substances subject to Wis. Stat. § 101.58(2)(j);

(f) Infectious Agents subject to Wis. Stat. § 101.58(2)(f);

(g) Any material for which the State of Wisconsin requires notification of a local fire department; or

(h) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related, materials regulations.

(2) **Notification of Use of Hazardous Materials.** All land uses involving hazardous materials listed in this Section, except for agricultural uses, shall submit a written description of such materials and the operations involving such materials conducted on their property as part of any required site plan submittal.

(3) **Risk Management and Emergency Response Program.** As part of any permit review process under this Chapter, the Village may require such operator to prepare and submit a process safety management, risk management, containment, and emergency response program for approval by the Fire Chief. In the event of any spill or other accident involving toxic, hazardous, or radioactive materials, the responsible party shall immediately notify the Fire Department and HazMat team, and shall follow procedures specified in any approved process safety management, risk management, containment, and emergency response program.

Section 94.12.21: Electromagnetic Emission Standards

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

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Article 13: SIGNS

Section 94.13.01: 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 94.13.02: Sign Permitting and Approval Procedures

(1) **General Requirements.** Except as otherwise provided in Section 94.13.02(8), 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 exact 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 March 18, 2015, 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 94.13.11.

(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) For wall mounted signs, the lineal footage and square footage of the wall on which the sign is proposed.

(e) The property's zoning district designation.

(f) 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.

(g) Evidence that the structural design requirements of Section 94.13.09 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.

(h) Proof of payment of the appropriate sign permit fee, per the Village's fee schedule.

(i) 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 special exception 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.

[Amended via Ord. 19-001; 1/23/2019]

(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 special exception permit or other required Village approval has or has not been granted for the sign.

[Amended via Ord. 19-001; 1/23/2019]

(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 10 working days of such revocation, or shall be subject to enforcement under Section 94.16.19.

(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 94.16.14. 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, Dangerous, or Abandoned Signs.**

(a) If the Zoning Administrator determines that any sign is defective, dangerous, abandoned, in poor repair, or other 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 working 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 working 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 94.16.19.

(c) Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator, and without any payment or return of the sign to its installer or owner.

(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 94.13.05 or 94.13.07 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 one-time event sign requirements of Section 94.13.08.

(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 one-time event sign requirements of Section 94.13.08.

(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 one-time event sign requirements of Section 94.13.08.

(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 one-time event sign requirements of Section 94.13.08.

(s) **Real Estate Signs.** Per the one-time event sign requirements of Section 94.13.08.

(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) **Certain One-time Event Signs.** Per the one-time event sign requirements of Section 94.13.08.

(y) **Window Signs.** Per the associated requirements in Section 94.13.05(5).

(9) **Special Exceptions.**

(a) **Applicability and Procedure.** Following submittal of a complete special exception application, the Plan Commission (or Extraterritorial Zoning Committee if in the ETZ Area) may grant a special exception to one or more requirements in Sections 94.13.04(2)-(6), 94.13.05, 94.13.06, and 94.13.07. The application for special exception shall include materials required to obtain a sign permit under Section 94.13.02(2). The Zoning Administrator shall notify all landowners within 300 feet of the property on which the sign(s) are proposed, providing them an opportunity to express their opinion at the meeting at which the special exception will be considered.

(b) **Criteria.** No special exception shall be granted unless the Commission or Committee finds that the sign(s) authorized thereby, as limited by any enforceable conditions, will meet all of the following criteria:

1. Consistent with the purpose and intent of this Chapter and this Section.
2. Consistent with the Comprehensive Plan including any applicable aesthetic signage guidelines therein.
3. Not negatively affecting the reasonable use and development of nearby properties or the community.
4. Compatible with existing signage on and visible from the subject site and not significantly exceeding the height, area, or quantity of such existing signage.

5. Proportional with the scale of the subject site and the building(s) and use(s) on the subject site to which the sign relates or advertises.
6. Not hazardous, harmful, or otherwise adverse to the natural environment and aesthetic value of the site, nearby properties, and the community.
7. Not negatively affecting the safe and efficient installation, use, and maintenance of public facilities serving the area, including but not limited to roadways, sidewalks and paths, and utilities.
8. Supported by evidence that normally applicable requirements do not provide for sufficient visibility for the proposed signage or use(s) it advertises, such as a highway visibility study for freestanding signage that exceeds normally applicable height or area requirements.

[Amended via Ord. 15-021, 10/21/2015; Ord. 19-001, 1/23/2019; Ord. 20-015, 12/23/2020]

Section 94.13.03: 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) **One-time Event sign.** A sign or advertising display (including festoons, pennants, banners, flags, and similar devices) intended to be displayed for a certain limited period of time. Included in the definition of "one-time event 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.

Example of arm/post sign

(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.

Example of awning sign

(b) **Arm/post sign.** A type of small-scale freestanding sign mounted on a post or posts, either with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.

(c) **Awning sign.** A sign that is directly affixed via sewing, painting, or similar method to a non-rigid removable awning or canopy that is legally mounted to the facade of a building. Text and/or logos shall not project below or above the canopy surface and shall not exceed 50 percent of the awning/canopy area.

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

Examples of projecting signs

(i) **Projecting sign.** A type of on-building 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.

(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 94.13.04(6). Does not include "mobile signs" as described above.

Example of sandwich board sign

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

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

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

Examples of wall and window signs

(3) **Sign Measurement.**

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

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

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 sign copy, could feasibly 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 a 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.

[Amended via Ord. 15-021, 10/21/2015]

Section 94.13.04: 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 94.12.08(12).

(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 one-time event signage for events of public interest or as a type of one-time event business sign or banner, both as described under Section 94.13.08, 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 94.13.03(2)(a) shall be permitted.

(m) 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 March 18, 2015. This provision does not prohibit the use of community information signs under Section 94.13.04(3) or on-premise business signs allowed in Section 94.13.07 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 March 18, 2015 but made nonconforming by this Article shall be permitted to continue as legal, nonconforming structures, subject to the requirements of Section 94.15.04, except that:

1. Billboards legally installed before March 18, 2015 that are directed to and on parcels adjacent to State Highway 29 may be upgraded and/or replaced as new technologies become available, provided that the sign area, number, and height at each installation are not increased and other applicable provisions of this Chapter are satisfied.
2. Billboards adjacent to State Highway 29, Business Highway 51, Schofield Avenue, or other locations in the Village that fail to meet the maintenance requirements in Section 94.13.10 may be subject to removal under Section 94.13.02(7). Said sign cannot be replaced once removed.

[Amended via Ord. 15-021, 10/21/2015]

(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 94.12.08(12), 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 surface 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 94.13.03(1)(d). One-time event signs serving similar functions are listed and regulated under Section 94.13.08.

(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 94.12.08(12).

(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.

[Amended via Ord. 15-021, 10/21/2015]

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

(a) Allowable Districts and Land Uses. No VMS shall be allowed within any agricultural, rural, open space, residential, RM 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 six (6) 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 94.12.11.

(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.

[Amended via Ord. 16-046, 12/21/2016; Ord. 18-011, 4/18/2018]

(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 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 94.13.09 and 94.13.10.

(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 hard-surfaced walkway.

(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 94.12.08(12), 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 94.13.10.

(i) Sandwich board/pedestal signs shall not count against the maximum area or number of business signs allowed per Section 94.13.07.

Section 94.13.05: 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) **One-time Event Sign.** One-time event signs are allowed per the requirements of Section 94.13.08.

(5) **On-Premise Home Occupation, Residential Business, Intermediate Day Care Home, 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 94.13.04(3), except that no Community Information Sign advertising or providing directions to a business shall be located within a residential or RR zoning district.

[Amended via Ord. 15-021, 10/21/2015]

Section 94.13.06: 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 94.13.05 and all other applicable provisions of this Article.

Section 94.13.07: Regulations for Non-Residential, Agricultural, PR, and N Zoning Districts

Except for residential uses within non-residential zoning districts (instead see Section 94.13.06), 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 94.13.04(6).

(5) **One-time Event Signs.** Per the requirements of Section 94.13.08.

(6) **Community Information Signs.** Per the provisions of Section 94.13.04(3).

(7) **On-Premise Business Signs.** (also see summary in Figure 13.07)

(a) **For the FP Farmland Preservation, AR Agricultural Residential, PR Parks and Recreation, and RM Rural Mix 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. 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, Pylon, or Arm/Post)
   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, or up to 64 square feet by conditional use permit.
   c. Maximum Permitted Sign Height: 8 feet, or up to 20 feet by conditional use permit.
   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). 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: Two 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.

[Amended via Ord. 16-046, 12/21/2016]

(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 94.13.05. 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 94.13.02.

[Amended via Ord. 15-021, 10/21/2015; Ord. 16-027, 5/18/2016]

Figure 13.07: SUMMARY of Maximum Dimensions and Number of On-Premise Business Signs (For Non-Residential, Agricultural, and PR Districts—See Section 94.13.05 for Residential and RR District Standards)

Zoning District	Maximum Sign Area and Height		Maximum Number of Signs
	On-Building	Freestanding	
FP AR PR RM	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	Monument, Pylon, or Arm/post: Maximum Area: 48 SF (64 SF by CUP) Maximum Height: 8 ft (20 ft by CUP)	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	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 94.13.07 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 94.13.07 controls.			
[Amended via Ord. 16-027, 5/18/2016; Ord. 16-046, 12/21/2016]			

Section 94.13.08: One-time Event Signs

The following are allowable one-time event sign types and unique requirements for each type. A sign permit shall not be required except where indicated.

(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, except that each fence surrounding a construction site may be partially or fully covered with a banner including signage.

[Amended via Ord. 19-001; 1/23/2019]

(3) **Temporary Commercial Signs and Banners.** For sales, limited time offers, grand openings, or other special events only, such signs shall not exceed 64 square feet in area and 12 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 94.16.09, no single use is permitted to display more than one temporary commercial sign or banner at a single time and 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. An advertising vehicle sign is not a permitted temporary commercial sign, but a mobile sign is permitted. A sign permit shall be required for a temporary sign serving this purpose. Does not include price or temporary item signs, as described below. If a portable Variable message sign (VMS) is used as a temporary commercial sign, then the regulations in Section 94.13.04(4) shall also apply.

(4) **Price or Temporary Item Signs.** Signs that advertise the price of products or services offered on the premises or of special temporary goods or services being sold or offered, up to 6 square feet in area per sign face for each double-sided sign, not illuminated, no more than two signs per street frontage, and no closer than five feet to any property lines. Each price or temporary sign must be removed within 24 hours of the special being sold or offered, and within 30 days of its placement on the property in any case. Any temporary sign not meeting these limitations but serving a similar purpose shall instead be classified as a temporary commercial sign or banner.

(5) **Temporary Individual Residential Signs.** Not larger than 12 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.

(6) **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 12 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. If a portable Variable message sign (VMS) is used as a temporary commercial sign, then the regulations in Section 94.13.04(4) shall also apply.

(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 Wis. Stat. Chapter 12.

(8) **Personal Greeting or Congratulatory Signs.** Permitted for up to 30 days, with such signs not greater than 6 feet in height in residential districts and 12 feet in height in all other districts 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. If a portable variable message sign (VMS) is used as a temporary commercial sign, then the regulations in Section 94.13.04(4) shall also apply.

(10) **Commercial Sign Pro Tempore.** A freestanding sign that advertises a new business, that is installed on an initial and temporary, non-permanent basis, longer than a 30-day period. Sign dimensions shall not exceed those set forth in Section 94.13.07(7) listed under the associated zoning district. This sign type is only valid from November 1st to May 1st. No single use is permitted to display more than one commercial sign pro tempore. An advertising vehicle sign is not a permitted temporary commercial sign, but a mobile sign is permitted. If a portable variable message sign (VMS) is used as a commercial sign, then the regulations in Section 94.13.04(4) shall also apply. This sign type does not include price or temporary item signs or temporary commercial signs and banners as described above. A sign permit shall be required for *both* a commercial sign pro tempore serving this purpose and a permanent freestanding sign. This sign type may only be applicable in the following additional circumstances:

(a) The sign is a part of an approved site plan for the purpose of new construction;
(b) A freestanding sign is currently not installed on the premise; or
(c) A non-conforming permanent, freestanding sign is being removed and replaced with a new permanent, freestanding sign in conformance with this Chapter.

[Amended via Ord. 15-021, 10/21/2015; Ord. 16-006, 4/20/2016]

Section 94.13.09: 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/one-time event 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.

[Amended via Ord. 15-021, 10/21/2015]

Section 94.13.10: 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 or by the notice from the Zoning Administrator of the problem. Any failure to remove such sign shall be a violation of this Chapter and shall be subject to enforcement under Section 94.16.19.

(7) Business signs that advertise an activity, business product or service no longer conducted or available on the premises on which the sign is located shall be prohibited. In such instance, the property owner shall be responsible for removing the sign or sign face related to such activity, business product, or service within 30 days of the cessation of such activity, product or service, or sooner if the Zoning Administrator determines that the signs do not meet the maintenance requirements of Section 94.13.10. Any failure to remove such sign shall be a violation of this Chapter and shall be subject to enforcement under Section 94.16.19.

(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 94.13.11: 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 94.15.04 shall apply, except where otherwise limited by other provisions of this Chapter.

(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, and a marquee or other permanent sign with a manually changeable message may be converted to a variable message sign, provided that sign area is not increased or reconfigured. Alteration of a nonconforming on-premise 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.

[Amended via Ord. 19-001; 1/23/2019]

(3) **Removal of Nonconforming Signs.** All nonconforming signs found not to be in compliance with the provisions of this Chapter shall be removed within 10 days of receiving written notice of noncompliance and removal from the Zoning Administrator, except as otherwise provided for in Section 94.13.02(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 94.14.01: 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 94.14.02: 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 94.14.03: 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 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 multi-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 14.03(1): Example of Mixed-Use Area Design

Section 94.14.04: 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 94.14.01.

(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 94.14.05: 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 multi-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 94.12.09(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 14.05(1) through (3).

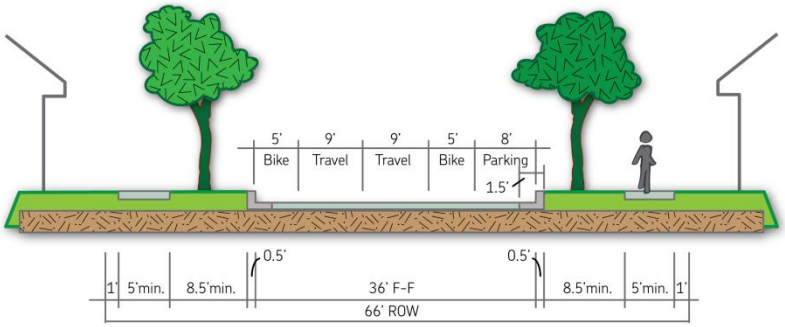
(e) Street layout. The project shall maintain the existing street grid, where present, and restore any disrupted street grid where feasible. The orientation of streets shall be consistent with the Village

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 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 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



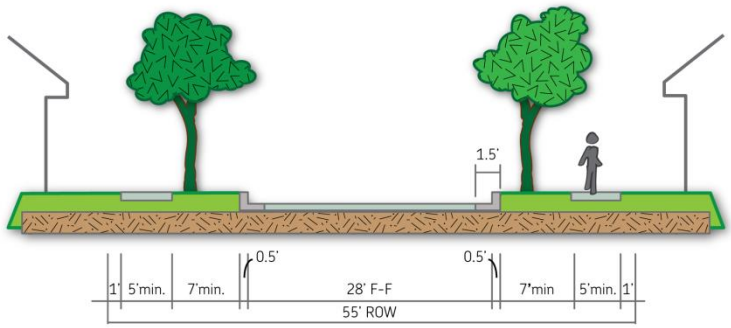


Figure 14.05(4): Examples of Required N Parking Lot Placement and Landscaping

Section 94.14.06: 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 14.06(1) through (3), and as follows:

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

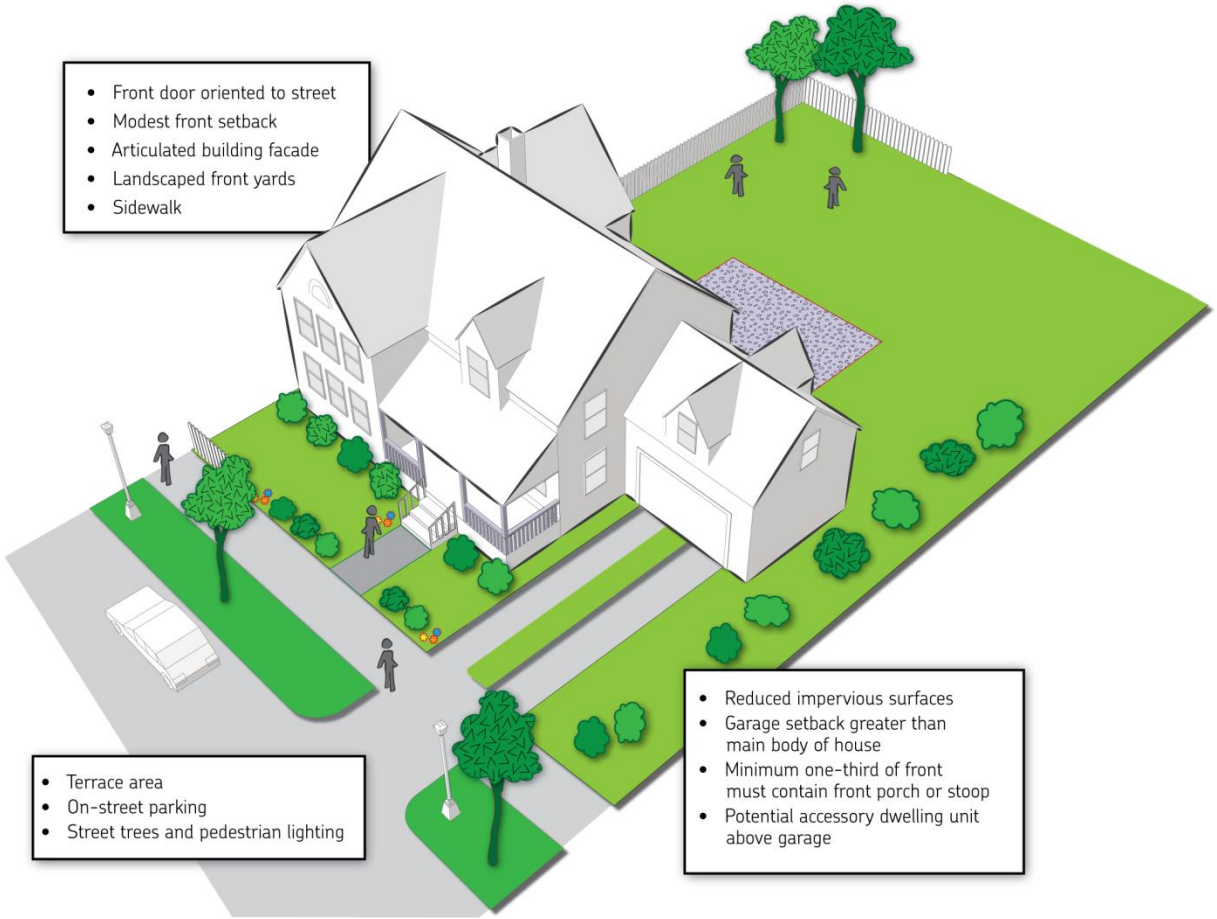


Figure 14.06(2): N District Architectural Requirements, Multi-Family Residences

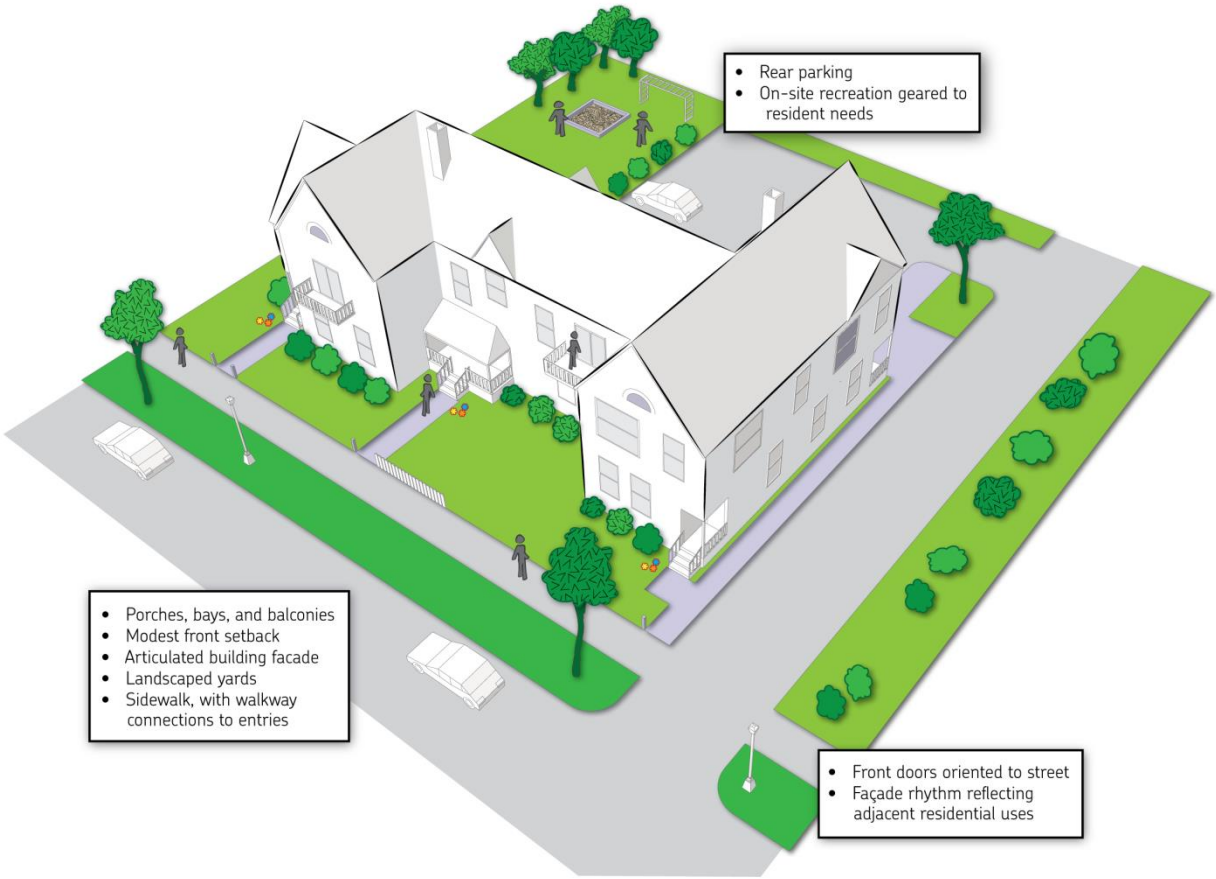
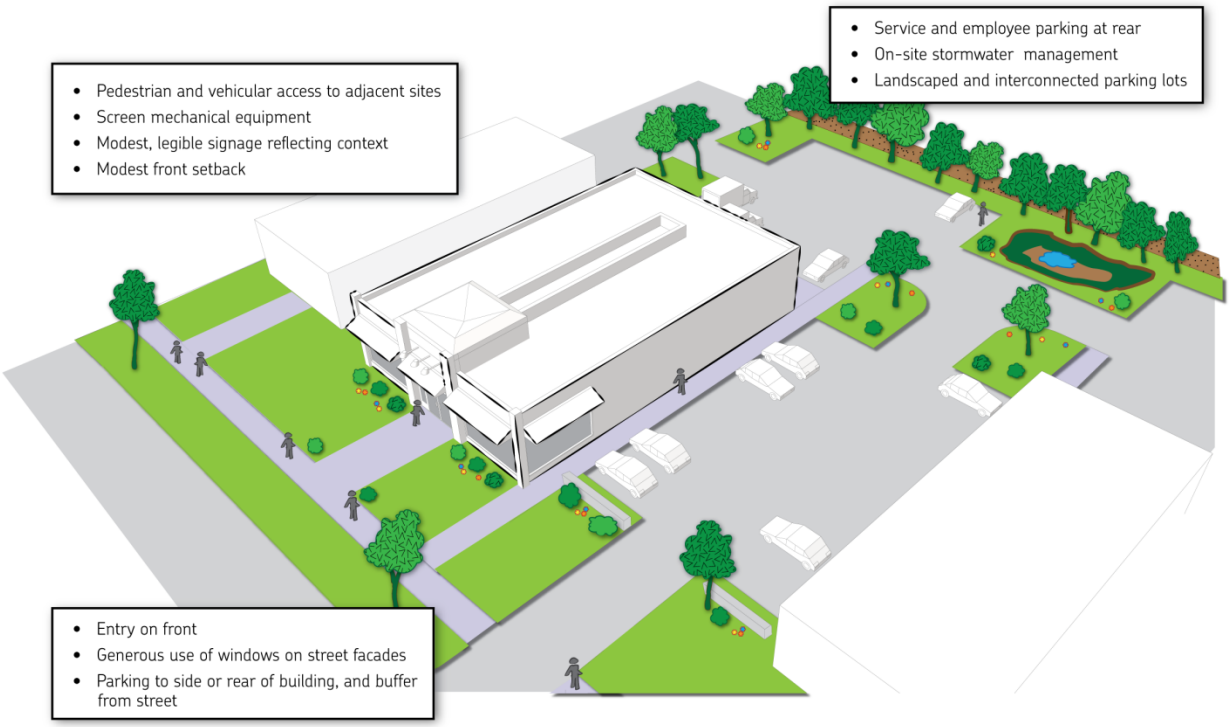


Figure 14.06(3): N District Architectural Requirements, Neighborhood Business Uses



(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 14.06(4) for examples).

Figure 14.06(4): Examples 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 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 14.06(5).

Figure 14.06(5): Alternative garage locations on an N residential lot:

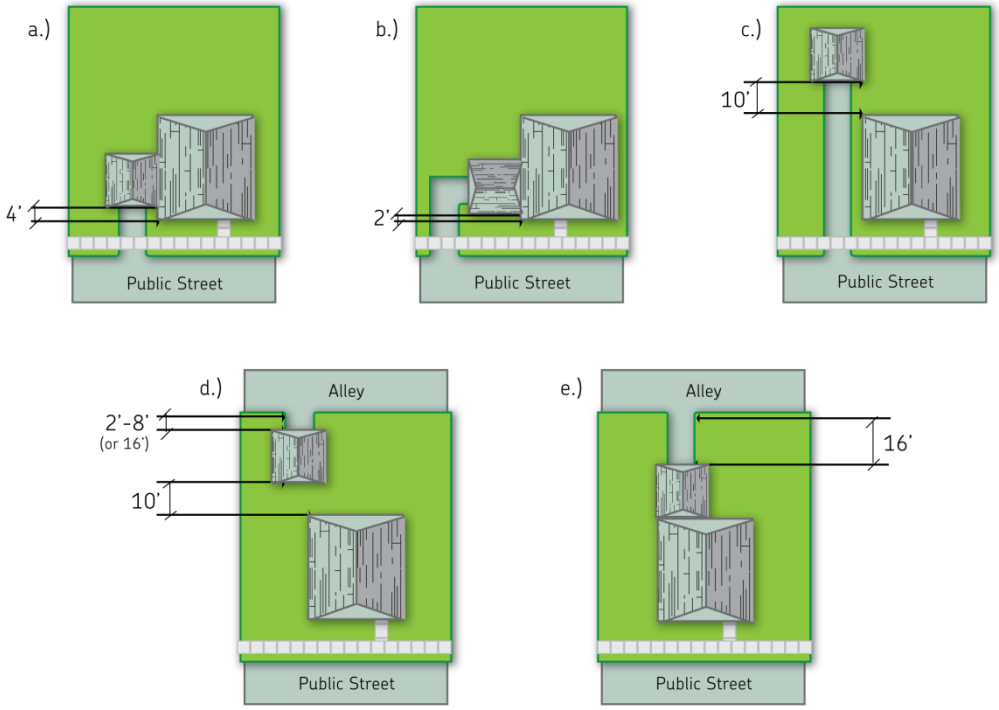
a) Attached garage is accessed from a street (street-loaded garage). 4' min setback required if no front porch or similar front yard building projection; 2' with front porch.

b) Attached garage is accessed from a street (side-loaded garage). 2' min setback required.

c) Detached garage, behind the house, is accessed from a street. 10' separation between house and garage.

d) 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.

e) Attached garage is accessed from an alley. 16' minimum setback from alley right-of-way to enable parking between garage and alley.



<u>Section 94.14.07: Additional N District Requirements</u>

(1) **Street Trees.** Shall be required in accordance with Section 94.11.02(3)(a), except where alternate standards of comparably quality are included as part of an approved Specific Implementation Plan.

(2) **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.

(3) **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 94.14.08: 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 94.16.03, 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 94.14.09 and 94.16.03(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 94.14.09 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 94.14.10 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 94.16.09 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 94.14.11 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 94.14.08 and/or 94.14.10, 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 94.14.12 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 94.14.13 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 94.14.14 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 94.15.01: 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 March 18, 2015. Nonconforming signs are also addressed in Article 13.

Section 94.15.02: Nonconforming and Substandard Lots

(1) No lot shall be created which does not meet the lot dimensional requirements of the associated zoning district.

(2) Legal nonconforming or substandard lots, as defined in Article 17, may be utilized as a building site for a permitted use (but not for a conditional use) in the associated zoning district, if all of the following apply:

   (a) Such lot has never been developed with one or more of its structures placed partly on an adjacent lot or parcel.

   (b) Such lot is developed to comply with this Chapter and other applicable chapters of the Weston Municipal Code.

(3) Conforming structures existing at the time of the adoption or amendment of this Chapter may be continued, although the lot does not conform to the newly adopted or amended requirements of this Chapter, as long as all uses on the lands containing the structure are legal conforming uses.

(4) Each aforementioned structure may be extended, enlarged, substituted, moved, remodeled, modified, added to, or rebuilt as long as any such change conforms to the established building setback lines along streets and the yard, height, and floor area ratio provisions of this Chapter.

[Amended via Ord. 15-009, 6/17/2015; Ord. 19-001; 1/23/2019]

Section 94.15.03: 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 (4).

(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 94.15.04: 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 94.15.05: Nonconforming Sites

(1) **Definition.** A nonconforming site is one on which a principal use has been established prior to March 18, 2015 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 March 18, 2015, 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 the predecessor zoning ordinance, or a Village zoning decision under that ordinance, required site improvements which have not been satisfactorily completed or maintained.

(c) Where a particular requirement of this Chapter reflects a condition or requirement of approval for the particular development site.

(d) Where the provisions of subsection (3) apply.

(3) **Proposed Enlargements Require Compliance.** After the March 18, 2015, 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 94.15.11.

(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 94.16.01: Purpose

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

Section 94.16.02: 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. Only a complete application in the determination of the Zoning Administrator shall entitle a public hearing under subsection (6). The Zoning Administrator or designee shall inform the applicant if the application is incomplete in his or her determination.

   (b) Once the Zoning Administrator determines the application is complete, the Zoning Administrator or designee shall authorize a public hearing and 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 as determined by the Zoning Administrator, 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 Wis. Stat. § 62.23 (7)(d). 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 a 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 or greater 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.

[Amended via Ord. 16-007, 4/20/2016]

Section 94.16.03: Amendments to the Official Zoning Map (Rezonings)

(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. Only a complete application in the determination of the Zoning Administrator shall entitle a public hearing under subsection (6). The Zoning Administrator shall inform the applicant if the application is incomplete in his or her determination.

(b) Once the Zoning Administrator determines the application is complete, the Zoning Administrator or designee shall authorize a public hearing and 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 as determined by the Zoning Administrator, 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 Wis. Stat. § 62.23 (7)(d). 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?

(e) For applications to rezone land to a multi-family, commercial or industrial zoning district, is, or will there be, adequate public infrastructure available to accommodate the range of uses allowed in that zoning district?

(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 a two-thirds or greater vote of the full Village Board is required in one or more of the following circumstances:

1. The Board action is opposed to or alters a recommendation of the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area),
2. A valid protest petition against the requested amendment to the Official Zoning Map meeting the definition in Section 94.17.04 is filed, and/or
3. The amendment relates to down zoning as defined in Wis. Stat. § 66.10015(1)(as), unless the down zoning is requested or agreed to by all persons who own the land(s) affected by the proposed down zoning.

[Amended via Ord. 19-001; 1/23/2019]

(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.

[Amended via Ord. 16-007, 4/20/2016]

Section 94.16.04: 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. Every application for a zoning permit or building permit shall be deemed to be an application for a Certificate of Occupancy, governed under Section 94.16.04.

(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 locations, dimensions, and areas of all existing and proposed structures; existing and proposed easements; streets and other public ways; off-street parking (including spaces), loading areas, and driveways; existing highway access restrictions; outdoor storage areas; high water, channel floodway, and floodplain boundaries; and existing and proposed street, side, and rear yards.

(d) For structures intended for non-residential use, an operational plan including the hours of operation; number of employees total and per largest shift; predicted traffic impact; expected loading and outdoor activities; fire suppression measures; and emergency alarms, management plans, and contact information.

(e) List or copies of required federal, state, and county permits and licenses that will be required.

(f) Except for structures intended for single- or two-family residential use, a copy of a contract with a licensed garbage hauler.

(g) Additional information as may be required by the Zoning Administrator.

(h) 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, 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 94.16.05: 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. No building permit shall be issued until zoning compliance is determined.

Section 94.16.06: Conditional Use Permits

(1) **Purpose and Applicability.** The development and execution of this Chapter is based upon the division of the Village and its ETZ Area into zoning districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development, and operation. Such uses are classified as conditional uses and require a conditional use permit except as specified under subsection (14).

(2) **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.

(3) **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. 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 scale 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. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(c) A written description of the proposed conditional use describing the type, duration, and density of activities, buildings, and structures proposed for the subject property and their general locations, plus such additional information as may be required for the particular land use under Article 4.

(d) 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 94.16.09, and any additional requirements as may be specified for the particular land use under Article 4. 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.

(e) 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 and all applicable requirements of this Chapter.

(f) 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 requirements of this Chapter are or will be fulfilled.

(g) Any required fee per the 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. Only a complete application in the determination of the Zoning Administrator shall entitle a public hearing under subsection (4). The Zoning Administrator shall inform the applicant if the application is incomplete in his or her determination.

(b) Once the Zoning Administrator determines that the application is complete, the Zoning Administrator or designee shall authorize the public hearing and prepare a written evaluation of the application based on the criteria for evaluating conditional use permits in subsection (8) 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).

(5) **Public Hearing.** 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 as determined by the Zoning Administrator. 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 Wis. Stats. § 62.23(7)(d) and (de). 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.

(6) **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. Prior to acting on a conditional use permit application, the Plan Commission or the Extraterritorial Zoning Committee may request further information and/or additional reports from the Zoning Administrator, the applicant, outside experts and/or any other source. 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.

(7) **Appeal to the Village Board.** An appeal of a decision under subsection (6) 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 criteria for approval set forth in section (8), 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.

(8) **Review Criteria for Conditional Use Permit.**

(a) If the applicant meets, or agrees to meet, all of the applicable requirements specified in this Chapter and conditions imposed by the Plan Commission or the Extraterritorial Zoning Committee, the Commission or Committee shall under Wis. Stats. § 62.23(7)(de)2.a. grant the conditional use permit. The Village may require written agreement from the applicant in a form prescribed by the Village Attorney.

(b) Any decision to grant or deny the conditional use permit must be supported by substantial evidence, as that term is defined in Wis. Stats. § 62.23(7)(de)1.b. Any condition or modification must be related to the purpose of this Chapter, reasonable, measurable to the extent practicable, and based on substantial evidence.

(c) To the extent consistent with Subsections (a) and (b), no conditional use permit shall be granted unless the Plan Commission or the Extraterritorial Zoning Committee finds that the use authorized thereby meets the following criteria:

1. The proposed conditional use is consistent with the Comprehensive Plan, this Chapter, and all other plans, programs, and ordinances adopted by the Village.

2. The proposed conditional use, in its proposed location and as depicted on the required site plan, will not 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 all other plans, programs, and ordinances adopted by the Village.

3. The proposed conditional use will maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
4. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
5. Tthe 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.

(9) **Issuance, Notice, and Recording of Conditional Use Permit or Denial.** Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant the approved conditional use permit. Said permit shall enumerate the details of the conditional use permit, including an identifiable description of the use and subject property and any specific conditions or requirements 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. In the case of a denial of a conditional use permit, the Zoning Administrator shall provide written notification to the applicant that the conditional use permit was denied, including the reasons for denial.

(10) **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 relative to the review criteria in subsection (8) that are found valid by the Zoning Administrator.

(11) **Penalties, Revocation, or Modification of an Approved Conditional Use Permit.**

(a) Any violation of an approved conditional use permit shall be subject to Section 94.16.19.

(b) A conditional use permit shall be automatically revoked if:

1. All buildings and other improvements authorized by the conditional use permit have not been developed, and the conditional use has not commenced operation, within two years of final site plan approval, unless the Commission or Committee has extended this period by request of the applicant, based on reasons beyond the reasonable control of the applicant.
2. Once initially made operational, the operation of the conditional use has been discontinued for a period exceeding one year. The burden of proof shall be with the conditional use permit holder or operator to conclusively demonstrate that the conditional use was operational during this period.

(c) A conditional use permit may be revoked or modified by the Plan Commission or the Extraterritorial Zoning Committee, where the Commission or Committee determines that the use, its operation, and/or associated improvements are not in compliance with (i) the terms of this Chapter including one or more criteria in subsection (8) and/or (ii) the approved conditional use permit including any associated plan or approval condition. The Commission, Committee, or Zoning Administrator may commence proceedings to consider revocation or modification, with such proceedings following the process in subsections (5) and (6). An appeal of any such decision shall be allowed per subsection (7).

(12) **Duration and Transfer.** The Commission or Committee may approve a conditional use permit with a limitation on the Permit's start date, duration, and/or transfer if such limitations(s) relate to the purpose of this Chapter and the conditional use permit review criteria in subsection (8). Unless the Commission or Committee approved a conditional use permit with a transfer limitation, or Article 4 prescribes a

transfer limitation for the particular conditional use, all requirements of the approved conditional use permit shall be continued regardless of ownership or operation of the subject property or use and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit.

(13) **Amendments to Approved Conditional Use**. Any expansion of or amendment to a previously approved conditional use permit or grandfathered conditional use, including any change in an associated plan or approval condition found to be material by the Zoning Administrator, shall be processed in accordance with subsections (2) through (10), except where its initial approval allowed expansion or amendment by some other process.

(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 regulated as a conditional use under Figures 3.04 and 3.05 or elsewhere this Chapter that was a legal land use--either permitted-by-right or as a conditional use--prior to March 18, 2015 shall be considered a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial expansion or 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 conditional use permit under this Section.

[Amended via Ord. 16-008, 4/20/2016; Ord. 19-001; 1/23/2019]

Section 94.16.07: 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 94.4.10, 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) Every application for a temporary use shall be deemed to be an application for a temporary Certificate of Occupancy, governed under Section 94.16.04.

(e) 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 94.16.09 deemed necessary by the Zoning Administrator.

(e) The Zoning Administrator may require some or all of the information normally required for an application for a zoning permit, under Section 94.16.04(2).

(f) 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 working 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 for this procedure, per the fee schedule approved by the Village Board or Chapter 67.

Section 94.16.08: Sign Permits

Sign permits shall be issued in accordance with the procedures and requirements set forth in Section 94.13.02, and other applicable procedures set forth in Article 13.

Section 94.16.09: Site Plan Procedures

(1) **Applicability.** Site plan approval shall be required in advance of construction for all development projects that are listed in Section 94.3.03(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 working 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 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 hard surfaced and graveled areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, walls, wells (in use or abandoned), on-site waste treatment tank locations and drainage fields, labeling actual and proposed setbacks from all lot lines.

(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 landscape plan for the subject property at the same scale as the main plan showing the location, type, and size of all proposed landscaping. All landscape plans shall be subject to the requirements of Article 11, including but not limited to professional quality and preparer qualifications under Section 94.11.02(2).

(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. Drawings shall also include or be accompanied by calculations of each exterior facade building material by type, square footage, and percentage of total façade area.

(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 that:

1. Meets the submittal requirements of Section 94.13.02(2).
2. Includes proposed signable areas on building facades.
3. Includes 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) All other materials required to assure compliance with the performance standards associated with the particular land use, as indicated in Article 4.

(bb) 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 94.10.04.

(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) **Construction Management.** Construction of all projects obtaining site plan approval shall be overseen by a professional construction manager or project manager, whose name and contact information shall be provided by the project owner to the Zoning Administrator upon request.

(10) **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.

(11) **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.

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

[Amended via Ord. 16-016, 4/20/2016; Ord. 19-001; 1/23/2019]

Section 94.16.10: 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 94.16.11: 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. A** variance may be granted to any term or regulation of this Chapter, subject to the procedures and criteria in this Section, except that no variance may enable a land use that is not allowed in the zoning district under Article 3 of this Chapter.:

(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.** The applicant shall provide the Zoning Administrator with the complete application certified as complete by the Zoning Administrator under subsection 5(a), 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 scale 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. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.

(d) A site plan of the subject property, including existing conditions and proposed changes. Said site plan shall conform to those requirements of Section 94.16.09 to the extent deemed necessary by the Zoning Administrator

(e) 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.

(f) 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. 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 with explanation. If the Zoning Administrator determines that the application is complete, he or she shall certify the application as complete. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred.

(b) Once the Zoning Administrator determines that the application is complete, the Zoning Administrator or designee shall authorize the public hearing and prepare a written evaluation, including whether there is 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 Wis. Stat. § 62.23(7)(d). 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 the variance will not be contrary to the public interest, safety, welfare, and justice.

(b) 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.

(c) 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 on most other properties within the same zoning district, subject to the following limitations:

1. 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.

2. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.

3. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships.

4. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

(d) That the requested variance will not be contrary to the intent and purpose of this Chapter and the Village's Comprehensive Plan.

(e) That the requested variance is for a provision of this Chapter authorized for potential variances under Section 94.16.11(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.

(f) That the granting of the proposed variance shall not impose a substantial detriment to adjacent properties. The applicant shall clearly indicate how the proposed variance will have no substantial detriment on adjacent properties.

(g) That the proposed variance would make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property. Violations by, or variances granted to, other properties shall not justify a variance.

(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. The document recording the variance shall indicate that the property owner has the burden of proof to conclusively demonstrate that activities associated with the variance are being completed within the following applicable periods, or the variance shall become null and void:

(a) A building permit associated with the approved variance shall be obtained within one calendar year of the approval.

(b) Upon issuance of a building permit, the associated work must be completed in accordance with Section 94.16.04.

(c) In the event the variance does not require a building permit; the associated work must be completed within two calendar years of the variance approval.

In the event that a variance is rendered null and void under this subsection, the Zoning Administrator may record an amendatory document against the property, assigning all costs thereof to the applicant, and shall remove or modify 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. A variance granted under this Chapter shall run with the land, meaning it shall be in effect regardless of ownership or operation of the building or premises, except as otherwise limited by this Chapter or by a specific condition attached to the 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.

[Amended via Ord. 15-023, 10/21/2015; Ord. 16-009, 4/20/2016; Ord. 16-026, 5/18/2016; Ord. 17-018, 6/21/2017; Ord. 19-001; 1/23/2019]

Section 94.16.12: 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 94.16.13: 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 a majority vote of the members present 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 affect any variance in such ordinance. The grounds of any such determination shall be stated.

[Amended via Ord. 16-010, 4/20/2016]

Section 94.16.14: 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 Wis. Stat. § 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 public services and facilities, 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 94.16.15: 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 Wis. Stat. § 66.0119(2).

(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, Police Department, Fire 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 interpretations regarding the provisions of this Chapter per Section 94.16.12.

[Amended via Ord. 16-011, 4/20/2016]

Section 94.16.16: 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, 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 94.16.09.

(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.

(h) Review and make recommendations to the Village Board on policies and amendments to the Village's building, health and safety codes.

(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.

[Amended via Ord. 19-012, 8/21/2019]

Section 94.16.17: 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 Wis. Stats. § 62.23(7)(e) and shall have the following powers:

(a) Hear and decide applications in such specific cases 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 94.16.11.

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.

[Amended via Ord. 19-001; 1/23/2019]

Section 94.16.18: 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.

(5) **Parkland Fees.**

(a) **Authority.** Wis. Stat. § 62.23(7), confers upon the Village the authority to regulate and restrict by ordinance, land uses in the manner provided for therein, for the purposes of, among other things, ". . . to facilitate schools, parks and other public requirements . . ." and that any such ordinance so executed shall be liberally construed in favor of the Village.

(b) **Purpose and Intent**. The development of lands within the Village for residential uses creates demands upon the Village to provide, among other things, adequate provision for parks. As the resident population of the Village increases due to such development, the need to acquire and equip parks must be addressed. Accordingly, the following provisions are established to preserve and provide properly located public sites and open spaces as the Village develops, and to insure that such public sites and open spaces are provided and developed to serve the need for parks generated by the additional persons brought into the areas by such development, in accordance with standards for such as adopted in the Village's comprehensive outdoor recreation plan, as approved from time to time. These provisions are intended to apply to all lands proposed to be rezoned or subject to a conditional use permit or site plan approval for any residential purpose on or after August 1, 2016.

(c) **Implementation.** The Village intends to implement the public policies contained herein, through the provisions of this Section or Chapter 74 *Subdivision Regulations* of this Code of Ordinances, whichever is applicable. In the event that land dedication pursuant to Chapter 74 *Subdivision Regulations* would result in sites too small to be usable or if the Village's comprehensive outdoor recreation plan calls for such public sites or open spaces to be located elsewhere, or if such sites would not otherwise be suitable for park purposes as determined by the Plan Commission or the Village Board, a payment of a park fee in lieu of land dedication shall be required, as hereinafter set forth. Payment of such fee shall be a condition precedent to the approval of the rezoning of any lands for the residential uses described in (b) above.

(d) **Fee Calculation.** Whenever a park fee is imposed by the site plan approval authority as a condition of rezoning, conditional use permit, or site plan approval, the park fees shall be computed on the basis of the maximum residential use of each lot or residential building site approved or permitted in the particular zoning district under this Zoning Code. The amount of the park fee shall be determined by application of the following formula:

A x B = Park Fee

Where:

A = the maximum number of residential units in the applicable residential zoning district that may be located on the land area in question, or the specific number of housing units authorized by the conditional use permit or site plan approval.

B = the Zoning Fee as stated in the Schedule of Fees per residential unit.

(e) **Payment.** Payment of the park fee shall be due and payable at the time of the issuance of a building permit for the construction of any improvement on the real estate subject to the site plan approval. Such fee shall be deposited into a special account for parks and recreation facilities and shall be used exclusively for such purposes in the Village.

(f) **Partial Dedication.** Where the Village Board, in its sole discretion, permits a developer of land to satisfy the requirements of Chapter 74 *Subdivision Regulations* of this Code by dedicating a portion of the land that would otherwise be required to be dedicated under that section, then in such event, the Village Board may reduce the park fee provided for in this Section, in recognition of the partial

dedication that has in fact occurred. Such reduction shall be in proportion to the percent of total required park land dedication.

[Amended via Ord. 16-037, 8/18/2016]

Section 94.16.19: Violations and Penalties

(1) **Violations.** It shall be unlawful to construct, develop or use any structure, land, water or air anywhere within the Village in violation of any of the provisions of this Chapter or action or order taken under this Chapter. In case of any violation, the Village may institute appropriate action or proceeding to enjoin a violation of this Chapter, including seeking abatement, removal, forfeiture, penalty, citation, or some combination, as outlined in this Section. Adoption of this Section does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(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 any applicable costs of prosecution, assessments, and court costs 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 Wisconsin Statutes.

(d) **Chronic Nuisance Abatement.** 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.

[Amended via Ord. 16-013, 4/20/2016]

Article 17: DEFINITIONS

Section 94.17.01: 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 94.17.02: 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 94.17.03: 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 or Natural Resources (also "WisDNR")
DOT	Wisconsin Department of Transportation (also "WisDOT")
D	D Design (overlay zoning district)
Du	Dwelling unit (also "housing unit")
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
Ft	Foot

Abbreviation	Meaning
FP	FP Farmland Preservation (standard zoning district)
GFA	Gross Floor Area
GI	GI General Industrial (standard zoning district)
GSA	Gross Site Area
HUD	U.S. Department of Housing and Urban Development
INT	INT Institutional (standard zoning district)
ISR	Impervious Surface Ratio
LI	LI Limited Industrial (standard zoning district)
LSR	Landscape Surface Ratio
Max	Maximum
MF	MF Multiple Family Residential (standard zoning district)
MGD	Maximum Gross Density
MH	MH Manufactured 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
RM	RM Rural Mix (standard zoning district)
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+")

[Amended via Ord. 19-001; 1/23/2019]

Section 94.17.04: 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 Chapter 71 of the Weston Municipal Code.

Acre: 43,560 square feet.

Accessory dwelling unit (land use): See Section 94.4.09.

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 94.4.04.

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 94.4.05.

Agricultural-related use (land use): See Section 94.4.03.

Agricultural use (land use): See Section 94.4.03.

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 94.12.14.

Airport or heliport (land use): See Section 94.4.07.

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 some 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 94.4.09.

Animal unit: A term which has the meaning that was given in NR 243.05(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 94.16.14.

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 94.4.05.

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 94.4.06.

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 94.4.05.

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 94.15.05).

Board of Trustees: See "Village Board."

Boarder: A person renting a room, or being provided a room as a stipulation of employment, in a Boarding House.

Boarding house (land use): See Section 94.4.05.

Brewpub: A use that is accessory to a restaurant or tavern use, produces less than 10,000 barrels of beer per year, is permitted under Wis. Stat. § 125.295, and where beer is primarily produced for on-site consumption.

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 94.11.02(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.

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 94.4.05.

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 a camping unit(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.

Carport: An attached or detached structure having a roof designed to shelter a motor vehicle, but open on more than one side.

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 94.16.10.

Collector street: See Street, Collector.

Commercial animal establishment (land use): See Section 94.4.05.

Commercial indoor lodging (land use): See Section 94.4.05.

Commercial land use(s): See Section 94.4.05.

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 94.4.08.

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 94.4.03.

Community living arrangement (land use): See Section 94.4.04.

Company cafeteria (land use): See Section 94.4.09.

Company provided on-site amenities (land use): See Section 94.4.09.

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 Wis. Stats. § 62.23 and 66.1001.

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 94.4.10.

Contractor's project office (land use): See Section 94.4.10.

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 94.4.09.

Detached accessory structure (for residential use) (land use): See Section 94.4.09.

Detached garage: See "Garage, detached."

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 94.4.06.

Distribution center (land use): See Section 94.4.07.

Donation Drop-off box or vending machine (land use): See Section 94.4.09.

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 94.4.05.

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 94.12.02.

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 94.12.17.

Exterior storage standards: See Section 94.12.06.

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 94.4.09.

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 pot-bellied pigs. Refer to Wis. Admin. 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.

Farmers' Market: The days the Village of Weston provides a time and space for vendors to peddle, vend, sell, serve, display, offer to sell or give away a grown or homemade good, product, food or beverage.

Fencing standards: See Section 94.12.03.

Fire and explosion standards: See Section 94.12.17.

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, or approximately 10 LUX.

Freight terminal and mass transportation depot (land use): See Section 94.4.07.

Garage: A detached garage or a portion of the principal building, not including a carport, which is used primarily for storing vehicles and equipment. See also "Detached Accessory Structure (for Residential Use)."

Garage, detached: A detached accessory building that is 200 square feet in area or greater; used primarily to store vehicles and equipment; and installed on a foundation, hard surface, or graveled surface. A detached garage is not a utility shed.

Gas station: See "Drive-In or Drive-Through Sales or Service."

Gazebo: A detached accessory structure that is covered but that also allows open air and views on all sides, and is for recreational use that does not include storing vehicles or equipment.

Geothermal energy system (GES) (land use): See Section 94.4.09.

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.

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

Glare standards: See Section 94.12.16.

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 94.4.05.

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.

Hard surface: A dustless, all-weather surface including concrete, asphalt paving, "black-top," pervious pavement, interlocking pavers, paving stones commercially designed and manufactured for the proposed purpose, any combination of these materials, or other similar material approved by the Zoning Administrator. Does not include gravel, other crushed stone, limestone screenings, clay, or other loose aggregate or organic material.

Hazardous materials: See Section 94.12.20.

Heat standards: See Section 94.12.16.

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 94.4.08.

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.

Hobby farm: A type of agricultural use that produces food or fiber, or that houses horses or similar animals, but is operated for pleasure or supplemental income rather than for primary income and exceeds the limitations associated with the "keeping of farm animals on residential lots and school sites" land use.

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 94.4.09.

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 hard surfaces as defined in this section 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 also be considered impervious.

In-home suite (land use): See Section 94.4.09.

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

Indoor commercial entertainment (land use): See Section 94.4.05.

Indoor institutional—general (land use): See Section 94.4.04.

Indoor institutional—intensive (land use): See Section 94.4.04.

Indoor repair and maintenance (land use): See Section 94.4.05.

Indoor sales incidental to storage or light industrial land use (land use): See Section 94.4.09.

Indoor sales or service (land use): See Section 94.4.05.

Indoor storage or wholesaling (land use): See Section 94.4.06.

Institutional and recreational land use(s): See Section 94.4.04.

Institutional residential (land use): See Section 94.4.04.

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 94.4.09.

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 94.16.12.

Joint Extraterritorial Committee: See Extraterritorial Zoning Committee.

Junkyard or salvage yard (land use): See Section 94.4.06.

Keeping of farm animals on residential lots and school sites (land use): See Section 94.4.09.

Landscape points: See Section 94.8.02(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 94.4.09.

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 94.4.08.

Light industrial activities incidental to indoor sales or service (land use): See Section 94.4.09.

Lighting standards, exterior: See Section 94.12.11.

Livestock or farm commodity trucking (land use): See Section 94.4.07.

Loading standards: See Section 94.12.10.

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 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."

Micro-beverage production facility (land use): See Section 94.4.05.

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 94.4.02.

Manufactured home community (land use): See Section 94.4.02.

Mobile food vending unit: Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, pedal cart, stand, display, carried container, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which food and/or beverages are being peddled, vended, sold, served, displayed, or offered for sale or given away. This definition does not include a mobile wholesale delivery unit, a vehicle which is used solely to transport or deliver food, or a common carrier regulated by the state or federal government. See Section 94.4.10(13).

Mobile food vendor: means a person who peddles, vends, sells, serves, displays, offers to sell or give away food or beverages from a mobile food vending unit.

Mobile home: A transportable factory-built structure as defined in Wis. Stat. § 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 94.4.02.

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 94.12.13.

Non-metallic mineral extraction (land use): See Section 94.4.08.

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 March 18, 2015 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 94.15.05.

Nonconforming structure: Any building, or other structure, that was lawfully established prior to March 18, 2015 or subsequent amendments thereto, but that would not conform to one or more current density, intensity, or bulk regulations within this Chapter. See Section 94.15.04.

Nonconforming use: An active and actual use of land, building(s), or structure(s) that was lawfully established prior to March 18, 2015 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 94.15.03.

Non-Residential and Mixed Use (Zoning) Districts: The INT, B-1, B-2, B-3, BP, LI, GI and RM districts, and any property within an N district approved for non-residential use. Alternately referred to as "Non-Residential Zoning Districts" in this chapter.

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 94.12.18.

Odor standards: See Section 94.12.15.

Office (land use): See Section 94.4.05.

Official map: A map adopted and designated by the Village as being the "Official Map," pursuant to Wis. Stat. § 66.23(6), 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 94.4.03.

On-site real estate sales office (land use): See Section 94.4.10.

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 94.4.10.

Outdoor commercial entertainment (land use): See Section 94.4.05.

Outdoor display (land use): See Section 94.4.05.

Outdoor institutional (land use): See Section 94.4.04.

Outdoor solid fuel furnace (land use): See Section 94.4.09.

Outdoor storage of firewood standards: See Section 94.12.05.

Outdoor storage or wholesaling (land use): See Section 94.4.06.

Outdoor vehicle repair and maintenance (land use): See Section 94.4.05.

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 94.12.09.

Passive outdoor public recreation (land use): See Section 94.4.04.

Penalty: See Section 94.16.19.

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 94.4.05.

Personal storage facility (land use): See Section 94.4.06.

Placemaking: A multi-faceted approach to the planning, design and management of small scaled public, quasi-public and private spaces, in which visitors, customers, and/or the public is both directly and indirectly invited and welcomed to utilize. The design incorporates sociability, complementary land uses and activities, access and linkages, and comfort and image. See Section 94.6.02.

Plan commission: The Plan Commission of the Village, also commonly referred to as the Planning Commission. See Section 94.16.16.

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).

Private On-Site Wastewater Treatment System (POWTS): A sewage treatment and disposal system serving a single principal building with a septic tank and soil absorption field, holding tank where permitted under this Chapter, or alternative private sewage system located on the same lot as the principal building. Private on-site wastewater treatment systems are regulated under SPS 383, Wis. Admin. Code, other state regulations, and the Marathon County Sanitary Ordinance.

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

Protest petition: A written protest against a proposed amendment to the Official Zoning Map (or Official Zoning Overlay Map), duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land.

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 94.4.04.

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 94.4.10.

Residential agriculture (land use): See Section 94.4.09.

Residential business (land use): See Section 94.4.09.

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 or 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 94.4.10.

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.

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 94.4.02.

Site area: See Gross site area.

Site plan: See Sections 94.3.03(10) and 94.16.09.

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

Small exterior communication device (land use): See Section 94.4.09.

Small solar energy system (land use): See Section 94.4.09.

Small wind energy system (land use): See Section 94.4.09.

Solid waste disposal, composting, and/or recycling facility (land use): See Section 94.4.06.

Spreading of municipal waste/compost (land use): See Section 94.4.10.

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 94.12.02.

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: A public or private right-of-way that affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting driveways to buildings.

Street, arterial: A 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 6,000 vehicles per day; or as otherwise may be designated as an arterial street within the Comprehensive Plan or by the Village Board. Private access may be permitted with limitations imposed by the Village, Marathon County, the Wisconsin Department of Transportation and/or the Federal Highway Administration. The Functional Classification System includes designations as principal and minor arterials.

Street, collector: A street that collects and distributes internal traffic within the Village (such as within a residential neighborhood), provides connections between local and arterial streets and limited restrictions on access for abutting land uses, and has a measured or projected traffic volume of between 1,500 and 8,000 vehicles per day; or as otherwise may be designated as a collector street within the Comprehensive Plan or by the Village Board. The Functional Classification System includes designations as major and minor collectors.

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 legally created lot that met any applicable lot dimensional requirement when it was created but does not meet the minimum dimensional requirements applicable to the zoning district that are listed in this Chapter. Also referred to as a "legal nonconforming lot." See Section 94.15.02.

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 94.12.04.

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 94.12.04, 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 outdoor sales (land use): See Section 94.4.10.

Temporary portable storage container (land use): See Section 94.4.10.

Temporary shelter (land use): See Section 94.4.10.

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 94.4.10.

Temporary unscreened outdoor storage accessory to an industrial use (land use): See Section 94.4.10.

Temporary use: A land use that is present on a property for a limited and specified period of time. See Section 94.4.10 for temporary uses, and 94.16.07 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 street surface 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 94.4.05.

Toxic materials standards: See Section 94.12.18.

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

Townhouse: A type of Multi-family Residence containing between 3 and 8 dwelling units, where each unit has a private individual exterior access (beyond one that connects only to a private patio, porch, deck, or balcony), shares at least one common wall with an adjacent dwelling unit, and is not stacked on top of and does not share interior space with any other unit. Also referred to as a "row house.".

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 94.4.02.

Unnecessary hardship: A circumstance where strict compliance with this Chapter would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with this Chapter unnecessarily burdensome. The property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

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.

Utility Shed: A detached accessory building that is less than 200 square feet in area and used primarily to store maintenance equipment for the same property. A utility shed is not a detached garage.

Variance: Permission to depart from the literal requirements of this Chapter granted pursuant to Section 94.16.11.

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 94.4.09.

Vibration standards: See Section 94.12.12.

Violation: See Section 94.16.19.

Village: The Village of Weston, Wisconsin.

Village Board: The Board of Trustees of the Village.

Visibility and vision clearance standards: See Section 94.12.08(12).

Waste materials standards: See Section 94.12.19.

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.

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 94.16.15.

Zoning Board of Appeals: See Section 94.16.17. 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."

[Amended via Ord. 15-006, 5/22/2015; Ord. 16-021, 4/20/2016; Ord. 16-044, 10/20/2016; Ord 17-019, 6/21/2017; Ord. 17-034, 11/24/2017; Ord. 18-012, 4/18/2018; Ord. 19-001; 1/23/2019]