

## **Zoning Ordinance – adopted August 25, 2020**

### **Article I INTRODUCTION**

#### **Sec. 117-1. - Authority**

This chapter is adopted under the authority granted by Wis. Stats. §61.35, 61.351, 61.353, 62.23, 66.0401, 66.0403 and amendments thereto.

*(Ord. No. 10-147, § 1.0(1), 7-27-2010)*

#### **Sec. 117-2. - Title.**

This chapter shall be known as, referred to, and cited as the "Zoning Ordinance, Village of Harrison, Calumet and Outagamie Counties, Wisconsin" and is hereinafter referred to as "chapter".

*(Ord. No. 10-147, § 1.0(2), 7-27-2010)*

#### **Sec. 117-3. - Purpose.**

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Village of Harrison, Calumet and Outagamie Counties, Wisconsin.

*(Ord. No. 10-147, § 1.0(3), 7-27-2010)*

#### **Sec. 117-4. - Intent.**

It is the general intent of this chapter to:

- (1) Lessen the hazard from fire, flooding, pollution, contamination, and other dangers;
- (2) Stabilize and protect property values;
- (3) Preserve and protect the natural and manmade aesthetic characteristics of the Village;
- (4) Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;
- (5) Further the maintenance of safe and healthful water conditions;
- (6) Preserve wetlands;
- (7) Provide for and protect a variety of suitable business and manufacturing sites;
- (8) Protect the traffic-carrying capacity of existing and proposed major streets and highways;
- (9) Protect life, health and property;
- (10) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

- (11) Minimize business interruptions and other economic disruptions;
- (12) Discourage the victimization of unwary land and home buyers;
- (13) Regulate lot coverage and the size, height and location of all buildings and structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- (14) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;
- (15) Regulate parking, loading, and traffic visibility so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (16) Provide for the administration and enforcement of this chapter and to provide penalties for the violation of this chapter.

*(Ord. No. 10-147, § 1.0(4), 7-27-2010)*

**Sec. 117-5. - Relationship to comprehensive plan.**

The Village comprehensive plan, adopted on January 26, 2004, and as amended, establishes the goals, objectives and policies that serve as a basis for this chapter. All regulations or amendments adopted pursuant to this chapter shall be generally consistent with the Village comprehensive plan as adopted and revised or updated.

*(Ord. No. 10-147, § 1.0(5), 7-27-2010)*

**Sec. 117-6. - Abrogation and greater restrictions.**

- (a) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- (b) The board of Trustees of the Village may from time to time impose a moratorium on the issuance of zoning permits and approvals with respect to a defined land use under circumstances where a deficiency in the Village regulatory scheme is noted and amendments of this chapter and/or Code of General Ordinances are required to address the noted deficiencies. A moratorium shall be imposed by resolution and be in effect for no longer than 12 months, but subject to such reasonable extension or extensions as may be necessary under the circumstances.

*(Ord. No. 10-147, § 1.0(6), 7-27-2010)*

**Sec. 117-7. - Interpretation.**

In their interpretation and application, the provisions of this chapter shall be the minimum requirements and shall be liberally construed in favor of the Village and are not a limitation on or repeal of any other powers granted to the Village by the Wisconsin Statutes. If a section, provision, or portion of this chapter is unclear, the section, provision, or portion shall be interpreted in light of the standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

*(Ord. No. 10-147, § 1.0(7), 7-27-2010)*

**Sec. 117-8. - Severability.**

If any court of competent jurisdiction shall determine any section, provision, or portion of this chapter to be invalid, such judgment shall not affect any other section, provision, or portion of this chapter not specifically included in said statement. If any court of competent jurisdiction shall determine invalid the application of any section, provision, or portion of this chapter to a particular property, building, or structure, such judgment shall not affect the application of said section, provision, or portion to any other property, buildings or structure not specifically included in said judgment.

*(Ord. No. 10-147, § 1.0(8), 7-27-2010)*

**Sec. 117-9. - Jurisdiction.**

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village of Harrison, Calumet and Outagamie Counties, Wisconsin.

*(Ord. No. 10-147, § 1.0(9), 7-27-2010)*

**Sec. 117-10. - Warning and disclaimer of liability.**

This chapter is not intended to guarantee the health, safety, morals, or welfare of any person or the value or security of any land, water, building or structure, or create a liability on the part of or a cause of action against the Village or any officer or employee thereof for any damages that may result from reliance on this chapter.

*(Ord. No. 10-147, § 1.0(10), 7-27-2010)*

**Secs. 117-11—117-25. – Reserved**





## Article II ADMINISTRATION

### Sec. 117-26. - Purpose.

Administrative procedures and authority for administering, interpreting and enforcing this chapter are herein established in order to achieve the following purposes:

- (1) To provide for the review of site and development plans before obtaining a zoning permit and a zoning certificate of occupancy.
- (2) To provide for the inclusion of necessary facilities, services and additional uses through conditional use permits.
- (3) To provide for the inclusion of uses which are not specified in this chapter, but which have characteristics and a land use impact similar to permitted uses.
- (4) To assure that no work shall be started on relocation, construction, reconstruction, or structural alteration of a building, structure or use, until the building or use is found to comply with all provisions of this chapter.
- (5) To assure, before construction of new buildings or the commencement of a use or occupancy, or before occupancy is continued after alterations or changes in use have been made, that all regulations of the Village have been met by requiring a zoning certificate of occupancy.
- (6) To provide for the enforcement by issuance of orders by the zoning administrator or the building inspector.

*(Ord. No. 10-147, § 2.0(1), 7-27-2010)*

### Sec. 117-27. - Village board.

- (a) The Village Board, without limitation upon such authority as it may possess by law, has responsibility for implementing and administering this chapter.
- (b) Powers and duties. The Village Board, in general, performs the following functions:
  - (1) Approves or disapproves any application for an amendment to this chapter, including applications for amendment to the official zoning map.
  - (2) Approves or disapproves any application for conditional use permit.
  - (3) Approves or disapproves any application for a planned development overlay (PDO).
  - (4) Approves or disapproves proposed amendments to the Village's adopted land use policies.
  - (5) Takes such other action not delegated to other bodies that may be desirable and necessary to implement the provisions of this chapter.

*(Ord. No. 10-147, § 2.0(2), 7-27-2010)*

**Sec. 117-28. - Plan commission.**

- (a) The plan commission, without limitation upon such authority as it may possess by law, has responsibility for implementing and administering this chapter as set forth in this section.
- (b) Powers and duties. The plan commission, in general, performs the following functions:
  - (1) To initiate, hear, review and offer its recommendations to the Village Board on applications for amendments to this chapter, including applications for amendment to the official zoning map.
  - (2) To hear, review and offer its recommendations to the Village Board on applications for conditional use permits, PDO, and other matters.
  - (3) To aid and assist the Village Board in implementing the Village's adopted land use policies and in planning, developing and completing specific projects.
  - (4) To review and report on any matters referred to it by the Village Board.
  - (5) Review of any site plan upon disapproval by the site plan review committee (SPRC).
  - (6) To review any similar use not specifically permitted, as denied by the zoning administrator, under section 117-48. In no case shall this interpretation be construed as a process for a use variance.

*(Ord. No. 10-147, § 2.0(3), 7-27-2010)*

**Sec. 117-29. - Board of appeals.**

The board of appeals, without limitation upon such authority as it may possess by law, has responsibility for implementing and administering this chapter as set forth in article XII, Zoning Board of Appeals.

*(Ord. No. 10-147, § 2.0(4), 7-27-2010)*

**Sec. 117-30. - Administration.**

The primary administration of this chapter is by the zoning administrator and building inspector as noted below and cited throughout the chapter.

- (1) *Duties.*
  - a. The zoning administrator is responsible for performing the following duties:

1. Review and administer all site plans required by this chapter.
  2. Review and approve or deny all applications for zoning permits for permitted uses, home occupation permits, sign permits, and any other permits required by this chapter.
  3. Conduct pre-application conferences with petitioners for zoning amendments.
  4. Issue and maintain records of all certificates of occupancy.
  5. Receive, certify for completeness and forward to the plan commission all applications requiring plan commission review as prescribed by this chapter.
  6. Conduct inspections of buildings, structures and uses of land to determine compliance with the terms of this chapter.
  7. Make investigations with respect to matters referred to in this chapter.
  8. Have possession of permanent and current records of this chapter, including the Village's official zoning map and amendments to the official zoning map, conditional use permits, zoning board of appeals decisions, and ordinance amendments.
  9. Review, process and report findings and recommendations and forward appeal and variance requests to the zoning board of appeals on those applications upon which the zoning board is required to act.
  10. Enforce all orders of the zoning board of appeals.
  11. Revoke by order, any permit approved under misstatement of fact or contrary to the provisions of this chapter.
- b. The building inspector is responsible for performing the following duties:
1. Issue and maintain records of all building permits.
  2. Conduct inspections of buildings, structures and uses of land to determine compliance with the terms of this chapter.
  3. Make investigations with respect to matters referred to in this chapter.



4. Issue violation notices requiring compliance, to advise suspected violators of their right to appeal and to issue citations for violations of this chapter.
  5. Require that all construction or work of any type be stopped when such work is not in compliance with this chapter and revoke any permit that was unlawfully issued without full compliance of the requirements of this chapter or under fraudulent conditions.
- (2) *Remedies.* Compliance with the provisions of this chapter shall be enforced by appropriate fines and penalties. Compliance may also be enforced by injunctive suit of the Village or by the owner or owners of real estate within the district affected by the regulation.
  - (3) *Penalties.* Any person who violates any provision of this chapter or any order, rule or regulation made hereunder shall, upon conviction, forfeit an amount as set forth in the zoning penalty schedule, reference this code section, plus the cost of prosecution. Each day that a violation continues to exist shall constitute a separate offense.
  - (4) *Notice of violation.* If the zoning administrator finds that any of the provisions of this chapter are being violated, he shall notify, in writing by registered or certified mail, the person(s) responsible indicating the nature of the violation and ordering the action necessary to correct the violation. Whenever a person shall have been notified in writing that they are in violation of the provisions of this chapter, such person shall commence correction of all violations within ten days of notice and shall correct all violations within 45 days of notice. If such corrections are not commenced within ten days of written notice or not corrected within 45 days of written notice, each day that a violation continues shall be considered a separate offense.

*(Ord. No. 10-147, § 2.0(5), 7-27-2010)*

**Sec. 117-31. - Zoning amendments.**

The amendment process provides a method for making changes in the zoning text and zoning map.

- (1) *Initiation.*
  - a. Proposed text amendments may be initiated by: Village Board, plan commission, the property owner or a resident of the Village.

- b. Proposed map amendments may be initiated by: Village Board, plan commission, the owner of, or owner's designated agent of the particular property to be rezoned.
- (2) *Text amendments.*
- a. *Proposal by Village Board or plan commission.* Text amendments may be proposed by a majority vote of the Village Board or by direct initiation by the plan commission. Such motion shall include findings of how the proposed amendment will serve the general public rather than an individual or narrow interest. If the proposed amendment does not serve the interests of the general public, the amendment shall be filed by the property owner or resident.
  - b. *Application by property owner or resident.* A property owner or resident wishing to amend the text of this chapter shall meet with the zoning administrator to discuss the proposed amendment. If the owner or resident wishes to pursue an amendment, they shall file an application form with the zoning administrator accompanied by a nonrefundable application fee as set forth in the zoning fee schedule, reference this code section, to cover costs of public notice and administrative review.
  - c. *Informal hearing.* The property owner or resident wishing to amend the text of this chapter may request an informal hearing before the plan commission in order to obtain preliminary feedback on the amendment.
  - d. *Public hearing.* Within 45 days of filing, the plan commission shall hold a public hearing, advertised by a Class 2 notice pursuant to Wis. Stats. ch. 985. If the proposed amendment has the effect of changing the allowable use of any property within the Village, the notice shall include either a map showing the property affected by the amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the Village.
  - e. *Action by plan commission.* Within 45 days of filing, the plan commission shall review and either approve, approve with modifications, deny, or postpone action (with agreement of the petitioner) on the application. The plan commission shall transmit to the Village Board its recommendation. The zoning administrator will be responsible for analyzing the facts regarding the petition

and prepare a staff review and recommendation for consideration by the plan commission.

- f. *Action by Village Board.* Within 30 days of the plan commission decision, the Village Board shall approve, approve with modifications, or deny the proposed amendment. Village Board action to approve the amendment shall be done by ordinance. In the case where the plan commission denies the amendment, such amendment shall not become effective except by a favorable vote of three-fourths of the member of the Village Board voting on the proposed amendment.

(3) *Map amendments (commonly referred to as rezoning).*

- a. *Proposal by Village Board or plan commission.* Map amendments may be proposed by a majority vote of the Village Board or by direct initiation by the plan commission. Such motion shall include findings of how the proposed amendment will serve the general public rather than an individual or narrow interest. If the proposed amendment does not serve the interests of the general public, the amendment shall be filed by the property owner or owner's agent.
- b. *Application by owner or owner's designated agent.* An owner or owner's designated agent wishing to rezone their property shall meet with the zoning administrator to discuss the proposed rezoning. If the owner or owner's designated agent wishes to pursue a rezoning, they shall obtain, complete and file a rezoning application form with the zoning administrator accompanied by a nonrefundable fee as set forth in the zoning fee schedule, reference this code section, to cover costs of public notice and administrative review.
- c. *Standards for map amendments.* All recommendations for official zoning map amendments shall be consistent with the adopted plans, goals and policies of the Village comprehensive plan and with the intent of this chapter.
  - 1. Prior to making a recommendation on a proposed rezoning, the plan commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
    - i. The request for a zone change is in conformance with the town comprehensive plan.

- ii. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the Village mapped as such on the official zoning map, is inadequate to meet the demands for such development.
  - iii. Proposed amendments cannot be accommodated by sites already zoned in the Village due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
  - iv. There is an error in the code text or zoning map as enacted.
- 2. Any proposed rezoning not consistent with the Village comprehensive plan shall require a future land use map amendment and shall follow the process for amending the comprehensive plan prior to rezoning approval.
- d. *Informal hearing.* The property owner or resident wishing to amend the text of this chapter may request an informal hearing before the plan commission in order to obtain preliminary feedback on the amendment.
- e. *Public hearing.* Within 45 days of filing, the plan commission shall hold a public hearing, advertised by a Class 2 notice pursuant to Wis. Stats. ch. 985. If the proposed amendment has the effect of changing the allowable use of any property within the Village, the notice shall include either a map showing the property affected by the amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the Village.
  - 1. Every effort will be made to notify property owners within 300 feet of the subject property by regular mail of the map amendment proposal. Failure to send such notice will not invalidate the public hearing.
- f. *Action by plan commission.* Within 45 days of filing, the plan commission shall review and either approve, approve with modifications, deny, or postpone action (with agreement of the

petitioner) on the application. The plan commission shall transmit to the Village Board its recommendation. The zoning administrator will be responsible for analyzing the facts regarding the petition and prepare a staff review and recommendation for consideration by the plan commission.

- g. *Action by Village Board.* Within 30 days of the plan commission decision, the Village Board shall approve, approve with modifications, or deny the proposed amendment. Village Board action to approve the amendment shall be done by ordinance. In the case where the plan commission denies the amendment, or in the case where a protest against a rezoning, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed rezoning, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the frontage of such opposite land is filed prior to the public hearing, such rezoning shall not become effective except by a favorable vote of three-fourths of the member of the Village Board voting on the proposed amendment.
- h. *Reapplication time period.* No application of a property owner or owner's designated agent for an amendment to the zoning map shall be considered by the plan commission within a one-year period following a denial of the same request by the Village Board, except that the plan commission may permit a new application if the request is for a different zoning district or for amended property boundaries.
- i. *Concurrent actions for zoning amendment, planned development overlay (PDO) and conditional use permit.*
  - 1. Applicants may submit a single petition to amend the official zoning map to change a base zoning district and designate the same map area as a PDO district.
  - 2. Applicants may submit a single petition to amend the official zoning map to change a base zoning district, designate the same map area as a PDO district and obtain approval for conditional uses within the PDO district. The

procedure for considering such a request shall be the same as for a zoning map amendment.

*(Ord. No. 10-147, § 2.0(6), 7-27-2010)*

**Sec. 117-32. - Variances.**

- (a) The purpose of a variance is to allow relief from the strict application of this chapter as will not be contrary to the public interest and, where owing to special characteristics of the property or use, the literal enforcement of this chapter would result in unnecessary hardship or in a practical difficulty for the property owner. Refer to article XII, Zoning Board of Appeals, for procedures for variances.
- (b) All variances shall be granted by the zoning board of appeals unless authority is specifically granted to the town board or plan commission as listed in this chapter.

*(Ord. No. 10-147, § 2.0(7), 7-27-2010)*

**Sec. 117-33. - Appeals.**

The board of appeals shall hear and decide cases where it is alleged there is error of law in any order, requirement, decision or determination made by the zoning administrator or building inspector in the enforcement of this chapter, refer to article XII, Zoning Board of Appeals, for procedures for appeals.

*(Ord. No. 10-147, § 2.0(8), 7-27-2010)*

**Sec. 117-34. - Other regulations applicable to the development and use of land and structures.**

In addition to the applicability of these regulations, certain lands and structures in the Village are also subject to, without limitation, regulations pertaining to floodplains, shorelands and wetlands.

- (1) *Wetlands.* Lands in and near wetlands are regulated by NR 151 Wis. Admin. Code. Landowners should consult the Wisconsin Wetland Inventory Map produced by the Wisconsin Department of Natural Resources to make an initial determination as to whether or not there are wetlands on or near their property. Landowners are cautioned that a conclusive determination can only be made through a wetland determination study.
- (2) *Sanitary.* Lands may also be regulated by the Calumet County Sanitary Ordinance. Landowners should also consult with the Calumet County Planning and Zoning Department for additional regulations.

*(Ord. No. 10-147, § 2.0(9), 7-27-2010)*

## Article III GENERAL PROVISIONS

### Sec. 117-46. - Application of regulations.

- (a) In their interpretation and application, the provisions of this chapter shall be minimum requirements for the promotion of the public health, safety, morals, comfort, convenience and general welfare of the community.
- (b) Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (c) If there are found to be differences between the meaning or implication of the text of this code and any drawing, table, figure, title or section heading, the text of this code shall apply.

*(Ord. No. 10-147, § 3.0(1), 7-27-2010)*

### Sec. 117-47. - Conformity.

The regulations set by this chapter shall be minimum regulations and shall apply uniformly to all buildings and structures, lands and waters within the jurisdictional limits of the Village of Harrison, Calumet and Outagamie Counties, Wisconsin, except as hereinafter provided:

- (1) No land, building or structure shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- (2) No sign shall hereafter be erected, hung, placed, painted, altered, or moved except in conformity with the regulations of the district in which it is located.
- (3) No part of a yard, open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building.
- (4) No lot or yard existing at the effective date of adoption of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of adoption



of this chapter shall meet the minimum requirements established by this chapter.

- (5) No accessory building or structure shall be constructed upon a lot until the construction of the principal building or structure has actually commenced. No accessory building or structure shall be used unless the principal building on the lot is also being used. No cellar, basement or accessory building or structure shall be used as a dwelling prior to substantial completion of the dwelling of which it is part.

(Ord. No. 10-147, § 3.0(2), 7-27-2010)

**Sec. 117-48. - Use regulations.**

Only the following uses and structures shall be allowed in a zoning district:

- (1) *Permitted uses and structures.* Uses and structures specified as permitted or permissible for a zoning district.
- (2) *Accessory uses and structures.* Uses and structures, that are accessory or incidental to the principal use or structure, specified as permitted or permissible for a zoning district.
- (3) *Conditional uses and structures.* Uses and structures specified for a zoning district which shall require review and approval in accordance with the provisions of article XI, Conditional Use Permits.
- (4) *Temporary uses and structures.* Uses and structures specified for a zoning district in accordance with the provisions of section 117-134
- (5) *Uses not listed.* Any use that is not listed or that is questionable as a permitted use, accessory use or conditional use in the established zoning district, where such use is proposed, is not allowed unless determined otherwise, through interpretation of the intent of the chapter and the intent for each individual zoning district.
  - a. The zoning administrator may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is a principal use, accessory use or as a conditional use.
  - b. The decision of the zoning administrator may be appealed to the plan commission.
  - c. In no instance may this interpretation be construed as a process for establishing a use variance.

- (6) *Essential municipal and utility services.* The provisions of this chapter shall not be so construed as to limit or interfere with the construction, installation, operation and maintenance of essential municipal and utility services, as defined, in any district. "Essential municipal and utility services" shall not include communication, radio/television/relay towers or antennas, solar or wind energy systems.
- (7) *Restricted uses or prohibited uses.* Carport, attached or detached, shall be prohibited in the Village.

(Ord. No. 10-147, § 3.0(3), 7-27-2010)

**Sec. 117-49. - Area and yard regulations.**

- (a) *Minimum frontage requirement.* All lots shall have frontage upon a public or private street of not less than the lot width required by the zoning district in which the lot is located or 33 feet in width for flag lots approved as part of a land division. Flag lots shall only be allowed in the General Agricultural [AG] and Rural Residential [RR] zoning districts. Lots on curves or cul-de-sacs shall meet 75 percent of this requirement.
- (b) *Restriction on lot area and yard reductions.* No lot shall be reduced, diminished or maintained in any manner in which the yards, open spaces or total lot area and width shall be less than prescribed by this chapter, nor shall the density of dwelling units be increased in any manner except in conformity with the regulations herein established.
- (c) *Yards.* Every building or structure shall be located on a lot, as defined herein, and shall provide yards as specified in the zoning district. Such required yards shall meet the following regulations:
  - (1) *How measured.* The yard distances shall be measured from the nearest portion of the building or structure to the yard lot line or mapped/deeded roadway. For the purpose of this section, egress window enclosures shall be included as part of the building or structure, regardless if the egress window enclosure is an integral part of the foundation or a separate component.
  - (2) *Exemptions.* Every required front, side, rear, and accessory yard shall be open and unobstructed from the ground to the sky, except for those projections permitted as follows:
    - a. Roof eaves may project into a required yard not more than two feet.

- b. Sills, belt courses, cornices, vertical solar screens and other ornamental features may project not more than one foot into a required yard.
- c. Windows and fireplaces. Only one of the following may be allowed per wall. For the purposes of this section, a wall shall include all faces of that side of the building.
  - 1. Fireplace structures may project into a required side or rear yard not more than two feet and shall not be longer than six feet in length, except in the RS-2 zoning district.
  - 2. Windows or cantilevered living areas may project into a required side or rear yard not more than two feet and shall not exceed 20 percent of the wall length on which it is located, except in the RS-2 zoning district.
- d. Handicap accessible ramps. Barrier-free accessible ramps used for the purpose of egress and ingress by the physically challenged may be permitted to encroach into any front or rear yard subject to it being:
  - 1. Limits the degree of encroachment to the maximum extent possible such as its overall length is the shortest distance possible to access the public sidewalk or private driveway, whichever is the point of ingress or egress.
  - 2. Installed in such a manner as will preserve existing landscaping or provide for replacement landscaping.
  - 3. Uncovered.
  - 4. Not less than three feet nor more than four feet in width.
  - 5. Must meet all state and local rules and regulations for construction.
  - 6. Covenant. The property owner shall provide a covenant suitable for recording with the Calumet County Register of Deeds providing notice to future owners or long-term lessors of the property that the existence of the accessible ramp is predicated upon the occupancy of the principal dwelling by a person who is physically challenged. The covenant shall also require any owner of the property to remove the accessible ramp upon discontinuing use of the accessible ramp by the physically challenged.

- e. Egress decks or landings shall not project into any required rear yard more than six feet and shall be no larger than 36 square feet in area.
  - f. Fire escapes, stairways and balconies unroofed, open and unenclosed may not project into any required side or rear yard more than two feet. Such structures whether covered or enclosed shall not intrude into required yards.
- (3) Double frontage lots. On through lots or lots with double frontage, the required front yard shall be provided on each street, except lots containing access restriction provisions, in which the access restricted yard shall be required to meet the rear yard requirements.
  - (4) Corner lots. On corner lots, the street side yard shall be equal to the required front yard for lots fronting on that street.
  - (5) No part of a yard or other open space provided about any building or structure for the purposes of complying with the provisions of this chapter shall be included as part of a yard or other open space required under this chapter for another building or structure.
  - (6) Front yard reduction. A yard of less than what is required in the zoning district may be permitted in the following cases:
    - a. Where each side of the proposed building location is occupied by an adjacent principal building located within 200 feet of the proposed building footprint, and less than the required yard, the required front yard for the proposed building shall be the average of the front yards of the adjacent principal buildings, as measured from the wall of the adjacent principal building to the front lot line.
    - b. Where one side of the proposed building location is occupied by an adjacent principal building located within 200 feet of the proposed building footprint, and less than the required front yard, the required front yard for the proposed building shall be the average of the adjacent principal building, as measured from the wall of the adjacent principal building, and the front yard required for that zoning district and road type.
  - (7) Development in mapped streets. Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.

- (8) More than one building on a lot. In any zoning district other than residential, more than one building housing a principal use or structure may be erected on a single lot provided that yard and other requirements of these regulations shall be met for each building as though it were on an individual lot, unless otherwise specified in section 117-93 for commercial or residential developments.
- (9) Building groups. In any nonresidential zoning district, a group or buildings separated only by common or party walls shall be considered as one building.
- (10) When a structure becomes a nonconforming use as to setback from a street or highway, because the street or highway was widened or relocated, such structure shall not be considered a nonconforming use or structure under this chapter, pursuant to article X, Nonconforming Uses and Structures.

*(Ord. No. 10-147, § 3.0(4), 7-27-2010)*

**Sec. 117-50. - Height regulations.**

Except as hereinafter provided, no building or structure shall be hereafter enlarged, erected, reconstructed or structurally altered to a height which exceeds the height limit established for the zoning district wherein such building or structure is located except the following:

- (1) *Public buildings.* Public buildings, including but not limited to educational institutions (public and private elementary, middle and high schools), may be erected to a height not exceeding 45 feet, provided that the building or structure is set back an additional two feet on all sides for each foot such building exceeds the height limit in the district.
- (2) *Special structures.* Special structures, including but not limited to, cooling towers, fire towers, grain elevators, smokestacks, water towers, and electric power and transmission lines may be erected to a height which exceeds the height limit established for the zoning district. Radio/television/relay towers and antennas shall meet the requirements of section 117-132. Solar and wind energy systems shall meet the provisions of this chapter.
- (3) *Other exceptions.* Height limitations of the zoning district do not apply to the following structures, including but not limited to, cupolas, spires or bell towers of religious institutions, private television and amateur radio antennas, elevator bulkheads, chimneys, flagpoles, necessary mechanical

equipment, or other appurtenances usually required to be placed above the roof line and not intended for human occupancy.

*(Ord. No. 10-147, § 3.0(5), 7-27-2010)*

**Sec. 117-51. - Lot coverage.**

Except as hereinafter provided, no building or structure shall be hereafter enlarged, erected, reconstructed or structurally altered to a size which exceeds the lot coverage limit established for the zoning district wherein such building or structure is located. Accessory structures including, but not limited to, parking lots, driveways, patios (slab on grade), decks, tennis courts, basketball courts or other similar courts and swimming pools shall not count towards the lot coverage requirements. For the purpose of this section, patios or other paved areas with a footing and foundation shall be counted towards the lot coverage for the lot. Lot coverage shall be measured along the ground floor foundation of the building or structure and shall exclude the ordinary projections of the roof eaves up to two feet.

*(Ord. No. 10-147, § 3.0(6), 7-27-2010)*

**Sec. 117-52. - Impervious surface coverage.**

Except as hereinafter provided, no building or structure shall be hereafter enlarged, erected, reconstructed or structurally altered to a size which exceeds the impervious surface coverage limit established for the zoning district wherein such building or structure is located. Accessory structures including, but not limited to, parking lots, driveways, patios (slab on grade), decks, tennis courts, basketball courts or other similar courts and swimming pools shall be included in the calculation of impervious surface coverage and shall not exceed the maximum impervious surface coverage percentage as established for the applicable zoning district. For the purpose of this section, gravel shall be counted in the impervious surface coverage of the lot. Impervious surface shall be measured from the outer most edge of the building or structure.

*(Ord. No. 10-147, § 3.0(7), 7-27-2010)*

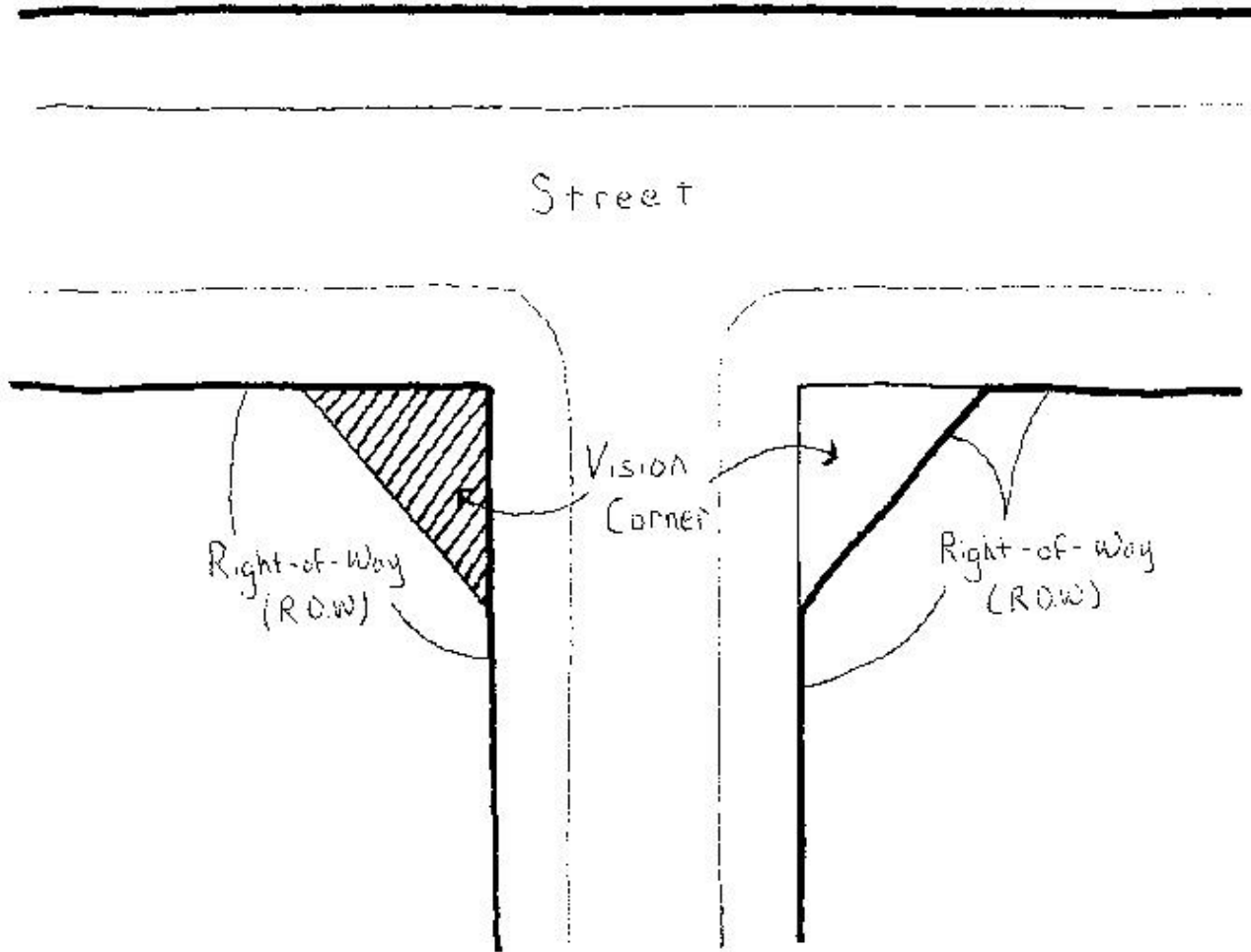
**Sec. 117-53. - Visual clearance.**

No obstruction permitted. No visual obstructions, such as structures, parking or vegetation, shall be permitted in any zoning district between the heights of four feet and ten feet within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines from their intersection for the following street classifications:

- (1) Twenty-five feet along Village roads with a posted speed limit

of 35 mph or less.

- (2) Seventy-five feet along Village roads with a posted speed limit greater than 35 mph.
- (3) Two hundred feet along county roads.
- (4) Two hundred feet along state and/or federal highways and railroads.



(Ord. No. 10-147, § 3.0(8), 7-27-2010)

**Sec. 117-54. - Accessory uses, buildings and structures.**

- (a) *General regulations for accessory uses, buildings and structures.* All accessory uses, buildings and/or structures shall abide by the following general regulations:
  - (1) No accessory use, building and/or structure shall be constructed or established on a lot prior to the principal use or building being present or under construction, except temporary construction trailers.
  - (2) When attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to

the principal building, unless otherwise stated, including, but not limited to setback requirements, building height limits, and maximum lot coverage standards.

- (3) When not attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to the accessory buildings and/or structures in the zoning district including, but not limited to setback requirements, building height limits, and maximum lot coverage standards.
- (4) Accessory buildings or structures in the RS-1, RS-2, and RT zoning districts shall not be located closer to the front lot line than is the principal structure, except those properties located adjacent to the shoreline of Lake Winnebago.
- (5) Accessory buildings or structures shall not be located within any recorded easement (utility, drainage, or other) without written consent of the entity controlling the easement. The Zoning Administrator may authorize fences provided all the following are met:
  - a. The fence does not restrict stormwater runoff flow, as determined by the Zoning Administrator.
  - b. The fence is not located within a storm sewer easement or drainage easement with storm sewer pipe, inlets, or other infrastructure improvements.
    - i. The Zoning Administrator, with input from the Public Works Department, may authorize the placement of a fence in a storm sewer easement or drainage easement with underground infrastructure provided:
      - a. Village staff verify fence and storm sewer or underground infrastructure placement.
      - b. The fence be a minimum of 5-feet from the storm sewer or underground infrastructure.
      - c. A fee for review be submitted.
  - c. The property owner signs a “Permission to Occupy Drainage Easement Agreement” document.
- (6) The following, including but not limited to, truck, truck tractor, truck trailer, canopy or bus, or portion thereof, shall not be used for, storage purposes, as a principal use and/or structure or an accessory use and/or structure in any zoning district, unless otherwise stated in this chapter.



- (7) Any detached accessory use, building and/or structure with a water closet (toilet facility) shall require a conditional use permit, pursuant to article XI, Conditional Use Permits.
- (8) Accessory uses, buildings and/or structures shall be located on the same lot as the principal use, structure or building.
- (9) Detached accessory buildings shall not be used as a secondary dwelling.
- (b) *Use restrictions.* All accessory uses, buildings and/or structures shall abide by the following use restrictions:
  - (1) *When located in a residential zoning district: RR, RS-1, RS-2, RT, RM.*
    - a. Accessory buildings shall be restricted to parking or storage purposes by the occupant(s) of the lot upon which the building is located.
    - b. The enclosed parking or storage of not more than one commercial or service vehicle may be permitted within an attached garage or detached garage provided that such vehicle is used by the occupant(s) of the lot upon which the vehicle is parked or stored.
  - (2) *When located in a nonresidential zoning district: AG, CN, COR, CC, BP, IM.* The enclosed parking or storage within an attached garage or detached garage shall be restricted to vehicles used by the occupant(s) of the lot upon which the vehicles are parked or stored.

*(Ord. No. 10-147, § 3.0(9), 7-27-2010, Ord. N. V19-17, 10-29-2019)*

**Sec. 117-55. - Unfit or dilapidated buildings.**

All buildings and structures shall be kept in a safe and habitable condition.

- (1) Pursuant to Wis. Stats. § 66.0413 and amendments thereto, the Village Board, building inspector, or other designated officer of the Village may:
  - a. If a building is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair, order the owner of the building to raze the building or, if the building can be made safe by reasonable repairs, order the owner to either make the building safe and sanitary or to raze the building, at the owner's option.
  - b. If there has been a cessation of normal construction of a building for a period of more than two years, order the owner of the building to raze the building.

- (2) Any determination made under this section shall follow the procedures and regulations of Wis. Stats. § 66.0413.

*(Ord. No. 10-147, § 3.0(10), 7-27-2010)*

**Sec. 117-56. - Drainage.**

- (a) *Single-family and two-family residential buildings.* All new single-family and two-family residential buildings shall meet the following conditions prior to issuance of a zoning occupancy permit, pursuant to article XIV, Permits.
  - (1) The top of the house foundation shall be approximately eight inches, but not less than six inches, above the final ground elevation at the foundation.
  - (2) All lots shall be graded to the elevations indicated on the approved grading/drainage plan for the subdivision. If there is no grading/drainage plan, then the average elevation of the existing grades on the adjacent properties shall be maintained, unless a special grading/drainage plan is reviewed and approved by the Village.
  - (3) The lot shall be graded to an even gradient from the foundation to all grading elevations.
- (b) *Multiple-family, commercial, and industrial buildings.* All new multiple-family residential, commercial, and industrial developments shall meet the grading/drainage plan approved as part of the site plan review process in accordance with the post-construction stormwater management ordinance, chapter 113 of this Code.
- (c) *Agricultural buildings.* All new agricultural buildings shall meet the requirements of the post-construction stormwater management ordinance, chapter 113  
*(Ord. No. 10-147, § 3.0(11), 7-27-2010; Ord. No. 11-162, 11-29-2011)*

**Sec. 117-57. Filling and Grading.**

A zoning permit is required for filling, grading, excavating (including pond development), and ditching under this section in any zoning district for filling and grading of the following areas.

- (1) >2,000/<12%. The filling, grading, ditching, or excavating exceeds 2,000 square feet on slopes of less than 12 percent.
- (2) >1,000/12-20%. The filling, grading, ditching, or excavating exceeds 1,000 square feet on slopes of 12 to 20 percent.
- (3) >20%. The filling, grading, ditching, or excavating is on slopes of more than 20 percent.
- (4) Exemptions. No zoning permit shall be required if:

- (a) An erosion control permit has been issued under Chapters 105 and 113 of the Village of Harrison Code of Ordinances.
  - (b) The filling and grading is incidental to a project authorized by a zoning permit.
  - (c) For planting, growing, cultivating, and harvesting agricultural crops, installation of public utilities or sanitary waste disposal systems, or construction of public roads and walkways, nor projects authorized by state or federal agencies under s. 30.19, Wis. Stats.
- (5) Construction Grades. Final grading around any structure shall comply with the grade elevation established on the stormwater management plan or other drainage plan for the particular subdivision. When a stormwater management plan or drainage plan is nonexistent for a lot, the final grade and maintained grade shall not be higher than the average of the grade on the adjacent properties. The Zoning Administrator may require that a grading and drainage plan be prepared and approved prior to the issuance of a zoning permit for new construction. Dependent on the amount of grading proposed, the Zoning Administrator may require the plan include a cross section of the adjacent parcels, and the parcel subject of the grading, to ensure the proposed grading will not result in adverse runoff onto the adjacent parcels. In areas where drainage is not parallel to lot lines, the site plan for the zoning permit application shall address the direction and handling of surface water flow. In no case shall water be diverted onto a road surface.

**Sec. 117-58. – Shoreland-Wetland Zoning.**

Pursuant to §59.692(7), provisions of the Calumet County & Outagamie County shoreland zoning ordinances that were enacted under §59.692 that were applicable, prior to incorporation or annexation, to any shoreland area that was part of a town that incorporated as a village after April 30, 1994 or annexed to the Village after May 7, 1982, shall continue in effect and shall be enforced after incorporation or annexation by the Village. The Calumet County and Outagamie County shoreland zoning provisions necessary to effect the purposes under §59.692(1m) are incorporated by reference for the purpose of administering this section and are on file in the office of the Zoning Administrator.

**Sec.117-59. – Methods of Construction.**

All construction of principal buildings in the RS-1, RS-2, RT, and RM zoning districts shall be stick built construction. No shipping containers, trailers, mobile storage units, semi-trailers, or other similar shall be utilized as dwelling units within these zoning districts. Modular homes, stick built off-site and transported to the site, shall be deemed acceptable.



**Article IV ZONING DISTRICTS**

**Sec. 117-76. - Establishment of districts.**

- (a) The zoning districts are so designed to assist in carrying out the intents and purposes of the comprehensive plan and are based upon the comprehensive plan which has the purpose of protecting the public health, safety, comfort, convenience and general welfare. Therefore, the Village of Harrison, Calumet and Outagamie Counties, Wisconsin, is hereby divided into the following zoning districts wherein regulations are uniform for each class or type of building or structure, or use, throughout each zoning district in order to:
  - (1) Classify, regulate, and restrict the location of residences, commercial establishments, industries, institutional, recreation and other land uses, and the location of buildings designed for specific uses;
  - (2) Assure the proper relation and conformity of new buildings and structures to the fabric of existing surrounding neighborhoods;
  - (3) Regulate and limit the heights of buildings and structures;
  - (4) Regulate the percentages of lot areas which may be covered by impervious surfaces;
  - (5) Establish setback lines, sizes of yards and other open spaces surrounding buildings;
  - (6) Regulate the density of the Village; and
  - (7) To carry out the intent and purposes established in the Village comprehensive plan.
- (b) The Village is hereby divided into the following zoning districts and zoning overlay districts:

Symbol	District Name
AG	General agricultural district
RR	Rural residential district
RS-1	Single-family residential (suburban) district
RS-2	Single-family residential (traditional) district
RT	Two-family residential district
RM	Multiple-family residential district
CN	Neighborhood commercial district

COR	Office and retail commercial district
CC	Community commercial district
BP	Business park district
IM	Industrial and manufacturing district
NC	Natural and conservancy district
MHO	Mobile home overlay district
PDO	Planned development overlay district
SHO	Shoreland overlay district
SWO	Shoreland-Wetland overland district

(Ord. No. 10-147, § 4.0(1), 7-27-2010)

**Sec. 117-77. - Official zoning map.**

- (a) *Establishment.* The location and boundaries of the districts shall be as shown on a map entitled the Official Zoning Map of the Village of Harrison, Calumet and Outagamie Counties, Wisconsin. The district symbol as set out above and sections 117-80—117-93 shall be used to designate each district. The official zoning map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.
- (b) *Amendments.* Amendments to the official zoning map shall be in accordance with the provisions of section 117-31. Amendments shall promptly be portrayed on the official zoning map.
  - (1) The Shoreland Zoning Overlay District (SHO) may be amended on the Official Zoning Map by the Zoning Administrator as determinations of navigable waters are filed with the Zoning Administrator.
- (c) *Final authority as to zoning status.* Regardless of the existence of purported copies of all or part of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the clerk's office, shall be the final authority as the current zoning status of any lands.
- (d) *Replacement of official zoning map.* If the official zoning map, or any page or portion thereof, becomes damaged, lost, destroyed or difficult to interpret, the Village Board may by resolution adopt a new official zoning map or any page or pages thereof, which shall supersede the prior official zoning map, or page or pages thereof. The new official zoning map, or page or pages thereof, may correct drafting or other errors or omissions, but no such correction shall be the effect of

amending the original official zoning map or page or pages thereof. If, in the process of correcting drafting or other errors or omissions, district boundaries are changed or altered, then action shall be taken only in the form of an amendment.

- (e) *Retention of earlier maps.* All zoning maps which have had the force and effect of official zoning maps for the Village prior to the effective date of adoption of this chapter shall be retained as a public record and as a guide to the zoning status of lands prior to such date.

(Ord. No. 10-147, § 4.0(2), 7-27-2010)

**Sec. 117-78. - Interpretation of district boundaries.**

- (a) Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the official zoning map indicates that the district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line.
- (b) Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the following rules apply:
  - (1) Boundaries indicated as approximately following the centerlines of streets, highways, alleys or rights-of-way shall be construed as following such centerlines.
  - (2) Boundaries indicated as approximately following lot lines shall be construed as following such lines; provided, however, that where such boundaries are adjacent to the dedicated street, highway or right-of-way and the zoning status of the street, highway or right-of-way is not indicated, the boundaries shall be construed as running to the center of the street, highway or right-of-way.
  - (3) Boundaries indicated as approximately following the municipal limits of the Village shall be construed as following such limits.
  - (4) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
  - (5) Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks.
  - (6) Boundaries indicated as dividing a lot or plot of land shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
  - (7) Where the property layout existing on the ground is at variance with that shown in the official zoning map, the zoning administrator shall interpret



the official zoning map. The determination by the zoning administrator may be appealed as provided in section 117-33.

*(Ord. No. 10-147, § 4.0(3), 7-27-2010)*

**Sec. 117-79. - Application of regulations.**

The regulations set by this chapter within each district shall be minimum or maximum regulations and shall apply uniformly to each class or kind of structure or land except as provided:

- (1) No structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- (2) No structure shall hereafter be erected or altered:
  - a. To exceed the height.
  - b. To accommodate or house a greater number of families.
  - c. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required.
  - d. To be in any other manner contrary to the provisions of this chapter.
- (3) Every building hereafter erected or moved shall be on a lot having frontage on a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and off-street parking.
- (4) No more than one principal building or use shall occupy a single lot, except where a lot or tract is in a PDO district or used for multi-family, educational, institutional, motel, hotel, commercial or industrial purposes. In such cases, more than one principal building or use may be located upon the lot or tract, provided such buildings conform to all yard and open space requirements around the lot for the district in which the lot or tract is located.
- (5) No part of a yard or other open space or off-street parking or loading space required in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building except as specified in article VI, Access, Parking, and Loading and article IX, Landscaping and Screening standards, of this chapter.

- (6) No yard or lot existing prior to the effective date of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet the minimum requirements established by this chapter.
- (7) No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced. No accessory building shall be used unless the principal building on the lot is also being used. No cellar, basement or accessory building shall be used as a dwelling prior to substantial completion of the dwelling of which it is part.
- (8) Temporary structures are prohibited for use as permanent principal or accessory buildings or structures in all zoning districts.
- (9) There shall not be more than one zoning district on any parcel of land with the exception of lands containing the natural and conservancy (NC) zoning district and the application of an overlay district which has been applied over a base zoning district and which has been approved by the Village.

**Table 1. Table of Uses**

The intent of the table of uses is to be a reference guide for all uses listed in this chapter. Where there is a conflict between the table of uses and those uses listed in the text of a particular zoning district, the uses listed in the text of the zoning district shall rule.

<b>(P = Permitted Use    A = Accessory Use    C = Conditional Use    T = Temporary Use)</b>												
<b>Use/Activity</b>	<b>Zoning Districts</b>											
	<b>AG</b>	<b>RR</b>	<b>RS-1</b>	<b>RS-2</b>	<b>RT</b>	<b>RM</b>	<b>CN</b>	<b>COR</b>	<b>CC</b>	<b>BP</b>	<b>IM</b>	<b>NC</b>
<i>Agricultural Uses.</i>												
Agriculture and General Farming; including but not limited to, Apiculture (Beekeeping), Dairy farming and general agriculture, Floriculture (cultivation of ornamental flowering plants), Poultry and livestock raising, except commercial feed lot and fur farms, Stables; private, non-commercial, Grain and seed cropping, Nurseries and orchards, Sod farms, Grazing or pasturing, Greenhouses, not including retail sales of plants and flowers, Raising of tree fruits, nuts and berries, Raising of vegetables, Viticulture (Grape growing), Forest and game management.	P											
Crop Production.	P											P
Farm Equipment, Small Engine Repair Shops & Welding Activities.	C	C										
General Farm Buildings; including agricultural barns, silos, sheds and machine storage buildings, provided that such building or structure housing livestock is located at least one hundred (100') feet from any off-premise residential dwelling.	P											
<i>Residential Uses.</i>												
Assisted Living or Retirement Home Facilities.						C			P			
Bed and Breakfast Establishments.	C	C	C	C	C	C						
Community Living Arrangements, with a capacity for eight (8) or fewer persons, subject to the provisions and limitations of Section 60.63 Wis. Stats.	P	P	P	P	P	P						

<b>(P = Permitted Use    A = Accessory Use    C = Conditional Use    T = Temporary Use)</b>												
<b>Use/Activity</b>	<b>Zoning Districts</b>											
	<b>AG</b>	<b>RR</b>	<b>RS-1</b>	<b>RS-2</b>	<b>RT</b>	<b>RM</b>	<b>CN</b>	<b>COR</b>	<b>CC</b>	<b>BP</b>	<b>IM</b>	<b>NC</b>
Community Living Arrangements, with a capacity for greater than eight (8) persons, subject to the provisions and limitations of Section 60.63 Wis. Stats.	C	C	C	C	C	C						
Convalescent Homes and Nursing Homes.						C			P			
Dwelling Units, Accessory; pursuant to Section 5.1.	C	C	C	C								
Dwellings, Multiple-Family.						P						
Dwellings, Single-Family, Attached.					P	P						
Dwellings, Single-Family, Detached.	P	P	P	P	P							
Dwellings, Two-Family.					P	P						
Manufactured Housing Parks; Pursuant To Chapter 107 of the Municipal Code.	C	C				C						
Planned Developments; pursuant to Section 4.14.			C	C	C	C	C	C	C	C	C	
Residential Dwelling Units; in conjunction with a commercial development.							C	C	C	C		

	<b>Commercial Uses</b>											
Adult Entertainment Establishments; pursuant to Section 5.8.									C			
Animal Hospitals, Shelters, Commercial Boarding and Riding Stables (min. 5-acres), Kennels and Veterinary Services.	C								P			
Automobile Body Repair and/or Paint Shop.									P		P	
Automobile Parts, Accessories, or Tire Stores.								P	P		P	
Automobile Repair and Service Establishments.							C	P	P		P	
Automobile, Motorcycle and All-Terrain Vehicle Sales and Rentals.								P	P			
Bars, Taverns, and Nightclubs.							C	P	P			
Banquet Hall/Supper Club.									P			
Beer, Wine, and Liquor Store (Off-Premises Consumption of Alcohol).							C	P	P			

(P = Permitted Use    A = Accessory Use    C = Conditional Use    T = Temporary Use)												
Use/Activity	Zoning Districts											
	AG	RR	RS-1	RS-2	RT	RM	CN	COR	CC	BP	IM	NC
Building, Home Improvement, and Garden Supply Stores; excluding the manufacture, treatment or processing of product and excluding outdoor storage yards.									P			
Car Washes.							C	C	C	C	C	
Clinic, Medical & Dental.							P	P	P	P		
Clubs and Organizations; non-profit and profit.							C	C	P			
Commercial Recreational Establishments, Indoor; Including Performance and Movie Theaters; Bowling, Billiards, Pool Halls, or Similar; Arcades; Skating Rinks; Amusement and Sport Facilities; and Similar Facilities; Excluding Adult Entertainment Establishments.								C	P			
Commercial Recreational Establishments, Outdoor; Including Amusement or Theme Parks; Miniature Golf; and Similar Facilities.	C								C			
Commercial Truck Body Repair and/or Paint Shop.									C		P	
Commercial Truck Repair and Service Establishments.									C		P	
Commercial Truck, Bus, Mobile Home, Large Vehicle, or Heavy Equipment Sales And Rentals.	C										P	
Convenience Stores.							P	P	P	P		
Gasoline/Fueling Stations.							C	C	C	C	C	
Day Care, Center.							P	P	P	P	C	
Day Care, Family.	P	P	P	P	P	P						
Drive-Thru Facilities, In Conjunction With Any Permitted Principal Use.							C	C	C	C	C	
Financial Institutions; Banks and Credit Unions.							P	P	P	P	C	
Fitness, Recreational Sports, Gym, or Athletic Club.							P	P	P	P		
Funeral Homes.									P	P		

<b>(P = Permitted Use    A = Accessory Use    C = Conditional Use    T = Temporary Use)</b>												
<b>Use/Activity</b>	<b>Zoning Districts</b>											
	<b>AG</b>	<b>RR</b>	<b>RS-1</b>	<b>RS-2</b>	<b>RT</b>	<b>RM</b>	<b>CN</b>	<b>COR</b>	<b>CC</b>	<b>BP</b>	<b>IM</b>	<b>NC</b>
Gardens, Nurseries, Orchards and Greenhouses; provided no sales are conducted on premises.	P											
Golf Courses.	C	C	C	C	C	C				C		
Greenhouses; commercial.	C								C			
Home Occupations & Businesses; pursuant to Section 5.2.	A	A	A	A	A	A						
Hotel or Motel.								P	P	P		
Kennel.	C	C							C			
Landscaping Business; including retail sale.	C	C							C			
Multi-Tenant Buildings; over 20,000 square feet in gross floor area.								C	C	C	C	
Multi-Tenant Buildings; up to 20,000 square feet in gross floor area.								C	P	P	P	
Nurseries And Orchards; commercial.	C								C			
Offices, Business and Professional.								C	P	P	P	C
Pawnshops.									C			
Payday Lender									C			
Restaurant.								C	P	P	P	
Restaurant; Fast Food.								C	P	P	P	
Retail Establishments, Food; including bakeries, grocery stores, convenience stores, fish or meat markets, and uses of a similar nature.								P	P	P		
Retail Establishments, General Merchandise; including apparel, appliance, bicycle, electronic, furniture, department and superstore/discount stores, and uses of a similar nature.								C	P	P		
Retail Establishments, Personal Service; including barber or beauty shops, laundry or dry cleaner, and uses of a similar nature.								P	P	P	P	
Tattoo Parlors.										C		
Towed Vehicle Storage.												C

<b>(P = Permitted Use    A = Accessory Use    C = Conditional Use    T = Temporary Use)</b>												
<b>Use/Activity</b>	<b>Zoning Districts</b>											
	<b>AG</b>	<b>RR</b>	<b>RS-1</b>	<b>RS-2</b>	<b>RT</b>	<b>RM</b>	<b>CN</b>	<b>COR</b>	<b>CC</b>	<b>BP</b>	<b>IM</b>	<b>NC</b>
Towing Establishments and Services; excluding towed vehicle storage.									C		P	
Taxi and Limousine Services.									C			

	<b>Industrial Uses</b>											
	<b>AG</b>	<b>RR</b>	<b>RS-1</b>	<b>RS-2</b>	<b>RT</b>	<b>RM</b>	<b>CN</b>	<b>COR</b>	<b>CC</b>	<b>BP</b>	<b>IM</b>	<b>NC</b>
Asphalt and Concrete Plants.											C	
Automobile and Commercial Truck Salvage Yards.											C	
Hazardous Material Bulk Storage or Distribution Facility.											C	
Manufactured Home Construction.											P	
Manufacturing and Assembly Factories and Plants.											P	
Manufacturing, Custom.											P	
Manufacturing, Heavy.											C	
Manufacturing, Light.										C	P	
Mini-Warehousing.	C										C	
Offices and Storage Yards, Trade and Contractor. (Provided There is a Showroom for Retail Uses in BP District)	C	C						C	C	C	P	
Outdoor Storage Yards; including building materials, garden centers and lumberyards.										C	C	
Printing and Publication Establishments.										P	P	
Processing Plants (Metals, Chemicals, Food Etc.).											P	
Recycling Centers.											P	
Research Laboratory or Testing Facilities; including scientific, medical, and technology.										C	P	
Resource Extraction; pursuant to Section 5.6.	C										C	
Salvage Yard and Junk Yard.	C										C	
Solid Waste Disposal Facilities, Landfills and Municipal Compost Sites.	C										C	

<b>(P = Permitted Use    A = Accessory Use    C = Conditional Use    T = Temporary Use)</b>												
<b>Use/Activity</b>	<b>Zoning Districts</b>											
	<b>AG</b>	<b>RR</b>	<b>RS-1</b>	<b>RS-2</b>	<b>RT</b>	<b>RM</b>	<b>CN</b>	<b>COR</b>	<b>CC</b>	<b>BP</b>	<b>IM</b>	<b>NC</b>
Truck and Transit Terminals; including freight terminals.												P
Warehouse or Storage Facility.												P
Wholesale and Distribution Facilities.												P
	<b>Institutional Uses</b>											
Cemetery or Mausoleum; provided the mausoleum has a fifty (50') foot setback from any lot line.	C		C									
Cremation Facilities.												
Educational Institutions; Business, Technical or Vocational Schools.								P	P	P		
Educational Institutions; College or University, Including Dormitories.								P	P	P		
Educational Institutions; Elementary, Middle and High Schools.	C		C	C	C	C						
Exhibition, Convention, or Conference Structure.								P	P	P		
Fountain, Sculpture, or Other Aesthetic Structure.	A	A	A	A	A	A	A	A	A	A	A	
Hospital.									C	C		
Institutional and Community Facilities; including museums, libraries, exhibitions and art galleries, post office, and zoos.								C	P	P		
Municipal Offices, and related structures.	C							P	P	P		
Municipal Wastewater and/or Sewage Treatment Facilities.	C										C	
Municipal Police, Fire and Rescue Stations and other Public Safety Related Facilities; including Correctional and Rehabilitation Facilities and Emergency Operation Centers.	C							C	C	P		
Municipal Water Towers, Water Metering Facilities and Water Treatment Facilities;	C		C	C	C	C			C	P	P	



<b>(P = Permitted Use    A = Accessory Use    C = Conditional Use    T = Temporary Use)</b>												
<b>Use/Activity</b>	<b>Zoning Districts</b>											
	<b>AG</b>	<b>RR</b>	<b>RS-1</b>	<b>RS-2</b>	<b>RT</b>	<b>RM</b>	<b>CN</b>	<b>COR</b>	<b>CC</b>	<b>BP</b>	<b>IM</b>	<b>NC</b>
including all appurtenant equipment and structures.												
Parks, Playgrounds and Nature Preserves, public and private; including buildings, grounds and equipment.	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institutions; including residential quarters for clergy if located on same lot as the religious institution.	C	C	C	C	C	C			P			

	<b>Utility &amp; Miscellaneous Uses</b>											
Boathouses; Private, Non-Commercial.	A	A	A	A	A	A						
Camps, Camping, and Related Establishments.	C											
Decks (attached or detached).	A	A	A	A	A	A	A	A	A	A	A	
Essential Services.	P	P	P	P	P	P	P	P	P	P	P	
Game Courts; private non-commercial, including tennis and basketball.	A	A	A	A	A	A	A	A	A	A	A	
Garages (Attached Or Detached), Sheds, Gazebos, and uses of similar nature; private, non-commercial.	A	A	A	A	A	A						
Radio, Satellite, and Television Antennas.	C	C									C	
Racetrack.	C											
Signs; pursuant to Section 7.0.	A	A	A	A	A	A	A	A	A	A	A	
Storm Water Management Ponds & Facilities.	P	P	P	P	P	P	P	P	P	P	P	
Swimming Pools (permanent), private, non-commercial; pursuant to Section of the Municipal Code.	A	A	A	A	A	A						
Swimming Pools (temporary), private, non-commercial; pursuant to Chapter 103 of the Municipal Code.	A	A	A	A	A	A						
Utility Substations and Installations; including gas, electric, telephone, or uses of similar nature.	C									C	P	

<b>(P = Permitted Use    A = Accessory Use    C = Conditional Use    T = Temporary Use)</b>												
<b>Use/Activity</b>	<b>Zoning Districts</b>											
	<b>AG</b>	<b>RR</b>	<b>RS-1</b>	<b>RS-2</b>	<b>RT</b>	<b>RM</b>	<b>CN</b>	<b>COR</b>	<b>CC</b>	<b>BP</b>	<b>IM</b>	<b>NC</b>
Wireless Communication Towers; pursuant to Section 5.7.	C								C	C	C	
Temporary Structures; including tents.												
Airports, Landing Strips or Fields, Heliports, and Hangers; Public or Private.	C											
Recreational Trails.	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lots & Structures.								P	P	P	P	
Solar Energy Systems.	C	C	C	C	C	C	C	C	C	C	C	

*(Ord. No. 10-147, § 4.0(4), 7-27-2010; Ord. No. 11-160, 9-13-2011; Ord. No. 11-162, 11-29-2011)*

**Sec. 117-80. - General agricultural district (AG).**

- (a) *Intent.* The intent of this district is to maintain, preserve, and enhance open land areas historically used for farms and agricultural purposes. It is also intended to accommodate farm houses on operating farms. It is also intended to accommodate certain nonagricultural uses, the intensity of which will be limited due to a lack of public sanitary sewer and water facilities.
- (b) *Permitted uses and structures.*
  - (1) Agriculture and general farming; including but not limited to:
    - a. Apiculture (beekeeping).
    - b. Dairy farming and general agriculture.
    - c. Floriculture (cultivation of ornamental flowering plants).
    - d. Poultry and livestock raising, except commercial feed lot and fur farms.
    - e. Stables; private, noncommercial.
    - f. Grain and seed cropping.
    - g. Nurseries and orchards.
    - h. Sod farms.
    - i. Grazing or pasturing.
    - j. Greenhouses, not including retail sales of plants and flowers.
    - k. Raising of tree fruits, nuts and berries.
    - l. Raising of vegetables.
    - m. Viticulture (grape growing).
    - n. Forest and game management.
  - (2) Crop production.
  - (3) General farm buildings; including agricultural barns, silos, sheds and machine storage buildings, provided that such building or structure housing livestock is located at least 100 feet from any off-premise residential dwelling.
  - (4) Dwellings, single-family, detached, as part of an operating farm.
  - (5) Essential services.
  - (6) Gardens, nurseries, orchards and greenhouses; provided no sales are conducted on premises.
  - (7) Parks, playgrounds and nature preserves, public and private; including buildings, grounds and equipment.
  - (8) Recreational trails.
  - (9) Stormwater management ponds and facilities.
- (c) *Accessory uses and structures.*

- (1) Boathouses; private, noncommercial.
  - (2) Decks (attached or detached).
  - (3) Fountain, sculpture, or other aesthetic structure.
  - (4) Game courts; private noncommercial, including tennis and basketball.
  - (5) Garages (attached or detached), sheds, gazebos, and uses of similar nature; private, noncommercial.
  - (6) Home occupations and businesses; pursuant to section 117-127
  - (7) Signs; pursuant to article VII.
  - (8) Swimming pools (permanent), private, noncommercial; pursuant to chapter 103 of the Municipal Code.
  - (9) Swimming pools (temporary), private, noncommercial; pursuant to chapter 103 of the Municipal Code.
- (d) *Conditional uses and structures.* (See article XI, Conditional Use Permits, for the conditional use review requirements.
- (1) Airports, landing strips or fields, heliports, and hangers; public or private.
  - (2) Animal hospitals, shelters, commercial boarding and riding stables (min. five acres), kennels and veterinary services.
  - (3) Camps, camping, and related establishments.
  - (4) Cemetery or mausoleum; provided the mausoleum has a 50-foot setback from any lot line.
  - (5) Commercial recreational establishments, outdoor; including amusement or theme parks; miniature golf; and similar facilities.
  - (6) Commercial truck, bus, mobile home, large vehicle, or heavy equipment sales and rentals.
  - (7) Farm equipment, small engine repair shops and welding activities.
  - (8) Golf courses.
  - (9) Greenhouses; commercial.
  - (10) Kennel.
  - (11) Landscaping business; including retail sale.
  - (12) Mini-warehousing; provided the site is located outside the limits of the Planning Area Boundary for sewer service.
  - (13) Municipal wastewater and/or sewage treatment facilities.
  - (14) Municipal water towers, water metering facilities and water treatment facilities; including all appurtenant equipment and structures.
  - (15) Nurseries and orchards; commercial.
  - (16) Offices and storage yards, trade and contractor.
  - (17) Racetrack.

- (18) Radio, satellite, and television antennas.
- (19) Resource extraction; pursuant to section 117-131
- (20) Salvage yard and junk yard.
- (21) Solar energy systems.
- (22) Solid waste disposal facilities, landfills and municipal compost sites.
- (23) Utility substations and installations; including gas, electric, telephone, or uses of similar nature.
- (24) Wireless communication towers; pursuant to section 117-132
- (e) *Temporary accessory uses and structures.* See section 117-134
- (f) *Site plan.* Prior to obtaining a building and zoning permit for the uses listed below, a site plan shall be required in accordance with article XIII, Site Plan Review.
  - (1) All uses listed in subsection (d), AG conditional uses and structures.
- (g) *Lot area.*
  - (1) Lots shall be a minimum of one (1) acre in area.
  - (2) Lots where livestock, except poultry, are kept on the premises shall be a minimum of three (3) acres in area.
- (h) *Lot width.*
  - (1) Minimum. Lots shall be a minimum of 150 feet in width.
- (i) *Lot coverage.* The maximum lot coverage of all buildings and structures on the lot of a nonoperating farm shall be ten percent of the lot area, excluding decks, swimming pools, patios and driveways. An operating farm shall not have a lot coverage requirement.
- (j) *Impervious surface coverage.* The maximum impervious surface coverage of all buildings and structures on the lot of a nonoperating farm shall be 30 percent of the lot area, including decks, swimming pools, patios and driveways. An operating farm shall not have a impervious surface coverage requirement.
- (k) *Building height and stories.*
  - (1) *Farm Homes and Non-Farm Buildings.* Farm homes and non-farm buildings shall not exceed 35 feet in height or 2.5 stories.
  - (2) *Farm buildings.* General farm buildings or structures shall not exceed 50 feet in height, excluding silos, grain elevators or other similar structures.
  - (3) *Accessory structures.* Accessory structures, not used solely for agricultural purposes, shall not exceed 24 feet in height.
- (l) *Accessory detached garages and sheds.*
  - (1) *Number.* The maximum number of accessory detached garages and sheds, not used solely for agricultural purposes, shall be two.

- (2) *Size.* The maximum size of accessory detached garages and sheds, not used solely for agricultural purposes, shall be 3,000 square feet.
  - (3) *Total area.* The total area of all accessory detached garages and sheds, not used solely for agricultural purposes, shall be 3,000 square feet.
- (m) *Yard requirements.*
- (1) *Principal structure.*
    - a. *Front yard.* There shall be a minimum front yard of 50 feet, measured from the front lot line or right-of-way line, or from the right-of-way line of an officially mapped street, whichever is greater. There shall be a minimum front yard of 60 feet from a county road and 75 feet from a state or federal road, measured from the front lot line or right-of-way line, or from the right-of-way line of an officially mapped street, whichever is greater. Front yard reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.
    - b. *Side yard.* There shall be a minimum side yard of 25 feet on each side, measured from the side lot line.
    - c. *Rear yard.* There shall be a minimum rear yard of 50 feet, measured from the rear lot line.
  - (2) *Accessory structures.*
    - a. *Front yard.* There shall be a minimum front yard of 50 feet, measured from the front lot line or right-of-way line, or from the right-of-way line of an officially mapped street.
    - b. *Side yard.* There shall be a minimum side yard of 25 feet on each side, measured from the side lot line.
    - c. *Rear yard.* There shall be a minimum rear yard of 25 feet, measured from the rear lot line.
    - d. *Distance from other structures.* Accessory buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot, unless such building or structure receives a town building permit that meets the provisions of COMM 21.08, Wis. Admin. Code, relating to fire separation and dwelling unit separation.

**Table 2. Table of District Standards for AG, General Agricultural District**

Lot area (min.)	1 acre
Lot width (min.)	150'
Lot coverage	10%
Impervious surface coverage	30%
Accessory det. garage and shed, number	2
Accessory det. garage and shed, size	3,000 sq ft.
Accessory det. garage and shed, total area	3,000 sq ft.
Building height, principal	35'
Building height, farm buildings	50'
Building height, accessory	24'
Front yard, principal (min.   county   state/federal)	50'   60'   75'
Side yard, principal	25'
Rear yard, principal	50'
Front yard, accessory (except att. garage)	50'
Side yard, accessory (except att. garage)	25'
Rear yard, accessory (except att. garage)	25'

*(Ord. No. 10-147, § 4.2, 7-27-2010; Ord. No. 11-152, 3-29-2011; Ord. No. 11-162, 11-29-2011)*





**Sec. 117-81. – Rural residential district (RR).**

- (a) *Intent.* The intent of this district is to provide for single-family, detached residential development, primarily without public sanitary sewer and water facilities, in a rural setting, the intensity of which will be limited due to a lack of public sanitary sewer and water facilities, at a density not to exceed 1 dwelling unit per acre. This district is intended to be approved in areas identified as Single Family Residential (unsewered), Farmstead Homes, and Ag/Vacant/Undeveloped on the future land use map in the Harrison Comprehensive Plan, with very limited approval in Transitional areas identified on the same map.
- (b) *Permitted uses and structures.*
- (1) Dwellings, single-family, detached.
  - (2) Community living arrangements, with a capacity for eight or fewer persons, subject to the provisions and limitations of Wis. Stats. §62.23&7)(i).
  - (3) Day care, family.
  - (4) Essential services.
  - (5) Parks, playgrounds and nature preserves, public and private; including buildings, grounds and equipment.
  - (6) Recreational trails.
  - (7) Stormwater management ponds and facilities.
- (c) *Accessory uses and structures.*
- (1) Home occupations and businesses; pursuant to section 117-127
  - (2) Fountain, sculpture, or other aesthetic structure.
  - (3) Boathouses; private, noncommercial.
  - (4) Decks (attached or detached).
  - (5) Game courts; private noncommercial, including tennis and basketball.
  - (6) Garages (attached or detached), sheds, gazebos, and uses of similar nature; private, noncommercial.
  - (7) General farm buildings; including agricultural barns, silos, sheds and machine storage buildings, provided that such building or structure housing livestock is located at least 100 feet from any off-premise residential dwelling.
  - (8) Signs; pursuant to article VII.
  - (9) Swimming pools (temporary), private, noncommercial; pursuant to chapter 103 of the Municipal Code.
  - (10) Swimming pools (permanent), private, noncommercial; pursuant to chapter 103 of the Municipal Code.

- (11) Agricultural and General Farming.
- (d) *Conditional uses and structures.* (See article XI, Conditional Use Permits, for the conditional use review requirements.
  - (1) Bed and breakfast establishments.
  - (2) Community living arrangements, with a capacity for greater than eight persons, subject to the provisions and limitations of Wis. Stats. §62.23&7(i).
  - (3) Dwelling units, accessory; pursuant to section 117-126
  - (4) Planned developments; pursuant to section 117-93
  - (5) Golf courses.
  - (6) Cemetery or mausoleum; provided the mausoleum has a 50-foot setback from any lot line.
  - (7) Educational institutions; elementary, middle and high schools.
  - (8) Municipal water towers, water metering facilities and water treatment facilities; including all appurtenant equipment and structures.
  - (9) Religious institutions; including residential quarters for clergy if located on same lot as the religious institution.
  - (10) Solar energy systems.
- (e) *Temporary accessory uses and structures.* See section 117-134
- (f) *Site plan.* Prior to obtaining a building and zoning permit for the uses listed below, a site plan shall be required in accordance with article XIII, Site Plan Review.
  - (1) All uses listed in subsection (d), RR conditional uses and structures.
  - (2) Buildings or structures associated with a park, playground or nature preserve.
- (g) *Lot area.*
  - (1) Lots shall be a minimum of 1 acre in area, except lots within 300 feet of Lake Winnebago shall be a minimum of 12,000 square feet in area.
  - (2) Lots where livestock, except poultry, are kept on the premises shall be a minimum of three (3) acres in area.
- (h) *Lot width.*
  - (1) Minimum. Lots shall be a minimum of 150 feet in width, except lots within 300 feet of Lake Winnebago shall be a minimum of 80 feet in width.
- (i) *Lot coverage.*

- (1) The maximum lot coverage of all buildings and structures on the lot shall be 25 percent of the lot area, excluding decks, swimming pools, patios and driveways.
- (j) *Impervious surface coverage.*
  - (1) The maximum impervious surface coverage of all buildings and structures on the lot shall be 35 percent of the lot area, including decks, swimming pools, patios and driveways.
- (k) *Building height and stories.*
  - (1) *Principal structure.* The principal building or structure shall not exceed 35 feet in height or 2.5 stories.
  - (2) *Accessory structures.* Accessory building or structures shall not exceed 24 feet in height, except attached garages, provided the total height of the attached garage does not exceed the total height of the principal structure.
- (l) *Accessory detached garages and sheds.*
  - (1) *Number.* The maximum number of accessory detached garages and sheds shall be two.
  - (2) *Size.* The maximum size of accessory detached garages and sheds shall be 4,000 square feet.
  - (3) *Total area.* The maximum total area of all accessory detached garages and sheds shall be 4,000 square feet.
  - (4) *Special Provisions Along Lake Winnebago.* In order to allow development on Back Lots of Lake Winnebago, special consideration to setbacks and other dimensional requirements is being given. The Plan Commission may authorize the zoning administrator to issue a zoning permit for an accessory building or structures on an adjacent lot, if the adjacent lot is located within 200-feet of the principal lot on the non-lake side of the road.
    - (a) *Covenant.* The property owner shall provide a covenant suitable for recording with the Calumet County Register of Deeds providing notice to future owners or long-term lessors of the property that the existence of the accessory building or structure is predicated upon the occupancy of the principal dwelling under the same ownership. The covenant shall also require any owner of the property to remove the accessory building or structure upon discontinuing use of the accessory building or structure or by selling either property to a different owner.

- (m) *Yard requirements.*
  - (1) *Principal structure.*
    - a. *Front yard.* There shall be a minimum front yard of 50 feet, measured from the front lot line or right-of-way line, or from the right-of-way line of an officially mapped street, whichever is greater. There shall be a minimum front yard of 60 feet from a county road and 75 feet from a state or federal road, measured from the front lot line or right-of-way line, or from the right-of-way line of an officially mapped street, whichever is greater; except lots within 300 feet of Lake Winnebago there shall be a minimum front yard of 25 feet. Front yard reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.
    - b. *Side yard.* There shall be a minimum side yard of 25 feet on each side, measured from the side lot line; except lots within 300 feet of Lake Winnebago there shall be a minimum side yard of 7.5 feet on each side.
    - c. *Rear yard.* There shall be a minimum rear yard of 25 feet, measured from the rear lot line.
  - (2) *Accessory structures.*
    - a. *Front yard.* There shall be a minimum front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street.
    - b. *Side yard.* There shall be a minimum side yard of 10 feet on each side, measured from the side lot line.
    - c. *Rear yard.* There shall be a minimum rear yard of 10 feet, measured from the rear lot line.
    - d. *Distance from other structures.* Accessory buildings or structures shall not be constructed or located closer than 10 feet to any other structure on the lot, unless such building or structure receives a town building permit that meets the provisions of COMM 21.08, Wis. Admin. Code, relating to fire separation and dwelling unit separation.

**Table 3. Table of District Standards for RR, Rural Residential District**

Lot area (min.)	1 acre   12,000 sq. ft. along Lake
Lot width (min.)	150'   80' along Lake

Lot coverage	25%
Impervious surface coverage	35%
Accessory det. garage & shed, number	2
Accessory det. garage & shed, size	4,000 sq ft.
Accessory det. garage & shed, total area	4,000 sq ft.
Building height, principal	35'
Building height, accessory	24'
Front yard, principal	50', 60', 75'   25' along Lake
Side yard, principal	25'   7.5' along Lake
Rear yard, principal	25'
Front yard, accessory (except att. garage)	25'
Side yard, accessory (except att. garage)	10'
Rear yard, accessory (except att. garage)	10'

**Sec. 117-82. - Single-family residential (suburban) district (RS-1).**

- (a) *Intent.* The intent of this district is to provide for single-family, detached residential development, primarily with public sanitary sewer and water facilities, at a density not to exceed 3.6 dwelling units per acre.
- (b) *Permitted uses and structures.*
  - (1) Dwellings, single-family, detached.
  - (2) Community living arrangements, with a capacity for eight or fewer persons, subject to the provisions and limitations of Wis. Stats. §62.23&7)(i).
  - (3) Day care, family.
  - (4) Essential services.
  - (5) Parks, playgrounds and nature preserves, public and private; including buildings, grounds and equipment.
  - (6) Recreational trails.
  - (7) Stormwater management ponds and facilities.
- (c) *Accessory uses and structures.*
  - (1) Home occupations and businesses; pursuant to section 117-127
  - (2) Fountain, sculpture, or other aesthetic structure.
  - (3) Boathouses; private, noncommercial.
  - (4) Decks (attached or detached).
  - (5) Game courts; private noncommercial, including tennis and basketball.
  - (6) Garages (attached or detached), sheds, gazebos, and uses of similar nature; private, noncommercial.
  - (7) Signs; pursuant to article VII.
  - (8) Swimming pools (temporary), private, noncommercial; pursuant to chapter 103 of the Municipal Code.
  - (9) Swimming pools (permanent), private, noncommercial; pursuant to chapter 103 of the Municipal Code.
- (d) *Conditional uses and structures.* (See article XI, Conditional Use Permits, for the conditional use review requirements.)
  - (1) Bed and breakfast establishments.
  - (2) Community living arrangements, with a capacity for greater than eight persons, subject to the provisions and limitations of Wis. Stats. §62.23&7)(i).
  - (3) Dwelling units, accessory; pursuant to section 117-126
  - (4) Planned developments; pursuant to section 117-93
  - (5) Golf courses.

- (6) Cemetery or mausoleum; provided the mausoleum has a 50-foot setback from any lot line.
- (7) Educational institutions; elementary, middle and high schools.
- (8) Municipal water towers, water metering facilities and water treatment facilities; including all appurtenant equipment and structures.
- (9) Religious institutions; including residential quarters for clergy if located on same lot as the religious institution.
- (10) Solar energy systems.
- (e) *Temporary accessory uses and structures.* See section 117-134
- (f) *Site plan.* Prior to obtaining a building and zoning permit for the uses listed below, a site plan shall be required in accordance with article XIII, Site Plan Review.
  - (1) All uses listed in subsection (d), RS-1 conditional uses and structures.
  - (2) Buildings or structures associated with a park, playground or nature preserve.
- (g) *Lot area.*
  - (1) Lots shall be a minimum of 12,000 square feet in area.
- (h) *Lot width.*
  - (1) Minimum. Lots shall be a minimum of 80 feet in width.
- (i) *Lot coverage.*
  - (1) The maximum lot coverage of all buildings and structures on the lot shall be 25 percent of the lot area, excluding decks, swimming pools, patios and driveways.
- (j) *Impervious surface coverage.*
  - (1) The maximum impervious surface coverage of all buildings and structures on the lot shall be 35 percent of the lot area, including decks, swimming pools, patios and driveways.
- (k) *Building height and stories.*
  - (1) *Principal structure.* The principal building or structure shall not exceed 35 feet in height or 2.5 stories.
  - (2) *Accessory structures.* Accessory building or structures shall not exceed 18 feet in height, except attached garages, provided the total height of the attached garage does not exceed the total height of the principal structure.
- (l) *Accessory detached garages and sheds.*
  - (1) *Number.* The maximum number of accessory detached garages and sheds shall be one.

- (2) *Size.* The maximum size of accessory detached garages and sheds shall be 900 square feet.
- (3) *Total area.* The maximum total area of all accessory detached garages and sheds shall be 900 square feet.
- (4) *Special Provisions Along Lake Winnebago.* In order to allow development on Back Lots of Lake Winnebago, special consideration to setbacks and other dimensional requirements is being given. The Plan Commission may authorize the zoning administrator to issue a zoning permit for an accessory building or structures on an adjacent lot, if the adjacent lot is located within 200-feet of the principal lot on the non-lake side of the road.

- (a) *Covenant.* The property owner shall provide a covenant suitable for recording with the Calumet County Register of Deeds providing notice to future owners or long-term lessors of the property that the existence of the accessory building or structure is predicated upon the occupancy of the principal dwelling under the same ownership. The covenant shall also require any owner of the property to remove the accessory building or structure upon discontinuing use of the accessory building or structure or by selling either property to a different owner.

(m) *Yard requirements.*

(1) *Principal structure.*

- a. *Front yard.* There shall be a minimum front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street. Front yard reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.
- b. *Side yard.* There shall be a minimum side yard of 7.5 feet on each side, measured from the side lot line.
- c. *Rear yard.* There shall be a minimum rear yard of 25 feet, measured from the rear lot line.

(2) *Accessory structures.*

- a. *Front yard.* There shall be a minimum front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street. Accessory structures shall be located no closer to the front or street yard setback than is the principal structure.



- b. *Side yard.* There shall be a minimum side yard of five feet on each side, measured from the side lot line.
- c. *Rear yard.* There shall be a minimum rear yard of five feet, measured from the rear lot line.
- d. *Distance from other structures.* Accessory buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot, unless such building or structure receives a town building permit that meets the provisions of COMM 21.08, Wis. Admin. Code, relating to fire separation and dwelling unit separation.

**Table 3. Table of District Standards for RS-1, Single-Family Residential (Suburban)  
District**

Lot area (min.)	12,000 sq. ft.
Lot width (min.)	80'
Lot coverage	25%
Impervious surface coverage	35%
Accessory det. garage & shed, number	1
Accessory det. garage & shed, size	900 sq ft.
Accessory det. garage & shed, total area	900 sq ft.
Building height, principal	35'
Building height, accessory	18'
Front yard, principal	25'
Side yard, principal	7.5'
Rear yard, principal	25'
Front yard, accessory (except att. garage)	25' & principal structure
Side yard, accessory (except att. garage)	5'
Rear yard, accessory (except att. garage)	5'

*(Ord. No. 10-147, § 4.3, 7-27-2010; Ord. No. 11-152, 3-29-2011; Ord. No. 11-162, 11-29-2011)*

**Sec. 117-83. - Single-family residential (traditional) district (RS-2).**

- (a) *Intent.* The intent of this district is to provide for single-family, detached residential development, with public sanitary sewer and water facilities, at a density not to exceed 5.8 dwelling units per acre. This district is further intended to provide for a traditional residential neighborhood encompassing no less than five acres of land with housing types that are designed to establish and/or reinforce the street with building entrances primarily addressing the street and creating an environment that promotes pedestrian activity and interest in the street. The principal buildings are typically situated on narrower lots with shorter setbacks to the front and side yards, which still allow for porches, fences and small lawns. The parking or garage is generally located at or behind the front façade of the principal building.
- (b) *Permitted uses and structures.*
- (1) Dwellings, single-family, detached.
  - (2) Community living arrangements, with a capacity for eight or fewer persons, subject to the provisions and limitations of Wis. Stats. §62.23&7(i).
  - (3) Day care, family.
  - (4) Essential services.
  - (5) Parks, playgrounds and nature preserves, public and private; including buildings, grounds and equipment.
  - (6) Recreational trails.
  - (7) Stormwater management ponds and facilities.
- (c) *Accessory uses and structures.*
- (1) Home occupations and businesses; pursuant to section 117-127
  - (2) Fountain, sculpture, or other aesthetic structure.
  - (3) Boathouses; private, noncommercial.
  - (4) Decks (attached or detached).
  - (5) Game courts; private noncommercial, including tennis and basketball.
  - (6) Garages (attached or detached), sheds, gazebos, and uses of similar nature; private, noncommercial.
  - (7) Signs; pursuant to article VII.
  - (8) Swimming pools (temporary), private, noncommercial; pursuant to chapter 103 of the Municipal Code.
  - (9) Swimming pools (permanent), private, noncommercial; pursuant to chapter 103 of the Municipal Code.

- (d) *Conditional uses and structures.* (See article XI, Conditional Use Permits, for the conditional use review requirements.)
  - (1) Bed and breakfast establishments.
  - (2) Community living arrangements, with a capacity for greater than eight persons, subject to the provisions and limitations of Wis. Stats. §62.23&7)(i).
  - (3) Dwelling units, accessory; pursuant to section 117-126
  - (4) Planned developments; pursuant to section 117-93
  - (5) Golf courses.
  - (6) Cemetery or mausoleum; provided the mausoleum has a 50-foot setback from any lot line.
  - (7) Educational institutions; elementary, middle and high schools.
  - (8) Municipal water towers, water metering facilities and water treatment facilities; including all appurtenant equipment and structures.
  - (9) Religious institutions; including residential quarters for clergy if located on same lot as the religious institution.
  - (10) Solar energy systems.
- (e) *Temporary accessory uses and structures.* See section 117-134
- (f) *Site plan.* Prior to obtaining a building and zoning permit for the uses listed below, a site plan shall be required in accordance with article XIII, Site Plan Review.
  - (1) All uses listed in section 117-83(d), RS-2 conditional uses and structures.
  - (2) Buildings or structures associated with a park, playground or nature preserve.
- (g) *Lot area.*
  - (1) *Minimum.* Lots shall be a minimum of 7,500 square feet in area.
  - (2) *Maximum.* Lots shall be a maximum of 12,000 square feet, except lots fronting on corners, eyebrows, elbows, or cul-de-sacs which shall be a maximum of 14,000 square feet.
- (h) *Lot width.*
  - (1) *Minimum.* Lots shall be a minimum of 65 feet in width.
  - (2) *Maximum.* Lots shall be a maximum of 100 feet in width, except lots fronting on corners and elbows which shall be a maximum of 125 feet.
- (i) *Lot coverage.*
  - (1) The maximum lot coverage of all buildings and structures on the lot shall be 40 percent of the lot area, excluding decks, swimming pools, patios and driveways.

- (j) *Impervious surface coverage.*
  - (1) The maximum impervious surface coverage of all buildings and structures on the lot shall be 60 percent of the lot area, including decks, swimming pools, patios and driveways.
- (k) *Building height and stories.*
  - (1) *Principal structure.* The principal building or structure shall not exceed 35 feet in height or 2.5 stories.
  - (2) *Accessory structures.* Accessory building or structures shall not exceed 16 feet in height, except attached garages, provided the total height of the attached garage does not exceed the total height of the principal structure.
- (l) *Accessory detached garages and sheds.*
  - (1) *Number.* If there is an attached garage, then the maximum number of accessory detached garages and sheds shall be one per lot. If there is no attached garage, then the maximum number of accessory detached garages and sheds shall be two per lot.
  - (2) *Size.* The maximum size of accessory buildings shall be 600 square feet for detached garages and 200 square feet for sheds. Only one accessory building shall exceed 200 square feet.
  - (3) *Total area.* The maximum total area of all accessory detached garages and sheds shall be 800 square feet per lot, except where there is an attached garage, then the maximum total area shall be 200 square feet.
- (m) *Yard requirements.*
  - (1) *Principal structure.*
    - a. *Front yard.* There shall be a required front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street, whichever is greater. Front yard reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.
    - b. *Side yard.* There shall be a minimum side yard of five feet on each side, measured from the side lot line.
    - c. *Rear yard.* There shall be a minimum rear yard of 35 feet, measured from the rear lot line, except attached decks shall have a minimum setback of 25 feet.
  - (2) *Accessory structures.*
    - a. *Front yard.* There shall be a minimum front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street, whichever is greater. Accessory

structures shall be located no closer to the front or street yard setback than is the principal structure.

- b. *Side yard.* There shall be a minimum side yard of five feet on each side, measured from the side lot line.
- c. *Rear yard.* There shall be a minimum rear yard of five feet, measured from the rear lot line.
- d. *Distance from other structures.* Accessory buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot, unless such building or structure receives a town building permit that meets the provisions of COMM 21.08, Wis. Admin. Code, relating to fire separation and dwelling unit separation.

**Table 4. Table of District Standards for RS-2, Single-Family Residential (Traditional)  
District**

Lot area (min.   max.)	7,500   12,000 sq. ft.
Lot width (min.   max.)	65'   100'
Lot coverage	40%
Impervious surface coverage	60%
Building height, principal	35'
Building height, accessory	16'
Accessory det. garage and shed, number   with att. garage	2   1
Accessory det. garage and shed, size Det. garage   sheds	600   200 sq ft.
Accessory det. garage and shed, total area   with att. garage	800 sq ft.   200 sq ft.
Front yard, principal	25'
Side yard, principal	5'
Rear yard, principal	35'
Front yard, accessory	25' & principal building
Side yard, accessory	5'
Rear yard, accessory	5'

*(Ord. No. 10-147, § 4.4, 7-27-2010; Ord. No. 11-152, 3-29-2011; Ord. No. 11-162, 11-29-2011)*

**Sec. 117-84. - Two-family residential district (RT).**

- (a) *Intent.* The intent of this district is to provide for single-family (attached and detached) and two-family residential development, with public sanitary sewer and water facilities, at a density not to exceed four dwelling units per acre. Increased densities and the introduction of two-family housing types are intended to provide for greater housing options for owners and renters while maintaining the basic qualities of a moderately dense residential neighborhood. Although the district permits single-family, detached dwellings, it is intended that a minimum of sixty percent (60%) of the lots within the district be single-family, attached or two-family dwellings. To maintain this percentage, no zoning permit shall be issued to a single-family, detached dwelling if it will reduce the percentage.
- (b) *Permitted uses and structures.*
  - (1) Dwellings, two-family.
  - (2) Dwellings, single-family, attached.
  - (3) Dwellings, single-family, attached, zero lot line, pursuant to Section 117-135, Zero Lot Line.
  - (4) Dwellings, single-family, detached.
  - (5) Community living arrangements, with a capacity for eight or fewer persons, subject to the provisions and limitations of Wis. Stats. §62.23&7)(i).
  - (6) Day care, family.
  - (7) Essential services.
  - (8) Parks, playgrounds and nature preserves, public and private; including buildings, grounds and equipment.
  - (9) Recreational Trails.
  - (10) Stormwater management ponds and facilities.
- (c) *Accessory uses and structures.*
  - (1) Home occupations and businesses; pursuant to section 117-127
  - (2) Fountain, sculpture, or other aesthetic structure.
  - (3) Boathouses; private, noncommercial.
  - (4) Decks (attached or detached).
  - (5) Game courts; private noncommercial, including tennis and basketball.
  - (6) Garages (attached or detached), sheds, gazebos, and uses of similar nature; private, noncommercial.
  - (7) Signs; pursuant to article VII.
  - (8) Swimming pools (temporary), private, noncommercial; pursuant to chapter 103 of the Municipal Code.

- (9) Swimming pools (permanent), private, noncommercial; pursuant to chapter 103 of the Municipal Code.
- (d) *Conditional uses and structures.* (See article XI, Conditional Use Permits, for the conditional use review requirements.)
  - (1) Bed and breakfast establishments.
  - (2) Community living arrangements, with a capacity for greater than eight persons, subject to the provisions and limitations of Wis. Stats. §62.23&7(i).
  - (3) Planned developments; pursuant to section 117-93
  - (4) Golf courses.
  - (5) Cemetery or mausoleum; provided the mausoleum has a 50-foot setback from any lot line.
  - (6) Educational institutions; elementary, middle and high schools.
  - (7) Municipal water towers, water metering facilities and water treatment facilities; including all appurtenant equipment and structures.
  - (8) Religious institutions; including residential quarters for clergy if located on same lot as the religious institution.
  - (9) Solar energy systems.
- (e) *Temporary accessory uses and structures.* See section 117-134
- (f) *Site plan.* Prior to obtaining a building and zoning permit for the uses listed below, a site plan shall be required in accordance with article XIII, Site Plan Review.
  - (1) All uses listed in subsection (d), RT conditional uses and structures.
  - (2) Buildings or structures associated with a park, playground or nature preserve.
- (g) *Lot area.*
  - (1) *Single-family, detached.* Lots shall be a minimum of 7,500 square feet in area and a maximum of 12,000 square feet except lots fronting on corners, eyebrows, elbows, or cul-de-sacs which shall be a maximum of 14,000 square feet.
  - (2) *Single-family, attached, and two-family.* Lots shall be a minimum of 12,000 square feet in area, 6,000 square feet for each dwelling unit, and a maximum of 20,000 square feet, 10,000 square feet for each dwelling unit.
- (h) *Lot width.*
  - (1) *Single-family, detached.* Lots shall be a minimum of 65 feet and a maximum of 100 feet in width.



- (2) *Single-family, attached, and two-family.* Lots shall be a minimum of 100 feet, 50 feet for each dwelling unit, and a maximum of 150 feet in width.
- (i) *Lot coverage.*
  - (1) *Single-family, detached.* The maximum lot coverage of all buildings and structures on the lot shall be 40 percent of the lot area, excluding temporary uses and structures, decks, swimming pools, patios and driveways.
  - (2) *Single-family, attached, and two-family.* The maximum lot coverage of all buildings and structures for each dwelling unit shall be 40 percent of the lot area, excluding temporary uses and structures, decks, swimming pools, patios and driveways.
- (j) *Impervious surface coverage.*
  - (1) *Single-family, detached.* The maximum impervious surface coverage of all buildings and structures on the lot shall be 60 percent of the lot area, including decks, swimming pools, patios and driveways.
  - (2) *Single-family, attached, and two-family.* The maximum impervious surface coverage of all buildings and structures on the lot shall be 60 percent of the lot area, including decks, swimming pools, patios and driveways.
- (k) *Building height and stories.*
  - (1) *Principal structure.* The principal building or structure shall not exceed 35 feet in height or 2.5 stories.
  - (2) *Accessory structures.* Accessory building or structures shall not exceed 18 feet in height, except attached garages, provided the total height of the attached garage does not exceed the total height of the principal structure.
- (l) *Accessory detached garages and sheds.*
  - (1) *Number.*
    - a. *Single-family, detached.* The maximum number of accessory detached garages and sheds shall be one per lot.
    - b. *Single-family, attached and two-family.* The maximum number of accessory detached garages and sheds shall be two per lot. Each dwelling unit is allowed a maximum of one.
  - (2) *Size.* The maximum size of accessory detached garages and sheds shall be 900 square feet.
  - (3) *Total area.*
    - a. *Single-family, detached.* The maximum total area of all accessory detached garages and sheds shall be 900 square feet.

- b. Single-family, attached and two-family. The maximum total area of all accessory detached garages and sheds shall be 1,800 square feet per lot.
- (m) *Yard requirements.*
- (1) *Principal structure.*
    - a. *Front yard.* There shall be a minimum front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street. Front yard reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.
    - b. *Side yard.* There shall be a minimum side yard of 7.5 feet on each side, measured from the side lot line.
    - c. *Rear yard.* There shall be a minimum rear yard of 25 feet, measured from the rear lot line.
  - (2) *Accessory structures.*
    - a. *Front yard.* There shall be a minimum front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street. Accessory structures shall be located no closer to the front or street yard setback than is the principal structure.
    - b. *Side yard.* There shall be a minimum side yard of five feet on each side, measured from the side lot line.
    - c. *Rear yard.* There shall be a minimum rear yard of five feet, measured from the rear lot line.
    - e. *Distance from other structures.* Accessory buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot, unless such building or structure receives a town building permit that meets the provisions of COMM 21.08, Wis. Admin. Code, relating to fire separation and dwelling unit separation.

**Table 5. Table of District Standards for Single-Family, Detached Units in RT, Two-Family Residential District**

Lot area (min.   max.)	7,500   12,000 sq. ft.
Lot width (min.   max.)	65'   100'
Lot coverage	40%
Impervious surface coverage	60%
Building height, principal	35'
Building height, accessory	18'
Accessory det. garage & shed, number	1
Accessory det. garage & shed, size	900 sq ft.
Accessory det. garage & shed, total area	900 sq ft.
Front yard, principal	25'
Side yard, principal	7.5'
Rear yard, principal	25'
Front yard, accessory	25' & principal building
Side yard, accessory	5'
Rear yard, accessory	5'

**Table 6. Table of District Standards for Single-Family, Attached Units and Two-Family Units in RT, Two-Family Residential District**

	Total Lot	Per Dwelling Unit
Lot area (min.)	12,000   20,000 sq. ft.	6,000   10,000 sq. ft.
Lot width (min.   max.)	100'   150'	50'   75'
Lot coverage	40%	40%
Impervious surface coverage	60%	60%
Building height, principal	35'	
Building height, accessory	18'	
Accessory det. garage & shed, number	2 (1 per dwelling)	
Accessory det. garage & shed, size	900 sq ft.	
Accessory det. garage & shed, total Area	1,800 sq ft. (900 sq ft. per dwelling)	

Front yard, principal	25'
Side yard, principal	7.5'
Rear yard, principal	25'
Front yard, accessory	325' & principal building
Side yard, accessory	5'
Rear yard, accessory	5'

*(Ord. No. 10-147, § 4.5, 7-27-2010; Ord. No. 11-152, 3-29-2011; Ord. No. 11-162, 11-29-2011)*

**Sec. 117-85. - Multiple-family residential district (RM).**

- (a) *Intent.* The intent of this district is to provide for higher density type multiple-family residential development that is consistent with the provision of a high-quality suburban community character as set forth in the comprehensive plan, at a minimum density of six dwelling units per acre, but not to exceed 15 dwelling units per acre, unless otherwise specified in an approved planned development master plan. This district is further intended to be used as a transitional district between the less dense residential districts and commercial/business/industrial districts and be served by public sanitary sewer and water facilities. This district is also intended to provide an area of open space or common space, with the focus on natural resource protection.
- (b) *Permitted uses and structures.*
- (1) Dwellings, multiple-family, developments of one (1) or two (2) buildings and less than twenty-four (24) units total.
  - (2) Dwellings, two-family.
  - (3) Dwellings, single-family, attached.
  - (4) Dwellings, single-family, attached, zero lot line, pursuant to Section 117-135, Zero Lot Line.
  - (5) Community living arrangements, with a capacity for eight or fewer persons, subject to the provisions and limitations of Wis. Stats. §62.23&7(i).
  - (6) Day care, family.
  - (7) Essential services.
  - (8) Parks, playgrounds and nature preserves, public and private; including buildings, grounds and equipment.
  - (9) Recreational Trails.
  - (10) Stormwater management ponds and facilities.
- (c) *Accessory uses and structures.*
- (1) Home occupations and businesses; pursuant to section 117-127
  - (2) Fountain, sculpture, or other aesthetic structure.
  - (3) Boathouses; private, noncommercial.
  - (4) Decks (attached or detached).
  - (5) Game courts; private noncommercial, including tennis and basketball.
  - (6) Garages (attached or detached), sheds, gazebos, and uses of similar nature; private, noncommercial.
  - (7) Signs; pursuant to article VII.

- (8) Swimming pools (temporary), private, noncommercial; pursuant to chapter 103 of the Municipal Code.
- (9) Swimming pools (permanent), private, noncommercial; pursuant to chapter 103 of the Municipal Code.
- (d) *Conditional uses and structures.* (See article XI, Conditional Use Permits, for the conditional use review requirements.)
  - (1) Dwellings, multiple-family, developments of three (3) buildings or more or twenty-four (24) units or more.
  - (2) Assisted living or retirement home facilities.
  - (3) Bed and breakfast establishments.
  - (4) Community living arrangements, with a capacity for greater than eight persons, subject to the provisions and limitations of Wis. Stats. §62.23&7)(i).
  - (5) Convalescent homes and nursing homes.
  - (6) Manufactured housing parks; pursuant to chapter 107 of the Municipal Code.
  - (7) Planned developments; pursuant to section 117-93
  - (8) Golf courses.
  - (9) Educational institutions; elementary, middle and high schools.
  - (10) Municipal water towers, water metering facilities and water treatment facilities; including all appurtenant equipment and structures.
  - (11) Religious institutions; including residential quarters for clergy if located on same lot as the religious institution.
  - (12) Solar energy systems.
- (e) *Temporary accessory uses and structures.* See section 117-134
- (f) *Site plan.* Prior to obtaining a building and zoning permit for the following uses and structures, a site plan shall be required in accordance with article XIII, Site Plan Review.
  - (1) All uses listed in subsection (d), RM conditional uses and structures.
  - (2) Buildings or structures associated with a park, playground or nature preserve.
- (g) *Lot area.*
  - (1) Lots shall be a minimum of 20,000 square feet in area.
- (h) *Lot width.*
  - (1) Lots shall be a minimum of 100 feet in width.
- (i) *Lot coverage.*

- (1) The maximum lot coverage of all structures on the lot shall not exceed 40 percent of the lot area, excluding temporary uses, decks, swimming pools, patios and driveways.
- (j) *Impervious surface coverage.*
  - (1) The maximum impervious surface coverage of all buildings and structures on the lot shall be 60 percent of the lot area, including decks, swimming pools, patios and driveways.
- (k) *Building height and stories.*
  - (1) *Principal structure.* The principal building or structure shall not exceed 40 feet in height or three stories.
  - (2) *Accessory structures.* Accessory building or structures shall not exceed 24 feet in height.
- (l) *Accessory detached garages and sheds.*
  - (1) *Number.* The maximum number of accessory buildings shall be equal to the number of principal buildings.
  - (2) *Size.* The maximum size of accessory buildings shall be equal to 300 square feet times the number of dwelling units associated with the accessory building.
  - (3) *Total area.* The maximum total area of all accessory buildings shall be equal to 300 square feet times the total number of dwelling units.
- (m) *Yard requirements.*
  - (1) *Principal structure.*
    - a. *Front yard.* There shall be a minimum front yard of 25 feet measured from the front lot line, or from the right-of-way line of an officially mapped street, whichever is greater. Front yard reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.
    - b. *Side yard.* There shall be a minimum side yard of 20 feet on each side, measured from the side lot line.
    - c. *Rear yard.* There shall be a minimum rear yard of 30 feet, measured from the rear lot line.
    - e. *Distance between multiple-family buildings.* The minimum distance between multiple-family buildings shall be 20 feet.
  - (2) *Accessory structures.*
    - a. *Front yard.* There shall be a minimum front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street, whichever is greater.

- b. *Side yard.* There shall be a minimum side yard of 20 feet on each side, measured from the side lot line.
  - c. *Rear yard.* There shall be a minimum rear yard of 20 feet, measured from the rear lot line.
  - d. *Distance from other structures.* Accessory buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot.
- (n) *Design standards.* Requirements for new buildings and structures, or additions, built after the effective date of this chapter. Special exceptions to this section shall be granted by the plan commission.
  - (1) *Materials.* At least 50 percent of all exterior walls facing a public street shall be faced with brick, block, fieldstone, architectural cement board siding or other architectural masonry material. Roofs which exceed a pitch of more than three inches in 12 inches shall either be shingled or have an architectural metal roofing system.
  - (2) *Garage door placement.* The garage wall(s) containing a garage door opening facing a public street shall not comprise more than 50 percent of the façade of the principal structure width containing the primary entrance, measured along the ground level.
  - (3) *Roof.* The total height of the roof(s) from the lowest portion of the roof(s) to the ridge line shall be no greater than the height of the façade(s) of the building, measured vertically from the ground level of the façade(s) to the lowest portion of the roof(s), unless dormers are present.
  - (4) *Off-street parking requirements.* Ground level, surface parking shall be located at or behind the front façade of the principal building. Any surface parking located at the side of the building shall be screened through the use of approved integrated architectural walls and/or landscape treatments.
  - (5) *Building composition.*
    - a. *Site.* All principal buildings shall have a well-defined front façade and entrance with the primary entrance facing a public or private street if possible. The buildings shall be aligned so the dominant lines of their facades parallel the line of the street to help create a street wall.
    - b. *Walls.* No flat walls exceeding 100 feet in length shall be permitted for any structure; wall offsets, architectural details and wall facing shall be used to meet this requirement.



- c. *Windows.* There shall be a minimum of one window, per story, per side of the principal building. Accessory garages or parking buildings shall have windows, or other architectural features, to break long expanses of the building façade when facing a public street.

**Table 7. Table of District Standards for RM, Multiple-Family Residential District**

Lot area (min.)	20,000 sq. ft.
Lot width (min.)	100'
Lot coverage	40%
Impervious surface coverage	60%
Building height, principal	40'
Building height, accessory	24'
Accessory det. garage and shed, number	Same as principal building
Accessory det. garage and shed, size	300 sq ft. per unit
Accessory det. garage and shed, total area	300 sq ft. per unit
Front yard, principal (min.   max.)	25'   30'
Side yard, principal	20'
Rear yard, principal	30'
Front yard, accessory	25'
Side yard, accessory	20'
Rear yard, accessory	20'

*(Ord. No. 10-147, § 4.6, 7-27-2010)*

**Sec. 117-86. – Neighborhood Commercial district (CN).**

- (a) *Intent.* The intent of this district is to allow for limited commercial, retail and service establishments in areas where the surrounding neighborhood is predominately residential and the character and operation of which are compatible with the character of the surrounding area. The district should typically be located near intersections or along major or minor thoroughfares.
- (b) *Permitted uses and structures.*
  - (1) Clinic, medical and dental.
  - (2) Convenience stores.
  - (3) Day care, center.
  - (4) Essential services.
  - (5) Financial institutions; banks and credit unions.
  - (6) Fitness, recreational sports, gym, or athletic club.
  - (7) Parks, playgrounds and nature preserves, public and private; including buildings, grounds and equipment.
  - (8) Recreational trails.
  - (9) Retail establishments, food; including bakeries, grocery stores, convenience stores, fish or meat markets, and uses of a similar nature.
  - (10) Retail establishments, personal service; including barber or beauty shops, laundry or dry cleaner, and uses of a similar nature.
  - (11) Stormwater management ponds and facilities.
- (c) *Accessory uses and structures.*
  - (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot with the principal use or structure.
  - (2) Fountain, sculpture, or other aesthetic structure.
  - (3) Decks (attached or detached).
  - (4) Game courts; private noncommercial, including tennis and basketball.
  - (5) Signs; pursuant to article VII.
- (d) *Conditional uses and structures.* (See article XI, Conditional Use Permits, for the conditional use review requirements).
  - (1) Automobile repair and service establishments.
  - (2) Bars, taverns, and nightclubs.
  - (3) Beer, wine, and liquor store (off-premises consumption of alcohol).
  - (4) Car washes.
  - (5) Clubs and organizations; nonprofit and profit.

- (6) Drive-thru facilities, in conjunction with any permitted principal use listed in subsection (b).
  - (7) Gasoline/fueling stations.
  - (8) Multi-tenant buildings.
  - (9) Offices, business and professional.
  - (10) Planned developments; pursuant to section 117-93
  - (11) Residential dwelling units; in conjunction with a commercial development.
  - (12) Restaurant.
  - (13) Restaurant; fast food.
  - (14) Retail establishments, general merchandise; including apparel, appliance, bicycle, electronic, furniture, department and superstore/discount stores, and uses of a similar nature.
  - (15) Solar energy systems.
- (e) *Temporary accessory uses and structures.* See section 117-134
  - (f) *Site plan.* Prior to obtaining a building and zoning permit for any use or structure in this district, a site plan shall be required in accordance with article XIII, Site Plan Review.
  - (g) *Lot area.*
    - (1) Lots shall be a minimum of 12,000 square feet in area.
  - (h) *Lot width.*
    - (1) Minimum. Lots shall be a minimum of 100 feet in width.
  - (i) *Lot coverage.*
    - (1) The maximum lot coverage of all buildings and structures on the lot shall be 50 percent of the lot area, excluding temporary uses and structures.
  - (j) *Impervious surface coverage.*
    - (1) The maximum impervious surface coverage of all buildings and structures on the lot shall be 75 percent of the lot area.
  - (k) *Landscaping.* Landscaping shall be in accordance with article IX, Landscaping and Screening, and the following:
    - (1) Open space. The minimum open space or green space on the lot shall be 25 percent of the lot area.
  - (l) *Off-street parking.* Off-street parking and traffic requirements shall be in accordance with article VI, Access, Parking and Loading, and the following:

- (1) Parking lots and driveways shall be located no closer than 15 feet from a lot line of a residential zoning district and shall utilize screening in accordance with article IX, Landscaping and Screening.
- (m) *Building height and stories.*
  - (1) *Principal structure.* The principal building or structure shall not exceed 25 feet in height or one stories.
  - (2) *Accessory structures.* Accessory building or structures shall not exceed 16 feet in height.
- (n) *Yard requirements.*
  - (1) *Principal and accessory structure.*
    - a. *Front yard.* There shall be a minimum front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street, whichever is greater. Front yard reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.
    - b. *Side yard.* There shall be a minimum side yard of ten feet on each side, measured from the side lot line, or 25 feet if abutting a residential zoning district.
    - c. *Rear yard.* There shall be a minimum rear yard of 25 feet, measured from the rear lot line.
    - e. *Distance from other structures.* Buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot.
- (o) *Design standards.* Requirements for new buildings and structures, or additions, built after the effective date of this chapter. Special exceptions to this section shall be granted by the plan commission.
  - (1) *Front door placement.* All principal buildings or structures shall have a primary entrance facing a public street. Corner lots are only required to have one primary entrance, the choice of street may be chosen by the lot owner.
  - (2) *Building orientation.* All principal buildings shall have a well-defined front façade and entrance with the primary entrance facing a public street. The buildings shall be aligned so the dominant lines of their facades parallel the line of the street.
  - (3) *Materials.* One hundred percent of all exterior walls facing a public or private street and at least the lower one-third (1/3) of all other exterior shall be glass, brick, block, fieldstone or other architectural masonry

material. Roofs which exceed a pitch of more than three inches in 12 inches shall either be shingled or have an architectural metal roofing system. Metal siding or wall panels shall be prohibited, except as an accent material or as approved by the Plan Commission.

- (4) *Walls.* No flat walls exceeding 50 feet in length shall be permitted for any structure; wall offsets, recesses or projections, change in height, change in materials or other architectural details shall be used to meet this requirement.
- (5) *Roofs.* No flat roof plane exceeding 50 feet in length shall be permitted for any structure; pitched roof, parapet wall of varying heights, dormers, overhangs, arches, gables, or other architectural details shall be used to meet this requirement.
- (6) *Exterior lighting.* All exterior lighting shall be in accordance with the following:
  - a. All wall-mounted exterior lighting shall be direct cut-off fixtures.
  - b. All areas containing exterior lighting (except public street lighting) shall limit light trespass onto adjacent property. Compliance shall be achieved by utilizing fixture shielding, directional control, location, and/or height.
  - c. Accent light may be used to highlight architectural and landscape design elements.
  - d. Pedestrian walkways and parking areas shall be illuminated to a sufficient level so as to provide for safety and security.
  - e. Freestanding light fixtures shall have a maximum height of 25 feet.
  - f. Wood light poles shall be prohibited.
- (7) *Dumpster/refuse enclosures.*
  - a. *Materials.* Dumpster/refuse enclosures shall be 100 percent wood, vinyl, or architectural masonry that compliments the principal building. Landscape planting surrounding the enclosure is encouraged.
  - b. *Location.* Dumpster/refuse enclosures are not permitted in the front yard.
- (8) *Mechanical equipment.* All mechanical equipment whether on the ground or roof mounted, including electrical, HVAC, mechanical, or similar, shall be enclosed or screened. Roof mounted equipment shall be integrated into the design of the structure, enclosed or screened to the extent possible.

**Table 8. Table of District Standards for CN, Neighborhood Commercial District**

Lot area (min.)	12,000 sq. ft.
Lot width (min.)	100'
Lot coverage	50%
Impervious surface coverage	75%
Landscaping (open space)	25%
Parking setback from res. zoning dist.	15'
Building height, principal	25'
Building height, accessory	16'
Front yard (min.)	25'
Side yard (typical   from res. zoning dist.)	10'   25'
Rear yard	25'

*(Ord. No. 10-147, § 4.7, 7-27-2010)*

**Sec. 117-87. - Office and retail commercial district (COR).**

- (a) *Intent.* The intent of this district is to provide for business, professional and commercial retail uses that serve the general public. This district is further intended to serve as a buffer between commercial and industrial areas and residential areas. This district is also intended to be located along major thoroughfares and be served with public sanitary sewer and water facilities.
- (b) *Permitted uses and structures.*
- (1) Automobile parts, accessories, or tire stores.
  - (2) Automobile repair and service establishments.
  - (3) Automobile, motorcycle and all-terrain vehicle sales and rentals.
  - (4) Bars, taverns, and nightclubs.
  - (5) Beer, wine, and liquor store (off-premises consumption of alcohol).
  - (6) Clinic, medical and dental.
  - (7) Convenience stores.
  - (8) Day care, center.
  - (9) Educational institutions; business, technical or vocational schools.
  - (10) Educational institutions; college or university, including dormitories.
  - (11) Essential services.
  - (12) Exhibition, convention, or conference structure.
  - (13) Financial institutions; banks and credit unions.
  - (14) Fitness, recreational sports, gym, or athletic club.
  - (15) Hotel or motel.
  - (16) Multi-tenant buildings; up to 20,000 square feet in gross floor area and not containing a use listed in subsection (d), COR conditional uses.
  - (17) Municipal offices, and related structures.
  - (18) Offices, business and professional.
  - (19) Parks, playgrounds and nature preserves, public and private; including buildings, grounds and equipment.
  - (20) Recreational trails.
  - (21) Restaurant.
  - (22) Restaurant; fast food.
  - (23) Retail establishments, food; including bakeries, grocery stores, convenience stores, fish or meat markets, and uses of a similar nature.
  - (24) Retail establishments, general merchandise; including apparel, appliance, bicycle, electronic, furniture, department and superstore/discount stores, and uses of a similar nature.

- (25) Retail establishments, personal service; including barber or beauty shops, laundry or dry cleaner, and uses of a similar nature.
- (26) Stormwater management ponds and facilities.
- (c) *Accessory uses and structures.*
  - (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot with the principal use or structure.
  - (2) Fountain, sculpture, or other aesthetic structure.
  - (3) Decks (attached or detached).
  - (4) Game courts; private noncommercial, including tennis and basketball.
  - (5) Signs; pursuant to article VII.
- (d) *Conditional uses and structures.* (See article XI, Conditional Use Permits, for the conditional use review requirements.
  - (1) Car washes.
  - (2) Clubs and organizations; nonprofit and profit.
  - (3) Commercial recreational establishments, indoor; including performance and movie theaters; bowling, billiards, pool halls, or similar; arcades; skating rinks; amusement and sport facilities; and similar facilities; excluding adult entertainment establishments.
  - (4) Drive-thru facilities, in conjunction with any permitted principal use listed in subsection (b).
  - (5) Gasoline/fueling stations.
  - (6) Institutional and community facilities; including museums, libraries, exhibitions and art galleries, post office, and zoos.
  - (7) Multi-tenant buildings; over 20,000 square feet in gross floor area or containing a use listed in this subsection (d), COR conditional uses.
  - (8) Municipal police, fire and rescue stations and other public safety related facilities; including correctional and rehabilitation facilities and emergency operation centers.
  - (9) Offices and storage yards, trade and contractor (provided there is a showroom for retail uses in BP district).
  - (10) Planned developments; pursuant to section 117-93
  - (11) Residential dwelling units; in conjunction with a commercial development.
  - (12) Solar energy systems.
- (e) *Temporary accessory uses and structures.* See section 117-134



- (f) *Site plan.* Prior to obtaining a building and zoning permit for any use or structure in this district, a site plan shall be required in accordance with article XIII, Site Plan Review.
- (g) *Lot area.*
  - (1) Lots shall be a minimum of 12,000 square feet in area.
- (h) *Lot width.*
  - (1) Minimum. Lots shall be a minimum of 100 feet in width.
- (i) *Lot coverage.*
  - (1) The maximum lot coverage of all buildings and structures on the lot shall be 50 percent of the lot area, excluding temporary uses and structures.
- (j) *Impervious surface coverage.*
  - (1) The maximum impervious surface coverage of all buildings and structures on the lot shall be 75 percent of the lot area.
- (k) *Landscaping.* Landscaping shall be in accordance with article IX, Landscaping and Screening, and the following:
  - (1) Open space. The minimum open space or green space on the lot shall be 25 percent of the lot area.
- (l) *Off-street parking.* Off-street parking and traffic requirements shall be in accordance with article VI, Parking and Traffic, and the following:
  - (1) Parking lots and driveways shall be located no closer than 20 feet from a lot line of a residential zoning district and shall utilize screening in accordance with article IX, Landscaping and Screening.
- (m) *Building height and stories.*
  - (1) *Principal structure.* The principal building or structure shall not exceed 35 feet in height or two stories.
  - (2) *Accessory structures.* Accessory building or structures shall not exceed 16 feet in height.
- (n) *Yard requirements.*
  - (1) *Principal and accessory structure.*
    - a. *Front yard.* There shall be a minimum front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street, whichever is greater. Front yard reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.
    - b. *Side yard.* There shall be a minimum side yard of ten feet on each side, measured from the side lot line, or 50 feet if abutting a residential zoning district.

- c. *Rear yard.* There shall be a minimum rear yard of 25 feet, measured from the rear lot line, or 50 feet if abutting a residential zoning district.
  - e. *Distance from other structures.* Buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot.
- (o) *Design standards.* Requirements for new buildings and structures, or additions, built after the effective date of this chapter. Special exceptions to this section shall be granted by the plan commission.
  - (1) *Front door placement.* All principal buildings or structures shall have a primary entrance facing a public street. Corner lots are only required to have one primary entrance, the choice of street may be chosen by the lot owner.
  - (2) *Building orientation.* All principal buildings shall have a well-defined front façade and entrance with the primary entrance facing a public street. The buildings shall be aligned so the dominant lines of their facades parallel the line of the street.
  - (3) *Materials.* At least seventy-five (75%) percent of all exterior walls facing a public or private street and at least the lower one-third (1/3) of all other exterior walls shall be glass, brick, block, fieldstone, siding or other architectural masonry material. Roofs which exceed a pitch of more than three inches in 12 inches shall either be shingled or have an architectural metal roofing system. Metal siding or wall panels shall be prohibited, except as an accent material or as approved by the Plan Commission.
  - (4) *Walls.* No flat walls exceeding 100 feet in length shall be permitted for any structure; wall offsets, recesses or projections, change in height, change in materials or other architectural details shall be used to meet this requirement.
  - (5) *Roofs.* No flat roof plane exceeding 200 feet in length shall be permitted for any structure; pitched roof, parapet wall of varying heights, dormers, overhangs, arches, gables, or other architectural details shall be used to meet this requirement.
  - (6) *Exterior lighting.* All exterior lighting shall be in accordance with the following:
    - a. All wall-mounted exterior lighting shall be direct cut-off fixtures.
    - b. All areas containing exterior lighting (except public street lighting) shall limit light trespass onto adjacent property. Compliance shall

be achieved by utilizing fixture shielding, directional control, location, and/or height.

- c. Accent light may be used to highlight architectural and landscape design elements.
- d. Pedestrian walkways and parking areas shall be illuminated to a sufficient level so as to provide for safety and security.
- e. Freestanding light fixtures shall have a maximum height of 25 feet.
- f. Wood light poles shall be prohibited.

(7) *Dumpster/refuse enclosures.*

- a. *Materials.* Dumpster/refuse enclosures shall be 100 percent wood, vinyl, or architectural masonry that compliments the principal building. Landscape planting surrounding the enclosure is encouraged.
- b. *Location.* Dumpster/refuse enclosures are not permitted in the front yard.

(8) *Mechanical equipment.* All mechanical equipment whether on the ground or roof mounted, including electrical, HVAC, mechanical, or similar, shall be enclosed or screened. Roof mounted equipment shall be integrated into the design of the structure, enclosed or screened to the extent possible.

**Table 9. Table of District Standards for COR, Office and Retail Commercial District**

Lot area (min.)	12,000 sq. ft.
Lot width (min.)	100'
Lot coverage	50%
Impervious surface coverage	75%
Landscaping (open space)	25%
Parking setback from res. zoning dist.	20'
Building height, principal	35'
Building height, accessory	16'
Front yard (min.)	25'
Side yard (typical   from res. zoning dist.)	10'   50'
Rear yard (typical   from res. zoning dist.)	25'   50'

*(Ord. No. 10-147, § 4.8, 7-27-2010)*



**Sec. 117-88. - Community commercial district (CC).**

- (a) *Intent.* The intent of this district is to accommodate the needs of a larger consumer population than is served by the CN neighborhood commercial district, thereby permitting a wider range of uses and development sizes for both convenience and community shopping. This district is further intended to apply to areas which are now intensely developed or are expected to be intensely developed for commercial uses serving a regional commercial market.
- (b) *Permitted uses and structures.* Stand alone buildings up to 40,000 square feet and multi-tenant buildings up to 20,000 square feet in floor area.
- (1) Animal hospitals, shelters, commercial boarding and riding stables (min. five acres), kennels and veterinary services.
  - (2) Assisted living or retirement home facilities.
  - (3) Automobile body repair and/or paint shop.
  - (4) Automobile parts, accessories, or tire stores.
  - (5) Automobile repair and service establishments.
  - (6) Automobile, motorcycle and all-terrain vehicle sales and rentals.
  - (7) Banquet hall/supper club.
  - (8) Bars, taverns, and nightclubs.
  - (9) Beer, wine, and liquor store (off-premises consumption of alcohol).
  - (10) Building, home improvement, and garden supply stores; excluding the manufacture, treatment or processing of product and excluding outdoor storage yards.
  - (11) Clinic, medical and dental.
  - (12) Clubs and organizations; nonprofit and profit.
  - (13) Commercial recreational establishments, indoor; including performance and movie theaters; bowling, billiards, pool halls, or similar; arcades; skating rinks; amusement and sport facilities; and similar facilities; excluding adult entertainment establishments.
  - (14) Convalescent homes and nursing homes.
  - (15) Convenience stores.
  - (16) Day care, center.
  - (17) Educational institutions; business, technical or vocational schools.
  - (18) Educational institutions; college or university, including dormitories.
  - (19) Essential services.
  - (20) Exhibition, convention, or conference structure.
  - (21) Financial institutions; banks and credit unions.
  - (22) Fitness, recreational sports, gym, or athletic club.

- (23) Funeral homes.
  - (24) Hotel or motel.
  - (25) Institutional and community facilities; including museums, libraries, exhibitions and art galleries, post office, and zoos.
  - (26) Multi-tenant buildings; up to 20,000 square feet in gross floor area and not containing a use listed in subsection (d), conditional uses.
  - (27) Municipal offices, and related structures.
  - (28) Offices, business and professional.
  - (29) Parking lots and structures.
  - (30) Parks, playgrounds and nature preserves, public and private; including buildings, grounds and equipment.
  - (31) Recreational trails.
  - (32) Religious institutions; including residential quarters for clergy if located on same lot as the religious institution.
  - (33) Restaurant.
  - (34) Restaurant; fast food.
  - (35) Retail establishments, food; including bakeries, grocery stores, convenience stores, fish or meat markets, and uses of a similar nature.
  - (36) Retail establishments, general merchandise; including apparel, appliance, bicycle, electronic, furniture, department and superstore/discount stores, and uses of a similar nature.
  - (37) Retail establishments, personal service; including barber or beauty shops, laundry or dry cleaner, and uses of a similar nature.
  - (38) Stormwater management ponds and facilities.
- (c) *Accessory uses and structures.*
- (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot with the principal use or structure.
  - (2) Decks (attached or detached).
  - (3) Fountain, sculpture, or other aesthetic structure.
  - (4) Game courts; private noncommercial, including tennis and basketball.
  - (5) Signs; pursuant to article VII.
- (d) *Conditional uses and structures.* Stand alone buildings over 40,000 square feet. See article XI, Conditional Use Permits, for the conditional use review requirements.
- (1) Adult entertainment establishments; pursuant to section 117-133
  - (2) Car washes.

- (3) Commercial recreational establishments, outdoor; including amusement or theme parks; miniature golf; and similar facilities.
- (4) Commercial truck body repair and/or paint shop.
- (5) Commercial truck repair and service establishments.
- (6) Drive-thru facilities, in conjunction with any permitted principal use listed in subsection (b).
- (7) Gasoline/fueling stations.
- (8) Greenhouses; commercial.
- (9) Hospital.
- (10) Kennel.
- (11) Landscaping business; including retail sale.
- (12) Multi-tenant buildings; over 20,000 square feet in gross floor area or containing a use listed in this subsection (d), conditional uses.
- (13) Municipal police, fire and rescue stations and other public safety related facilities; including correctional and rehabilitation facilities and emergency operation centers.
- (14) Municipal water towers, water metering facilities and water treatment facilities; including all appurtenant equipment and structures.
- (15) Nurseries and orchards; commercial.
- (16) Offices, trade and contractor.
- (17) Pawnshops.
- (18) Payday Lender. Pursuant to §62.23(7)(hi) Wis. Stats.
- (19) Planned developments; pursuant to section 117-93
- (20) Residential dwelling units; in conjunction with a commercial development.
- (21) Solar energy systems.
- (22) Tattoo parlors.
- (23) Taxi and limousine services.
- (24) Towing establishments and services; excluding towed vehicle storage.
- (25) Wireless communication towers; pursuant to section 117-132
- (e) *Temporary accessory uses and structures.* See section 117-134
- (f) *Site plan.* Prior to obtaining a building and zoning permit for any use listed in this zoning district, a site plan shall be required in accordance with article XIII, Site Plan Review.
- (g) *Lot area.*
  - (1) Lots shall be a minimum of 20,000 square feet in area.
- (h) *Lot width.*



- (1) Minimum. Lots shall be a minimum of 100 feet in width.
- (i) *Lot coverage.*
  - (1) The maximum lot coverage of all buildings and structures on the lot shall be 50 percent of the lot area, excluding temporary uses and structures.
- (j) *Impervious surface coverage.*
  - (1) The maximum impervious surface coverage of all buildings and structures on the lot shall be 75 percent of the lot area.
- (k) *Landscaping.* Landscaping shall be in accordance with article IX, Landscaping and Screening, and the following:
  - (1) *Open space.* The minimum open space or green space on the lot shall be 25 percent of the lot area.
  - (1) *Off-street parking.* Off-street parking and traffic requirements shall be in accordance with article VI, Access, Parking and Loading, and the following:
    - (1) Parking lots and driveways shall be located no closer than 30 feet from a lot line of a residential zoning district and shall utilize screening in accordance with article IX, Landscaping and Screening.
- (m) *Building height and stories.*
  - (1) *Principal structure.* The principal building or structure shall not exceed 40 feet in height.
  - (2) *Accessory structures.* Accessory building or structures shall not exceed 24 feet in height.
- (n) *Yard requirements.*
  - (1) *Principal and accessory structure.*
    - a. *Front yard.* There shall be a minimum front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street, whichever is greater. Front yard reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.
    - b. *Side yard.* There shall be a minimum side yard of ten feet on each side, measured from the side lot line, or 50 feet if abutting a residential zoning district.
    - c. *Rear yard.* There shall be a minimum rear yard of 25 feet, measured from the rear lot line, or 50 feet if abutting a residential zoning district.
    - e. *Distance from other structures.* Buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot.

- (o) *Design standards.* Requirements for new buildings and structures, or additions, built after the effective date of this chapter. Special exceptions to this section shall be granted by the plan commission.
- (1) *Front door placement.* All principal buildings or structures shall have a primary entrance facing a public street. Corner lots are only required to have one primary entrance, the choice of street may be chosen by the lot owner.
  - (2) *Building orientation.* All principal buildings shall have a well-defined front façade and entrance with the primary entrance facing a public street. The buildings shall be aligned so the dominant lines of their facades parallel the line of the street.
  - (3) *Materials.* One 50 percent of all exterior walls facing a public or private street and at least the lower 1/3 of all other exterior walls shall be glass, brick, block, fieldstone, architectural cement board siding or other architectural masonry material. Roofs which exceed a pitch of more than three inches in 12 inches shall either be shingled or have an architectural metal roofing system.
  - (4) *Walls.* No flat walls exceeding 150 feet in length shall be permitted for any structure; wall offsets, recesses or projections, change in height, change in materials or other architectural details shall be used to meet this requirement.
  - (5) *Roofs.* No flat roof plane exceeding 300 feet in length shall be permitted for any structure; pitched roof, parapet wall of varying heights, dormers, overhangs, arches, gables, or other architectural details shall be used to meet this requirement.
  - (6) *Exterior lighting.* All exterior lighting shall be in accordance with the following:
    - a. All wall-mounted exterior lighting shall be direct cut-off fixtures.
    - b. All areas containing exterior lighting (except public street lighting) shall limit light trespass onto adjacent property. Compliance shall be achieved by utilizing fixture shielding, directional control, location, and/or height.
    - c. Accent light may be used to highlight architectural and landscape design elements.
    - d. Pedestrian walkways and parking areas shall be illuminated to a sufficient level so as to provide for safety and security.
    - e. Freestanding light fixtures shall have a maximum height of 25 feet.

- f. Wood light poles shall be prohibited.
- (7) Dumpster/refuse enclosures.
  - a. *Materials.* Dumpster/refuse enclosures shall be 100 percent wood, vinyl, or architectural masonry that compliments the principal building. Landscape planting surrounding the enclosure is encouraged.
  - b. *Location.* Dumpster/refuse enclosures are not permitted in the front yard.
- (8) *Mechanical equipment.* All mechanical equipment whether on the ground or roof mounted, including electrical, HVAC, mechanical, or similar, shall be enclosed or screened. Roof mounted equipment shall be integrated into the design of the structure, enclosed or screened to the extent possible.

**Table 10. Table of District Standards for CC, Community Commercial District**

Lot area (min.)	20,000 sq. ft.
Lot width (min.)	100'
Lot coverage	50%
Impervious surface coverage	75%
Landscaping (open space)	25%
Parking setback from res. zoning dist.	30'
Building height, principal	40'
Building height, accessory	24'
Front yard (min.)	25'
Side yard (typical   from res. zoning dist.)	10'   50'
Rear yard (typical   from res. zoning dist.)	25'   50'

(Ord. No. 10-147, § 4.9, 7-27-2010)



**Sec. 117-89. - Business park district (BP).**

- (a) *Intent.* The intent of this district is to provide for a mix of low impact, light manufacturing, office, and limited retail and service uses, with limited outdoor storage, that are compatible with neighboring residential and commercial districts and provide adequate landscaping and screening for buildings, structures and off-street parking areas. This district is further intended to provide for a business park type feel that encompasses no less than three acres of land and is served by public sanitary sewer and water facilities.
- (b) *Permitted uses and structures.*
- (1) Clinic, medical and dental.
  - (2) Convenience stores.
  - (3) Day care, center.
  - (4) Educational institutions; business, technical or vocational schools.
  - (5) Educational institutions; college or university, including dormitories.
  - (6) Essential services.
  - (7) Exhibition, convention, or conference structure.
  - (8) Financial institutions; banks and credit unions.
  - (9) Fitness, recreational sports, gym, or athletic club.
  - (10) Funeral homes.
  - (11) Hotel or motel.
  - (12) Institutional and community facilities; including museums, libraries, exhibitions and art galleries, post office, and zoos.
  - (13) Multi-tenant buildings; up to 20,000 square feet in gross floor area and not containing a use listed in subsection (d), BP conditional uses.
  - (14) Municipal offices, and related structures.
  - (15) Municipal police, fire and rescue stations and other public safety related facilities; including correctional and rehabilitation facilities and emergency operation centers.
  - (16) Municipal water towers, water metering facilities and water treatment facilities; including all appurtenant equipment and structures.
  - (17) Offices, business and professional.
  - (18) Parking lots and structures.
  - (19) Parks, playgrounds and nature preserves, public and private; including buildings, grounds and equipment.
  - (20) Printing and publication establishments.
  - (21) Recreational trails.
  - (22) Restaurant.

- (23) Restaurant; fast food.
- (24) Retail establishments, personal service; including barber or beauty shops, laundry or dry cleaner, and uses of a similar nature.
- (25) Stormwater management ponds and facilities.
- (c) *Accessory uses and structures.*
  - (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot with the principal use or structure.
  - (2) Fountain, sculpture, or other aesthetic structure.
  - (3) Decks (attached or detached).
  - (4) Game courts; private noncommercial, including tennis and basketball.
  - (5) Signs; pursuant to article VII.
- (d) *Conditional uses and structures.* (See article XI, Conditional Use Permits, for the conditional use review requirements.)
  - (1) Automobile repair and service establishments.
  - (2) Car washes.
  - (3) Drive-thru facilities, in conjunction with any permitted principal use listed in subsection (b).
  - (4) Gasoline/fueling stations.
  - (5) Golf courses.
  - (6) Hospital.
  - (7) Manufacturing, custom.
  - (8) Manufacturing, light.
  - (9) Multi-tenant buildings; over 20,000 square feet in gross floor area or containing a use listed in this subsection (d), BP conditional uses.
  - (10) Offices and storage yards, trade and contractor (provided there is a showroom for retail uses in BP district).
  - (11) Outdoor storage yards; including building materials, garden centers and lumberyards.
  - (12) Planned developments; pursuant to section 117-93
  - (13) Processing plant, food.
  - (14) Research laboratory or testing facilities; including scientific, medical, and technology.
  - (15) Residential dwelling units; in conjunction with a commercial development.
  - (16) Retail establishments, food: including bakeries, grocery stores, convenience stores, fish or meat markets, and uses of a similar nature.

- (17) Solar energy systems.
- (18) Utility substations and installations; including gas, electric, telephone, or uses of similar nature.
- (19) Wireless communication towers; pursuant to section 117-132
- (e) *Temporary accessory uses and structures.* See section 117-134
- (f) *Site plan.* Prior to obtaining a building and zoning permit for any use listed in this zoning district, a site plan shall be required in accordance with article XIII, Site Plan Review.
- (g) *Lot area.*
  - (1) Lots shall be a minimum of 20,000 square feet in area.
- (h) *Lot width.*
  - (1) Minimum. Lots shall be a minimum of 100 feet in width.
- (i) *Lot coverage.*
  - (1) The maximum lot coverage of all buildings and structures on the lot shall be 50 percent of the lot area, excluding temporary uses and structures.
- (j) *Impervious surface coverage.*
  - (1) The maximum impervious surface coverage of all buildings and structures on the lot shall be 75 percent of the lot area.
- (k) *Landscaping.* Landscaping shall be in accordance with article IX, Landscaping and Screening, and the following:
  - (1) Open space. The minimum open space or green space on the lot shall be 25 percent of the lot area.
- (l) *Off-street parking.* Off-street parking and traffic requirements shall be in accordance with article VI, Access, Parking and Loading, and the following:
  - (1) Parking lots and driveways shall be located no closer than 30 feet from a lot line of a residential zoning district and shall utilize screening in accordance with article IX, Landscaping and Screening.
- (m) *Building height and stories.*
  - (1) *Principal structure.* The principal building or structure shall not exceed 45 feet in height.
  - (2) *Accessory structures.* Accessory building or structures shall not exceed 24 feet in height.
- (n) *Yard requirements.*
  - (1) *Principal and accessory structure.*
    - a. *Front yard.* There shall be a minimum front yard of 25 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street, whichever is greater. Front yard

reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.

- b. *Side yard.* There shall be a minimum side yard of ten feet on each side, measured from the side lot line, or 50 feet if abutting a residential zoning district.
  - c. *Rear yard.* There shall be a minimum rear yard of 25 feet, measured from the rear lot line, or 50 feet if abutting a residential zoning district.
  - e. *Distance from other structures.* Buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot.
- (o) *Design standards.* Requirements for new buildings and structures, or additions, built after the effective date of this chapter. Special exceptions to this section shall be granted by the plan commission.
- (1) *Front door placement.* All principal buildings or structures shall have a primary entrance facing a public street. Corner lots are only required to have one primary entrance, the choice of street may be chosen by the lot owner.
  - (2) *Building orientation.* All principal buildings shall have a well-defined front façade and entrance with the primary entrance facing a public street. The buildings shall be aligned so the dominant lines of their facades parallel the line of the street.
  - (3) *Materials.* At least fifty (50%) percent of all exterior walls facing a public or private street and at least the lower one-third (1/3) of all exterior walls abutting a residential zoning district be glass, brick, block, fieldstone, or other architectural masonry material. Roofs which exceed a pitch of more than three inches in 12 inches shall either be shingled or have an architectural metal roofing system. Metal siding or wall panels shall be prohibited on walls facing a street or residential zoning district, except as an accent material or as approved by the Plan Commission.
  - (4) *Walls.* No flat walls shall be permitted for any structure; wall offsets, recesses or projections, change in height, change in materials or other architectural details shall be used to meet this requirement.
  - (5) *Roofs.* No flat roof plane shall be permitted for any structure; pitched roof, parapet wall of varying heights, dormers, overhangs, arches, gables, or other architectural details shall be used to meet this requirement.



- (6) Exterior lighting. All exterior lighting shall be in accordance with the following:
- a. All wall-mounted exterior lighting shall be direct cut-off fixtures.
  - b. All areas containing exterior lighting (except public street lighting) shall limit light trespass onto adjacent property. Compliance shall be achieved by utilizing fixture shielding, directional control, location, and/or height.
  - c. Accent light may be used to highlight architectural and landscape design elements.
  - d. Pedestrian walkways and parking areas shall be illuminated to a sufficient level so as to provide for safety and security.
  - e. Freestanding light fixtures shall have a maximum height of 25 feet.
  - f. Wood light poles shall be prohibited.
- (7) *Dumpster/refuse enclosures.*
- (1) *Materials.* Dumpster/refuse enclosures shall be 100 percent wood, vinyl, or architectural masonry that compliments the principal building. Landscape planting surrounding the enclosure is encouraged.
- (2) *Location.* Dumpster/refuse enclosures are not permitted in the front yard.
- (8) *Mechanical equipment.* All mechanical equipment whether on the ground or roof mounted, including electrical, HVAC, mechanical, or similar, shall be enclosed or screened. Roof mounted equipment shall be integrated into the design of the structure, enclosed or screened to the extent possible.

**Table 11. Table of District Standards for BP, Business Park District**

Lot area (min.)	20,000 sq. ft.
Lot width (min.)	100'
Lot coverage	50%
Impervious surface coverage	75%
Landscaping (open space)	25%
Parking setback from res. zoning dist.	30'
Building height, principal	45'
Building height, accessory	24'
Front yard (min.)	25'
Side yard (typical   from res. zoning dist.)	10'   50'
Rear yard (typical   from res. zoning dist.)	25'   50'

*(Ord. No. 10-147, § 4.10, 7-27-2010; Ord. No. 11-152, 3-29-2011; Ord. No. 11-160, 9-13-2011; Ord. No. 11-162, 11-29-2011)*



**Sec. 117-90. - Industrial and manufacturing district (IM).**

- (a) *Intent.* The intent of this district is to accommodate areas of heavy and concentrated fabrication, manufacturing, and industrial uses that are suitable based upon adjacent land uses, access to transportation, and the availability of public sanitary sewer and water facilities. It is the intent of this district to provide an environment for industries that is unencumbered by residential and retail commercial development within the district. This district further intends to be located in areas where conflicts with other land uses can be minimized to promote orderly transitions and buffers between uses so as to not endanger neighborhoods. This district is also intended to have convenient access to existing and future thoroughfares and/or railway lines.
- (b) *Permitted uses and structures.*
- (1) Automobile body repair and/or paint shop.
  - (2) Automobile parts, accessories, or tire stores.
  - (3) Automobile repair and service establishments.
  - (4) Commercial truck body repair and/or paint shop.
  - (5) Commercial truck repair and service establishments.
  - (6) Commercial truck, bus, mobile home, large vehicle, or heavy equipment sales and rentals.
  - (7) Essential services.
  - (8) Manufactured home construction.
  - (9) Manufacturing and assembly factories and plants.
  - (10) Manufacturing, custom.
  - (11) Manufacturing, light.
  - (12) Municipal water towers, water metering facilities and water treatment facilities; including all appurtenant equipment and structures.
  - (13) Offices and storage yards, trade and contractor.
  - (14) Parking lots and structures.
  - (15) Parks, playgrounds and nature preserves, public and private; including buildings, grounds and equipment.
  - (16) Printing and publication establishments.
  - (17) Processing plants (metals, chemicals, etc.).
  - (18) Processing plants, food.
  - (19) Recreational trails.
  - (20) Recycling centers.
  - (21) Research laboratory or testing facilities; including scientific, medical, and technology.

- (22) Stormwater management ponds and facilities.
  - (23) Towing establishments and services; excluding towed vehicle storage.
  - (24) Truck and transit terminals; including freight terminals.
  - (25) Utility substations and installations; including gas, electric, telephone, or uses of similar nature.
  - (26) Warehouse or storage facility.
  - (27) Wholesale and distribution facilities.
- (c) *Accessory uses and structures.*
- (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot with the principal use or structure.
  - (2) Fountain, sculpture, or other aesthetic structure.
  - (3) Decks (attached or detached).
  - (4) Game courts; private noncommercial, including tennis and basketball.
  - (5) Signs; pursuant to article VII.
- (d) *Conditional uses and structures.* (See article XI, Conditional Use Permits, for the conditional use review requirements.)
- (1) Asphalt and concrete plants.
  - (2) Automobile and commercial truck salvage yards.
  - (3) Car washes.
  - (4) Day care, center.
  - (5) Drive-thru facilities, in conjunction with any permitted principal use listed in subsection (b).
  - (6) Financial institutions; banks and credit unions.
  - (7) Gasoline/fueling stations.
  - (8) Hazardous material bulk storage or distribution facility.
  - (9) Manufacturing, heavy.
  - (10) Mini-warehousing.
  - (11) Municipal wastewater and/or sewage treatment facilities.
  - (12) Offices, business and professional.
  - (13) Outdoor storage yards; including building materials, garden centers and lumberyards.
  - (14) Planned developments; pursuant to section 117-93
  - (15) Radio, satellite, and television antennas.
  - (16) Resource extraction; pursuant to section 117-131
  - (17) Salvage yard and junk yard.
  - (18) Solar energy systems.

- (19) Solid waste disposal facilities, landfills and municipal compost sites.
- (20) Towed vehicle storage.
- (21) Wireless communication towers; pursuant to section 117-132
- (e) *Temporary accessory uses and structures.* See section 117-134
- (f) *Site plan.* Prior to obtaining a building and zoning permit for any use listed in this zoning district, a site plan shall be required in accordance with article XIII, Site Plan Review.
- (g) *Lot area.*
  - (1) Lots shall be a minimum of one acre in area.
- (h) *Lot width.*
  - (1) Minimum. Lots shall be a minimum of 150 feet in width.
- (i) *Lot coverage.*
  - (1) The maximum lot coverage of all buildings and structures on the lot shall be 50 percent of the lot area, excluding temporary uses and structures.
- (j) *Impervious surface coverage.*
  - (1) The maximum impervious surface coverage of all buildings and structures on the lot shall be 75 percent of the lot area.
- (k) *Landscaping.* Landscaping shall be in accordance with article IX, Landscaping and Screening, and the following:
  - (1) Open space. The minimum open space or green space on the lot shall be 25 percent of the lot area.
- (l) *Off-street parking.* Off-street parking and traffic requirements shall be in accordance with article VI, Access, Parking and Loading, and the following:
  - (1) Parking lots and driveways shall be located no closer than 30 feet from a lot line of a residential zoning district and shall utilize screening in accordance with article IX, Landscaping and Screening.
- (m) *Building height and stories.*
  - (1) *Principal structure.* The principal building or structure shall not exceed 45 feet in height.
  - (2) *Accessory structures.* Accessory building or structures shall not exceed 24 feet in height.
- (n) *Yard requirements.*
  - (1) *Principal and accessory structure.*
    - a. *Front yard.* There shall be a minimum front yard of 30 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street, whichever is greater. Front yard

reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.

- b. *Side yard.* There shall be a minimum side yard of 20 feet on each side, measured from the side lot line, or 50 feet if abutting a residential zoning district.
  - c. *Rear yard.* There shall be a minimum rear yard of 20 feet, measured from the rear lot line, or 50 feet if abutting a residential zoning district.
  - e. *Distance from other structures.* Buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot.
- (o) *Design standards.* Requirements for new buildings and structures, or additions, built after the effective date of this chapter. Special exceptions to this section shall be granted by the plan commission.
- (1) *Front door placement.* All principal buildings or structures shall have a primary entrance facing a public street. Corner lots are only required to have one primary entrance, the choice of street may be chosen by the lot owner.
  - (2) *Building orientation.* All principal buildings shall have a well-defined front façade and entrance with the primary entrance facing a public street.
  - (3) *Materials.* The lower one-third (1/3) of all exterior walls facing a public or private street shall be glass, brick, block, fieldstone or other architectural masonry material.
  - (4) *Exterior lighting.* All exterior lighting shall be in accordance with the following:
    - a. All wall-mounted exterior lighting shall be direct cut-off fixtures.
    - b. All areas containing exterior lighting (except public street lighting) shall limit light trespass onto adjacent property. Compliance shall be achieved by utilizing fixture shielding, directional control, location, and/or height.
    - c. Accent light may be used to highlight architectural and landscape design elements.
    - d. Pedestrian walkways and parking areas shall be illuminated to a sufficient level so as to provide for safety and security.
    - e. Freestanding light fixtures shall have a maximum height of 25 feet.
    - f. Wood light poles shall be prohibited.
  - (5) *Dumpster/refuse enclosures.*

- a. *Materials.* Dumpster/refuse enclosures shall be 100 percent wood, vinyl, or architectural masonry that compliments the principal building. Landscape planting surrounding the enclosure is encouraged.
  - b. *Location.* Dumpster/refuse enclosures are not permitted in the front yard.
- (6) *Mechanical equipment.* All mechanical equipment whether on the ground or roof mounted, including electrical, HVAC, mechanical, or similar, shall be enclosed or screened from view from a public street. Roof mounted equipment shall be integrated into the design of the structure, enclosed or screened to the extent possible from a public street.

**Table 12. Table of District Standards for IM, Industrial and Manufacturing District**

Lot area (min.)	20,000 sq. ft.
Lot width (min.)	100'
Lot coverage	50%
Impervious surface coverage	75%
Landscaping (open space)	25%
Parking setback from res. zoning dist.	30'
Building height, principal	45'
Building height, accessory	24'
Front yard (min.)	30'
Side yard (typical   from res. zoning dist.)	20'   50'
Rear yard (typical   from res. zoning dist.)	20'   50'

(Ord. No. 10-147, § 4.11, 7-27-2010; Ord. No. 11-162, 11-29-2011)



**Sec. 117-91. - Natural and conservancy district (NC).**

- (a) *Intent.* The intent of this district is to preserve and protect unique natural and manmade features by discouraging development and disturbance to the natural environment, where development would result in hazards to health or safety or would deplete or destroy natural resources or otherwise be incompatible with the public welfare. This district is further intended primarily for outdoor recreation and forestry uses.
- (b) *Permitted uses and structures.*
  - (1) Crop production.
  - (2) Harvesting of wild crops such as marsh hay, mushrooms, moss, berries, fruit trees and tree seeds, in a manner that is not injurious to natural reproduction of such crops.
  - (3) Management of forestry and fish.
  - (4) Outdoor recreation activities, such as hiking, fishing, trapping, hunting, swimming, and boating, unless otherwise prohibited by law.
  - (5) Pasturing of livestock.
  - (6) Public or private parks, in which passive recreation pursuits are provided.
  - (7) Recreational trails.
- (c) *Conditional uses and structures.* (See article XI, Conditional Use Permits, for the conditional use review requirements.
  - (1) Structures clearly incidental to a permitted principal use listed above, restrictions to the overall size may be applied.
- (d) *Temporary accessory uses and structures.* None.
- (e) *Lot area.* There is no minimum lot area.
- (f) *Lot width.* There is no minimum lot width.
- (g) *Building height and stories.* The maximum height of any building or structure shall be 16 feet.
- (h) *Structures.* No structure shall be permitted, except those permitted by conditional use permit.
- (i) *Yard requirements.*
  - (1) *Principal and accessory structure.*
    - a. *Front yard.* There shall be a minimum front yard of 50 feet, measured from the front lot line, or from the right-of-way line of an officially mapped street, whichever is greater. Front yard reductions may be provided pursuant to section 117-49(c)(6), front yard reduction.

- b. *Side yard.* There shall be a minimum side yard of 25 feet on each side, measured from the side lot line.
- c. *Rear yard.* There shall be a minimum rear yard of 25 feet, measured from the rear lot line.
- d. *Distance from other structures.* Buildings or structures shall not be constructed or located closer than ten feet to any other structure on the lot.

**Table 13. Table of District Standards for NC, Natural and Conservancy District**

Lot area (min.)	None
Lot width (min.   max.)	None
Building height	16'
Front yard (min.)	50'
Side yard	25'
Rear yard	25'

*(Ord. No. 10-147, § 4.12, 7-27-2010)*

**Sec. 117-92. - Mobile home overlay district (MHO).**

- (a) *Intent.* The intent of this district is to provide areas for planned mobile home sites and developments in the (RM) multiple family residential and (RR) rural residential zoning districts only. All mobile homes are subject to the provisions of chapter 107 of the Municipal Code of Ordinances.
- (b) *Application.* The mobile home overlay (MHO) zoning district shall be designated pursuant to the provisions of section 117-31(7), map amendments. The rezoning indicates the authorized location of the development site. All underlying or base zoning district regulations for lands "under" mobile home overlay (MHO) district shall continue in full force and effect, and shall be solely applicable, until such time as the town board grants final mobile home overlay (MHO) zoning district approval as hereinafter provided.
- (c) *District requirements.* No district shall be established unless it contains the minimum requirements specified in this section and meets the requirements of chapter 107 of the Municipal Code of Ordinances.
  - (1) *Underlying zoning district.* The MHO district shall only be approved "over" a (RM) multiple family residential or (RR) rural residential zoning district.
  - (2) *Minimum district area.* The MHO district shall be a minimum of two acres in area.
  - (3) *Buffer yards.* There shall be buffer yard of at least 25 feet on all sides of the district for landscaping and screening purposes.
- (d) *Permitted uses.* The following uses shall be permitted in the MHO district:
  - (1) Uses listed as permitted in the underlying zoning district(s).
  - (2) Uses as approved by the town board under Chapter 107 of the Municipal Code of Ordinances.
- (e) *Underlying zoning district standards (area, height and yard requirements).* Lot area, lot width, lot coverage, building height, yard, density and other similar requirements in the underlying zoning district(s) shall be provided, except those as approved in subsection (f), exceptions to underlying zoning district standards.
- (f) *Exceptions to underlying zoning district standards (density, height, yard and other regulation exceptions).* In the case of any MHO district, the plan commission may recommend and the Village Board may authorize, exceptions to the applicable lot coverage, building height, yard, design standards and other similar requirements in the underlying zoning district(s) within the boundaries of the MHO, provided that the plan commission shall find that such exception shall be in compliance with the requirements of chapter 107

*(Ord. No. 10-147, § 4.13, 7-27-2010)*



**Sec. 117-93. - Planned development overlay district (PDO).**

- (a) *Intent.* The intent of this district is to promote innovative, well-designed developments which are planned as a unit, preserve open space, respects the natural characteristics of the land and which may provide a choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other sections of this chapter. The district further intends to allow for the efficient use of land, so as to promote economies of utilities, streets, schools, and public grounds which result in better urban design, higher quality construction and the provision of aesthetic amenities. This district is also intended for areas of the Village that are served, or will be served by the development, with public sanitary sewer and water facilities. The PDO district is a supplemental zoning classification applied "over" an underlying or base zoning district(s) to provide an opportunity to develop land in a manner that does not fit the configuration or standards of the underlying or base zoning district(s). The PDO district will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining the district density standard set forth in the underlying zoning district(s), or higher densities when appropriate.
- (b) *Application.* The planned development overlay (PDO) zoning district shall be designated pursuant to the provisions of section 117-31 and shall be administered as a conditional use in all zoning districts as an alternative to the permitted uses and regulations applicable to those lands. The rezoning indicates the authorized location of the development site, while the conditional use permit authorizes the use of the development site according to stated conditions. All underlying or base zoning district regulations for lands "under" planned development overlay (PDO) shall continue in full force and effect, and shall be solely applicable, until such time as the Village Board grants final planned development overlay (PDO) zoning district approval as hereinafter provided.
- (c) *Minimum size of district.* No district shall be established unless it contains the minimum area specified in this section and has a minimum of 60 feet of frontage on a public road or approved private road access.
- (1) The minimum gross area required for a PDO district shall be two acres where the PDO is placed upon any residential district and one acre where the PDO is placed upon commercial or industrial districts.
  - (2) Applications for a PDO district on sites containing less than the required acreage listed above, but not less than the underlying zoning district

requirements, may be approved upon proof by the owner that the development is in the public interest and that one or more of the following conditions exist:

- a. The property contains steep topography or other unusual physical features which necessitates substantial deviation from the regulations otherwise applicable, in order to ensure a safe, efficient and attractive development.
- b. The property is adjacent to an existing PDO district and will contribute to the maintenance of amenities and values of the neighboring district.
- c. The proposal involves the redevelopment of an existing area or makes use of an infill site that could not be reasonably developed under conventional zoning requirements.
- d. The property lends itself to creative design that will enhance quality of life in the proposed development.

(d) *Designation of common green space and open space.*

- (1) No "development plan" for a PDO district shall be approved, unless the plan provides for permanent, landscaped, open space equivalent to the following table, by type of use and underlying zoning district:

**Table 14. Percent (%) of Gross Acreage for Open Space**

Planned residential developments	35%
Planned commercial developments	15%
Planned office developments	25%
Planned mixed residential and commercial/office developments	30%

- (2) Open space may either be passive or active in nature and shall fully complement the proposed development. Such open space may take the form of required yards, parks, playgrounds, landscaped green space, nature walks and natural areas.
- (3) Land donated for any public purpose, which is accepted by the Village, may be credited towards the open space requirement at the discretion of the Village Board.
- (4) Where a planned development is to be developed in phases, a portion of the required open space shall be provided in each phase. Maintenance of the open space shall be provided for in the planned development's

restrictive covenants and/or the "development declaration" recorded as part of the project.

- (5) Open space shall be either adjacent to, or readily accessible by, all properties within the PDO district. Furthermore, open space shall be situated in such a way that it may be linked up with other open spaces adjacent to the proposed PDO district.
- (e) *Permitted uses.* The following uses shall be permitted in the PDO district:
- (1) Uses listed as permitted in the underlying zoning district(s).
  - (2) Uses as approved or as recommended by the plan commission and Village Board as identified in subsection (f), exceptions to use regulations.
  - (3) Uses listed as conditional uses in the underlying zoning district(s) may be listed as permitted uses in the PDO district and shall be reviewed and approved, approved with conditions or denied as a part of the PDO district process.
- (f) *Exceptions to use regulations.* The plan commission may recommend and the Village Board may authorize that there will be allowed in part of the area of a proposed PDO district, specified uses not permitted by the use regulations of the underlying zoning districts in which the development is located, provided that the plan commission shall find:
- (1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the intent of the PDO district.
  - (2) That the uses permitted by such exception are not of such nature or so located as to exercise a detrimental influence on the neighborhoods surrounding the PDO district, or upon the internal character of any part of, or all of the PDO district itself.
  - (3) That the use exceptions so allowed are listed in the development declaration, of which a recorded copy of the development declaration, shall be filed in the office of the Village planner.
  - (4) That any excepted use which is listed as a conditional use in any district, unless such use is permitted as of right in the underlying zoning district, shall require a two-thirds vote of the Village Board.
- (g) *Other uses.*
- (1) *Accessory uses.* Uses listed as accessory uses in the underlying zoning district(s) are permitted as of right in the PDO district.
  - (2) *Temporary uses and structures.* Uses listed as temporary uses and structures in the underlying district(s) may be permitted in the PDO district.



- (h) *Underlying zoning district standards (area, height and yard requirements).* Lot area, lot width, lot coverage, building height, yard, density and other similar requirements in the underlying zoning district(s) shall be provided, except those as approved in section 117-93(9), Exceptions to Underlying Zoning District Standards.
- (i) *Exceptions to underlying zoning district standards (density, height, yard and other regulation exceptions).* In the case of any PDO district, the plan commission may recommend and the Village Board may authorize, exceptions to the applicable lot coverage, building height, yard, design standards and other similar requirements in the underlying zoning district(s) within the boundaries of the PDO, provided that the plan commission shall find that such exception shall be for the purpose of promoting an integrated development plan as beneficial to the tenants or occupants of such development, as well as the neighboring properties, than would be obtained under the regulations of this chapter for buildings developed on separate zoning lots.
- (j) *Signs.* Sign regulations applicable in the PDO district are set forth in article VII, Signs and Billboards.
- (k) *Outdoor lighting, parking and landscape standards.* All standards of the following apply: outdoor lighting requirements as set forth in the underlying zoning district. Off-street parking and loading requirements are set forth in article VI, Access, Parking and Loading Standards, Landscaping requirements are set forth in article IX, Landscaping and Screening Standards.
- (l) *Procedure for approval of a development plan within the district.* No development shall be permitted within this district unless it is submitted, reviewed and approved subject to the following procedures:
  - (1) All required improvements, construction standards, design standards and all other engineering standards contained within the Municipal Code shall be complied with, except where specifically varied through the provisions of this section.
  - (2) Applications shall be made on forms provided by the Village and shall be accompanied by the required plans and documents. The application and all requirements shall be reviewed for completeness by the zoning administrator. The steps in the procedure are as follows:
    - a. *Pre-application conference.* The purpose of the pre-application conference is to provide two-way communication between the applicant and Village staff regarding the legal, planning, engineering and stormwater management, and other aspects of the

potential development. Accordingly, the applicant should present conceptual plans and other pertinent information to Village staff for review and discussion prior to submittal of a PDO district application, development plan(s) and other supporting information, and the development declaration. The conceptual plan shall include the entire area of the intended planned development, even if the PDO district is to be developed in phases.

b. *Application, development plan and development declaration.* The development plan, complete application and fee as set forth in the zoning fee schedule, reference this code section, and development declaration for the PDO district shall be submitted by the applicant to the zoning administrator who, after determining the application to be complete, will forward the application to the plan commission for their consideration, informal hearing, and recommendation. The required procedure for consideration and approval of the PDO district shall be:

1. *Submission of materials.* The applicant shall prepare and submit the following plans and documents:
  - i. Written application and application fee for approval of a PDO district to be made on forms and in the manner prescribed by the Village.
  - ii. All information listed in subsection (n), specific contents of development plans.
  - iii. All information listed in subsection (o), specific contents of development declarations. The development declaration functions to inform all whom deal with the PDO district of the restrictions placed upon the land and acts as a customized zoning district control device.
  - iv. A statement of conformity with Village's other relevant ordinances along with a list of any requested variations from the regulations of this chapter.
2. *Development plan and development declaration review.* The zoning administrator shall coordinate a review of the development plan and development declaration to include review by all relevant departments and submit written

findings and recommendations to the plan commission for an informal hearing.

3. *Informal hearing.* The plan commission shall hold an informal hearing on each application for approval of a PDO district including the development plan and development declaration.
4. *Plan commission findings.* Following the informal hearing, the plan commission hold a public hearing at their next regularly scheduled meeting and shall make its findings and recommendations and send a written report to the Village Board that shall include findings of fact upon which its recommendations are based. Such findings and recommendations shall include a recommendation for approval, disapproval or approval with modifications. This report to the Village Board must be submitted within 30 days after the public hearing.
5. *Village Board action.* The Village Board shall act upon the recommendation within 30 days after receipt of the plan commission's report. The Village Board may approve, approve with modifications, refer back to the plan commission, disapprove the plan or provide written explanation to the petitioner on why an extension is required for Village Board action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner.
6. *Period of validity.*
  - i. The development plan and development declaration, as approved by the Village Board, shall remain valid for a period of one year during which time building permits for a substantial portion of development occurring within the approved first phase of the development plan or, if the development plan does not consist of development phases, the complete development plan must be applied for and received by the applicant. The one year period shall begin on the date the Village

Board approves the PDO district, development plan and development declaration.

For the purposes of this section, "substantial portion of development" shall mean that at least 50 percent of the building permits required for the overall project or phase, if in phases, have been applied for and approved.

- ii. The Village Board may extend this period upon recommendation of the plan commission. If the applicant does not apply for and receive a building permit within one year from the date of Village Board approval of the PDO district, development plan and development declaration, the development plan and development declaration will constitute abandonment of the PDO district and related approvals, and any assumed development rights over that allowed through the underlying zoning district and shall be subject to the regulations in subsection (r), failure to comply.

(m) *Recording of development plan and development declaration.*

- (1) The applicant shall file the development plan and development declaration, signed by all parties in the Calumet County Register of Deeds Office within 30 days from the date of Village Board approval of the PDO district and shall provide the zoning administrator a recorded copy of the development plan and development declaration. This constitutes approval of the development plan and development declaration, conditions applied, modifications, and any density premiums that may be granted and exceptions, if any, to the plan shown in the application that was ordered by the Village Board.
- (2) No permit allowing construction of a building or other development, shall take place until the required recording of the development plan and development declaration and a bond or letter of credit is submitted in the amount of the required improvements and all Village fees have been paid, unless permitted by the zoning administrator. The applicant shall pay all recording costs.

(n) *Specific content of development plans.* PDO district development plans and supporting data shall include all documentation listed in this section. In

developing plans and specifications for all required improvements, the applicant must also conform to the standards set forth in applicable sections of the Municipal Code. The applicant shall provide a complete set of development plans and a digital file of the development plan.

- (1) A topographic survey and location map.
- (2) Detailed plan. A drawing of the development plan shall be prepared at a scale appropriate to show details of such designations as proposed streets, lots, all buildings, showing their setback dimensions to lot lines and their use, common open space, recreation facilities, parking areas, showing their setback dimensions to lot lines, service areas and other facilities to indicate the character of the proposed development. Provide note(s) identifying the lot coverage percentage of impervious surface coverage and the percentage of permanent common open space within the PDO. The submission may be composed of one or more sheets and drawings and shall include:
  - a. Boundary lines. Bearings, distances and acreage.
  - b. Easements. Location, width and purpose.
  - c. Existing land use. On PDO property and up to 150 feet on adjacent lots.
  - d. Other conditions on adjoining land, such as actual direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; for owners of adjoining platted land refer to subdivision plat by name, recording date and number and show approximate percent built up, typical lot size and dwelling type.
  - e. Zoning on and adjacent to the tract.
  - f. Streets on and adjacent to the tract, such as street name, right-of-way width, existing or proposed centerline elevations pavement type, walks, curbs, gutters, culverts, etc.
  - g. General location, purpose and height of each residential and nonresidential building.
  - h. Map data. Name of development, north arrow, scale and date of preparation.
  - i. An accurate legal description of the entire area within the PDO.

- j. Open space. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purpose indicated.

The following subsections are required unless waived by the zoning administrator, however, the plan commission upon their review may require one or more of the plans waived by the zoning administrator:

- k. Proposed public improvements. Such as highways and other major improvements planned by public authorities for future construction on or near the tract.
- l. Utilities on and adjacent to the tract. Such as location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights; direction and distance to, and size of nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.
- m. Ground elevation on the tract and on the first 50 feet on all adjacent tracts. Showing one foot contours for land which slopes less than one-half percent along with all breaks in grades, at all drainage channels or swales and at selected points not more than 100 feet apart in all directions; for land that slopes more than one-half percent showing two-foot contours. Any land within the 100-year floodplain within the project area shall be identified on these plans.
- n. Subsurface conditions on the tract. Tests made to ascertain subsurface soil, rock and groundwater conditions, depth to groundwater, unless test pits are dry at a depth of five feet.
- o. Other conditions on the tract. Water courses, wetlands, marshes, rock outcrops, wooded areas, isolated trees one foot or more in diameter, existing structures and other significant features.
- p. Title and certificates. Present tract designation according to official records in office of the register of deeds; title under which the proposed development is to be recorded, with names and addresses of owners and notation stating acreage. Owners shall include beneficial owners of any land trust.
- q. Tabulation of each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre.

- r. An accurate legal description of each separate unsubdivided use area, including open area.
  - s. An erosion control and stormwater management plan that conforms to Village's construction site erosion control and post-construction site stormwater management ordinances. This provision will be required prior to obtaining building permits.
  - t. Miscellaneous. Such additional documents as may be required by the zoning administrator. The zoning administrator shall inform the applicant of such requirements after the pre-application conference.
- (3) *Landscape and lighting plan.* A general landscape concept plan for the site as well as a lighting concept plan for the site and the effects of such lighting on adjacent properties.  
The following subsections may be required by the zoning administrator and/or the plan commission:
- (4) *Architectural plans.* Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design elements of the building and the number, size and type of dwelling units.
  - (5) *Facilities plan.* Development plans and feasibility reports for:
    - a. Streets, including classification, width of right-of-way, width of pavement and construction details.
    - b. Sidewalks.
    - c. Sanitary sewers.
    - d. Storm drainage.
    - e. Water supply system.
    - f. Street lighting.
    - g. Public utilities.
- (o) *Specific content of development declarations.* PDO district development declarations shall include all documentation listed in this section and shall be assimilated into a document suitable for recording purposes:
- (1) The submitted development plan, with any amendments.
  - (2) A development statement, which shall include the following:
    - a. *Names.* The names and addresses to who notices of hearings shall be sent, including the subdivider or developer, the designer of the subdivision or development and the owners of the land immediately adjoining the land to be platted.

- b. *Exceptions.* Identification and explanation of those aspects of the proposed PDO district that vary from the zoning ordinance requirements applicable to the underlying zoning district and from other applicable regulations of the Village.
- c. *Character.* Explanation of the character of the PDO district and the reasons why it has been planned to take advantage of the flexibility of these regulations. This item shall include a specific explanation of how the proposed PDO district meets the objectives of this section.
- d. *Ownership.* Statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
- e. *Schedule.* Development schedule indicating dates for beginning and completion of phases in which the project will be built, with emphasis on area, density, use and public facilities, such as open space to be developed with each phase. Each phase shall be described and mapped as a unit of the project. Overall design of each unit shall be shown on the plan and through supporting graphic material.
- f. *Covenants.* Proposed agreements, provisions or covenants which will govern the use, maintenance and continue protection of the PDO and any of its common open space. Proposed condominium declaration and bylaws of condominium form of ownership or homeowner's association if it is to be used in the PDO.
- g. *Nonresidential intensity.* Information on the type and amount of nonresidential uses including building locations, sizes, building height, the amount and location of common open space, the hours of operation, number of employees and specific uses.
- h. *Open space standards.* All open space, at the decision of the Village Board, shall be:
  - 1. Conveyed to the Village; or
  - 2. Conveyed to a nonprofit corporation or entity established for the purpose of benefiting the owners and tenants of the PDO district or adjacent property owners or any one or more of them. All lands so conveyed shall be subject to the right of the grantee(s) to enforce maintenance and improvement of the common open space; or



3. Guaranteed by a restrictive covenant described the open space and its maintenance and improvement, running with the land for the benefit of residents of the PDO district or adjacent property owners.

The following subsections may be required by the zoning administrator and/or the plan commission:

- i. *Community-benefit analysis.* A study indicating the fiscal impact of the PDO district on major taxing bodies which shall include the Village, school district(s) and other taxing bodies. Information will include detailed estimates on: expected population of the development, the operating cost to be incurred by each taxing body, any additional major capital investments required, in part or in whole, because of the PDO district, revenue generated for each taxing body by the PDO district to offset service and fiscal demands created by the PDO district.
  - j. *Traffic analysis.* A study of the impact caused by the PDO district on the street and highway systems operating in the Village.
  - k. *Market information.* Documentation indicating the extent of market demand for the uses proposed in the PDO district including analysis of demographics, sales potentials, competitive alignment, assessment of market share and market positioning of each component of the PDO district.
  - l. *Environmental analysis.* The major impacts of the PDO district on the environment shall be analyzed and shall disclose all major negative impacts. Generally, these impacts would include effects on discrete ecosystems, deteriorated air quality in the immediate vicinity and along arterial and collector roads leading to the PDO district to a distance established by the Village, any deterioration in the groundwater or surface water quality, effect on sensitive land areas such as floodplains, wetlands, forests, aquifer recharge areas, historic buildings or structures.
- (3) Performance bond. A performance or surety bond or letter of credit equaling the total estimated cost of all improvements of the development.
  - (4) A record of the decision of the Village Board, exceptions granted, conditions applied or modifications ordered.
  - (5) A copy of the rezoning letter, noting the approved location of the PDO district.

- (6) Notarized signatures of the authorized agent of the development and the Village.
- (p) *Findings of fact.* In reporting its findings and recommendations on a PDO district, development plan and development declaration to the Village Board, the plan commission will submit findings of fact upon which it has based its recommended action. These findings of fact will relate to the specific proposal and shall set forth with particularity in what respects the proposal would or would not be in the public interest, including findings of fact on the following:
- (1) In what respects the proposed plan is or is not consistent with the stated purpose, requirements, and standards of the PDO regulations.
  - (2) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property and the reasons why such departures are or are not deemed to be in the public interest.
  - (3) The extent of public benefit of the PDO in terms of meeting planning objectives and enhancing the tax base and economic development. Any specific beneficial actions, plans, or programs agreed to in the PDO proposal which are clearly beyond the minimum requirements of this chapter shall be specifically listed as evidence of justified exceptions.
  - (4) The physical design of the proposed plan and the manner in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, provides for common open space and furthers the amenities of light, air, recreation and visual enjoyment.
  - (5) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
- (q) *Changes and amendments.* A PDO shall be developed only according to the approved and recorded development plan and development declaration and all supporting data. The recorded development plan, development declaration and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of the premises (including the internal use of buildings and structures) and location of structures in the PDO, as set forth therein.
- (1) *Major changes.* Major changes may be approved only by submission of a new development plan and development declaration and supporting data, and following the development plan approval steps, holding of a new public hearing and subsequent amendment and recordation of the

development declaration. Changes which alter the concept or intent of the PDO, include:

- a. Increases in the density by more than ten percent.
- b. Increases in the height of building(s).
- c. Reductions in the yard/setbacks.
- d. Reductions of proposed open space by more than three percent.
- e. Modification in proportion of housing types by more than ten percent.
- f. Changes in standards of infrastructure or alignment of streets, including major alterations in the placement of utilities, water, electricity, drainage or changes in the final governing agreements, provisions or covenants.

(2) *Minor changes.* The zoning administrator may approve minor changes in the PDO which do not change the concept or intent of the development, without going through the development plan and development declaration approval procedure. Minor changes are defined as any change not defined as a major change. Any minor changes approved shall be properly filed with the zoning administrator or it shall be automatically deemed to be a major change.

(r) *Failure to comply.* Failure by the developer to comply with the conditions, commitments, guarantees or recommendations established in the approval of a PDO district shall be cause for rescission of such approval. Upon notice given by the Village, the developer shall explain such apparent failure. The Village Board shall determine whether the developer has fully complied with the terms and conditions of the approved development plan and, if there has been a failure to comply, shall take on the following actions.

- a. *Monetary forfeiture.* Any violation of any provision of this chapter by any person, firm, association, corporation or agent, employee, or officer acting on behalf of such person shall be deemed unlawful. A violator shall, upon a finding that a violation of this chapter exists, forfeit to the Village the sum as set forth in the zoning penalty schedule, reference this code section, per day for any violation of the terms and provisions of this chapter, together with the taxable cost(s) of any action to enforce the provisions of this chapter. It is presumed that each day during which such violation(s) exists shall constitute a separate offense under the terms of this chapter. Furthermore, it is presumed that each violation of this chapter constitutes a public nuisance and the creation thereof may be enjoined and

maintenance thereof may be abated by an action commenced by the Village, county or state or independently by any citizen whose interests are adversely affected by violations of this chapter. Any violator of this chapter shall be required to forfeit the sum as set forth in the zoning penalty schedule, reference this code section, for each such violation of this chapter.

- b. *Rescission of approval.* The Village Board may rescind its approval, whereupon such rescission and cessation of all rights and privileges of the developer and owner shall become effective 31 days after mailing of written notice of such rescission by certified mail to the developer at their last known address.
- c. *Delay of decision.* The Village Board may delay a decision for a period not to exceed 90 days to enable the developer to comply. If the developer achieves substantial compliance within the allotted time period and subsequently establishes to the reasonable satisfaction of the board that compliance will continue in the future, the rights and privileges of the developer and owner shall continue as long as compliance is maintained. If, however, the developer does not achieve substantial compliance within the allotted time period or does not establish to the reasonable satisfaction of the board that compliance will be achieved in the future, the board shall proceed to rescind its approval in accordance with section 117-93(18)(b).

**Sec. 117-94. – Shoreland Zoning Overlay District (SHO).**

- (a) Statutory Authorization. This section is adopted pursuant to the authorization in §61.35, §61.351, §61.353, §87.30 and §281.31, Wis. Stats.
- (b) Jurisdiction. This shoreland zoning overlay (SHO) district shall apply to all shorelands within the Village corporate limits. This Shoreland Zoning Overlay (SHO) District does not apply to lands adjacent to an artificially constructed drainage ditch, pond, or stormwater retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable water body.
- (c) Application. All underlying or base zoning district regulations for lands “under” the Shoreland Zoning Overlay (SHO) District shall continue in full force and effect to the extent that the greater restriction applies.
- (d) Shoreland Zoning Overlay (SHO) Provisions: The following provisions apply to all shorelands within the jurisdiction of the shoreland zoning overlay district (SHO):
  - a. Shoreland Setback Area. There shall be a minimum shoreland setback area of at least fifty feet (50’) from the ordinary high water mark, except as follows:
  - b. Principal Buildings. Construction or placement of a principal building within the shoreland setback area may be allowed if all the following apply:
    - 1. 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.
    - 2. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or thirty-five feet (35’) from the ordinary high-water mark, whichever distance is greater.
  - c. Accessory Buildings and Accessory Structures. Construction or placement of an accessory building within the shoreland setback area may be allowed if all the following apply:
    - 1. The accessory building and/or accessory structure is constructed or placed no closer than thirty-five feet (35’) from the ordinary high-water mark.
  - d. Exemptions. The following structures are permitted within the required setback from navigable water provided they do not violate any other provision of this chapter:
    - 1. Boathouses. Boathouses shall be permitted in all districts except the Natural and Conservancy (NC) and Shoreland-Wetland Zoning Overlay (SHO) districts. Boathouses are permitted in all other districts provided:
      - i. Frontage Required. Boathouses must be located on a lot that has shore frontage.

- ii. Habitation. No portion of the boathouse shall be used for human habitation.
  - iii. Plumbing. Other than plumbing for an exterior sink, there shall be no plumbing supplied to the building.
  - iv. Size. Boathouses shall be considered an accessory structure and shall be calculated in the number of buildings and size limitations of the underlying or base zoning district.
  - v. Floor Area. The boathouse shall not exceed 700 square feet in area.
  - vi. Levels. Boathouses shall not exceed one story. Multiple level boathouses shall be prohibited.
  - vii. Height. The vertical distance measured from finished floor surface to the peak of the exterior of the roof shall not exceed 15 feet.
  - viii. Roofs. Boathouse roofs designed or used as decks, observation platforms, or other similar uses shall be allowed provided the roof has no side walls or screens. The roof may contain a railed provided the railing is consistent with the standards under the applicable local and state building codes.
  - ix. Land Disturbance. The land altered or disturbed to erect the boathouse shall be disturbed in the least invasive manner, and, after construction shall be restored to its preconstruction state, or, re-vegetated in compliance with Sec. 117-94(2), Vegetation.
2. One (1) open walkway, stairway or rail system that is necessary to provide pedestrian access to the shoreline and are a maximum of 6 feet in width.
- i. The walkway, stairway or rail system shall be located within the access and viewing corridor.
  - ii. Landings are permitted and shall not exceed 32 square feet in total area.
- (2) Vegetation. The following provisions shall apply to all properties within the Shoreland Zoning Overlay (SHO) district:
- a. Shoreland properties that contain vegetation shall maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending thirty-five feet (35') inland from the ordinary high water mark of the navigable water, except as provided in the following:
    - 1. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the vegetation, except that if the owner removes all the vegetation

in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.

2. A property that is required to maintain or establish a vegetative buffer zone under this section may 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 thirty feet (30') wide for every one hundred feet (100') of shoreline frontage and that extends no more than thirty-five feet (35') inland from the ordinary high water mark.

**Sec. 117-95. – Shoreland-Wetland Zoning Overlay District (SWO).**

- (a) *Statutory Authorization.* This ordinance is adopted pursuant to the authorization in §61.35, §61.351, §61.353, §87.30 and §281.31, Wis. Stats.
- (b) *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 Legislature of Wisconsin has delegated responsibility to all municipalities to:
- (1) Promote the public health, safety, convenience and general welfare;
  - (2) Maintain the storm and flood water 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 habitat;
  - (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.
- (c) *General 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 ordinance and other applicable local, state or federal regulations. See Section 117-95(g) of this ordinance, 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 ordinance.
  - (2) *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 §13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when §30.12(4)(a), Wis. Stats., applies.
  - (3) *Abrogation and Greater Restrictions.*
    - a. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under sections 61.35, 62.23 or 87.30, Wis. Stats., which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this ordinance, that



ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

- b. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(4) *Interpretation.* In their interpretation and application, the provisions of this ordinance 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 Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Chapter NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 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 ordinance.

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

(d) *Shoreland-Wetland Overlay Zoning District (SWO).*

(1) *Shoreland-Wetland Zoning Maps.* The following maps are hereby adopted and made part of this ordinance:

- a. Wisconsin Wetland Inventory maps located on the WDNR Surface Water Data Viewer (SWDV).
- b. Floodplain zoning maps titled “Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRM)” and dated February 4, 2009 for properties located in Calumet County and July 22, 2010 for properties located in Outagamie County.
- c. United States Geological Survey (USGS) maps located on the WDNR Surface Water Data Viewer (SWDV).
- d. Zoning maps titled “Village of Harrison Official Zoning Map” adopted July 27, 2010 and as amended.

(2) *District Boundaries.*

- a. The shoreland-wetland overlay zoning district (SWO) includes all wetlands in the Village which are five (5) acres or more and are shown on the Wisconsin Wetland Inventory Map that has been adopted and made a part of this ordinance and which are:
  - 1. Within one thousand (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 ordinance.

2. Within three hundred (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 ordinance. Floodplain zoning maps adopted in Section 117-95(d)(1) 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 WDNR for a final determination of navigability or ordinary high-water mark.
  - c. When an apparent discrepancy exists between the shoreland-wetland overlay district (SWO) 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 district office of the WDNR to determine if the shoreland-wetland overlay district boundary as mapped, is in error. If WDNR 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 Section 117-95(d)(2)d & (d)(2)e, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.
  - d. *Filled Wetlands.* Wetlands which are filled prior to the adoption date of this Section, the date on which the municipality 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 ordinance.
  - e. *Wetlands Landward of a Bulkhead Line.* Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982 under s. 30.11, Stats. are not subject to this ordinance.

(e) *Permitted Uses*. The following uses are permitted subject to the provisions of chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

(1) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:

- a. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
- b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- c. The practice of silviculture, including the planting, thinning and harvesting of timber;
- d. The pasturing of livestock;
- e. The cultivation of agricultural crops; and
- f. The construction and maintenance of duck blinds.

(2) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:

- a. 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;
- b. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
- c. The maintenance and repair of existing drainage systems to restore pre-existing 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;
- d. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
- e. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
- f. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland overlay zoning (SWO) 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 Section 117-95(i)(3) of this ordinance; and

- g. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (3) Uses which are allowed upon the issuance of a conditional use permit, pursuant Section 117-95(h), and which may include wetland alterations only to the extent specifically provided below:
- a. 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 Section 117-95(e) of this ordinance, provided that:
    - 1. The road cannot, as a practical matter, be located outside the wetland;
    - 2. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in Section 117-95(i)(3) of this ordinance;
    - 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
    - 4. Road construction activities are carried out in the immediate area of the roadbed only; and
    - 5. Any wetland alteration must be necessary for the construction or maintenance of the road.
  - b. The construction and maintenance of nonresidential buildings provided that:
    - 1. 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;
    - 2. The building cannot, as a practical matter, be located outside the wetland;
    - 3. The building does not exceed 500 square feet in floor area; and
    - 4. Only limited filling and excavating necessary to provide structural support for the building is allowed.
  - c. 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:
    - 1. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;

2. 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;
  3. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Section 117-95(e)(3)a of this ordinance; and
  4. 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.
- d. 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 lines provided that:
1. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
  2. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
  3. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in Section 117-95(i)(3) of this ordinance.

(f) *Prohibited Uses.*

- (1) Any use not listed in Section 117-95(e) of this ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 117-95(i) of this ordinance.
- (2) 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.

(g) *Nonconforming Structures and Uses.* The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

- (1) The shoreland-wetland provisions of this ordinance authorized by §61.351, Wis. Stats., 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 §62.23(7)(h), Wis. Stats.

- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.
  - (3) 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 ordinance adopted under §61.351 or §62.231, Wis. Stats., may be continued although such use does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.
  - (4) 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 §30.121, Wis. Stats.
  - (5) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.
- (h) *Conditional Use Permits.* Conditional use permits may be granted pursuant to Article XI, Conditional Use Permits, and the following:
- (1) *Application.* To secure information upon which to base its determination, the Village Board may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this ordinance, such as dimensions and area of the lot; location of any structures with distances measured from the lot lines and center line of all abutting streets or highways; description of any existing or proposed on-site sewage systems or private water supply systems; location of the ordinary high water mark of any abutting navigable waterways; boundaries of all wetlands; existing and proposed topographic and drainage features and vegetative cover; location of floodplain and floodway limits on the property as determined from floodplain zoning maps; location of existing or future access roads; and specifications and dimensions for areas of proposed wetland alteration.
  - (2) *Conditions.* Upon consideration of the permit application and the standards applicable to the conditional uses designated in Section 117-95(e)(3) of this ordinance, the Village Board shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance as listed in Section 117-95(b). Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion controls; increased setbacks; specific

sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction.

- (3) *Public Hearings.* A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the WDNR at least 10 days prior to all public hearings on issues involving shoreland-wetland zoning.
- (4) *Decisions.* A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within 10 days after the decision is issued.
- (i) *Amending Shoreland-Wetland Zoning Regulations.* The Village Board may alter, supplement or change the district boundaries and the regulations contained in this ordinance in accordance with the requirements of section 62.23(7)(d)2., Wis. Stats., NR 117, Wis. Adm. Code, and the following:
  - (1) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the WDNR within 5 days of the submission of the proposed amendment to the Plan Commission;
  - (2) All proposed text and map amendments to the shoreland-wetland overlay zoning regulations shall be referred to the Plan Commission, and a public hearing shall be held after class II notice as required by section 62.23(7)(d)2., Wis. Stats. The appropriate district office of the WDNR shall be provided with written notice of the public hearing at least 10 days prior to such hearing.
  - (3) In order to insure that this ordinance will remain consistent with the shoreland protection objectives of §281.31, Wis. Stats., the Village Board may not rezone a wetland in a shoreland-wetland overlay zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:
    - a. Storm and flood water storage capacity;
    - b. 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;
    - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
    - d. Shoreline protection against erosion;
    - e. Fish spawning, breeding, nursery or feeding grounds;
    - f. Wildlife habitat; or
    - g. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

- (4) Where the district office of the WDNR determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Section 117-95(i)(3), of this ordinance, the WDNR shall so notify the Village of its determination either prior to or during the public hearing held on the proposed amendment.
- (5) The appropriate district office of the WDNR shall be provided with:
  - a. A copy of the recommendation and report, if any, of the Plan Commission on a proposed text or map amendment, within 10 days after the submission of those recommendations to the Village Board.
  - b. Written notice of the action on the proposed text or map amendment within 10 days after the action is taken.
- (6) If the WDNR notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Section 117-95(i)(3), of this ordinance, that proposed amendment, if approved by the Village Board, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the WDNR, as required by Section 117-95(i)(5) of this ordinance. If within the 30 day period, the WDNR notifies the Village that the WDNR intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by §62.231(6) and §61.351(6), Wis. Stats., the proposed amendment shall not become effective until the ordinance adoption procedure under §62.231(6) or §61.351(6), Wis. Stats., is completed or otherwise terminated.



**Sec. 117-96. - Village center overlay zoning district (VCO).**

- (a) *Intent.* The intent of this village center overlay zoning district is to establish uniform zoning standards to accommodate pedestrian oriented retail and office businesses and other uses located in a multi-purpose environment within the center of the Village; that recognizes the unique character of platting, land use and development within the village center; and that necessitates specialized standards to sustain a unique place. This overlay district is further intended to supersede standards of the base zoning district that allows an intensively developed, compact area consisting primarily of multiple-family residential, retail and office businesses with multi-purpose development where appropriate and maintains the surrounding residential neighborhood supporting the unique village center. The overlay district is further intended to promote human scale design through proportional size, mix, and arrangement of buildings and public spaces, and streetscape features; and to establish connectivity to activity areas.
- (b) *Boundary of village center overlay zoning district.* The standards of village center overlay zoning district within this section shall apply to and include properties as shown on the official zoning map, with the general boundaries to include approximately 80-acres on the northeast corner of County Road N and Manitowoc Road. The provisions of this section shall be in effect on a property or properties within the boundary of the village center overlay zoning district and shall apply to all buildings and structures erected and all uses of land established after the effective date of this section.
- (c) *Sub-districts of the village center overlay zoning district.* To achieve the intent of the village center overlay district, sub-districts are created. The sub-districts of the village center overlay district are as follows:
- (1) Civic Campus. Design guidelines concerning the civic campus focus on the public realm and public streetscape. The buildings and structures located within this sphere are for municipal government functions such as village hall offices, library, community center, fire and emergency operations, and parks and recreation.
  - (2) Village Green. The Village Green District is the focal point of the Village Center. The intent of this district is to promote designs that frame the village green and provides increased activity both on the programmatic and land use direction. The Village Green is a mixed-use area with commercial on the ground floor preferred and residential on the upper floors. Residential on the ground floor may be acceptable if approved by the Plan Commission.
  - (3) Retail District. The retail district establishes the entrances and the first impressions into the Village Center. The intent of this district is to promote design that exceeds that of the typical commercial strip development. These guidelines

provide a framework to create signature entrance ways and view shed into the village green as new development projects are brought forward.

- (4) Residential District. The residential district serves as a transitional buffer or zone between land uses proposed in the Village Center. New residential to the south of the Village Center along Manitowoc Road will serve as a transitional buffer between existing land zoned for industrial and the proposed parks and recreational facilities. New residential to the north in the Village Center will serve as a transitional buffer between proposed retail and existing single-family residential uses.
- (d) *Village Center Plan*. The provisions of the Village Center Plan dated February 2017 are incorporated herein by reference, including Chapter 3: Design Guidelines. Except as otherwise expressly set forth herein, this section shall be construed in accordance with the provisions of the Village Center Plan and any interpretations, amendments, rules and regulations promulgated by the Village of Harrison from time to time pursuant to the Village Center Plan. Any capitalized terms not otherwise defined in this section shall have the definitions set forth in the Village Center Plan. The Plan Commission shall have authority to interpret and construe the Village Center Plan and this section and to make any and all determinations under them. A copy of the Design Guidelines can be obtained from the Village Planner.
- (e) *Administration*. Administration of this section shall be guided by the following terms and conditions.
  - (1) The base zoning district is the primary zoning district that applies to a property. Every property within the village center has a base zoning district that establishes the primary type and intensity of land use for the property, along with development regulations of this chapter for that particular type and intensity of land use for the property. The standards within this section apply to all properties of the village center overlay zoning district in lieu of the type and intensity of land use and the development regulations of the base zoning district. If situations arise of the type and intensity of land use and with property maintenance that are not addressed within the standards of the village center overlay zoning district, development regulations of the base zoning district and this chapter shall apply. However, any aspect of the development regulations of the base zoning district or chapter not addressed in the village center overlay zoning district may conflict with and restrict a new use, redevelopment or new development that otherwise meets the intent of, is permitted in, and conforms to other standards of the village center overlay zoning district. When a conflict in regulation is identified, upon finding that the intent of the village center overlay zoning district is maintained,

the plan commission may waive the conflicting regulation or establish alternative criteria for the new use, redevelopment or new development to adhere to.

- (2) The massing standards of lot size and lot width and/or frontage of section supersede any similar requirement of chapter 115, land division, of this Code.

## Article V SPECIAL PROVISIONS

### Sec. 117-126. - Accessory dwellings.

- (a) *Intent.* It is the intent of the accessory dwelling provisions to provide for housing options for the extended family and certain specified segments of the population. These regulations are established to permit modification of single-family dwellings to include an accessory dwelling unit to be occupied by no more than two persons who are either handicapped, over the age of 60 years old, or related to the owner occupant. It is not the intent of these regulations to allow accessory dwellings to be used as income or rental property.
- (b) *Owner occupancy.* The property owner of the single-family residence shall occupy the principal dwelling unit. For the purpose of this section, "property owner" means the title holder and/or contract purchaser of the lot.
- (c) *Building design.* An accessory dwelling may be a separate, complete housekeeping unit provided, however, that it is substantially contained within the structure of the single-family dwelling and clearly a subordinate part thereof. Permissible modifications to the structure include expansion of the structure so long as all regulations for that zoning district are met. The creation of a separate entrance at the side or rear so long as it is not visible from the street is also permissible. The accessory apartment shall not exceed 600 square feet of floor area or 30 percent of the entire floor area of the dwelling, whichever is less. Any external modification shall be done with a design and materials similar in appearance to the principal structure such that to the maximum extent possible, the external appearance of the dwelling will remain as a single-family dwelling.
- (d) *Dimensional requirements.* All requirements, including maximum lot coverage and maximum height requirements, as well as minimum yard requirements of the zoning district, shall be met.
- (e) *Parking.* At least one off-street parking space shall be required for an accessory dwelling, in addition to the required amount for the principal dwelling.
- (f) *Utilities.* The accessory dwelling shall be connected to the central water and sewer system of the principal dwelling. There shall not be a separate metering system for the accessory dwelling.
- (g) *Affidavit.* The property owner shall sign an affidavit before a notary public affirming that the owner occupies the principal dwelling unit.
- (h) *Covenant.* The property owner shall provide a covenant suitable for recording with the Calumet County Register of Deeds providing notice to future owners or long-term lessors of the property that the existence of the accessory dwelling unit

is predicated upon the occupancy of the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitation of this section and any conditions of approval for the accessory dwelling, and to provide for the removal of improvement added to convert the premises to an accessory dwelling and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated. The plan commission and Village Board shall approve the covenant.

*(Ord. No. 10-147, § 5.1, 7-27-2010)*

**Sec. 117-127. - Home occupations and home businesses.**

- (a) *Purpose.* The purpose of this section is to provide regulations for limited nonresidential uses that are conducted by an occupant of the residence which are compatible with the surrounding residential properties.
- (b) *Intent of classifications.*
  - (1) Home occupations are such businesses, professions, occupations, or a trade that are clearly incidental and subordinate to the use of the building as a dwelling and is conducted entirely within the principal dwelling unit. Such home occupation shall not change the essential residential character or appearance of the dwelling and shall meet the requirements of subsection (d), home occupation standards. Examples of a home occupation include, but is not limited to:
    - a. Home offices (such as engineer, architect, or real estate).
    - b. Music instruction.
    - c. Traveling dealers (where business is conducted not at the dealer's home but at a customer's home).
  - (2) Home businesses are such businesses conducted on the same lot as, and in conjunction with, the primary residence of the operator. Such home business shall not change the essential residential character or appearance of the dwelling and shall meet the requirements of subsection (e), home business standards. Examples of a home business include, but is not limited to:
    - a. Trade or contractor establishments (such as plumbing, heating and air conditioning, excavating, general carpentry, and woodworking and craftsmanship, painting, electrical).
    - b. Barber/Beauty shops.
    - c. Canning, preserving and home bakeries for sales off-site.

- d. Catering.
  - e. Cleaning services.
  - f. Photo developing.
  - g. Small engine repair.
  - h. Daycare facilities licensed by the state.
- (3) *Exemptions.* The following businesses, and those similar, are not considered home occupations and shall be exempt from this section:
- a. Traditional babysitting services (typically operated by a teenager).
  - b. Traveling in-home dealers or salesmen, provided no customers come to the dealers home.
- (c) *Permit procedure.*
- (1) *Home occupations.* Home occupations complying with the criteria established in subsection (d) shall be considered minor in character and permitted by right with no permit required.
  - (2) *Home businesses.* Home businesses complying with the criteria established in subsection (e) shall commence only after the receipt of a home business permit and payment of the application fee as set forth in the zoning fee schedule, reference this code section.
- (d) *Home occupation standards.* All home occupations shall comply with the following standards:
- (1) *Use.* A home occupation or activity shall be clearly incidental and subordinate to the use of the premises as a dwelling, and shall be carried on wholly within the residential dwelling by a member of the family residing on the premises.
  - (2) *Operator.* No person other than members of the family residing on the premises shall be engaged in such occupation.
  - (3) *Size.* The total area used for the home occupation shall take up no more than 25 percent of the habitable dwelling area.
  - (4) *Dwelling alteration.* No internal or external alterations or special construction of the premises are involved, including the creation of a separate or exclusive business entrance, and there shall be no other exterior indication that a home occupation exists, except as provided in this section.
  - (5) *Nuisance.* No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, X-rays or electrical disturbance to radio or television transmission in the area that would

exceed what is normally produced by a dwelling unit in a residential zoning district.

- (6) *Customers.* No generation of substantial volumes of vehicular or pedestrian traffic or parking demand is created. Visitors in conjunction with the home occupation (clients, pupils, sales persons, etc.) will be limited to no more than two visitors at one time.
  - (7) *Vehicles.* No more than one vehicle shall be used in connection with a home occupation use. The home occupation vehicle must be of a type ordinarily used for conventional passenger transportation (i.e., passenger automobile or vans and pickup trucks).
  - (8) *Storage and display.* No outdoor display or storage of materials, goods, supplies or equipment shall be allowed.
  - (9) *Signage.* A home occupation use shall be limited to one nonilluminated wall sign that does not exceed four square feet in area.
  - (10) *Sales.* Sale and/or rental of product is permitted on an appointment basis only.
  - (11) *Restrooms.* If customers or employees are present or expected, then restroom facilities that meet all Village and state building codes shall be provided.
  - (12) *Parking.* Off-street parking shall be available for customers and employees.
- (e) *Home business standards.* All home businesses shall comply with the following standards:
- (1) *Use.* A home business or activity shall be clearly incidental and subordinate to the use of the premises as a dwelling, and shall be carried on wholly within an enclosed structure by a member of the family residing on the premises.
  - (2) *Operator.* Only one person may be employed on the site in connection with the home business who is not an actual resident of the dwelling unit.
  - (3) *Size.* The total area used for the home occupation shall take up no more than 25 percent of the dwelling area (including attached garage) or be located in a permitted accessory building.
  - (4) *Dwelling alteration.* No internal or external alterations or special construction of the premises are involved, including the creation of a separate or exclusive business entrance, and there shall be no other exterior indication that a home businesses exists, except as provided in this section.

- (5) *Nuisance.* No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, X-rays or electrical disturbance to radio or television transmission in the area that would exceed what is normally produced by a dwelling unit in a residential area.
- (6) *Customers.* No generation of substantial volumes of vehicular or pedestrian traffic or parking demand is created. Visitors in conjunction with the home occupation (clients, pupils, sales persons, etc.) will be limited to no more than two visitors at one time.
- (7) *Vehicles.* No more than one vehicle shall be used in connection with a home occupation use. The home occupation vehicle must be of a type ordinarily used for conventional passenger transportation (i.e., passenger automobile or vans and pickup trucks).
- (8) *Storage and display.* No outdoor display or storage of materials, goods, supplies or equipment shall be allowed.
- (9) *Signage.* A home occupation use shall be limited to one nonilluminated wall sign that does not exceed four square feet in area.
- (10) *Sales.* Sale and/or rental of product is permitted on an appointment basis only.
- (11) *Restrooms.* If customers or employees are present or expected, then restroom facilities that meet all Village and state building codes shall be provided.
- (12) *Parking.* Off-street parking shall be available for customers and employees.
- (f) *Existing home occupations.* Nonconforming home occupation uses that were established legally prior to the enactment of this chapter may be continued as legal nonconforming home occupation uses. However, no expansion of the existing nonconforming home occupation shall be permitted.

(Ord. No. 10-147, § 5.2, 7-27-2010)

**Sec. 117-128. - Solar energy systems.**

- (a) *Purpose.* The purpose of this section is to regulate solar energy systems as allowed by Wis. Stats. § 66.0401 and § 66.0403 in order to preserve and protect the public health, safety, and general welfare of the residents of the Village. It is not the intent of this section to significantly increase the cost of a solar energy system or significantly decrease its efficiency.



- (b) *Permit required.* No person, business, corporation, or other entity shall be allowed to construct a solar energy system within the Village without first obtaining a permit as required herein.
- (c) *Required materials.* All solar energy permits shall submit to the zoning administrator the following information. Omission of one of the following is cause for an incomplete application and such application will not be reviewed.
  - (1) A written application shall be submitted on forms and in a manner prescribed by the Village.
  - (2) An application fee as set forth in the zoning fee schedule, reference this code section.
  - (3) Detailed plans for the installation and location of the solar energy system. Such plans shall include, at a minimum, the following:
    - a. A site plan showing the exact location of the solar energy system.
    - b. A narrative explanation or description of the size and nature of the solar energy system.
    - c. Detailed specifications of the solar energy system sufficient to make a determination necessary to meet the requirements under subsection (d), permit approval.
    - d. Color photos of the proposed site and surrounding properties showing locations of existing vegetation.
- (d) *Permit approval.*
  - (1) Upon receipt of a completed application for a solar energy system, the zoning administrator shall review the detailed plans and specifications for the solar energy system, and may involve other departments of the Village, consultants, and/or experts, as needed.
  - (2) Upon review, the zoning administrator shall decide to approve, deny, or conditionally approve the application, however, an application may only be denied or conditionally approved in accordance with Wis. Stats. §§ 66.0401 and 66.0403. No approval for any solar energy system may be granted unless the following design criteria are met:
    - a. A free-standing solar energy system shall be setback from all property lines a distance equal to its total height and shall not exceed an overall height of 20 feet.
    - b. Roof or wall mounted solar energy systems shall not project more than five feet above the roof peak of the structure it is installed on and shall not exceed the maximum height allowed for structures in the applicable zoning district.

- c. A solar energy system shall be located no closer to the front lot line than is the principal structure.
  - d. By issuance of a solar energy system permit, the applicant understands that no adjoining property owner shall be required to remove structures or vegetation that may block sunlight to the solar energy system.
  - e. Adjacent property owners within 300 feet of a proposed solar energy system being installed shall be notified by the Village by certified mail.
- (e) *Trimming of vegetation.* The applicant understands that no adjoining property owner is required to remove and/or trim any vegetation planted prior to installation of the solar energy system.
- (Ord. No. 10-147, § 5.3, 7-27-2010)

**Sec. 117-129. - Solid fuel-fired outdoor heating devices.**

- (a) *Definitions.*
  - Solid fuel-fired outdoor heating device.* Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors or is intended to be situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.
  - Stacks or chimneys.* Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structure extending above a roof.
- (b) *Permits.* The owner of the solid fuel-fired outdoor heating device shall obtain a zoning permit and HVAC permit from the Village before installing a solid fuel-fired outdoor heating device.
- (c) *Regulations.*
  - (1) All solid fuel-fired outdoor heating devices shall be tested and listed by an accepted testing agency.
  - (2) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device meets all applicable Environmental Protection Agency (EPA) or state emission criteria.
  - (3) All solid fuel-fired outdoor heating devices must be installed in accordance with all codes and manufacturer's guidelines.

- (4) All solid fuel-fired outdoor heating devices shall, in addition, be operated and maintained as follows:
  - a. Fuel shall be only natural untreated wood, or other solid fuel specifically permitted by the manufacturer such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device.
  - b. The following fuels are prohibited:
    - 1. Processed wood products other than wood.
    - 2. Petroleum in any form.
    - 3. Rubber.
    - 4. Plastic.
    - 5. Garbage.
    - 6. Painted wood or treated wood.
    - 7. Any other items not specifically allowed by the manufacturer.
- (5) All solid fuel-fired outdoor heating devices shall only be operated from September 1 through May 31.
- (6) The solid fuel-fired outdoor heating device shall have a chimney height that meets the manufacturer's specifications.
- (d) *Location.* A solid fuel-fired outdoor heating device may be installed in the Village in accordance with the following provisions:
  - (1) The solid fuel-fired outdoor heating device shall be located at least 150 feet from all exterior property lines.
    - a. The plan commission may conditionally approve a location less than 150 feet from all exterior property lines on a case by case basis due to lot size, distance to adjacent residences, device efficiency, or any other information deemed pertinent by the plan commission.
  - (2) Solid fuel-fired outdoor heating devices shall be prohibited in all zoning districts except General Agricultural (AG) and Rural Residential (RR).
- (e) *Nuisance.* Should any solid fuel-fired outdoor heating device permitted under this chapter become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or a hazard to the public roadway as determined by the building inspector and/or fire chief, then the owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this section. If the nuisance cannot be abated then operation of the device shall be discontinued until a solution to the nuisance can be found.

- (f) *Penalties.* Any person, firm, corporation, business or entity who fails to comply with any provisions of this section shall, upon conviction thereof, forfeit an amount as set forth in the zoning penalty schedule, reference this code section, plus the cost of prosecution for each violation. Each day of violation shall represent a separate violation of this section as described herein.
- (g) *Existing nonconforming solid fuel fired outdoor heating devices.* The lawful use of a nonconforming solid fuel fired outdoor heating device existing at the time of adoption or amendment of this section may be continued although such device does not conform to the provisions of this section.
  - (1) If a nonconforming solid fuel fired outdoor heating device is abandoned or its use is discontinued for a period of 12 consecutive months, such outdoor heating device shall not be permitted to be reestablished unless it conforms to the requirements of this section.
  - (2) If a nonconforming solid fuel fired outdoor heating device is replaced, a permit shall only be issued if the requirements of this section are met.

*(Ord. No. 10-147, § 5.4, 7-27-2010; Ord. No. 11-162, 11-29-2011)*

**Sec. 117-130. - Outdoor storage and display.**

- (a) Outdoor storage and display in nonresidential districts. The following regulations shall apply to outdoor storage or displays in nonresidential districts:
  - (1) The outdoor display of goods including items such as firewood and mulch shall be controlled by the following regulations:
    - a. The outdoor display of merchandise shall not interfere with off-street parking spaces or the safe and unobstructed use of vehicular, emergency, or pedestrian access ways or walkways.
    - b. The outdoor display of merchandise outside of the adjacent building shall not be located in any required setback on the lot.
    - c. All permitted outdoor display shall be maintained in a neat and orderly fashion.
  - (2) The outdoor storage of business property, goods, wares or merchandise that is not located in a specific area for customer viewing or immediate sale shall be controlled by the following regulations:
    - a. The outdoor storage areas shall not interfere with off-street parking spaces or the safe and unobstructed use of vehicular, emergency, or pedestrian access ways or walkways.
    - b. Outdoor storage areas shall not be located in any established front yard, required side or rear setback area on the lot. However, in the

case of a double frontage lot, outdoor storage may be located in the established front yard opposite the front yard from which the principal structure is addressed.

- c. Outdoor storage areas shall be required to be screened with wood or vinyl fence or a wall. Such fence or wall shall complement the exterior color of the principal building.
- d. All permitted outdoor storage shall be maintained in a neat and orderly fashion.

(Ord. No. 10-147, § 5.5, 7-27-2010)

**Sec. 117-131. - Resource extraction.**

- (a) *Intent.* It is the intent of this section to permit resource extraction uses in agricultural or industrial areas as a temporary or transitional use with assurances that later re-use for other permissible uses and structures is possible.
- (b) *Existing operations.* The requirements of this section shall not apply to existing operations permitted prior to the effective date of this chapter, unless the existing operation applies for and receives approval to expand the permitted area.
- (c) *Uses and operations.* Uses or operations shall be approved pursuant to article XI, Conditional Use Permits, and shall include, but is not limited to, the removal for sale or processing of topsoil, fill, sand, gravel, rock or any mineral. Processing may include crushing, washing or refining. Storing or stockpiling of such materials on the site is permissible. Permissible uses may also include concrete or asphalt manufacturing.
- (d) *Area and setback requirements.* The parcel(s) shall consist of a minimum of five acres with dimensions sufficient to adequately accommodate the proposed uses with minimum adverse affects on adjacent lands. No operations shall be permitted within 50 feet of any exterior boundary of the tract. No operations shall be permitted within 250 feet of any building intended for human occupancy existing at the time of permit application, unless written permission from the property owner has been obtained. For operations involving blasting, processing or manufacturing, the plan commission and/or Village Board may increase required setbacks as a condition of approval. Adjoining operations are not subject to the exterior lot line setback that is shared by those operations, if agreed to by the adjoining landowner or operator.
- (e) *Location.* Location shall be appropriate to existing development and development which may reasonably be expected within the time period specified herein for

permits. The site shall be so located as to make it unnecessary to conduct trucking operations on any platted street in a residential subdivision.

- (f) *Plan of operation.* Each application for a conditional use permit shall be accompanied by a plan of operation for the site including the following information:
  - (1) Statement of ownership of the parcel and control of the operations.
  - (2) Extent of the area to be excavated.
  - (3) Location, width and grade of all easements or rights of way on or abutting the parcel.
  - (4) Existing topography by four-foot contour intervals; existing watercourses and drainageways; existing vegetation and soils; depth to groundwater; and existing buildings or structures.
  - (5) Cross section showing extent of extraction and the water table.
  - (6) Estimated type and volume of excavation; method(s) of extracting and processing; and the sequence of operations.
  - (7) Proposed equipment and proposed locations of equipment; proposed areas for ponding; proposed drainage modifications; proposed processing and storage areas; proposed interior roads and ingress and egress to the site; and proposed areas for the disposition of over-burden or topsoil.
- (g) *Plan of restoration.* An approved reclamation plan shall be provided in compliance with NR 135, Wis. Admin. Code. At the time of application for the conditional use permit, the applicant shall have a draft reclamation plan developed in accordance with specifications provided by the East Central Wisconsin Regional Planning Commission (ECWRPC). If the conditional use permit is granted, the applicant shall submit a final reclamation plan to the county, with a copy forwarded to the Village, which has been approved by ECWRPC, prior to beginning resource extraction activities.
- (h) *Time limitations.* No conditional use permit shall be issued for a period exceeding eight years consisting of not more than six years for the operational phase and not more than two years for the restoration phase. Upon expiration of the operational phase, the applicant may request and receive extensions of this phase for five-year periods unless the applicant fails to substantially comply with the requirements of the conditional use permit. If such extension is denied, the applicant shall complete the restoration phase within the two-year time period specified.
- (i) *Financial assurance.* To insure completion of the restoration phase, each applicant shall submit a performance bond or other financial guarantee sufficient

in amount to cover the restoration expense relative to the proposed operation or extension thereto to Calumet County.

(Ord. No. 10-147, § 5.6, 7-27-2010)

**Sec. 117-132. - Wireless communication facilities.**

- (a) *Purpose and intent.* The purpose of this section is to establish general guidelines for the siting of towers and antennas in accordance with Wis. Stats. §66.0404. The intent of this section is to:
- (1) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community.
  - (2) Strongly encourage the joint use of new and existing tower sites.
  - (3) Encourage users of towers and antennas to locate, to the extent possible, in areas where the adverse impact on the community is minimal.
  - (4) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
  - (5) Enhance the ability of the providers of wireless communication services to provide such services to the community quickly, effectively, and efficiently.
- (b) *Definitions.* For the purposes of this section, the following terms are defined:
- Alternative tower structure* shall mean man-made structures such as light poles, elevated tanks, electric utility transmission line towers, nonresidential buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- Antenna* shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- FAA* shall mean the Federal Aviation Administration.
- FCC* shall mean the Federal Communications Commission.
- Governing authority* shall mean the governing authority of the Village.
- Height* shall mean, when referring to a tower or other structure, the distance measured from grade at the base of the tower or structure to the highest point on the tower or structure, even if said highest point is an antenna.
- Pre-existing towers and antennas* shall have the meaning set forth in subsection (c)(4).
- Tower* shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television

transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, alternative tower structures, and the like.

(c) *Applicability.*

(1) *District height limitations.* The requirements set forth in this section shall govern the location of towers that exceed, and antennas that are installed, at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, however, in no case shall any tower (including antennas), exceed a height of 200 feet or FAA limitations, whichever is less.

(2) *Public property.* Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority may be constructed to a height of 150 feet or FAA limitations, whichever is less, provided a license or lease authorizing such antennas or tower has been approved by the governing authority.

(3) *Amateur radio: receive-only antennas.* This article shall not govern any tower, or the installation of any antenna, that is under 40 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a receive-only antenna.

(4) *Pre-existing towers and antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of this chapter shall not be required to meet the requirements of this section, other than the requirements of subsections (d)(4) and (5) unless a previous permit was conditioned upon compliance with new regulations. Any such towers or antennas shall be referred to in this article as "pre-existing towers" or "pre-existing antennas".

(d) *General guidelines and requirements.*

(1) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are



installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

- (2) *Inventory of existing sites.* Each applicant for an antenna and or tower shall provide to the planning department an inventory of all existing towers that are within a three-mile radius of the proposed site, including specific information about the location, height, and design of each tower. The planning department may share such information with other applicants applying for administrative approvals or conditional use permits under this section, or other organizations seeking to locate antennas within the jurisdiction of the Village, provided, however, that the planning department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (3) *Aesthetics and lighting.* The guidelines set forth in this subsection shall govern the location of all towers and the installation of all antennas, provided, however, that the governing authority may waive these requirements if it determines that the intent of this section is better served thereby.
- a. Towers shall maintain a galvanized steel finish, or, be subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
  - e. Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown

on the tower or antennae, it shall be posted no more than six feet above the ground on a placard no larger than two square feet.

- (4) *Federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the owner's expense.
  - (5) *Building codes, safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with the standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the governing authority may authorize removal of such tower at the owner's expense.
- (e) *Permitted uses.*
- (1) *General.* The uses listed in this subsection are deemed to be permitted uses and shall not require a conditional use permit. Nevertheless, all such uses shall comply with subsection (d) and all other applicable sections. All permitted uses shall require staff review prior to issuance of any permit.
  - (2) *Specific permitted uses.* The following uses are specifically permitted:
    - a. Installing an antenna on an existing structure other than a tower (such as elevated tanks, electric utility transmission line towers, or nonresidential buildings), so long as said additional antenna adds no more than 20 feet to the height of said existing structure; and
    - b. Installing an antenna on an existing tower, including a pre-existing tower, and further including the placement of additional buildings

or other supporting equipment used in connection with said antenna, so long as any accessory building does not exceed 150 square feet per user.

(f) *Conditional use permits.*

(1) General. The following provisions shall govern conditional use permits:

- a. All applications shall include, at a minimum, the information contained in Wis. Stats. §66.0404(2)(b). If the Village does not believe that the application is complete, the Village shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- b. If the tower or antenna is not a permitted use under subsection (e)(2), then a conditional use permit, pursuant to the procedures in article XI, Conditional Use Permits, shall be required prior to construction of any tower, or the placement of any antenna.
- c. Towers and antennas may only be located in the general agricultural (AG), community commercial (CC), business park (BP), and industrial and manufacturing (IM) zoning districts, except that amateur radio towers or antennas may be allowed in residential districts.
- d. If a conditional use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- e. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

(2) *Information required.* Each applicant requesting a conditional use permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent

uses, and other information deemed by the governing authority to be necessary to assess compliance with this section.

- (3) *Factors considered in granting conditional use permits.* The governing authority shall consider the following factors in determining whether to issue a conditional use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the purpose and intent of this section is better served thereby.
- a. Height of the proposed tower.
  - b. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
  - c. Proximity of the tower to residential structures and residential district boundaries.
  - d. Nature of uses on adjacent and nearby properties.
  - e. Surrounding topography.
  - f. Surrounding tree coverage and foliage.
  - g. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - h. Proposed ingress and egress.
  - i. Availability of suitable existing towers and other structures as discussed in subsection (f)(4).
- (4) *Co-location.*
- a. Any proposed wireless communication tower and tower site shall be designed structurally, electrically, and in all respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
  - b. The holder of a permit for a tower, excepting amateur radio towers and sites, shall allow co-location for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such

tower and tower site economically unfeasible, then the permit shall become null and void.

c. No new tower, excepting amateur radio towers and sites, shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(5) *Setbacks and separation.* The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the governing authority may, reduce the standard setbacks and separation requirements if the purpose and intent of this section would be better served thereby.

- a. Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
- b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

- c. Exceptions. Wis. Stats. §66.0404(2)(g), if an applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required herein, that setback does not apply to such a structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
- (6) *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the governing authority may waive such requirements if the purpose and intent of this section would be better served thereby.
- a. Tower facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view of the tower compound from adjacent properties. The standard buffer shall consist of a landscaped strip at least six feet wide outside the perimeter of the compound.
  - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether by the governing authority.
  - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (7) *Financial guarantee.* A bond with a corporate surety, duly licensed in the state, in the amount of \$20,000.00 shall be provided to assure that the applicant, its representatives, its agents, and its assigns will comply with all the terms, conditions, provisions, requirements, and specifications contained in this chapter, including abandonment. The bond amount shall be recalculated every five years based on the Consumer Price Index over that period of time. The Village shall be named as obligee in the bond and must approve the bonding company.
- (8) *Approvals.* In accordance with Wis. Stats. §66.0404(2)(d), within 90 days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
  2. Make a final decision whether to approve or disapprove the application.
  3. Notify the applicant, in writing, of its final decision.
  4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (g) *Removal of abandoned antennas and towers.* Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower shall remove such antenna or tower and associated equipment and structures within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

*(Ord. No. 10-147, § 5.7, 7-27-2010)*

**Sec. 117-133. - Adult entertainment establishments.**

- (a) *Purpose.* The Village finds that, due to their nature, the existence of adult entertainment establishments in the Village has serious objectionable operational characteristics, such as an effect upon property values, local commerce and crime. Due to the deleterious combined effect on adjacent areas when such uses are concentrated, they should not be permitted to be located in close proximity to each other. Special regulation of these uses is necessary to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of the surrounding neighborhood. Such regulations are contained in these standards. These standards are designed to protect the Village's retail trade, maintain property values, prevent crime and, in general, protect and preserve the quality of the residential neighborhoods, commercial districts and the quality of life.

The Village Board declares its intent to enact an ordinance addressing the secondary effects of adult entertainment establishments. Among the secondary effects of adult entertainment establishments are the following:

- (1) The potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses;

- (2) The potential depreciation of property values in neighborhoods where adult entertainment establishments exist;
- (3) Health risks associated with the spread of sexually transmitted diseases; and
- (4) The potential for infiltration by organized crime for the purpose of unlawful conduct.

The Village Board has determined that enactment of an ordinance regulating the location of adult entertainment establishments promotes the goal of minimizing, preventing and controlling the above adverse effects and thereby protects the health, safety and general welfare of the citizens of the Village, protects the citizens from increased crime, preserved he quality of life, preserves the property values and character of surrounding neighborhoods, and deters the spread of urban blight.

- (b) *Intent.* It is not the intent of this section to limit or restrict the content of communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

- (c) *Definitions.* For the purposes of this section, the following words and phrases shall have the following meanings:

*Adult bath houses.* An establishment which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the state and which establishment provides to its patrons an opportunity for engaging in "specified sexual activities" as defined in this section.

*Adult body painting studios.* An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this section, the adult body painting studio shall not be deemed to include a tattoo parlor.

*Adult cabaret.* Any premises, building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of "specific sexual activities" or "specified anatomical areas" for observation by patrons therein.

*Adult establishment.* Any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the



premises for the purposes of viewing adult-oriented motion pictures; or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult establishment includes, but is not limited to, "adult media stores" and "adult motion picture theaters".

*Adult entertainment.* Any exhibition of any motion pictures, live performances, displays or dances of any type, which has as a significant or substantial portion of such performance, or is distinguished or characterized by an emphasis on, any actual or simulated performance of "specified sexual activities", or exhibition and viewing of "specified anatomical areas", appearing unclothed, or the removal of articles of clothing, to reveal "specified anatomical areas".

*Adult massage parlors.* An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the state and which establishment provides for its patrons the opportunity to engage in "specified sexual activity" as defined in this section.

*Adult media.* Magazines, books, videotapes, movies, slides, DVD or cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "explicit sexual material".

*Adult media store.* An establishment that rents and/or sells media, and that meets any of the following three tests:

- (1) Twenty-five percent or more of the gross public floor area is devoted to adult media.
- (2) Twenty-five percent or more of the stock-in-trade consists of adult media.
- (3) It advertises or holds itself out in any forum as "XXX", "adult", "sex", or otherwise as a sexually oriented business other than an adult media store, adult motion picture theater, or adult cabaret.

*Adult modeling studios.* An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

*Adult motion picture theater.* An establishment, held either indoors or outdoors, where, for any form of consideration, films, motion pictures, video cassettes, streaming videos, DVDs, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by the depiction or

description of "specified sexual activities" or "specified anatomical areas" as defined herein. This definition shall expressly exclude films, motion pictures, videocassettes, streaming videos, DVDs, slides or other similar photographic given an "R" or "NC-17" rating by the Motion Picture Association of America.

*Employee, employ, and employment.* Any person who performs any service on the premises of an adult establishment on a full-time, part-time, or contract basis, regardless of whether the person is denominated as an employee, independent contractor, agent, or by another status. Employee does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.

*Explicit sexual material.* Media characterized by sexual activity that includes one or more of the following: erect male organ,; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

*Gross public floor area.* The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

*Media.* Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, DVD and cd-roms, other magnetic media, and undeveloped pictures.

*Owner or operator.* Any person, partnership or corporation operating, conducting, maintaining or owning any adult or sexually oriented establishment.

*Premises.* The real property upon which the adult establishment is located, and all appurtenance thereto and buildings thereon, including, but not limited to the adult establishment, the grounds, the private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control or supervision of the owner or operator of the business.

*Sex shop.* An establishment offering goods for sale or rent and that meets any of the following:

- (1) The establishment offers for sale items of adult media or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, the combination of such items constitutes more than ten percent of its stock in trade or occupies more than ten percent of its gross public floor area.
- (2) More than five percent of its stock in trade consists of sexually oriented toys or novelties.
- (3) More than five percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

*Sexually oriented business.* An inclusive term used to describe collectively: adult cabaret, adult motion picture theater, video arcade, bathhouse, massage shop, and/or sex shop.

*Sexually oriented toys or novelties.* Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

*Specified anatomical areas.*

- (1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities.* Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, public region, buttock, or female breast.

(d) *Standards.* Any violation of the standards set forth in this section is declared to be a public nuisance pursuant to the Village Board.

- (1) Businesses that carry some sexually oriented media not as the primary stock in trade, less than ten percent of the merchandise is adult entertainment material, shall be subject to the following standards:
  - a. Adult media shall be kept in a separate room or section which shall be physically and visually separated from the rest of the store by an opaque wall of durable material, reach at least eight feet high or to the ceiling, whichever is less.
  - b. Such room or section shall not be open to any person under the age of 18 years.

- c. The entrance to such area shall be located as far as reasonably practicable from media or other inventory in the store likely to be of interest to children.
  - d. Signage shall be provided at the entrance stating that persons under the age of 18 years are not permitted inside.
  - e. Controlled access by electronic or other means, such as continuous surveillance by store personnel, shall be provided to assure that persons under age 18 years will not easily gain admission and that the general public will not accidentally enter such area.
  - f. No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the general public from sidewalks, walkways, rights-of-way or other properties.
- (2) All other adult establishments. An adult establishment is permitted as a conditional use in the community commercial (CC) zoning district, provided the following provisions are met:
- a. Such use shall not be located within 750 feet of any residential zoning district.
  - b. Such use shall not be located within 750 feet of a public or private educational institution (elementary, middle, and high school), place of worship, day care center, library, community-based residential facility or community living arrangement, or nursing home.
  - c. Such use shall not be located within 750 feet of a public park/playground or recreational or nature preserve areas.
  - d. Such use shall not be located within 750 feet of an establishment licensed to sell or dispense beer, alcohol or intoxicating liquor.
  - e. Such use shall not be located within 750 feet of another adult-oriented establishment.
  - f. The distances provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the lot upon which the proposed use is to be located, to the nearest point of the zoning district boundary line or the lot from which the proposed use is to be separated.
  - g. No adult-oriented establishment shall be situated in such a manner as to allow public view of either its stock in trade or adult entertainment from outside of the establishment.
  - h. Nothing in this subsection is intended to authorize, legalize or permit the establishment, operation or maintenance of any

business, building or use which violates any Village ordinance or statute of the state regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter in the exhibition or public display thereof.

- i. No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the general public from sidewalks, walkways, rights-of-way or other properties.
- j. No screens, loudspeakers or sound equipment, videos or photographs shall be used for an adult motion picture theater, whether enclosed or drive-in, that can be seen, heard or discerned by the public off premise.
- k. No portion of the exterior of an adult-oriented establishment shall utilize or contain any flashing lights, search lights, spot lights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically permitted pursuant to article VII, Signs and Billboards.
- l. Further standards may be established as part of article XI, Conditional Use Permit Process, on a case-by-case basis for adult establishment.
- m. Exterior building facades shall be approved by the site plan review committee to ensure the character of the surrounding neighborhood is maintained. In general, blank, window-less, flat walls are prohibited. Architectural design elements shall be added to the exterior façade to help the building blend in with the adjacent buildings and surrounding structures.

(e) *Permits.*

(1) *Adult establishment permit required.*

- a. A person shall be deemed to have committed a violation of this section if he/she operates an adult establishment without a permit issued by the Village. Upon notice of violation, the violator shall forfeit an amount as set forth in the zoning penalty schedule, reference this code section, plus the cost of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

- b. An application for a permit must be made on a form provided by the zoning administrator. The application must be accompanied by a site plan pursuant to article XIII, Site Plan Review.
- c. The applicant shall, within 30 days after the issuance of the permit referred to herein, deliver to the zoning administrator a list containing the names and addresses of all employees. The applicant shall update the list within 30 days of any change or addition of employees.
- d. If a person who wishes to operate an adult establishment is an individual, he/she must sign the application for a permit as the applicant. If a person who wishes to operate an adult establishment is other than an individual, each individual who has an interest in the business must sign the application for a permit as applicant.
- e. The fact that a person possesses other types of state or county permits does not exempt him from the requirement of obtaining a Village adult establishment permit.

(2) *Issuance of permit.* The Village shall approve the issuance of a permit to an applicant within 30 days after receipt of an application unless it is found that one or more of the following is true.

- a. Any condition of approval of the conditional use permit has not been satisfied.
- b. An applicant is under 18 years of age.
- c. An applicant is overdue in the payment to the Village of taxes, fees, fines, or penalties assessed against or imposed upon them in relation to the adult establishment, including the permit fee required by this chapter.
- d. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
- e. An application of the proposed establishment is in violation of, or is not in compliance with, any of the provisions of this chapter.
- f. Prior to the issuance of an adult establishment permit, an inventory of the surrounding area shall be made by a registered land surveyor or the zoning administrator, along with a study of the proposed development and plans for the area.

- (3) *Fees.* The adult entertainment establishment permit fee as set forth in the zoning fee schedule, reference this code section, shall be paid at the time of application.
- (4) *Inspection.*
  - a. An applicant shall permit representatives of the Calumet County Sheriff's Department, the Village fire department, or other Village officers or personnel to inspect the premises of an adult establishment for the purpose of insuring compliance with this chapter, at any time it is occupied or open for business.
  - b. A person who operates a sexually oriented business or his/her agent or employee commits a violation of this chapter if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
- (5) *Transfer permit.* An applicant shall not transfer an adult-oriented entertainment permit to another person, corporation or entity, nor shall an applicant operate an adult-oriented establishment under the authority of a permit any place other than the address designated in the application.
- (f) *Nonconforming uses.*
  - (1) Any adult establishment lawfully operating as of the adopted date of this chapter, which is in violation of this section, shall be considered a nonconforming use.
  - (2) Any adult establishment lawfully operating as of the adopted date of this chapter which meets all separation requirements of this section for protected uses shall be considered a legal conforming use if a protected use opens within the separation distance after an adult establishment permit has been issued.

*(Ord. No. 10-147, § 5.8, 7-27-2010)*

**Sec. 117-134. - Temporary uses and structures.**

- (a) *Intent.* This section is intended to provide for the regulation and control of temporary uses and temporary structures that occur on private property on an intermittent basis or for a specific period of time, not intended to become a permanent use or structure. This administrative procedure will assure that standards are addressed and that the temporary use or temporary structure will not have a negative impact on adjacent properties and neighborhoods.
- (b) *Permit required.* All temporary uses and structures shall obtain a temporary use permit pursuant to the procedures set forth in this section prior to the

establishment of a temporary use or structure, unless otherwise stated in this section.

- (c) *Permit applications and fees.* Application for a temporary use or structure shall be filed with the zoning administrator on forms provided by the Village. Each application shall be accompanied by:
  - (1) A site plan drawing, drawn to scale, showing the property lines and dimensions, location of all existing and proposed structures/buildings, parking lot landscaping areas, on-street/off-street parking spaces and drive aisles, driveways, location, size and setback dimensions to property lines of the proposed temporary use and/or structure.
  - (2) Other information and plans as may be required by the zoning administrator to determine whether a temporary use/structure permit application should be approved, conditionally approved, or denied. The zoning administrator may also waive any information or plans if deemed it is not necessary.
  - (3) Permit fee. The temporary use/structure permit fee as set forth in the zoning fee schedule, reference this code section, shall be paid at the time of application.
- (d) *Action upon acceptance of a permit application.*
  - (1) After acceptance of a complete application, the zoning administrator shall forward each application for a temporary use or temporary structure to all appropriate departments for review, including departments at Calumet County, when concerning food, health, highway traffic, and safety.
  - (2) Within ten business days after acceptance of a complete application and after notification to all departments, the zoning administrator shall approve, approve with conditions, or deny such temporary use or temporary structure permit.
  - (3) If there is recommendation for denial from a department, the Zoning Administrator shall reject such temporary use or temporary structure permit in writing to the applicant stating the reasons for denial.
- (e) *Time limits on permit applications.* All temporary uses and structures shall be confined to the dates specified by the zoning administrator, on the temporary use permit.
- (f) *Violations; penalty.* Failure to comply with the approved or conditionally approved temporary use permit or the provisions of this chapter, or failure to obtain a temporary use permit shall be a violation of this section. Administration and enforcement shall be as prescribed in section 117-30



- (g) *General standards.* All temporary uses and structures shall meet the following requirements:
- (1) *Lot and setback requirements.*
    - a. A temporary use and/or temporary structure shall not occur or be placed on a vacant lot, unless otherwise stated in this section.
    - b. A temporary use and/or temporary structure shall comply with the minimum front, rear and side yard setback requirements for the principal structure (development standards) of the zoning district in which the temporary use or temporary structure is located, unless otherwise stated in this section.
    - c. A temporary use and/or temporary structure shall not be placed in a fire lane or an area intended for emergency service vehicles.
    - d. A temporary use and/or temporary structure that is located in a parking lot shall not occupy more than 20 percent of the available parking spaces for the principal use(s).
    - e. A temporary use and/or temporary structure shall not impede the vehicular traffic circulation or the movement of emergency vehicles on the lot.
    - f. A temporary use and/or temporary structure shall not be placed in the required interior or perimeter parking lot landscaping areas.
  - (2) *Outdoor lighting.* Temporary uses shall be prohibited from utilizing outdoor lighting fixtures unless they are already available on the lot.
  - (3) *Parking spaces.* All required parking spaces shall be provided on the same lot with the temporary use, unless otherwise stated in this section.
  - (4) *Food sales.* Food sales shall be licensed and/or operated under the requirements of the Calumet County Health Department, state statutes, and Village ordinances.
  - (5) *Sanitary facilities.* Arrangement for the use of sanitary facilities shall be made available to all employees, attendants and participants of the temporary use or temporary structure during its operation hours.
  - (6) *Signs.* Temporary uses shall be allowed one sign to display on-premises during the hours of operation. The maximum size of such sign shall not exceed 20 square feet in area.
  - (7) *Other code requirements.* The applicant shall apply for and receive all applicable permits and licenses pursuant to the Municipal Code prior to establishing a temporary use and/or temporary structure on a lot.

- (8) *Cleanup.* The site shall be completely cleaned of unsold merchandise, debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and accessories or equipment connected therewith, after the termination of the temporary use or temporary structure.
- (h) *Temporary uses.* The following temporary uses may be permitted as specified:
- (1) *Roadside stands (outdoor sale of seasonal agricultural products).*
- a. Permitted zoning districts: AG, RR, CN, COR, CC.
  - b. Roadside stands may be allowed on a lot for no more than 120 total days per calendar year.
  - c. The provision for parking spaces shall be provided on the same lot with the temporary use.
  - d. Roadside stands are exempt from the setback requirements of subsection (g)(1), except that no roadside stand shall be located within the right-of-way or the vision corner, pursuant to section 117-53
  - e. Temporary structures associated with the temporary use shall comply with the standards of this section.
- (2) *Outdoor Christmas tree sales lot (including incidental sale of Christmas related items).*
- a. Permitted zoning districts: AG, RR, CN, COR, CC.
  - b. Outdoor Christmas tree sales lot (including incidental sale of Christmas related items) may be allowed on a lot for no more than 45 total days every 12 months.
  - c. The provision for parking spaces shall be provided on the same lot with the temporary use.
  - d. Hours of operation for an outdoor Christmas tree sales lot (including incidental sale of Christmas related items) shall be limited to 8:00 a.m. to 8:00 p.m. when placed on a residential zoned lot or associated with a residence.
  - e. Outdoor Christmas tree sales lot (including incidental sale of Christmas related items) are exempt from the setback requirements of subsection (g)(1), except that no outdoor Christmas tree sales lot shall be located within the right-of-way or the vision corner, pursuant to section 117-53
  - f. Temporary structures associated with the temporary use shall comply with the standards of this section.

- (3) *[Reserved.]*
- (4) *Rummage sales.*
  - a. Permitted zoning districts: Any district when incidental to a residential dwelling.
  - b. No temporary use permit is required pursuant to subsection (b). Provision for parking spaces is not required for rummage sales.
  - c. Rummage sales may be allowed on a lot for no more than three consecutive days and that no lot shall be used for more than three such sales in one calendar year.
  - d. The display of rummage sale items are exempt from the setback requirements of subsection (g)(1), except that no rummage sale items shall be located within the right-of-way or the vision corner, pursuant to section 117-53
  - e. Temporary structures associated with the temporary use shall comply with the standards of this section.
- (5) *Outdoor car washes (including fundraisers or special events).*
  - a. Permitted zoning districts: COR and CC.
  - b. No more than three temporary use permits per lot shall be issued per calendar year.
  - c. The maximum time limit per temporary use permit shall be three days.
  - d. The provision for parking spaces shall be provided on the same lot with the temporary use.
  - e. Outdoor car washes are exempt from the setback requirements of subsection (g)(1), except that no outdoor car washes shall be located within the right-of-way or the vision corner, pursuant to section 117-53
  - f. Temporary structures associated with the temporary use shall comply with the standards of this section.
  - g. Water from the outdoor car wash shall not flow onto the roadway, pedestrian areas or parking lot on adjacent properties.
- (6) *Outdoor temporary merchandise sales other than roadside stands, outdoor Christmas tree sales, outdoor firework sales/stands, rummage sales, outdoor car washes, and outdoor farmers markets.*
  - a. Permitted zoning districts: COR and CC.
  - b. No more than two temporary use permits per lot shall be issued per calendar year.

- c. The maximum time limit per temporary use permit shall be seven days.
  - d. The provision for parking spaces shall be provided on the same lot with the temporary use.
  - e. Outdoor temporary merchandise sales are exempt from the setback requirements of subsection (g)(1), except that no outdoor temporary merchandise sales shall be displayed and/or sold within the vision corner, pursuant to section 117-53
  - f. Temporary structures associated with the temporary use shall comply with the standards of this section.
- (7) *Temporary model home sales office.*
- a. Permitted zoning districts: RS-1, RS-2, RT, or RM.
  - b. No temporary use permit is required pursuant to subsection (b), but all the conditions in this section shall be met.
  - c. Temporary model home sales offices may be allowed on a lot for the purpose of promoting the sale, or rental of dwellings and/or lots, which are located only within the same residential development or subdivision for a period of three years.
  - d. The provision for parking spaces shall be provided on the same lot with the temporary.
  - e. There shall be no more than one temporary model home sales office in the residential development or subdivision.
  - f. The temporary model home sales office shall be designed as a permanent dwelling that meets all relevant requirements of this chapter and the Municipal Code.
  - g. The temporary model home sales office will be converted to residential use after it is used as a temporary model home sales office.
- (i) *Temporary structures.* The following temporary structures may be permitted as specified:
- (1) *Temporary contractor's offices.*
- a. Permitted zoning districts: Any district when associated with a construction project.
  - b. No temporary use permit is required pursuant to subsection (b). Provision for parking spaces is not required for temporary contractor's offices.

- c. Temporary contractor's offices may be located on a lot or vacant lot where there is a valid building permit issued for a permanent structure.
- d. Temporary contractor's offices shall be removed from the site upon issuance of a certificate of occupancy permit or upon occupancy of the permanent structure.
- e. Temporary contractor's offices shall be setback at least ten feet from any property line and shall meet the required front yard setback for the principal structure, if possible.
- f. Temporary contractor's offices shall not be located within the vision corner, pursuant to section 117-53

(2) *Tents or canopies.*

- a. Permitted zoning districts: Any district when associated with any permitted temporary use not including temporary model home sales office.
  - 1. No temporary use permit is required pursuant to subsection (b).
  - 2. The maximum time limit shall be equal to the allowable time period for the temporary use, where such tent is incidental to the temporary use.
  - 3. Tents or canopies shall not be located within the vision corner, pursuant to section 117-53
- b. Permitted zoning districts: CN, COR, CC, BP or IM district when associated with an outdoor display.
  - 1. No temporary use permit is required pursuant to subsection (b).
  - 2. The maximum time limit shall be equal to the allowable time period for the outdoor display, where such tent is incidental to the outdoor display.
  - 3. Tents or canopies shall not be located within the vision corner, pursuant to section 117-53

(3) *Portable storage units.*

- a. Permitted zoning districts: Any district when incidental to a residential dwelling.
  - 1. No temporary use permit is required pursuant to subsection (b).

2. A maximum of one portable storage unit not exceeding a gross floor area of 200 square feet shall be permitted on a lot for no more than 30 total days per calendar year.
  3. The portable storage unit shall be placed on an impervious surface.
  4. The portable storage unit shall not be located within the vision corner, pursuant to section 117-53
  5. Portable storage units shall not be used for the purposes of a garage or shed.
- b. Permitted zoning districts: CN, COR, CC, BP, or IM.
1. No more the one temporary use permit per business shall be issued per calendar year.
  2. The maximum time limit per temporary use permit shall be 30 days.
  3. Portable storage units shall be placed on an impervious surface.
  4. Portable storage units may be placed on a lot within a designated loading space or in the side or rear yards only.
- (4) *Swimming pools (temporary).*
- a. Permitted zoning districts: Any district when incidental to a residential dwelling.
  - b. No temporary use permit is required pursuant to subsection (b), but all the conditions in this section shall be met.
  - c. The temporary swimming pool shall meet the provisions of chapter 103 of this Code.
  - d. The temporary swimming pool may be constructed or placed on a lot during the months of April through October during any given calendar year.
  - e. The temporary swimming pool shall not be located within any front yard setback area.
- (j) *Other temporary uses or temporary structures.* The zoning administrator may determine that an unlisted temporary use or temporary structure may be allowed if it is similar in character to other temporary uses or temporary structures listed in this section and meets the intent of this section and chapter.

**Table 15. Permitted Temporary Uses and Structures by Type and Zoning District**

Temporary Use Type	AG	RR RS-1 RS-2 RT	RM	CN	COR	CC	BP	IM
Roadside stands	P	—	—	P	P	P	—	—
Outdoor Christmas tree sales lot	P	—	P	P	P	P	—	—
Rummage sales when incidental to a residential dwelling	A	A	A	—	—	—	—	—
Outdoor car washes	—	—	—	—	P	P	—	—
Outdoor temporary merchandise sales	—	—	—	—	P	P	—	—
Temporary model home sales office	—	A	A	—	—	—	—	—
Temporary contractor's offices	A	A	A	A	A	A	A	A
Temporary swimming pools	A	A	A	—	—	—	—	—
Tents or canopies when associated with temporary use	A	A	A	A	A	A	A	A
Tents or canopies when associated with outdoor storage	—	—	—	A	A	A	A	A
Portable storage units when incidental to residential dwelling	A	A	A	—	—	—	—	—
Portable storage units	—	A	A	P	P	P	P	P

— = Temporary use type not allowed.

A = Allowed without a temporary use permit.

P = Temporary use permit required.

*(Ord. No. 10-147, § 5.9, 7-27-2010; Ord. No. 11-162, 11-29-2011)*

**Secs. 117-135. – Zero Lot Line.**

- (a) Intent. The intent of allowing for Zero Lot Line development is to accommodate quality single-family housing on an economic scale that facilitates and encourages

efficient use of public infrastructure and provide for a diversity of housing options.

- (b) Zoning District. Single-family attached zero lot line developments may be suitable in the Two-Family Residential (RT) and Multiple-Family Residential (RM) zoning districts.
- (c) Zoning District Requirements. The zoning district requirements shall be in effect, except that the following shall be substituted:
  - (1) Lot Area: Minimum requirement per dwelling unit shall apply. If there is not a minimum requirement per dwelling unit, then fifty percent (50%) of the district minimum requirement.
  - (2) Lot Width: Minimum requirement per dwelling unit shall apply. If there is not a minimum requirement per dwelling unit, then fifty percent (50%) of the district minimum requirement.
  - (3) Side Yard Setback: The side yard setback shall be zero on one side, provided that the adjoining side yard setback of the lot adjacent to the zero side yard is also zero and the opposite side yard meets the side yard requirement of the zoning district.
- (d) Utilities. Each single-family lot shall be provided separate sanitary sewer lateral, storm sewer lateral (if applicable), water lateral, gas meter, electric meter, and other utilities without such infrastructure passing through an adjoining unit. Foundation drains shall have a separate sump pump located in each dwelling unit.
- (e) Easements. Easements shall be provided across zero lot lines when necessary for provision of water, sewer, and utility services.
- (f) Lot Split. All lots shall be divided by Certified Survey Map (CSM) or subdivision plat in compliance with Chapter 115 of the Municipal Code (Land Divisions). A restrictive endorsement shall be placed on the face of the CSM or plat that reads, “When attached single-family dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, use, and maintenance shall be guarded against by private/restrictive covenants and deed restrictions, and no approving authority shall be held responsible for the enforcement of same.”
- (g) Common Wall. Wherever improvement abut on the common boundary line between adjoining units, there shall be a fire wall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproofed masonry.
- (h) Occupancy. All units for a zero lot line development shall receive occupancy permits prior to any one unit being occupied.



- (i) Covenants. Private/Restrictive covenants shall be recorded with the appropriate County Register of Deeds providing declaration and/or bylaws similar to those typically recorded on a declaration of condominium. Evidence of said recordation shall be submitted to the Planning Department. Said covenants shall provide for the following:
- (1) Description of the Land, Building, Units, and Common Elements.
  - (2) Include a note that reads, “Harrison and all approving authorities shall not be held responsible for enforcing the private/restrictive covenants, and that said covenants shall inure to all heirs and assigns.”
  - (3) Provide for mediation of any and all disputes between owners of each unit and any third party with regard to construction, catastrophe, use, and maintenance of the real property.
  - (4) Include a provision that reads, “In the event of the total destruction of the building, it shall be determined by agreement of both unit owners whether to rebuild, restore, or sell the property. If damage is only to the unit on one lot, and such damage does not affect the other unit, the damaged units shall be repaired by the owner of that damaged unit.”
  - (5) Include a note that reads, “The parties hereto agree that the aesthetics of the units are important to the value of the building. Therefore, the exterior color of each unit shall be compatible with each other. Each party may agree in writing to change the original color of the building so long as the color change applies to each unit. No party may change the color of the building so that it is different than the other unit.”
  - (6) Provision for alterations, maintenance, insurance, amendments, and conveyances.

## ARTICLE VI ACCESS, PARKING & LOADING

### Sec. 117-156. - Intent.

The intent of this article is to prevent or alleviate the congestion of the public streets and promote the safety and welfare of the public by establishing minimum requirements for off-street parking and loading in according to the use of the property and to promote safety and convenience for people by requiring that parking areas and driveways be located and constructed according to good standards for visibility, accessibility and safety. It is the responsibility of property owners to provide adequate parking and loading to meet their specific needs.

*(Ord. No. 10-147, § 6.0(1), 7-27-2010)*

### Sec. 117-157. - Access.

All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements.

- (1) Openings. Openings for vehicular ingress and egress shall not exceed 36 feet for single-family and two-family developments and 42 feet for agricultural, multiple-family, commercial, and industrial developments as measured at the street right-of-way line unless a greater distance is approved by the plan commission.
- (2) Location. Vehicular entrance or exit shall not be less than 50 feet from a street intersection. Commercial and industrial vehicular entrances and exits shall not be less than 150 feet from any adjoining residential district, when possible.
- (3) Number.
  - a. Single Family Lots. Only one vehicular opening is permitted per lot for single-family lots. The Plan Commission may authorize a second opening for a corner lot as provided:
    - i. The driveway does not encroach into a drainage easement.
    - ii. The street with the second driveway opening has curb and gutter.
    - iii. The driveway opening is located at least 100-feet from a street intersection.
    - iv. The driveway opening is to service an accessory building.
    - v. The pavement material of the second driveway shall be the same pavement material as the original driveway.
  - b. Two Family Lots. Two vehicular openings may be permitted per lot for two-family lots.

c. Other Developments. Multiple-family, commercial, and industrial developments are permitted one vehicular opening per lot frontage unless a greater number is approved by the plan commission.

- (4) When roadways exit to adjacent property rather than directly to a public street, permanent cross easement agreements shall be recorded which adequately guarantee that such exit may not be closed and that such roadways will not become a future liability for the Village.

(Ord. No. 10-147, § 6.0(2), 7-27-2010; Ord. No. 11-162, 11-29-2011, Ord. No. V19-17, 10-29-2019)

**Sec. 117-158. - Off-street parking.**

All required off-street parking required by this section shall be provided on the same lot as the principal use or structure, unless otherwise permitted.

- (1) *Requirements not specified.* Parking requirements for a use not specified shall be the same as required for a use of similar nature or sufficient off-street parking shall be provided such that no public street shall be used for parking.
- (2) *Fractional spaces.* Where the determination of the number of off-street parking spaces results in a requirement of a fractional space, any fraction shall be counted as one parking space.
- (3) *Changes in buildings or use.* Where the intensity of use of any building, structure or premises shall be increased by more than ten percent through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, parking shall be provided for such increase in intensity of use.
- (4) *Mixed uses.* In the case of mixed uses the parking spaces required shall equal the sum of the requirements of the uses computed separately.
- (5) *Joint use.* Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually provided such uses are not operated during the same hours. A written agreement shall accompany any joint use arrangement.
- (6) *Determination of required spaces.* In computing the number of parking spaces required by this section, the following shall apply:
- a. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the gross floor area.

- b. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or designed for.
- c. Where the number of employees is designated as the standard for determining parking space requirements, the number of employees on the largest shift shall be used for calculation purposes.

(7) *Design standards.*

- a. Each required off-street parking space shall have a stall width of at least 9 feet and a stall length of at least 18 feet.
- b. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows:
  1. Twelve feet for parking at angles of 45 degrees or less.
  2. Twenty feet for parking at angles between 45 and 60 degrees.
  3. Twenty four feet for parking at angles greater than 60 degrees and 90-degree parking.
- c. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.
- d. No parking area shall be designed as to require any vehicle to back into a public street.
- e. Drainage. All parking areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties and onto sidewalks. On-site storm drainage shall be provided in accordance with chapter 113, Post-Construction Stormwater Management.
- f. Protection devices. Barriers, curbing, or wheel stops shall be installed and so located as to prevent any portion of a vehicle from projecting beyond property lines, into any required landscaping and screening, or into a pedestrian space. Such barriers, curbs or wheel stops shall be constructed and anchored to prevent their dislocation.
- g. Surface areas. Parking areas, including stalls and access ways, shall be either concrete or asphalt. A porous or pervious concrete or similar material used to reduce stormwater runoff loads may be used with permission from the zoning administrator. Except for truck parking adjacent to residentially zoned parcels, parking areas designed solely for semi-truck traffic and parking in the IM zoning

district may provide a gravel surface under the following conditions:

1. The entrance must be asphalt or concrete for at least the first 25 feet from the right-of-way.
  2. The loading area must be asphalt or concrete.
  3. The gravel must be periodically graded and maintained in a dust free manner, free of debris, weeds and other plant materials.
  4. The street adjoining the driveway must be free of gravel from the parking lot.
  5. The owner of property used for off-street parking shall maintain such area in good condition without holes and free of all weeds, standing water, trash, abandoned or junk vehicles and other debris.
- h. Bicycle parking. The suggested bicycle parking may be provided through spaces or bicycle storage racks. Bicycle spaces shall be at least 2.5 feet in width and six feet in length. Racks and other fixtures used to provide parking shall be securely affixed to the ground and allow for the bicycle to be locked and chained. The design of the bicycle racks and fixtures shall be included in final site plans.
- i. Lighting. Parking lot and loading space lighting fixtures shall be of a full cut-off type to avoid light spilling over onto adjacent residentially-zoned properties and public rights-of-way and shall conform to the standards of the zoning district.
- j. Striping. All parking areas shall be striped between stalls to facilitate the movement into and out of the parking stalls.
- k. Maneuvering. All parking and loading spaces shall be designed to provide all maneuvering to occur within the property line.
- l. Snow storage. Snow storage must be provided for on-site or a letter from the owner of the property stating the method to remove the snow from the site in a timely fashion must be provided and approved by the zoning administrator. Snow storage areas will be reviewed to ensure the continued health of plant materials.
- m. Stop sign. When access is obtained from a collector or arterial street, a stop sign may required to be erected by the developer.

- (8) *Maintenance.* Off-street parking facilities shall be maintained in good condition free of weeds, dust, trash, and debris.
- (9) *Required spaces for specific uses.* All vehicles connected with the following uses shall be accommodated for on the property in addition to the requirements stated below. Additional parking as determined by the zoning administrator may be required to meet these standards. Table 16, Parking Ratios, on the following pages identifies the minimum number of spaces to be provided.
  - a. GFA = gross floor area
  - b. UFA = usable floor area
  - c. Employee = employee per shift for the largest shift
  - d. DU = dwelling unit

**Table 16. Parking Ratios**

Use/Activity	Minimum Vehicle Spaces	Suggested Bicycle Spaces
<b>Residential:</b>		
Assisted living or retirement home facilities	0.3 per room	—
Bed-and-breakfast establishments	1 per guest room, plus 2 for owner's portion	—
Community living arrangements	0.3 per room	—
Convalescent homes and nursing homes	0.3 per room	—
Dwelling units, accessory	1 per DU	—
Dwellings, multiple-family, of three or more units either apartment style or townhouse	1 per DU	0.5 per DU
Dwellings, single-family, attached	2 per DU	—
Dwellings, single-family, detached	2 per DU	—
Dwellings, two-family	2 per DU	—

Manufactured housing parks	1 per DU		—
Residential dwelling units in conjunction with a commercial or industrial use (i.e. caretakers unit)	1 per DU		—
Residential dwelling units above a commercial use	1 per DU		—
<b>Business and Commercial:</b>			
Adult entertainment establishments	1 per 200 sf GFA		1 per 10 vehicle spaces
Animal hospitals and veterinary clinics	1 per exam room, plus 1 per 100 sf of reception area		—
Kennel or commercial boarding	1 per employee, plus 1 for every 5 animals		—
Commercial riding stable	1 for every 3 horses		—
Automobile service establishments	3 for each service bay		—
Automobile, bus or truck body repair and maintenance shops	3 for each service bay		—
Automobile, motorcycle and all-terrain vehicle sales and rentals	1 per 500 sf indoor sales area, plus 1 per 2,500 sf outdoor sales area		—
Banquet Halls, entertainment complexes	1 per 6 seats, or 1 per 50 sf UFA if no permanent seats		1 per 20 vehicle spaces
Bars, taverns, and nightclubs	1 per 200 sf UFA		1 per 10 vehicle spaces
Building, home improvement, and garden supply stores	1 per 300 sf GFA		1 per 20 vehicle spaces
Bus, truck, mobile home, large vehicle, or heavy equipment sales and rentals	1 per 500 sf indoor sales area, plus 1 per 2,500 sf outdoor sales area		—
Car washes	4 stacking spaces		—

Clubs and organizations	1 per 250 sf UFA		1 per 20 vehicle spaces
Commercial recreational establishments, indoor and outdoor	1 per 4 seats or 1 per 200 sf UFA of entertainment area		1 per 20 vehicle spaces
Convenience retail and service stores	1 per 300 sf GFA		1 per 10 vehicle spaces
Convenience stores and gasoline/fueling stations	1 per 300 sf GFA		1 per 10 vehicle spaces
Day care, center	1 per 400 sf GFA		—
Drive-thru facilities	5 stacking spaces		—
Exhibition, convention, or conference structure	1 per 6 seats, or 1 per 50 sf UFA if no permanent seats		1 per 20 vehicle spaces
Auditoriums, places of assembly, stadiums, gymnasium or theaters	1 per 6 seats, or 1 per 300 sf UFA if no permanent seats		1 per 20 vehicle spaces
Financial institutions; banks and credit unions	1 per 300 sf GFA		1 per 10 vehicle spaces
Fitness, recreational sports, gym, or athletic club	1 per 500 sf GFA		1 per 10 vehicle spaces
Funeral homes/Cremation facilities	1 per 4 seats		—
General merchandise and service stores	1 per 300 sf GFA		1 per 10 vehicle spaces
Greenhouses or nurseries	1 per 1,000 sf of sales area		—
Hospital	0.75 per bed, plus 1 per 100 sf GFA of emergency room space, plus 1 per 400 sf of GFA of outpatient area		1 per 20 vehicle spaces
Hotel or motel	0.75 per guest room, plus 1 per 500 sf of public meeting area and restaurant space		1 per 20 vehicle spaces of public meeting and restaurant space



Medical and dental clinic	1 per 400 sf GFA		1 per 10 vehicle spaces
Multi-tenant buildings	Combination of all uses		Combination of all uses
Offices	1 per 300 sf GFA		1 per 10 vehicle spaces
Restaurant	1 per 400 sf GFA		1 per 10 vehicle spaces
Restaurant, fast food	1 per 200 sf GFA		1 per 10 vehicle spaces
Tattoo parlors	1 per 300 sf GFA		1 per 10 vehicle spaces
Towing establishments and services	1 per employee, plus area for towed vehicles		—
<b>Industrial and Manufacturing:</b>			
Automotive wrecking and graveyards, salvage yards, and junkyards	1 per employee, plus space to accommodate all vehicles		—
Asphalt and concrete plants	1 per employee		—
Hazardous material bulk storage or distribution facility	1 per employee		—
Manufacturing, processing and assembly factories and plants	1 per employee, plus 1 per 500 sf of office area, plus space to accommodate all company trucks and vehicles		—
Mini-warehousing	—		—
Recycling centers	1 per employee		—
Research and development laboratory or testing facilities; including scientific, medical, and technology	1 per 1,000 sf GFA		1 per 20 vehicle spaces

Trade and contractor offices	1 per employee, plus 1 per 500 sf of sales area		—
Truck terminals, including freight terminals	1 per 1,000 sf GFA		—
Warehouse, wholesale, distribution or storage facility	1 per employee, plus 1 per 1,000 sf of office area, plus spaces to accommodate all company trucks and vehicles		—
<b>Institutional and Community Facilities</b>			
Cemetery or mausoleum	1 per 4 seats		—
Educational institutions; business, technical or vocational schools	0.5 per faculty/staff, plus 1 per 10 students (design capacity)		1 per 5 vehicle spaces
Educational institutions; college or university, including dormitories	0.5 per faculty/staff, plus 1 per 10 students (design capacity)		1 per 10 students (design capacity)
Educational institutions; elementary and middle	1 per classroom, plus 1 per 4 seats of assembly area		1 per 10 students (design capacity)
Educational institutions; high school	1 per classroom, plus 1 per 10 students (design capacity)		1 per 10 students (design capacity)
Golf courses	4 per hole		—
Institutional and community facilities, including museums, libraries, exhibitions and art galleries	1 per 500 sf GFA		1 per 1,000 sf GFA
Municipal police, fire and rescue stations, and other public safety related facilities	0.5 per employee or 1 per 4 volunteers (fire)		—
Municipal wastewater and/or sewage treatment facilities	1 per employee		—
Municipal water towers, water metering facilities and water treatment facilities	1 per employee		—

Religious institutions	1 per 6 seats or 1 per 100 sf GFA if no permanent seats		1 per 20 vehicle spaces
Solid waste disposal facilities, landfills and municipal compost sites	1 per employee		—

(Ord. No. 10-147, § 6.0(3), 7-27-2010)

**Sec. 117-159. - Loading requirements.**

Any use which requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no lawn, landscaping, public street right-of-way, or required parking areas or access to such areas are blocked by such use.

- (1) Design requirements:
  - a. *Size of spaces.* Off-street loading spaces shall not be less than 12 feet wide and 30 feet long for small truck deliveries and shipments and not less than 12 feet wide and 60 feet long for large truck deliveries and shipments.
  - b. *Location.* All required off-street loading spaces shall be located on the same lot as the specific use to be served. Service entrances and service yards or areas shall be located only in the rear or side yard.
  - c. *Entrances and exits.* Off-street loading areas shall be provided with entrances and exits so located as to minimize traffic congestion and interaction with customer parking areas during store hours.
  - d. *Surfacing.* All off-street loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials.
  - e. *Drainage.* All off-street loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties and onto sidewalks. On-site storm drainage shall be provided in accordance chapter 113 of the Municipal Code, Post-Construction Stormwater Management
  - f. *Screening.* Service yards or areas shall be screened from adjacent residentially zoned or used property by the installation of a buffer or landscaping area, as set forth in article IX, Landscaping and Screening.
  - g. *Lighting.* See the zoning district for lighting requirements.

- h. *Maneuvering.* All loading spaces shall be of sufficient size to provide all maneuvering to occur within the property line.
- i. *Maintenance.* Off-street loading facilities shall be maintained in good condition free of weeds, dust, trash, and debris.
- j. *Waiver.* The zoning administrator may waive the off-street loading requirements if the design and proposed use of the structure shows no need for loading.

(Ord. No. 10-147, § 6.0(4), 7-27-2010)

**Sec. 117-160. - Traffic.**

- (a) *Highway access.* No direct private access shall be permitted to the existing or proposed rights-of-way of county highways or to any controlled access arterial or collector streets without permission of the governing authority agency that has access control jurisdiction.
- (b) *Additional transportation modes.* The Village may require additional access points and improvements including but not limited to bike and pedestrian paths, sidewalks, transit stops and railroad spurs.
- (c) *Land dedication.* The Village may require the applicant to dedicate land to be used as right-of-way, access or utility as identified in the Village comprehensive plan or official map as a condition of site plan approval.

(Ord. No. 10-147, § 6.0(5), 7-27-2010)

## Article VII SIGNS & BILLBOARDS

### Sec. 117-176. - Purpose and intent.

The purpose of this article is to create a comprehensive and balanced system of street graphics that will preserve the right of free speech and expression, provide easy and pleasant communication between people and their environment, and avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this article to:

- (1) Provide functional flexibility, encourage variety, and create an incentive to relate signing to basic principles of good design;
- (2) Allow signage to be expressive of the identity of individual activities and the community as a whole;
- (3) Assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets, and other public structures and spaces, are protected by exercising reasonable controls over the character and design of sign structures; and
- (4) Authorize the use of street graphics that are legible in the circumstances in which they are seen.

*(Ord. No. 10-147, § 7.0(1), 7-27-2010)*

### Sec. 117-177. - Administration.

- (a) The zoning administrator shall be the administrator of this article. The zoning administrator or its designee shall have the responsibility and authority to administer and enforce all provisions of this article, other than those provisions with powers specifically reserved to the Village Board or the plan commission.
- (b) Enforcement. The zoning administrator shall issue permits as required by this article. The zoning administrator or its designee shall also ensure signs and street graphics comply with this article and any other applicable law. The zoning administrator shall also enforce the requirement that all signs properly comply with this article by procuring a permit. The zoning administrator shall make such inspections as may be necessary and shall initiate appropriate action to enforce compliance with this article and other applicable laws.
- (c) Zoning administrator powers. The zoning administrator shall have the power and authority to administer and enforce this article. Included among such powers are the following specific powers:

- (1) Every sign for which a permit is required shall be subject to design approval by the zoning administrator and may be inspected by its designee, including verification of the use of the parcel, and thus the standards that apply to signage. When deemed advisable, a sign may be inspected at the point of manufacture.
- (2) Upon presentation of proper identification to the sign owner or owner's agent, the zoning administrator or his designee may enter the sign area for the purposes of inspecting the sign, sign structure, and any fasteners securing the sign to a building or support for compliance with this article. In cases of emergency, where imminent hazards to persons or property are known to exist, and where the sign owner, or owner's agent, is not readily available, the zoning administrator or his designee may enter the sign area for purposes of inspection or remediation.
- (3) Upon issuance of a stop work order from the zoning administrator or his designee, work on any sign that is being conducted in any manner contrary to this article shall be immediately stopped. This notice and order shall be in writing and shall be given to the owner of the parcel, to the sign owner, or to the person performing the work.
- (4) The plan commission has the authority to revoke any permit authorized by this article if the sign violates this article or another law, provided that the plan commission shall offer the sign owner an opportunity to be heard. The person whose permit is under consideration shall be given at least 14 days written notice of the time, place, and reason for the hearing. The sign owner and/or person identified in the permit shall be permitted to present relevant facts and legal argument concerning the pending permit revocation to the plan commission. Following this hearing, the plan commission shall consider the merits of the case and shall present a written decision.
- (5) If the zoning administrator has determined that a violation has occurred, the owner shall have 30 days to bring the sign into compliance or remove the sign. If, however, the zoning administrator believes the health, safety, or welfare of the citizens is endangered by any violation of this article, the zoning administrator may immediately revoke any sign permit and the sign shall be removed by the owner immediately or may be caused to be removed by the Village. The sign owner shall not be entitled to compensation for the sign removal and shall reimburse the Village for any cost incurred in connection with the removal.

- (6) Any sign installed after the effective date of this article, and which does not wholly comply with the provisions of this article and which is not classified as legal nonconforming shall be ordered removed. If the sign owner, lessee, or owner of the premises fails to remove such sign, the zoning administrator may contract for removal of such sign(s) and assess all costs associated with such removal as a special tax against the property on which the sign(s) were located, such tax to be collected in the same manner as property taxes are collected in the Village.
- (7) Any person who shall violate any portion of this article shall upon due conviction thereof forfeit an amount set forth in the zoning penalty schedule, reference this code section, for each such offense, together with the costs of prosecution.

*(Ord. No. 10-147, § 7.0(2), 7-27-2010)*

**Sec. 117-178. - Appeals.**

The zoning board of appeals may waive or modify the provisions of this article, unless variances are expressly authorized by the Village Board, where, in its judgment, such waiver modification would further the public interest and uphold the purpose and intent of this article.

*(Ord. No. 10-147, § 7.0(3), 7-27-2010)*

**Sec. 117-179. - Conflict.**

If any part of this article is found to be in conflict with any other ordinance or with any other part of this article, the most restrictive or highest standard shall prevail. If any part of this article is explicitly prohibited by federal or state statute, that part shall not be enforced.

*(Ord. No. 10-147, § 7.0(4), 7-27-2010)*

**Sec. 117-180. - Definitions.**

For the purposes of interpreting and enforcing this article, the following definitions shall apply:

*Abandoned sign.*

- (1) *Business sign.* The business it advertises is no longer conducted; advertising, or
- (2) *Directional sign.* Owner no longer receiving lease payment or rental income.

*Animation or animated.* The movement or optical illusion of movement of any part of a street graphic structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity.

*Architectural detail.* Any projection, relief, cornice, column, change of building material, window, or door opening on any building.

*Banner.* A sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.

*Bare-bulb illumination.* A light source that consists of bare light bulbs with a 20-watt maximum for each bulb.

*Billboard/off-premises sign.* Signs that advertise or call attention to goods, products, individuals, businesses, and/or services not sold, available or located on the premises or property on which the sign is located.

*Canopy.* A cloth, plastic, or other nonstructural covering over a rigid frame that is permanently attached to a building or temporary in nature and, in some cases, can be raised or retracted to a position against the building when not in use.

*Changeable sign.* A sign that is designed so that its characters, letters, illustrations, or other content can be changed, altered, or rearranged without physically altering the permanent physical face or surface of the sign; this includes manual, electrical, electronic, or other variable message signs.

*Construction sign.* A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing, or development work when placed upon the premises where that work is under way, but only for the duration of the work.

*Directional graphic.* An on-site street graphic at the exit or entrance of a premises, that has two or more driveways.

*Directional sign.* Standard sign at the intersection (on public property) where a minor street intersects a major thoroughfare indicating the directions to a business with access located on the minor street.

*External illumination.* Illumination of a sign that is affected by an artificial light source that is not contained within the sign itself.

*Façade.* Any side of a building facing a public way or space and finished accordingly.

*Flashing illumination.* Illumination in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when a street graphic is illuminated, including illuminated lighting.

*Government sign.* A sign authorized by the Village, another government agency, the state, or the federal government.



*Grade.* Finished surface of the ground around the sign, consistent with the predominant grade for the site.

*Graphic.* See *Street graphic* and/or *Special street graphic*.

*Ground sign.* A street graphic supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building; it includes a pole graphic and a monument graphic.

*Height.* Measurement between the grade at the base of the sign and the tallest point of the sign or structure.

*Illumination or illuminated.* A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the street sign.

*Indirect illumination.* A source of external illumination, located away from the sign, that lights the sign, but which is itself not visible elsewhere than on and in the immediate vicinity of the street sign.

*Internal illumination.* A light source that is concealed or contained within the street graphic and becomes visible in darkness through a translucent surface.

*Item of information.* A word, logo, abbreviation, symbol, or geometric shape.

*Monument sign.* A ground graphic permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole.

*Multi-use building.* Building devoted to two or more individual tenants, whether office, commercial, mixed-use, industrial, or institutional.

*Neon tube illumination.* A source of light for externally lit street graphics supplied by a neon tube that is bent to form letters, symbols, or other shapes.

*Nonconforming street graphic.* A street graphic that was lawfully constructed or installed prior to the adoption or amendment of this article and was in compliance with all the provisions of this article then in effect, but which does not presently comply with this article.

*Off-premises sign.* See *Billboard*.

*On-premises sign.* Sign, graphics or a display for commercial, industrial, institutional, service, or entertainment purposes, promoting products, uses or services conducted, sold or offered upon the same premises where the sign is located, and whose purpose is to sell or identify a product, service or activity.

*Pole sign.* A freestanding street graphic that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a base structure.

*Political campaign sign.* Signs promoting candidates for public office or issues on election ballots, see section 117-181(9)b.

*Portable sign.* A street graphic not permanently attached to the ground or a building, or designed to be permanently attached to the ground or a building.

*Premises.* A separate tract of land or parcel of land that has been or may be conveyed by deed or has otherwise been specified as a separate lot on an approved land development plan.

*Projecting sign.* A street graphic attached to and projecting from the wall of a building at a 90 degree angle from the plane of the wall to which it is attached.

*Roof sign.* A sign attached to or supported by the roof of a building.

*Sign.* A notice bearing a name, direction, warning, or advertisement, that is displayed or posted for public view.

*Signable area for projecting graphics and awnings.* one area enclosed by a box or outline, or a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, and:

- (1) Shall not project above, below, or beyond the edges of the awning on which it is displayed; and
- (2) Shall not extend horizontally a distance greater than 60 percent of the width of the awning on which it is displayed.

*Signable area for wall graphics.* One area free of architectural details on the façade of a building or part of a building which shall include the entire area:

- (1) Enclosed by a box or outline, or a single continuous perimeter composed of a rectangle (or multiple rectangles), circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, and
- (2) Shall not project above, below, or beyond the edges of the face of the building wall or architectural element on which it is located, and
- (3) The signable area for oddly shaped symbols or graphics shall be determined by enclosing the graphic in a rectangle or multiple rectangles.

*Signage.* Total sign area of all signs incorporated on the subject site.

*Sign removal.* Removal of both sign and supporting structure.

*Size.* The total area of the face used to display a street graphic, not including its supporting poles or structures; if a graphic has two faces that are parallel, not more than two feet apart, and supported by the same poles or structures, the size of the graphic is one-half the area of the two faces.

*Special street graphic.* A street graphic, other than a ground sign or wall graphic, regulated by section 117-184(3).

*Street graphic.* A lettered, numbered, symbolic, pictorial, or illuminated visual display on a building designed to identify, announce, direct, or inform that is visible from a public right-of-way.

*Structure.* Anything built, including a building that requires a permanent location.

*Temporary sign.* A sign or banner that will only be displayed temporarily for a time period specified by the Village in this article.

*Tenant.* A use located in a multi-use building or shopping center.

*Wall graphic.* A street graphic painted on or attached to a wall of a structure and in the same plane as the wall.

*Waving sign.* A type of Temporary Board & Banner Sign that is made of flexible material and is intended to attract attention to a site. Such waving signs to include business flags, feathers (a sign consisting of a piece of vertically elongated, flexible material such as cloth or vinyl which is affixed to a single pole driven into the ground), or inflatables.

*Window graphic.* A street graphic applied, painted, or affixed to or in the window of a building; a window graphic may be temporary or permanent.

(Ord. No. 10-147, § 7.0(5), 7-27-2010)

### **Sec. 117-181. - Exempt signs.**

Sign permits shall not be required for the following:

- (1) *Name and address.* Up to two signs indicating address, number and/or name of occupants of the premises, that do not exceed two square feet in area per side, and do not include any commercial advertising or other identification.
- (2) *Decals.* Decals affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.
- (3) *Flags, emblems and insignia of government agencies, religious, charitable, public, or nonprofit organizations.* These types of signs are exempt from permit requirements, however, they are subject to the following requirements:
  - a. No single flag that is flown shall exceed 40 square feet in area (excluding the American flag) and no single parcel shall fly more than three flags;
  - b. Flagpoles shall not exceed 40 feet in height; and

- c. Wall-mounted flags, emblems, insignias or logos shall be limited to one per facade.
- (4) *Disabled parking space.* Signs not exceeding two square feet in area, designating spaces reserved for disabled individuals.
- (5) *Historical, cultural, and natural site signs.* A sign erected by a governmental agency, which exclusively denotes a recognized historical, cultural, or natural site, is permitted.
- (6) *Private drive signs.* On-premises private drive signs are limited to one per driveway entrance, not exceeding two square feet in area, with language limited to the words "private drive" and the addresses of any residences using the private driveway.
- (7) *Public signs.* Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossings, and identification signs for public facilities and any signs erected by the Village under direction of the Village board.
- (8) *Security and warning signs.* On-premises signs regulating the use of the premises, such as "no trespassing," "no hunting," and "no soliciting" signs that do not exceed:
  - a. One sign per frontage and two square feet in area in residential areas; and
  - b. One sign per frontage and five square feet in area in agricultural, commercial, and industrial zones.
- (9) *Temporary signs not requiring a permit.*
  - a. *Real estate signs.* Signs, which advertise sale, rental, or lease of the premises on the parcel, which said signs are temporarily placed. Display of these signs shall be limited to one per 600 lineal feet of street frontage per property.
    - 1. *Residential districts.* The maximum size shall be six square feet per side except the following:  
Signs for new subdivision, condominium, or other residential developments may exceed six square feet with plan commission approval. In no case shall such sign exceed 32 square feet per side.
    - 2. *All other districts.* The maximum size shall be as follows:
      - i. Signs located on parcels adjoining streets or highways where the posted speed limit is less than

55 miles per hour shall not exceed 32 square feet per side.

- ii. Signs located on parcels adjoining streets or highways where the posted speed limit is equal to or greater than 55 miles per hour shall not exceed 64 square feet per side.

b. *Political campaign signs.* Political campaign signs are subject to the following requirements:

1. The display of any political signs shall be limited to the "election campaign period", which is the period beginning on the first day of circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election, as defined by Wis. Stats. § 12.04(1)(a).
2. The sign area of political campaign signs displayed in agricultural, commercial or industrial zoning districts shall not exceed 32 square feet. The sign area of such sign displayed in residential zoning districts shall not exceed six square feet. In any zoning district, such signs shall be freestanding and shall not exceed six feet in height.
3. Political campaign signs shall not be displayed within 100 feet of any Village-owned buildings or building containing a polling place (Wis. Statute 12.035), or displayed on properties or structures that are owned, operated, or maintained by any public agency, or on any Village-owned pole or traffic control devices, or on any pole, post, or appurtenance owned or operated by a utility. Political campaign signs shall not be located in any public right-of-way.
4. The candidate, entity, or property owner responsible for the erection or distribution of any such signs shall be required to remove them within five days after the election to which they refer.
5. The Village clerk, election inspector, Calumet County Sherriff, or their designee, are authorized to remove any signs in violation of this section.

- c. *Garage or yard sale signs.* Signs advertising garage sales or yard sales are permitted, provided that no sign shall exceed six square feet in area and is not erected more than four days prior to the event. One yard sale sign shall be allowed on premises. All signs shall be removed one day after the close of the garage or yard sale.
- d. *Construction signs.* Construction signs announcing the new building or projects, or advertising the company doing the work can be displayed throughout the duration of the work and shall be removed after the work has been completed.
- e. *Window graphics.* Temporary window graphics may not exceed 40 percent of the window area that does not contain permanent window graphics.

(Ord. No. 10-147, § 7.0(6), 7-27-2010)

**Sec. 117-182. - Prohibited signs.**

The following signs are expressly prohibited, unless otherwise stated in these regulations.

- (1) *Absence of permit.* Any non-exempt sign for which a permit has not been issued.
- (2) *Animated or moving signs.* A sign or other display with either kinetic or illusionary motion powered by manual, mechanical, electrical, or other means, including but not limited to flags having commercial messages, and all pennants, banners, streamers, propellers, and discs, as well as flashing signs, signs with illuminated elements that are used to simulate the impression of motion, and searchlights.
- (3) *Billboards and off-premises signs.* See section 117-185
- (4) *Message and flashing signs.* Any signs that include lights or messages which change, flash, blink, or turn on and off intermittently except those approved by the zoning administrator. The zoning administrator may approve message signs with the following conditions:
  - a. Such signs may be used only to advertise activities conducted on the premises or to present public services such as time, date, temperature or weather.
  - b. Traveling message may travel no slower than 16 light columns per second and no faster than 32 light columns per second.
  - c. No message may be displayed for less than one-half of a second and no message may be repeated at interval of less than two seconds.

- d. An electronic message sign shall not be located in a residential district.
- (5) *Glaring signs.* Signs with light sources or which reflect brightness in a manner which constitutes a hazard or nuisance. This includes but is not limited to signs with bare florescent bulbs, blinking, flashing or other bare bulb signs, or strobe lights, fluorescent text, graphics or background, as well as holographic signs. No sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. Signs found to be brighter than necessary for adequate visibility, as determined by the plan commission at a public hearing, shall be adjusted by the person owning or controlling the sign.
- (6) *Obstructive signs.* A sign or other advertising devise erected or maintained at any road intersection in a manner as to obstruct free and clear vision of the intersection.
- (7) *Inflatable signs and other objects.* Signs and other objects which are inflated, including, but not limited to, balloons. One bouquet of balloons shall be allowed on a premises that sells balloons. Balloons shall also be permitted in temporary situations or on special occasions at a residence.
- (8) *Posters and handbills.* Any signs affixed to any structures, trees or other natural vegetation, rocks, or poles.
- (9) *Roof signs.* Signs attached to, painted onto, or supported by the roof of a building.
- (10) *Simulated traffic signs and obstructions.* Any signs which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.
- (11) *Strings of light.* Any devices including lights that outline property lines, sales areas or any portion of a structure and are intended to advertise or draw attention to a business or commercial activity, except as follows:
  - a. Lights used temporarily as holiday decorations.
  - b. Lights or other devices used on a temporary basis on parcels on which carnivals, fairs or other similar temporary activities are held.
- (12) *Mobile signs.*
  - a. Any portable "A" frame or similar portable sign is prohibited except on a temporary basis not to exceed 48 consecutive hours not more than two times a year.

- b. Any sign displayed on a parked trailer or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes.
  - (13) *Multiple signs.* Multiple signs, logos, or insignia on a canopy or canopies, attached to a building or other structure that exceeds the maximum signable area for the premises.
  - (14) *Signs adversely affecting safety.* No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, driveway, or fire escape or to prevent free access from one part of the roof to any other part. No sign shall be attached to a standpipe or fire escape. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.
  - (15) *Sign emissions.* No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted.
  - (16) *Mirrors.* No mirror device shall be used as part of a sign.
- (Ord. No. 10-147, § 7.0(7), 7-27-2010)

**Sec. 117-183. - General requirements.**

The following limitations and obligations shall apply to all signs.

- (1) *Sign review.* The zoning administrator shall review all applications for new or altered signs, excluding exempt signs, within the Village.
- (2) *Sign permit.* No person shall locate, erect, move, reconstruct, or structurally alter a sign, except those permitted under section 117-181, without first obtaining a permit from the zoning administrator and paying required fees, and without meeting all the structural requirements of local and state building codes.
- (3) *Public property.* No portion of a privately-owned sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, a public right-of-way (such as a street, sidewalk, or waterway), or a proposed public right-of-way unless approved by the Village board.
- (4) *Destruction of vegetation.* Cutting or killing vegetation growing on public rights-of-way (or below the ordinary high water mark of navigable streams) to enhance visibility of a sign is prohibited.



- (5) *Natural areas.* Signs in wetlands and areas zoned "conservancy," except governmental and warning signs, are prohibited.
- (6) *Proximity to electrical conductors.* Signs and all supporting structures shall be no closer to electrical utilities than is permitted by applicable codes. No sign, including cables and supports, shall, in any event, be within six feet of any electrical conductor, electrical light pole, electric street lamp, traffic light, or other public utility pole.
- (7) *Responsibility for compliance.* The owner of a parcel on which a sign is placed and the person maintaining the sign are each fully responsible for the condition and the maintenance of the sign, and the area around the sign.
- (8) *Permanent sign requirements.*
  - a. *Materials.* A sign attached to any building shall be attached by corrosion-resistant metal attachments (bolts, anchors, or cables) to insure permanent and safe construction, and shall be maintained free from rust or other defects.
  - b. *Wooden standards and posts.* The construction of ground signs and sign boards may use wooden members when they are secure and erected upon standards and posts at least four inches by four inches square. Wooden members must be embedded in concrete or approved soil cement mixture of at least four feet below the natural surface of the ground. The required depth of embedment may vary depending upon sign area, overall height above grade, soil conditions and the number of supporting uprights, but shall be a minimum four feet in depth. When posts and anchors constructed from wood rest upon or are in the ground, they must be pressure-treated.
  - c. *Electric signs.* All electric signs shall be grounded and shall comply with the national and state electrical codes. All electrical connections, wiring to, or within the sign are subject to the provisions of the Village building code, the Wisconsin Administrative Code and the National Electric Code.
  - d. *Attachments.*
    1. No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe, and no sign or any part of any sign or any anchor, brace, or guide rod shall be

erected, relocated, put up, or maintained so as to hinder or prevent ingress or egress from public or private driveways, parking lots, or fire escapes, or through a door, doorway, or window or so as to hinder or prevent pedestrian traffic on a sidewalk or so as to hinder or prevent the raising or placing of ladders against a building by the fire department as necessity therefore may require. No sign shall be placed so as to obstruct or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public right-of-ways.

2. No advertising or regulatory sign or its structure shall be attached in any way to a tree or landscape feature.

e. *Lighting.* Lights may be permitted on signs provided that any reflective shields concentrate illumination on the sign so as to prevent glare upon streets or adjacent properties.

(9) *Maintenance.* Signs allowed by this section shall be maintained in a safe, presentable, and good condition at all times. This includes replacement of defective parts, painting, repainting, cleaning, and other acts required for maintenance of the sign and surrounding premises.

a. *Dilapidated and unmaintained signs.* Dilapidated, unmaintained, and/or unsafe signs, as determined by the Village, shall be subject to the razing provisions of Wis. Stats. § 66.0413.

b. *Abandoned signs.* The owner or lessee of a property shall remove an abandoned sign within 60 days of abandonment. If the sign owner, lessee, or owner of the premises fails to remove such sign, the zoning administrator may contract for removal of such sign(s) and assess all costs associated with such removal as a special tax against the property on which the sign(s) were located, such tax to be collected in the same manner as property taxes are collected in the Village.

(Ord. No. 10-147, § 7.0(8), 7-27-2010)

#### **Sec. 117-184. - On-premises signs.**

On-premises signs include signs, graphics, and displays for commercial, industrial, institutional, service or entertainment purposes, products, uses, or services conducted, sold or offered on the same premises where the sign is located.

(1) *Ground signs.* A premises may display one ground graphic on each street or highway on which it has frontage in commercial or industrial zoning districts. Size, setback and height regulations are listed under the zoning districts where they apply.

a. *Neighborhood commercial (CN) zoning district.*

1. *Size regulations.* Freestanding signs or displays shall not exceed 50 square feet, per side, all areas combined. Signs shall not have more than two sides.
2. *Sign location.* All freestanding signs or displays shall be erected at least ten feet from any property line or right-of-way, and shall be located outside all vision clearance triangles. Signs shall also be located a minimum of ten feet from the edge of a driveway. Such distance shall be measured to the nearest portion of the sign whether it is the sign face, sign edge, or sign base.
3. *Height regulations.* No portion of any freestanding on-premises sign or display shall be more than 20 feet above the natural grade immediately adjacent to the sign.

b. *Office and retail commercial (COR), community commercial (CC), business park (BP), and industrial and manufacturing (IM) zoning districts.*

1. *Size regulations.* Freestanding signs or displays shall not exceed 100 square feet, per side, all areas combined. Signs shall not have more than two sides. Size may be increased to 150 square feet, per side, all areas combined, for a corner lot if the owner agrees to limit the number of signs to one.
2. *Sign location.* All freestanding signs or displays shall be erected at least ten feet from any property line or right-of-way, and shall be located outside all vision clearance triangles. Signs shall also be located a minimum of ten feet from the edge of a driveway. Such distance shall be measured to the nearest portion of the sign whether it is the sign face, sign edge, or sign base.
3. *Height regulations.* No portion of any freestanding on-premises sign or display shall be more than 35 feet above the natural grade immediately adjacent to the sign.

4. *Landscaping.* A landscaped area located around the base of the ground sign equal to one half of a square foot for each square foot of ground graphic area is required for all ground signs. The landscaped area shall contain living landscape material consisting of shrubs and/or perennial ground cover plants placed throughout the required landscape area having a spacing of not greater than four feet on center.
- c. *General agricultural (AG) zoning district.*
1. *Size regulations.* Freestanding signs or displays shall not exceed 100 square feet, per side, all areas combined. Signs shall not have more than two sides.
  2. *Sign location.* All freestanding signs or displays shall be erected at least ten feet from any property line or right-of-way line, or officially mapped street line and shall be located outside all vision clearance triangles. Signs shall also be located at least ten feet from the edge of a driveway. Such distance shall be measured to the nearest portion of the sign whether it is the sign face, sign edge, or sign base.
  3. *Height regulations.* No portion of any freestanding sign or display shall be more than 20 feet above the natural grade immediately adjacent to the sign.
- (2) *Wall signs.* In commercial or industrial zoning districts, a premises, and each occupant of a multi-use building, may display wall signs on walls fronting a public or private street.
- a. Sign structure graphic display area (signable area). The person or business displaying wall sign shall have a total signable area on each façade of the building that has frontage on a street or highway. The total signable area is dependent upon the linear foot measurement of the façade. Signable area requirements are as follows:
    1. *Signable area allowed.* The total signable area a premises can display shall not exceed one square foot for each linear foot of façade or 100 square feet, whichever is smaller, on which the graphics will be located.

2. *How displayed.* The sign structure graphic display area may be displayed as one wall graphic or divided among two or more wall graphics.
  3. *Additional limitations.* Wall graphics may be painted on, attached to, or pinned away from the wall, but must not project from the wall by more than six inches and must not interrupt architectural details.
- (3) *Special street graphics.*
- a. *Projecting graphics.*
    1. *Where permitted.* Any business in a commercial or industrial zoning district and each occupant of a multi-use building may display one projecting graphic on each street or highway frontage.
    2. *Signable area.* Any signable area selected for display as a projecting graphic shall not exceed 12 square feet and shall be subtracted from the total signable area allocated for wall graphics (subsection (2)) to the façade to which the projecting graphic will be attached.
    3. *Height, width, and projection.* Projecting graphics must have an overhead clearance from sidewalks by at least ten feet and may project no more than four feet from a building. Projecting graphics must project from the wall at an angle of 90 degrees. Angular projection from the corner of a building is prohibited.
  - b. *Awnings.*
    1. *Where permitted.* A premises, and each occupant of a shopping center or multi-use building may display an awning on each street or highway frontage in the neighborhood commercial (CN), office and retail commercial (COR), community commercial (CC), and business park (BP) zoning districts.
    2. *Signable area.* A street graphic may be displayed on one signable area selected for display on an awning. It shall not exceed 40 percent of the area of the principal face of the awning and shall be subtracted from the signable area allocated for wall graphics (subsection (2)) permitted for each facade.

3. *Height and width.* Awnings must clear sidewalks by at least eight feet and may extend up to ten feet in width.
  4. *Lighting.* Awnings may be nonilluminated or externally illuminated only by down-directed and shielded fixtures of white light.
- c. *Window graphics.* A premises, or an occupant of a shopping center or multi-use building, may display permanent window graphics not to exceed 40 percent of the window area of the façade of a building.
- d. *Sign permit.*
1. *Sign permit procedure.*
    - i. Concept review.
      - (a) Applicant submits a completed application to the zoning administrator.
      - (b) The zoning administrator reviews the application and plans for municipal code compliance and either approves, approves with modifications, or rejects the application.
  2. *Required materials.*
    - i. *Application.* Every applicant for a sign permit shall complete a written application form, with supplementary attachments, if necessary, containing the following information:
      - (a) Site location;
      - (b) Owner's name;
      - (c) Building occupancy; and
      - (d) Site zoning.
    - ii. *Fees.* The sign application and permit fee as set forth in the zoning fee schedule, reference this code section, shall be paid at the time of application submittal.
    - iii. *Elevation.* The elevation shall include the following:
      - (a) Dimensions of sign face;

- (b) Image of sign (i.e. lettering, logos, and graphics) indicating size, style, of lettering, material, color, and layout design; and
  - (c) Distance between grade and the bottom of sign and overall height of sign (freestanding signs only).
- iv. *Site plan.* The site plan shall include the following:
  - (a) Property line;
  - (b) Location of sign;
  - (c) Distance of sign to property line; and
  - (d) Driveway accessways.
- 3. *Issuance of permit.* Once the preliminary application has been submitted, approval has been granted by the zoning administrator and/or the plan commission, and the final application has been submitted with all applicable fees paid, the permit can be issued.
- 4. *Revocation.* All rights and privileges acquired under this section or any amendment thereto are revocable for cause at any time by the zoning administrator. If the work authorized under permit has not been completed within one year after date of issuance, the said permit shall become null and void.

*(Ord. No. 10-147, § 7.0(9), 7-27-2010; Ord. No. 11-152, 3-29-2011)*

**Sec. 117-185. - Off-premises signs.**

- (a) *Off-premises signs and billboards restricted.* All off-premises signs and billboards are prohibited in the Village regardless of the nature, size or location, except as provided in this section.
- (b) *Application.* Off-premises signs or billboards shall not be erected in the Village in any location unless a permit is first obtained therefore from the Village board. A permit shall not be issued unless an application is obtained from the building inspector and filed when applying for the permit. The building inspector shall not issue any permit in excess of the inventory established in subsection (e) unless specifically authorized by the Village board. The permit application shall further contain all the information required by subsection (e)(6), application for a permit.
- (c) *Restrictions.* In issuing permits for off-premises signs and/or billboards the Village designee shall see that the following restrictions are complied with:

- (1) All off-premises signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, or those of red, green or amber color at intersections are prohibited. Lights from any illumination shall be shaded, shielded or directed so that the light intensity or brightness will be minimized to the surrounding areas. Such illumination shall be direct and the source of light shall not be exposed when facing a residential zone. There shall be no direct illumination upon a roadway and no glare or source of light shall be visible.
- (2) There shall be no off-premises signs of any nature in the Village located within a radius of 200 feet of a residential district.
- (3) There shall be no off-premises signs in the Village which are more than 35 feet in height above the adjacent street level.
- (4) There shall be a spacing of at least 1,000 feet between any two off-premises signs.
- (5) Off-premises poster panel and painted bulletin signs in the Village (off property) shall only be allowed in business and industrial districts and in those districts shall be subject to the further limitations of this section.
- (6) Any off-premises signs shall not be greater than seven hundred feet and shall be permitted in industrial districts and commercial districts only and in those districts only on federal aid primary highways.
- (7) No off-premises sign permitted by this section or any other code of the Village shall, in any manner, project over the right-of-way of any highway or roadway in the Village.
- (8) Any off-premises sign for advertising purposes in the Village shall have at least ten feet of under-clearance unless erected upon or against an existing building.
- (9) No off-premises signs in the Village shall be allowed within 200 feet of the bank, bulkhead or floodway line of a river or any other navigable stream.
- (10) Any off-premises signs erected in the Village shall be erected on no more than two uprights and shall be engineered to withstand at least 30 pounds per square foot wind load.
- (11) No off-premises advertising signs shall be allowed to be placed on the roof of an existing building.
- (12) No permit shall be issued unless the applicant provides such proof as the building inspector may require that any state permit required for such sign has been obtained.



- (13) No permit shall be issued unless the applicant provides such proof as the building inspector may require that the applicant owns the land or has a lease, easement or other interest permitting construction of the sign.
- (d) *Time limit.* Permits for off-premises poster panel and painted bulletin signs shall be valid for one year. No such signs shall be erected unless construction of the sign starts during the one year period during which the permit therefore is valid.
- (e) *Regulations related to off-premises signs; inventory, removal, replacement, alteration and nonconforming signs.*
- (1) *Inventory.* An inventory of all existing and permitted off-premises outdoor advertising signs and/or billboards shall be conducted within 30 days of the enactment of this section. The number of signs then legally permitted or in existence as of May 1, 2001 shall represent the maximum number of off-premises outdoor advertising signs permitted with the Village.
- a. For purposes of this subsection, inventory shall mean the number of off-premises sign panels and/or billboards authorized and in existence on May 1, 2001.
- b. Any signs authorized as of May 1, 2001, but not constructed as of the date of the enactment of this section, shall be constructed within one year after enactment of this section. Any authorized signs not constructed within one year after the date of enactment of this section shall be removed from the inventory of off-premises outdoor advertising signs and shall correspondingly reduce the number of signs permitted within the Village. Any signs now existing that are illegal will not be included in this inventory and shall be removed.
- (2) *Signs removed.* Any sign removed after May 1, 2001 which is not replaced in compliance with this section or any sign ordered to be removed by order of a court of competent jurisdiction after May 1, 2001 shall be removed from the inventory and correspondingly reduce the number of signs permitted within the Village.
- (3) *Replacement sign.* Any replacement sign pursuant to this section shall comply with all then existing applicable ordinances for the location and construction of such sign.
- a. Prior to the removal of any off-premises outdoor advertising sign the owner shall first obtain a wrecking permit from the Village. No work shall be performed under such wrecking permit until the sign has been inspected and measured with respect to square footage of

- the panels of the signs. Such inspection and measurement shall be done by the Village.
- b. Any sign removed may be replaced by a sign that does not exceed the cumulative square footage of the panel faces it is replacing. No sign may be relocated without Village board permission.
  - c. Any sign replaced pursuant to this subsection shall be reconstructed within one year after the issuance of the wrecking permit for the sign which it is replacing.
- (4) *Signs acquired by Village.* Any sign acquired by the Village may be replaced by the sign owner within one year after the date that the Village acquires the sign.
- a. For purposes of this subsection, the date of acquisition in condemnation cases shall be the date the jurisdictional offer is issued for acquisition of that sign.
  - b. In all other cases, the date of acquisition shall be the date on which the property owner accepts the Village's offer to purchase such sign.
- (5) *Signs photographed.* All off-premises outdoor advertising signs shall be photographed annually by the Village's building inspector. Such photographs shall be available for regular public inspection and shall be maintained by the Village indefinitely.
- (6) *Application for a permit.* The application for off-premises commercial and billboard sign permits shall contain all information, drawings and specification necessary to fully advise the building inspector of the type, size, shape, location, zone, construction and materials of the proposed sign and the building structure or premises upon which it is to be placed. When applying for a billboard permit, the billboard operator shall, in addition to the above, furnish the following information at the time of permit application:
- a. The location of the proposed sign in relation to the property lines and any building, fence or other structure on the property.
  - b. The building setback lines and the location of any easements on the property.
  - c. The distance to the nearest billboard.
  - d. An affidavit from the property owner authorizing erection of the sign or an executed lease agreement.
  - e. The street address of the sign.

- f. An engineer's certificate.
  - g. A state permit.
- (7) *Variance.* Only the Village board may grant variances to this section 117-185
- (8) *Alteration; relocation.* No sign or billboard in the Village shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this chapter. The changing of movable parts of signs designed to be changed or the repainting of display matter in conformity herewith shall not be deemed to be alterations with the meaning of this section.
- (9) *Nonconforming signs.* Notification of nonconformity. The building inspector shall survey the Village for signs which do not conform to the requirements of this section. Upon determination that a sign is a nonconforming sign, the building inspector shall use reasonable efforts to notify, either personally or in writing, the user or owner of the property on which the sign is located.
- (10) *Limitations.* Enacting this chapter, special notice has been taken of the often competing viewpoints of citizens and the sign industry, particularly that portion of the industry engaged in billboard operations. Frequently, the citizens' right to an unobstructed view has been pitted against the right of the sign industry and its clients to do business, promoting a "winner takes all situation" in resolving conflicts. This section has been designed to protect and accommodate both concerns. As such, it has inevitably and properly led to some forms of compromise. In arriving at these compromises, every possible consideration has been afforded the public interest, individual property and business rights and the need for signs and outdoor advertising. Compromise obviously implies mutual concessions and/or losses. It also suggests that this chapter has been developed in that spirit, mutual gains and benefits. It is further the intent of this section that its burdens and benefits be fairly and rationally distributed among all parties involved.

(Ord. No. 10-147, § 7.0(10), 7-27-2010)

**Sec. 117-186. - Temporary signs.**

In addition to the permanent signs allowed under this article, a premises, or an occupant of a multi-use building may display temporary signs for a limited period of time and for

the purpose of announcing or promoting a new building, development, subdivision, grand opening, or special event.

(1) *General guidelines.*

- a. *Number.* One wall-mounted or waving sign per street frontage. A maximum of two temporary sign permits will be issued per calendar year for a time period up to 30 days.
- b. *Area.* Temporary signs shall not exceed 32 square feet.

(2) *Temporary sign permit.* Temporary signs may be erected in all commercial or industrial districts only after obtaining a temporary sign permit, which shall cite the length of time the sign may be displayed.

a. *Temporary sign permit procedure.*

- 1. Applicant submits a completed application along with the required materials to the zoning administrator.
- 2. The zoning administrator reviews the application and plans for municipal code compliance and approves, approves with modifications, or rejects the sign application.

b. *Required materials.*

- 1. *Application.* Every applicant for a sign permit shall complete a written application form, with supplementary attachments, if necessary, containing the following information:

- i. Site location;
- ii. Owner's name;
- iii. Building occupancy;
- iv. Site zoning; and
- v. Proposed dates of display (time period).

- 2. *Fees.*

- i. The temporary sign application and permit fee as set forth in the zoning fee schedule, reference this code section, shall be paid at the time of application submittal.
- ii. *Deposit.* There is a deposit for temporary signs as set forth in the zoning fee schedule, reference this code section, which will be refunded upon applicant's certification that sign(s) has (have) been removed within the time period specified on the permit.

3. *Elevation.* The elevation shall include the following:
  - i. Dimensions of sign face; and
  - ii. Image of sign (i.e. lettering, logos, and graphics) indicating size, style, of lettering, material, color, and layout design.
4. *Issuance of permit.* Once the application has been submitted and all applicable fees paid, approval has been granted by the zoning administrator, the permit can be issued.
5. *Revocation.* All rights and privileges acquired under this section or any amendment thereto are revocable for cause at any time by the zoning administrator. If the work authorized under permit has not been completed within one year after date of issuance, the said permit shall become null and void.

*(Ord. No. 10-147, § 7.0(11), 7-27-2010)*



## Article VIII FENCES AND WALLS

### Sec. 117-216. - Categories.

Fences and walls are subject to the provisions of this article. Agricultural fences are governed by Wis. Stats. ch. 90.

- (1) *Boundary fence.* A fence placed on or approximately following the property lines of adjacent properties.
- (2) *Protective fence.* A fence constructed to enclose a hazard to the public health, safety and welfare.
- (3) *Aesthetic fence.* A fence constructed to enhance the appearance of the structure or the landscape, such as a refuse container or dumpster enclosure.

(Ord. No. 10-147, § 8.0(1), 7-27-2010)

### Sec. 117-217. - Height.

The height of fences and walls shall be measured vertically from the finished grade on the exterior side of the fence or wall. Raising the finished grade by placing fill for the purpose of additional height to a fence or wall is prohibited. If a fence or wall is placed on a berm, the berm shall be included in the height of the fence or wall and the height shall be measured vertically from the base of the berm, unless said fence or wall is approved in conjunction with a conditional use permit or a variance is granted by the zoning board of appeals.

- (1) *Boundary fence.* A boundary fence or wall shall not be more than six feet in height in residential zoning districts and not more than eight feet in commercial and industrial zoning districts, except that hedges may be permitted to grow to their natural height.
- (2) *Protective fence.* Within a commercial or industrial zoning district, a protective fence or wall shall not be more than eight feet in height.
- (3) *Aesthetic fence.* An aesthetic fence or wall shall not be more than six feet in height, except for dumpster/refuse enclosures which may be up to a height of eight feet.
- (4) *Special height provisions.*
  - a. *Sound barrier/privacy fence or wall on an arterial/collector roadway.* A sound barrier/privacy fence or wall constructed in a board-to-board or stone, masonry or brick and mortar style may be erected that prevents sound penetration and decreases the noise levels along the back or side lot line of a residential property

abutting an arterial or collector street that has access restrictions and that is posted at no more than 45 miles per hour, shall not exceed eight feet in height. Such fence shall be constructed along all lots of the recorded subdivision adjacent to the roadway.

- b. *Sound barrier fence or wall on a freeway roadway.* A sound barrier fence, wall or combination of fence and berm or wall and berm constructed in a board-to-board or stone, masonry or brick and mortar style may be erected that prevents sound penetration and decreases the noise levels along the back or side yard abutting a highway that is posted with a speed greater than 45 miles per hour shall not be less than ten feet nor more than 20 feet in height, as measured from the grade of the adjacent major roadway. Plans from a state certified engineer/architect that assure structural integrity may be required by the zoning administrator. Such fence shall be approved in accordance with article XI, Conditional Use Permits.

*(Ord. No. 10-147, § 8.0(2), 7-27-2010)*

**Sec. 117-218. - Setback and location.**

Fences may be located so that the exterior side or face of the fence is on the lot line. All fences shall be located no closer than six inches to the front lot line. Fences shall not be located within any recorded easement without the written consent of the entity controlling the easement.

- (1) *Fences located in the front yard setback area.*
  - a. All fences located within the front yard setback area shall be a minimum of 50 percent open to vision through the fence equally distributed throughout the fence length.
  - b. No boundary or aesthetic fence or wall, including a hedge or row planting, shall be permitted in excess of four (4') feet in height in the front yard setback area. Visual clearance requirements of Section 117-53 shall be met.
  - c. Exceptions. If the fence is located on a double frontage lot where there is an access restriction on one frontage, then that frontage with access restriction may be treated as a side or rear yard for fence placement.

*(Ord. No. 10-147, § 8.0(3), 7-27-2010)*



**Sec. 117-219. - Materials.**

- (a) Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited, except in the Agricultural (AG) and industrial and manufacturing (IM) districts.
- (b) For all zoning districts other than AG, fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the zoning administrator. Chain link fence slats are subject to provisions of this chapter for solid-type fences. Chain link fence slats shall not be allowed in areas adjacent to residential zoning districts
- (c) Fences and walls located in the front yard must be made of materials such as wood, brick, vinyl or stone.
- (d) The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.
- (e) No fence or wall shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, railroad ties, utility poles or other similar items.

*(Ord. No. 10-147, § 8.0(4), 7-27-2010)*

**Sec. 117-220. - Exceptions.**

Protective security and boundary fences on industrial sites, publicly owned lands or semi-private lands such as places of worship, educational institutions, utility substations, etc. are excluded from the provisions of this article, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than seven feet above the ground level, and except such fences shall be a minimum of two-thirds open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.

*(Ord. No. 10-147, § 8.0(5), 7-27-2010)*

**Sec. 117-221. - Vision corner.**

Fences and walls shall comply with vision clearance requirements of section 117-53.

*(Ord. No. 10-147, § 8.0(6), 7-27-2010)*

**Sec. 117-222. - Maintenance.**

Both the fence and the property surrounding both sides of the fence shall be properly maintained at all times. Fences shall not create an appearance of patchwork. Fences shall be maintained in such a way that it will remain plumb and in good repair.

*(Ord. No. 10-147, § 8.0(7), 7-27-2010)*



## **Article IX    LANDSCAPING AND SCREENING**

### **Sec. 117-256. - General requirements.**

The landscape design and planting plan is to be an integral part of the site development. All landscape plans will be reviewed by the site plan review committee (SPRC) in conjunction with the overall site development plan. All vegetation used to satisfy requirements of this article shall be indigenous to the appropriate hardiness zone and physical characteristics of the site. Landscape features should be used so as to create a park-like appearance, while addressing the considerations of visual screening, land cooling, drainage and other environmental concerns.

*(Ord. No. 10-147, § 9.0(1), 7-27-2010)*

### **Sec. 117-257. - Naturalist design elements.**

Efforts should be made to integrate each new landscape plan with existing trees and vegetation, the natural conditions of the site and adjacent property's landscape designs. For consistency, a naturalistic design theme is preferred. Elements of naturalistic design include:

- (1) Canopy trees distributed over the entire site.
- (2) Meandering lawn spaces formed by masses of shrubs.
- (3) Occasional "accent" plants used in conjunction with masses of background plants to provide visual interest without being chaotic.
- (4) Use of gentle berming to break up the horizontal ground plane.
- (5) The use of landforms and masses of plant material to screen visually obtrusive utilities.
- (6) Appropriately sized and spaced foundation plantings to visually soften the building and provide human scale.
- (7) Excess excavation material shall not be permitted on site after completion of site work.

*(Ord. No. 10-147, § 9.0(2), 7-27-2010)*

### **Sec. 117-258. - Standards.**

All landscape designs shall meet the following standards:

- (1) The minimum "green space" area shall be the percentage identified in the particular zoning district.
- (2) The street front yard and side yards abutting the front one-third of the building shall be seeded or sodded. All other green areas shall at least be

seeded with appropriate seed mix. The following exceptions may be granted by the SPRC.

- a. The use of mulch materials for shrubs and foundation plantings.
  - b. The seeding of future expansion areas as shown on site development plans.
  - c. Areas designated as green space to be properly planted and maintained in a "natural state".
- (3) Berm siting. When site is abutting residential zonings, a berm may be required which is four feet high and 16 feet wide, with plantings that will provide 75 percent opacity within five years.
  - (4) Species of trees. All trees used in site development shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.
  - (5) All plant material shall conform to "American Standards for Nursery Stock", latest edition, sponsored by the American Association of Nurserymen, Inc. All vegetation shall be planted in accordance with accepted planting procedures. Plants that die must be replaced within one year. When a height specification is stated, the planted material must obtain said height within five years.
  - (6) Landscape points. Landscaping shall be required so as to accumulate 20 landscape points per 1,000 square feet of impervious surface. Landscape points shall be accumulated according to the following:

**Table 17. Landscape Points**

Landscape Element	Minimum Planted Size	Points
Canopy trees	Two-inch diameter measured six inches from ground	50
Evergreen trees	Six feet high	30
Ornamental trees	Five feet high	20
Tall shrubs	24 inches high	12
Medium shrubs	18 inches high	8
Low shrubs	15 inches high	4

Landscape points should be distributed so that approximately one-half are from the tree category and one-half are from the shrub category.

Landscape points should also be distributed reasonably among the varying classifications with each category.

- (7) Parking lot landscaping. Landscaping should be provided within all parking lots. Parking lot plantings shall provide screening and shade, and are intended to reduce glare and heat from pavement surfaces, by meeting the following standards:
- a. Each parking row, regardless of its length, should begin and end with a landscape island.
  - b. Parking lot landscape areas should have a minimum width of eight feet and a depth equal to the depth of the parking stall
  - c. Landscape islands should include a combination of two-inch deciduous caliper trees and shrubs. Shrubs to be maintained at a height not to exceed three feet.
- (8) Screening or buffer yard. When development abuts or is across a street from a residential zoning or use, or a less intensity use such as a church or school, the following applies:
- a. When required the landscaped buffer area shall not be less than ten feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
  - b. Landscaped areas shall be so designed, planted and maintained to create a visual screen between the subject property and adjacent properties or the public street and shall when adjacent or across the street from residential properties provide 75 percent or more opacity between two feet and six feet above average ground level when viewed horizontally where development abuts the residential district.
  - c. Types and numbers of plantings for landscaped buffers shall be provided on the landscape plan submitted with the site plan review application, along with plans and statements demonstrating how the buffer will be maintained in the future.
  - d. Plantings shall be of a size and type, which will insure the meeting of the 75 percent opacity requirement within 12 months of the date of the first planting.
- (9) Credit for preserved existing plant materials. Every attempt shall be made to preserve existing plant materials, in which case the following applies:
- a. In both a non-buffer and buffer yard, existing shade trees, evergreens and decorative trees over six feet in height shall replace one equivalent type of required planting.

- b. In both a non-buffer and buffer yard, existing shrubs over five feet in height shall replace one required shrub planting.
- c. Plantings to be preserved shall be shown on the submitted landscape plan, including exact location, size and type.

(Ord. No. 10-147, § 9.0(3), 7-27-2010)

**Sec. 117-259. - Timing and maintenance.**

- (a) *Implementation and replacement.* All approved landscaping is to be installed within one planting season of the landscape/site development plan approval. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance, and free of refuse and debris. All plantings shall be arranged and maintained so as not to obscure the vision of traffic. Any vegetation which is shown on the approved landscape/site development plan that dies within two years of planting must be replaced within one planting season per approved landscape/site development plan.
- (b) *Timing of landscape improvements.* All landscaping shall be completed before final occupancy is granted. If it is not possible, due to weather conditions, then the applicant shall enter into a development agreement with the Village which specifies a planting schedule and submit a bond or letter of credit in the amount for the cost of completing such landscaping as required in the Landscape Plan.
- (c) *Maintenance.* It shall be the responsibility of the owner and/or lessee of the principal use, uses, or building to perform the necessary maintenance of all landscaping, including mowing, trimming, watering, and fertilization of all grass, ground cover shrubs or trees, and the removal of dead or waste material.
- (d) *Failure to maintain.* Failure to maintain the landscaping in accordance with an approved landscape plan shall be deemed a violation of this chapter.

(Ord. No. 10-147, § 9.0(4), 7-27-2010)

**Article X      NONCONFORMING USES & STRUCTURES**

**Sec. 117-276. - Purpose.**

The purpose of this article is to provide for the regulation of nonconforming structures and the gradual elimination of nonconforming uses by allowing short-term maintenance and improvement of nonconformities.

*(Ord. No. 10-147, § 10.0(1), 7-27-2010)*

**Sec. 117-277. - Nonconforming structures and buildings.**

- (a) *Alterations.* Alterations within the footprint of a nonconforming building or structure may be allowed provided that the alteration conforms with the requirements of the district in which it is located and all other provisions of this chapter, including but not limited to maximum lot coverage, off-street parking, loading, landscaping and maneuvering standards. Alterations are defined as:
  - (1) Changing or rearranging the supporting members of an existing building or structure, such as bearing walls, columns, beams, girders, or interior partitions.
  - (2) Changing location of doors, windows, means of ingress and egress.
  - (3) Adding asphalt or concrete over a gravel parking lot or parking space.
  - (4) Removing asphalt or concrete from a parking lot or parking space and exposing the gravel base course and the repaving of such area.
- (b) *Additions.* Additions made to nonconforming buildings or structures may be permissible in the front, side and rear yards subject to the following:
  - (1) The addition shall not encroach into the required side yard setbacks of the district in which it is located.
  - (2) The addition shall not further encroach into the established nonconforming front or rear yard setbacks of the existing nonconforming structure.
  - (3) The total square footage of all additions shall not exceed 50 percent of the ground floor area of the existing structure or building at the time of the effective date of this chapter.
  - (4) The addition shall conform with all other requirements of the zoning district in which it is located and all other provisions of this chapter, including, but not limited to, maximum lot coverage, off-street parking, loading, and landscaping standards.
- (c) *Reconstruction.*
  - (1) Reconstruction of a nonconforming building or structure which is damaged to the extent of more than 50 percent of the fair market value, as



determined by the Village assessor, may be reconstructed subject to the following:

- a. The reconstruction of a nonconforming building or structure shall conform to the required yard setbacks of the district in which it is located.
  - b. The reconstruction of a nonconforming building or structure shall conform with the other requirements of the zoning district in which it is located and this chapter, including, but not limited to, maximum lot coverage, off-street parking, loading, and landscaping standards.
- (2) Reconstruction of a nonconforming building or structure which is damaged to the extent of less than 50 percent of the fair market value, as determined by the Village assessor, may be repaired, reconstructed or restored provided that the nonconforming building or structure does not encroach into any established nonconforming yard setbacks or required yard setbacks.
- (d) *Relocation of building or structure.* No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved and, the use made thereof, is made to conform to all of the requirements of the zoning district in which it is located. The building or structure and site shall also comply with all other provisions of this chapter, including but not limited to maximum lot coverage, off-street parking, loading, and landscaping standards.
- (e) *Maintenance and repairs.* Ordinary maintenance and repairs made to a nonconforming building or structure may be allowed provided that ordinary maintenance and repair conforms with the requirements of the zoning district in which it is located and all other provisions of this chapter, including, but not limited to, maximum lot coverage, off-street parking, loading, and landscaping standards. Ordinary maintenance and repairs are defined as follows:
- (1) Internal and external painting, decorating.
  - (2) The repair or replacement of doors, windows, nonbearing walls, fixtures, heating components, wiring, plumbing, siding, roofing or other nonstructural components.
  - (3) Resurfacing a parking lot or parking space, which means adding a layer of asphalt or concrete to an existing off-street parking lot or parking space.

(Ord. No. 10-147, § 10.0(2), 7-27-2010; Ord. No. 11-152, 3-29-2011)

**Sec. 117-278. - Nonconforming use of structure or building.**

The lawful use of a building or structure existing on the effective date of this chapter, may be continued although such use does not conform with provisions of this chapter, except as otherwise provided in this section:

- (1) *Change in tenancy, ownership or management.* There may be a change in tenancy, ownership or management of a nonconforming use of a building or structure provided there is no change in the historically allowed nonconforming use.
- (2) *Enlargements.* The nonconforming use of a building or structure shall not be enlarged or increased, nor extended to occupy a greater area of lot, parcel, site, building or structure than was occupied at the time of the effective date of this chapter.
- (3) *Relocation.* No nonconforming use of a building or structure shall be moved in whole or in part to any other portion of the lot, parcel or site than was occupied by such use at the time of the effective date of this chapter.
- (4) *Maintenance and repairs.* Ordinary maintenance and repairs made to a building or structure which contains a nonconforming use may be allowed provided that ordinary maintenance and repair conforms with the requirements of the zoning district in which it is located, there is not an identifiable change in the historically allowed nonconforming use and such nonconforming use continues and all other provisions of this chapter, including, but not limited to, maximum lot coverage, off-street parking, loading, landscaping and maneuvering standards. Ordinary maintenance and repairs are defined as follows:
  - a. Internal and external painting, decorating.
  - b. The repair or replacement of doors, windows, nonbearing walls, fixtures, heating components, wiring, plumbing, siding, roofing or other nonstructural components.
- (5) *Abandonment.* The nonconforming use of a building or structure which has been discontinued for a period of 12 consecutive months, shall be deemed abandoned and the future proposed use of the building or structure shall be in conformity with the use requirements of the zoning district in which it is located.

*(Ord. No. 10-147, § 10.0(3), 7-27-2010)*

**Sec. 117-279. - Nonconforming use of land.**

The lawful use of land where no building is involved, existing on the effective date of this chapter, may be continued although such use does not conform with provisions of this chapter, except as otherwise provided in this section:

- (1) *Change in tenancy, ownership, or management.* There may be a change in tenancy, ownership or management of a nonconforming use of land provided there is no change in the historically allowed nonconforming use.
- (2) *Enlargements.* The nonconforming use of land shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time of the effective date of this chapter.
- (3) *Relocation.* No nonconforming use of land shall be moved in whole or in part to any other portion of the lot, parcel or site than was occupied by such use at the time of the effective date of this chapter.
- (4) *Maintenance and repairs.* Lots containing a nonconforming use of land, which do not have a building thereon, may be maintained or repaired provided that the ordinary maintenance and repair conforms with the requirements of the district in which it is located, there is not an identifiable change in the historically allowed nonconforming use and such nonconforming use continues and all other provisions of this chapter, including, but not limited to, maximum lot coverage, off-street parking, loading, and landscaping standards. Ordinary maintenance and repairs are defined as follows:
  - a. Resurfacing a parking lot or parking space, which means adding a layer of asphalt or concrete to an existing off-street parking lot or parking space;
  - b. Removing asphalt or concrete from a parking lot or parking space without exposing the gravel base course and repaving such area.
  - c. Repairing and replacement of bumper or wheel stops, fences, and landscape screening provided that the amount of land devoted to such nonconforming use is not increased.
- (5) *Abandonment.* The nonconforming use of land which has been discontinued for a period of 12 consecutive months, shall be deemed abandoned and the future proposed use of the land shall be in conformity with the zoning district in which it is located and all other provisions of this chapter, including, but not limited to, maximum lot coverage, off-street parking, loading, and landscaping standards.

(Ord. No. 10-147, § 10.0(4), 7-27-2010)

**Sec. 117-280. - Establishing the existence of a nonconforming use.**

The burden of proof that a legally permitted (historically allowed) nonconforming use of structure, building or land existed at the time of the adoption of this chapter shall be the responsibility of the property owner.

*(Ord. No. 10-147, § 10.0(5), 7-27-2010)*

**Sec. 117-281. - Nonconforming characteristics.**

If a use has nonconforming characteristics (parking, lighting, noise, and other matters), such use shall not be expanded until the nonconforming characteristic(s) are made to be conforming.

*(Ord. No. 10-147, § 10.0(6), 7-27-2010)*

**Sec. 117-282. - Nonconforming accessory buildings or structures.**

Additions to legal nonconforming accessory buildings or structures may be permitted provided that:

- (1) The existing accessory building or structure is not located closer than five feet from the principal building, provided all applicable local and state building codes are met.
- (2) The addition shall not result in new construction which exceeds 50 percent of the original size of the accessory building or structure.
- (3) The addition will not further encroach into the established nonconforming yard setbacks and clearance areas.

*(Ord. No. 10-147, § 10.0(7), 7-27-2010)*

**Sec. 117-283. - Existing buildings or structures.**

- (a) *Existing structures.* When the Village acquires land for right-of-way or other essential services, the affected properties or structures shall not be considered nonconforming if the properties or structures were conforming prior to the Village's action. All affected properties or structures shall be documented on a permanent master list on file with the zoning administrator. This provision is effective as of the adoption date of this chapter and is not retroactive.
- (b) *Certificate of occupancy.* A certificate of occupancy is required for any change in a nonconforming use.

*(Ord. No. 10-147, § 10.0(8), 7-27-2010)*

**Sec. 117-284. - Nonconforming lot of record.**

Nonconforming lots of record may be developed under the following conditions:

- (1) In any district, any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, or both for the zoning district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership, and provided all other requirements for the district are met.
- (2) If two or more lots, or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this chapter, the lands involved shall be considered to be in individual parcel for the purposes of this chapter, and no portion of such parcel shall be used, divided, or sold which does not meet the lot area and lot width requirements for the district in which it is located.
- (3) The front yard setback shall be as established by the zoning district in which the lot is located without reduction unless abutting structures are closer to the front lot line. In that case, the new front yard setback shall be the average of the existing front yard setbacks of the abutting structures on each side.
- (4) All other lot development standards shall be met.

**Sec. 117-285. Restoration of Certain Nonconforming Principal or Accessory Buildings or Structures.**

- (a) A nonconforming principal or accessory building or structure may be restored or repaired to the size, location and use that it had immediately before damage or destruction occurred, and without regard to the cost of such restoration, repairs or improvements if both of the following apply:
  - (1) The nonconforming principal or accessory building or structure was damaged or destroyed on or after March 2, 2006.
  - (2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- (b) The size of such nonconforming principal or accessory building or structure or to which this subsection applies may be enlarged if such enlargement is made necessary for the principal or accessory building or structure to comply with applicable state and federal requirements.

*(Ord. No. 10-147, § 10.0(9), 7-27-2010)*



## Article XI    **CONDITIONAL USE PERMITS.**

### **Sec. 117-316. - General.**

A conditional use is a use or structure that may not be appropriate as a general permit or unrestricted throughout a district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, comfort, convenience or the general welfare. A conditional use permit shall be required for the establishment of each use or structure listed as a conditional use in that zoning district, and for any modifications pursuant to section 117-323. A conditional use shall not be issued for any other use or structure except as provided by section 117-48(5), uses not listed.

*(Ord. No. 10-147, § 11.0(1), 7-27-2010)*

### **Sec. 117-317. - Procedure.**

- (a)    *Application.* All written applications for a conditional use permit shall be submitted to the zoning administrator on forms supplied by the Village, accompanied by a nonrefundable application fee as set forth in the zoning fee schedule, reference this code section, and nine copies of a development plan pursuant to section 117-318. The application may also be accompanied by any other material or information necessary to demonstrate that the grant of a condition use will be in harmony with the general intent and purpose of these zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public interest. The administrator shall refer all applications and accompanying materials to the plan commission.
- (b)    *Public hearing.* Any public hearing required under this section shall be conducted by the plan commission after a Class 2 notice pursuant to Wis. Stats. ch. 985. Every effort will be made to notify property owners within 300 feet of the subject property by regular mail of the conditional use permit application. Failure to send such notice will not invalidate the public hearing.
- (c)    *Action by the plan commission.* The plan commission shall, within 45 days upon filing of an application for a conditional use permit, hold a public hearing on the application. The plan commission shall review and make a recommendation to approve or deny the conditional use permit with any conditions it may deem appropriate to the Village Board within this time period, unless such time is extended by agreement with the petitioner. In making its decision, the plan commission shall consider the standards listed in section 117-319. The plan

commission shall keep a record of its proceedings under this section, all of which shall be filed as public records.

- (1) Public hearing. A public hearing is a formal proceeding conducted by the plan commission in accordance with the following procedures:
  - a. The commission chairperson shall open the hearing and make a concise statement of its scope and purposes. Appearances shall be entered on the record. Any official or employee of the Village and any other person may participate in the hearing. Any person desiring to participate in the hearing, whether on his or her own behalf, or as an authorized agent or attorney, shall enter an appearance in person by giving his or her name and address, the name and address of the person being represented, and the capacity in which he or she represents such person.
  - b. Persons entering an appearance may make statements, offer evidence or ask questions concerning the matter to be heard. Such statements need not be made under oath. The chairperson shall determine the order in which people may speak and may limit the length of the presentations if it appears there will not be enough time for all who wish to speak or if presentations are unduly repetitious. Cross examination of those who speak may not be permitted but clarifying questions of those who speak or rebuttal statements shall be permitted by the chairperson. Statements may be submitted in oral or written form.
  - c. The hearing shall be recorded by an electronic recording device.
  - d. The plan commission shall make a recommendation to the Village Board to approve, approve with conditions, or deny the conditional use.
- (d) *Action by the Village Board.* The Village Board shall within 45 days of plan commission action act to approve or deny the conditional use permit with any conditions. In making its decision, the Village Board shall consider the standards listed in section 117-319. The Village Board shall keep a record of its proceedings under this section, all of which shall be filed as public record.

*(Ord. No. 10-147, § 11.0(2), 7-27-2010)*

**Sec. 117-318. - Development plan.**

An application for a conditional use permit shall be accompanied with the plans/information outlined in this article. Plan requirements may be assimilated into one



or more plan documents. The zoning administrator may waive one or more of the requirements when it is deemed unnecessary for the review of a particular type of development.

- (1) *Operation plan.* A narrative detailing the hours of operation, anticipated number of occupants and/or employees, whether there will be any outside storage of materials, equipment or vehicles, and plans for removal and control of waste and trash.
- (2) *Building plan.* The building plan shall show the layout of building(s), size and layout of rooms, design of building(s) façade, and any other materials or notes to properly depict the building(s).
- (3) *Site plan.* The site plan shall include a legal description of the property, the location of all existing and proposed streets, easements, building(s), parking areas, pedestrian and vehicular access points, and pedestrian walkways. A graphic outline of any development phasing and the land use and zoning classifications of adjacent properties shall also be indicated on the site plan.
- (4) *Drainage plan.* A drainage plan shall show existing topography at two-foot intervals, spot elevations of existing and proposed buildings, and the approximate location of any proposed stormwater management facilities needed in order to meet the post-construction stormwater management requirements.
- (5) *Landscape plan.* The landscape plan shall identify the location of existing trees and land forms. The landscape plan shall also indicate the location, extent and type of all proposed plantings and shall also show the location, height, opaque characteristics, extent and type of any required screening.
- (6) *Utility plan.* The utility plan shall show the location of all utilities (storm, sanitary, water mains, electrical, natural gas and communication lines), exterior lighting, outdoor signs, and waste and trash collection areas.  
Areas for snow removal storage shall also be shown.

(Ord. No. 10-147, § 11.0(3), 7-27-2010)

**Sec. 117-319. - Basis for approval.**

No conditional use permit shall be recommended by the plan commission, or approved by the Village Board, unless it shall find all of the following criteria have been met. The applicant's failure to satisfy the criteria, or any other applicable requirement in this chapter, shall be deemed grounds to deny the conditional use permit.

- (1) *Zoning.* The proposed use conforms to the underlying zoning district intent and design standards and is in harmony with the general purpose and intent of this chapter. Where there is an existing nonconforming structure, the design standards of the underlying zoning district may be waived by the plan commission and Village Board.
- (2) *Plans.* The proposed use conforms to the Village comprehensive plan and any other officially adopted Village plan.
- (3) *Traffic.* Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (4) *Landscaping and screening.* Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed use as established in article VI, Access, Parking, and Loading and article IX, Landscaping and Screening Standards.
- (5) *Neighborhood compatibility.* The proposed use is compatible with the predominant or prevailing land use of the neighborhood surrounding the proposed development and whether the proposed use creates a nuisance due to noise, odor, or dust.
- (6) *Services.* Adequate facilities, access roads, drainage and/or necessary services have been or will be provided.

*(Ord. No. 10-147, § 11.0(4), 7-27-2010)*

**Sec. 117-320. - Conditions, restrictions, and validity period.**

- (a) Prior to the granting of any conditional use permit, the plan commission may recommend and the Village Board may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified herein. In all cases in which conditional uses are subject to conditions, the plan commission may recommend and the Village Board may require evidence and guarantees as it may deem necessary (as proof that the stipulated conditions are being and will be complied with).
  1. The requirements and conditions must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the Village

relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Village's decision to approve or deny the permit must be supported by substantial evidence as defined in Wis. Stats §66.23(7)(de)2.b.

2. Prior to granting any other permit, approval, certificate, or other such document by the Village, the applicant must sign the conditional use permit letter stating the conditions of approval and that the applicant/developer agrees to abide by all conditions and that if the applicant/developer cannot meet the stated conditions then the conditional use permit may be revoked by the Village.
- (b) Conditional use permits shall be issued permanently or for a specified period of time as may be specified by the Village Board upon recommendation of the plan commission and shall be an obligation of any party to whom a property may be transferred or assigned.
  - (c) A conditional use permit shall expire if the use is discontinued for a period of 12 consecutive months. If a building permit has not been obtained or the conditional use has not been established within 12 months of the issuance of the conditional use permit, the conditional use permit expires.
  - (d) Any party who has been issued a conditional use permit shall notify the zoning administrator, in writing, that they are seeking a continuance or extension of any conditional use permit that has an expiration date as established by the Village Board. Such notification shall be submitted 30 days prior to the conditional use permit expiration.
  - (e) A conditional use permit shall become effective upon approval by the Village Board. A record of the conditional use permit shall be kept in the Village clerk and zoning administrator's files.
  - (f) A conditional use permit may be revoked by the Village Board for failure to comply with all provisions of such permit provided that 30 days notice has been given by first class mail to the operator or owner of such use of the intent to revoke.

*(Ord. No. 10-147, § 11.0(5), 7-27-2010)*

**Sec. 117-322. - Existing conditional uses.**

Any use or structure existing on the effective date of adoption or amendment of this chapter which is classified as a conditional use in the zoning district in which it is located shall be deemed to have been granted approval, subject to maintaining the character and extent of such use or structure existing on that date. Any extension, enlargement or

change in such use or structure shall require approval according to the terms of this section 117-323.

*(Ord. No. 10-147, § 11.0(7), 7-27-2010)*

**Sec. 117-323. - Modifications.**

When an applicant requests a change in special use, the Village shall review such change or modification to assure compatibility and compliance with the purpose of this article.

- (1) *Minor change.* Minor changes shall be submitted to and reviewed by the plan commission. Minor changes include:
  - a. Expansions of conditional uses and structures of less than ten percent.
  - b. Other changes which keep with the general intent and character of the conditional use permit previously issued.
- (2) *Major change.* All other changes not identified as a "minor change" shall be deemed a major change in a conditional use and shall be submitted to the Village Board for review per article XI, Conditional Use Permits.

*(Ord. No. 10-147, § 11.0(8), 7-27-2010)*



## Article XII ZONING BOARD OF APPEALS

### **Sec. 117-356. - Establishment of the zoning board of appeals.**

In order that the objectives of this chapter may be more fully and equitably achieved and a means for interpretation provided, there is established a zoning board of appeals, hereinafter referred to as the zoning board, for the Village.

*(Ord. No. 10-147, § 12.0(1), 7-27-2010)*

### **Sec. 117-357. - Membership and terms of office.**

- (a) *Zoning board members.* The zoning board shall consist of five members. The Village President shall appoint the members with the approval of the Village Board. The members of the zoning board shall all reside within the Village. The Village President shall appoint the chairperson.
- (b) *Terms.* The terms of the first five zoning board members appointed shall be as follows: one for one year, two for two years and two for three years respectively. Thereafter, successors shall be appointed in such manner at the expiration of each term and their terms of office shall be three years in all cases, beginning May 1, in the year in which they were appointed and until their successors are appointed.
- (c) *Alternates.* The Village President may appoint two alternates for staggered terms of three years commencing May 1, following adoption of this chapter. For the purpose of those first appointed, one alternate shall serve for two years and one shall serve for three years. The chairman shall annually designate a first alternate and a second alternate per Wis. Stats. § 62.23(7)(e)2. All subsequent appointees shall be for three-year terms.
- (d) *Vacancies.* Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- (e) *Compensation.* The actual and necessary expenses incurred by the zoning board in the performance of its duties shall be paid and allowed by the Village Board as in cases of other claims against the Village. The Village Board may also compensate the members of the zoning board and their assistants as may be authorized by the Village Board.

*(Ord. No. 10-147, § 12.0(2), 7-27-2010)*

### **Sec. 117-358. - Rules, meetings, decisions and records.**

- (a) *Rules.* The Village Board shall adopt rules for the conduct of the business of the zoning board, entitled zoning board of appeals rules of procedure, in accordance with the provisions of this chapter. The zoning board may adopt further rules as necessary to carry into effect the regulations of the Village Board. No rule may be

changed without the concurring vote of a majority of the zoning board and Village Board.

- (b) *Meetings.* Meetings of the zoning board shall be held at the call of the chairperson and at such other times as the zoning board may determine. Such chairman, or in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the zoning board shall be open to the public.
- (c) *Records and decisions.* The zoning 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 examinations and other official actions, all of which shall be filed in the office of the zoning board and shall be a public record. Notice of filing of all actions and decisions shall be mailed to the parties in interest as determined by the zoning board.
- (d) *Decision relates to specific property.* The decisions of the zoning board shall apply to the specific property which was subject to the application rather than to any individual. The decision is valid only for specific premises in the appeal and is nontransferable to other properties.

(Ord. No. 10-147, § 12.0(3), 7-27-2010)

**Sec. 117-359. - Powers and duties—Appeals.**

- (a) *Powers.* The zoning board shall have the power to 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 of this chapter. The zoning board 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.
- (b) *Procedures.* Appeals to the zoning board may be taken by any person aggrieved or by any officer, department, board or the building inspector or other administrative officer. Such appeal shall be taken within 30 days of the order, requirement, decision or determination appealed from by filing with the zoning administrator and with the zoning board a notice of appeal specifying the grounds thereof, on forms provided by the Village. The zoning administrator shall forthwith transmit to the zoning board all the papers constituting the record upon which the action appealed from was taken. The zoning board may request the applicant to provide additional information as may be needed to determine the case.

- (c) *Stays.* An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the zoning board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would 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 or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.
- (d) *Withdrawal or amendment.*
  - (1) If the applicant elects to withdraw the appeal any time before final determination is made by the zoning board, this fact shall be noted on the application, with the signature of the applicant attesting withdrawal. Copies of the withdrawn application shall be returned to the files of the zoning board, other interested parties, and to the applicant.
  - (2) Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice, the applicant shall pay an additional fee as set forth in the zoning fee schedule, reference this code section, to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the chairperson shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given, and will state the reasons for deferral.

*(Ord. No. 10-147, § 12.0(4), 7-27-2010)*

**Sec. 117-360. - Powers and duties—Variances.**

- (a) *Powers.* The zoning board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a lateral enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.



- (b) *Requirements for a variance.* In general the power to authorize a variance from the requirements of the ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions which require an amendment to this chapter. Variances shall only be granted when the zoning board finds that:
- (1) The variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this chapter.
  - (2) The variance will not permit the establishment of a use which is not permitted or permissible in the district.
  - (3) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - (4) The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district.
  - (5) The hardship is not shared generally by other land or buildings in the area.
  - (6) The hardship results from the strict application of this chapter and is not the result of self-created or self-imposed circumstances.

*(Ord. No. 10-147, § 12.0(5), 7-27-2010)*

**Sec. 117-361. - Powers and duties - interpretations.**

The zoning board shall have the power to hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts.

*(Ord. No. 10-147, § 12.0(6), 7-27-2010)*

**Sec. 117-362. - Public hearings.**

- (a) *Time period.* Upon filing with the zoning administrator an application for an appeal or variance, the zoning administrator shall consult with the zoning board chairman to fix a reasonable time for a public hearing, which shall not be more than 60 days from the date the application is filed.
- (b) *Notice of hearing.* A Class 2 notice pursuant to Wis. Stats. ch. 985, shall be published specifying the date, time and place of the hearing and matters to come before the zoning board.

Every effort will be made to notify property owners within 300 feet of the subject property by regular mail of the variance or appeal application. Failure to send such notice will not invalidate the public hearing.

*(Ord. No. 10-147, § 12.0(7), 7-27-2010)*

**Sec. 117-363. - Conduct of public hearings.**

Any hearing required under this article shall be conducted by the zoning board in accordance with the following:

- (1) Public hearing. A public hearing is a formal proceeding conducted by the zoning board in accordance with the following procedures:
  - a. The zoning board chairperson shall open the hearing and make a concise statement of its scope and purposes. Appearances shall be entered on the record. Any official or employee of the Village and any other person may participate in the hearing. Any person desiring to participate in the hearing, whether on his or her own behalf, or as an authorized agent or attorney, shall enter an appearance in person by giving his or her name and address, the name and address of the person being represented, and the capacity in which he or she represents such person.
  - b. Persons entering an appearance may make statements, offer evidence or ask questions concerning the matter to be heard. Such statements need not be made under oath. The chairperson shall determine the order in which people may speak and may limit the length of the presentations if it appears there will not be enough time for all who wish to speak or if presentations are unduly repetitious. Cross examination of those who speak may not be permitted but clarifying questions of those who speak or rebuttal statements shall be permitted by the chairperson. Statements may be submitted in oral or written form.
  - c. The hearing shall be recorded by an electronic recording device.
  - d. The hearing will be closed and the zoning board of appeals shall make their decision during the regular meeting.

*(Ord. No. 10-147, § 12.0(8), 7-27-2010; Ord. No. 11-152, 3-29-2011)*

**Sec. 117-364. - Appeals from the zoning board decisions.**

Any person or persons, jointly or severally, aggrieved by any decision of the zoning board, or any taxpayer, or any officer, department, board or bureau of the municipality,

may within 30 days after the filing of the decision in the office of the zoning board, commence an action seeking the remedy available by certiorari.

*(Ord. No. 10-147, § 12.0(9), 7-27-2010)*



## **Article XIII SITE PLAN REVIEW**

### **Sec. 117-376. - Purpose and intent.**

This article provides minimum regulations, provisions and requirements for safe, aesthetically pleasing design and quality standards for all new construction, rehabilitation of buildings, additions to structures, related site work and landscape development located within the Village. The purpose is to protect and foster public health, safety and welfare by the following:

- (1) Provide for safe, efficient vehicular and pedestrian circulation.
- (2) Provide for screening, landscaping, signage, and lighting.
- (3) Ensure efficient, safe, and attractive land development.
- (4) Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimal adverse effect on adjacent properties.
- (5) Develop proper safeguards to minimize the impact on the environment.
- (6) Ensure the provision of adequate water supply, drainage, and stormwater management, sanitary facilities, and other utilities and surveys.
- (7) Encourage modern and innovative design, construction, technology, and planning methods.
- (8) Advance and promote sound growth and continued development within the Village.

The site plan review process is intended to help ensure that newly developed properties, expanded structures or redeveloped properties are compatible with adjacent development and safety, traffic, overcrowding and environmental problems are minimized to the extent possible; to protect property values and the property tax base; to protect the beauty and amenities of landscapes and developments; and fulfill its vision to preserve farmland, wetlands, shoreland areas, woodlands, wildlife habitats, open spaces and scenic views while promoting the Village's goals, objectives, and policies for its physical growth and change as expressed in this chapter and the Village comprehensive plan.

*(Ord. No. 10-147, § 13.0(1), 7-27-2010)*

### **Sec. 117-377. - Applicability.**

This article applies to all new, or expansion of, multi-family, commercial, institutional and recreational, and industrial development, related site work and landscape development within the Village. The zoning administrator may waive a site plan review for minor projects. This article does not apply to one- and two-family residential units.

*(Ord. No. 10-147, § 13.0(2), 7-27-2010)*

**Sec. 117-378. - Administration.**

- (a) The administration of these standards shall be vested in three areas of the Village as follows: Village planner, the site plan review committee (SPRC) and the Village Board.
- (b) It shall be the duty of the Village planner in conjunction with the Village building inspector to be in charge of the day-to-day administration and interpretation of this article. Enforcement of this article is charged with the Village building inspector in conjunction with the Village planner.
- (c) Review of the proposed developments shall be the general concern of the site plan review committee (SPRC) as established by this article. The SPRC shall review each plan as part of the entire site plan review process and approve, approve conditionally, or reject plans. No building permit shall be issued prior to plans being approved by the SPRC. No occupancy permit shall be issued until all standards contained within this article and conditions of approval have been met, unless a development agreement with the Village has been executed. The SPRC shall be responsive to the applicants and their possible time constraints, and shall expedite the review process as much as possible.

*(Ord. No. 10-147, § 13.0(3), 7-27-2010)*

**Sec. 117-379. - Standards.**

- (a) The interpretation and application of the provisions of these standards shall be held as minimum requirements for the promotion of the public health, safety, and welfare.
- (b) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner, which is not in conformity with the provisions of these standards.
- (c) Where permitted and prohibited uses, site and landscape regulations, building design criteria, off-street parking signage and loading requirements, and other regulations contained in this chapter are either more or less restrictive than comparable conditions imposed by provisions contained in any other law, ordinance, rule, resolution or regulations, the requirements that are more restrictive or which impose a higher standard shall govern.

*(Ord. No. 10-147, § 13.0(4), 7-27-2010)*

**Sec. 117-380. - Site plan required.**

All new, or expansion of, multi-family, commercial, institutional and recreational, and industrial development within the Village is required to receive site plan approval prior to the issuance of a building permit. Therefore, the Village does hereby establish a site plan review committee (SPRC) as defined herein. Generally, the SPRC is concerned with the physical external design of buildings, site development, signage and landscaping for each project.

(Ord. No. 10-147, § 13.0(5), 7-27-2010)

**Sec. 117-381. - Procedure.**

- (a) *Preliminary consultation.* The purpose of this meeting between the developer and the Village planner and/or members of the site plan review committee (SPRC) is to ensure that the developer is aware of the concepts and standards outlined by this chapter. The developer is encouraged to submit three copies of a statement outlining the general scope of the proposed project and its relevancy to such a location and a sketch plan of the development. This meeting is intended to foster cooperation between the developer and the SPRC.
- (b) *Submittal requirements.* The developer shall submit the following to the Village planner:
  - (1) Application form signed by the developer.
  - (2) A site plan review fee as set forth in the zoning fee schedule, reference this code section.
  - (3) Nine copies of the full-size plan set, two copies of the erosion control and stormwater management plan, and one 11 × 17 copy of the plan set and the erosion control and stormwater management plan.
- (c) *Review.* The site plan review committee (SPRC) shall complete the initial review of the development plans using the standards and criteria contained within this chapter, other Village ordinances and the Village comprehensive plan, within 15 business days following the receipt of a complete application. When a discrepancy exists, an attempt shall be made by the SPRC and developer to remedy a solution.
- (d) *Decision.* The SPRC shall approve, approve conditionally, or reject such application. The Village planner shall submit to the developer, in writing, of the SPRC decision within 20 business days of the receipt of a complete application.
- (e) *Approval.* The site plan shall become effective upon issuance of a "certificate of site plan approval" by the SPRC, signed by the Village planner.
- (f) *Permits.* No building or zoning permits shall be issued until the SPRC has issued a "certificate of site plan approval".

- (g) *Revocation.* Site work and building construction shall commence within one year of plan approval or in accordance with a development agreement with the Village. No site plan approval shall be valid for more than 12 months from the date of approval unless a building permit is obtained and site work and building construction in accordance with such site plan has commenced.

(Ord. No. 10-147, § 13.0(6), 7-27-2010)

**Sec. 117-382. - General standards.**

All buildings and structures subject to the provisions of the site plan review process shall also meet the following standards.

- (1) *Construction.* All new structures shall have an approved engineered foundation system.
- (2) *Mechanical equipment.* All mechanical equipment (whether electrical or mechanical, for the purpose of air circulation, temperature regulation or other, regardless of location, be it on the roof or ground) shall be enclosed or screened. Roof mounted equipment shall be integrated into the design of the structure, enclosed or screened to the extent possible.
- (3) *Knox box.* All buildings shall have an approved knox box for use by the Village fire department. This box shall meet the specifications and placement requirements of the fire department and/or emergency services.
- (4) *Fire protection.* The SPRC may require a 20-foot emergency vehicle access drive around the building to ensure adequate fire protection. This requirement will reviewed on a case-by-case basis.
- (5) *Loading docks.* Loading docks shall be screened from view from a public street. The SPRC may waive this requirement if a development abuts two or more streets, in which case, the SPRC shall decide which street the loading docks shall be screened from.
- (6) *Surface of off-street parking areas.* All off-street parking areas and any driveway shall be hard surfaced with asphalt, concrete or other material to provide a durable, dust-free surface. The SPRC may waive this requirement for the area in the rear yard for an industrial use.
- (7) *Site access.* Adjacent developments are encouraged to share a common access driveway.
- (8) *Protection of natural features.* All development shall preserve, enhance, or protect existing natural features when possible.
- (9) *Timing of landscape improvements.* All landscaping shall be completed before final occupancy is granted. If it is not possible, due to weather



conditions, then the applicant shall enter into a development agreement with the Village which specifies a planting schedule and submit a bond or letter of credit in the amount for the cost of completing such landscaping as required in the landscape plan.

- (10) *Maintenance.* It shall be the responsibility of the owner and/or lessee of the principal use, uses, or building to perform the necessary maintenance of all buildings, structures, landscaping, including mowing, trimming, watering, and fertilization of all grass, ground cover shrubs or trees, and the removal of dead or waste material. The exterior walls and roof of buildings shall be maintained in a clean, orderly, and attractive condition; free of cracks, dents, punctures, breakage and other forms of visible marring. Materials that become excessively faded, chalked, cracked, chipped, damaged or otherwise deteriorated as reasonably determined by the SPRC shall be replaced, refinished, repaired or repainted in accordance with the order of the building inspector within 180 days of such defect.

(Ord. No. 10-147, § 13.0(7), 7-27-2010)

**Sec. 117-383. - Site plan review required information.**

Plans which are submitted for review shall be drawn to an appropriate scale on sheets of uniform size, recommended at 24 inches × 36 inches or 11 inches x 17 inches. A total of nine complete sets shall be submitted to the Village planner. All site plans shall include, as a minimum, all the information listed in this subsection. From time to time, the SPRC may require additional information to perform the review, upon request the developer shall supply such information to the review committee.

- (1) *Letter of application.* The following shall be included, in letter or report form, to provide additional information not typically found in a plan set:
- a. Proposed use of land and building(s).
  - b. Total number of employees.
  - c. Hours of operation.
  - d. Total number of units (if residential).
  - e. Total occupancy of building (if assembly type use).
  - f. Number, type, and size of vehicles stored outside (excludes customer parking).
- (2) *Building plan.* The building plan shall show and include the following:
- a. All requirements of the particular zoning district in which the property is located shall be met.

- b. Design. Building elevations for all proposed and existing structures.
- c. Materials and colors. Wall, roof, and trim materials and colors shall be submitted and indicated on the plan.
- d. Plans. Floor plans, for each story, and section showing wall openings and building projections.
- e. Utility. Locations of all exterior HVAC, utility and other mechanical equipment shall be identified.
- f. Fire prevention devices. Detail on fire detection, fire alarm, and other safety devices, including fire suppression, sprinkler, standpipe, and restaurant hood suppression systems shall be provided for review and be approved by the Village fire chief. A knock box may be required as a condition of approval.
- g. Roof mounted equipment. All roof mounted equipment shall be identified and shall be screened from view from adjacent roadways.

(3) *Site plan.* At a minimum, site plans shall show and include the following:

- a. All requirements of the particular zoning district in which the property is located shall be met.
- b. Name, location, developer and designer of project.
- c. Date of plan preparation.
- d. Scale and North arrow.
- e. Property dimensions and setbacks.
- f. Location, identification and dimensions of existing and proposed:
- g. Topography (two-foot contour interval).
- h. Significant vegetation, natural features, wetlands, etc.
- i. Public rights-of-way and easements.
- j. On-site drives including widths and turning radii, walkways and parking facilities, including traffic flow.
- k. Buildings and incidental structures.
- l. Freestanding signage, light fixtures, fences, etc.
- m. Loading docks and dumpster areas.
- n. Landscaping details and planting schedules.
- o. Color rendering of all building elevations, including signage and listing of finish materials. Samples of exterior finish materials may be required.

- p. Listing of site statistics, including gross square footage of both site and building.
  - q. On-site soil erosion control plan.
  - r. Surface water holding ponds, drainageways, drainage patterns with flow directions.
  - s. Location of all existing and proposed utilities including hydrants.
- (4) *Landscape plan.* The proposed landscape plan shall be submitted with the site plan or may be made part of the site plan and shall, at a minimum, show and include the following:
- a. All requirements of article IX, Landscape and Screening Standards, shall be met.
  - b. The location and dimensions of all proposed open space areas required to meet the minimum open space requirements of the applicable zoning district.
  - c. New development on vacant properties or reconstructed facilities must comply with the landscaping and open space requirements of the applicable zoning district.
  - d. The location of all proposed building, storage areas, parking areas, sidewalks, fire lanes, and trail corridors.
  - e. Identification of all proposed vegetation, including symbols, quantities, botanical and common names of all plant material and whether the plant is balled, burlapped, potted or bare root.
  - f. The location, common names, and approximate size of all existing vegetation to be saved.
  - g. Show all species to scale of mature crown diameter or spread.
  - h. Typical sections, in detail, of berms, fences, retaining walls, planter boxes, etc.
- (5) *Stormwater and erosion control plan.* All stormwater and erosion control plans shall comply with chapters 105 and 113, Construction Site Erosion Control and Post-Construction Stormwater Management.
- (6) *Utility plan.* The utility plan shall be submitted with the site plan or may be made part of the site plan and shall generally show the location of all existing and proposed utilities, including sewer and water; storm sewers/drainage ways; electrical and gas. In addition, the developer shall consult with the appropriate sanitary district, electrical, gas, phone, and cable providers.

(Ord. No. 10-147, § 13.0(8), 7-27-2010)

**Sec. 117-384. - Appeals.**

If the SPRC denies the application for a site plan or approves the site plan with conditions, the applicant may appeal the decision to the plan commission. A notice of appeal must be filed with the Village planner no later than 15 days after receipt by the applicant of the decision of the SPRC. Failure by the applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application or satisfaction with the conditions. The plan commission shall act as promptly as practical on any appeal. The plan commission shall approve, approve with conditions, or reject the site plan by formal action. If the plan commission approves the site plan, a building or zoning permit may then be issued, provided that all other requirements of this chapter and other Village ordinances are met.

*(Ord. No. 10-147, § 13.0(9), 7-27-2010)*

**Sec. 117-385. - Violations.**

Construction or other activities contrary to the approved site plan, or in the absence of an approved plan, shall be a violation of this article subject to the provisions of section 117-30(3).

*(Ord. No. 10-147, § 13.0(10), 7-27-2010)*



## XIV PERMITS

### Sec. 117-416. - Zoning permits.

- (a) *Applicability.* No building or structure (except signs exempt from the provisions of this chapter) shall be erected, constructed, reconstructed, altered, moved or enlarged until a zoning permit has been obtained from the zoning administrator or building inspector.
- (b) *Application for zoning permit.* Application for a zoning permit shall be made in writing upon a form furnished by the Village and shall include the following information:
  - (1) Name and address of the owner of the land and the owner of the building or structure if different.
  - (2) A nonrefundable application fee as set forth in the zoning fee schedule, reference this code section.
  - (3) Site plan and construction plans drawn to scale, showing the actual shape and dimensions of the lot to be built upon and the exact sizes and locations on the lot of buildings or structures already existing, if any, and the exact sizes and locations on the lot of buildings or structures proposed to be erected, constructed, reconstructed, altered or enlarged.
  - (4) The existing and/or proposed use of all buildings or parts thereof on the lot.
  - (5) The number of families the building is designed to accommodate, the net ground floor area of the building foundation, the net floor area of the building, or the number of employees the building is designed to accommodate.
  - (6) The location and number of required off-street parking and loading spaces.
  - (7) Such other information with regard to the lot and existing or proposed buildings or structures as may be necessary to determine compliance with and provide enforcement of these regulations including, but not limited to, a detailed plan of any existing private domestic sewage treatment and disposal system.
- (c) *Approval and issuance of zoning permit.* If the zoning administrator or building inspector determine that the proposed structure or building will comply with the provisions of this chapter, he/she shall officially approve and sign one set of plans and return it to the owner or applicant, and shall issue a zoning permit which shall be kept on display at the site of the proposed building or structure.

- (d) *Construction to be as provided in applications.* Zoning permits issued on the basis of applications and plans approved by the zoning administrator or building inspector authorizes only the use, arrangement and construction set forth in such approved applications and plans. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this chapter.
- (e) *Lapse of permit.* A zoning permit shall have lapsed and be void after one year from date of issuance. Final occupancy shall be obtained during this one-year period or a new zoning permit shall be obtained. The zoning administrator or building inspector may extend the original permit for up to six months with an additional fee as set forth in the zoning fee schedule, reference this code section.
- (f) *Improper issuance.* A zoning permit which was issued in error or under a misstatement of fact by the applicant shall not create any right in such permit, and the Village shall be entitled to revoke such permit.
- (g) *Prior permits.* No zoning permit lawfully issued by the administrator or building inspector prior to the effective date of adoption or amendment of this chapter shall be invalidated by the adoption or amendment of this chapter. Such permit shall remain valid and subsisting subject only to its own terms.
- (h) Exemptions. The following shall be exempt from a Zoning Permit:
  - (1) New and/or additions to driveways and patios or other impervious surfaces that are less than one hundred (100) square feet in area provided that the impervious surface coverage for the zoning district shall be met.

*(Ord. No. 10-147, § 14.0(1), 7-27-2010)*

**Sec. 117-417. - Sign permits.**

See section 117-184(3)d., signs and billboards, sign permit.

*(Ord. No. 10-147, § 14.0(2), 7-27-2010)*

**Sec. 117-418. - certificate of occupancy.**

No new building shall be used or occupied; no existing building which is hereafter structurally altered, relocated or reconstructed shall be used or occupied; no nonresidential building shall have a change in use or tenancy; and no vacant land shall be used until a certificate of occupancy has been issued by the building inspector or zoning administrator.

- (1) *certificate of occupancy.* A zoning certificate of occupancy from the building inspector or zoning administrator shall be required.

- a. *Application.* The owner or tenant of a building or parcel of land shall apply to the building inspector or zoning administrator for a certificate of occupancy:
    - 1. Concurrent with an application for a zoning permit, where applicable.
    - 2. Prior to a change in occupancy of a building or parcel of land, under circumstances where a zoning permit application was not required.
  - b. *Conditions for issuance.* A certificate of occupancy shall be issued by the building inspector or zoning administrator within two business days of the final inspection of the building or parcel of land subject thereto, provided that such building or parcel of land is in compliance with all applicable provisions of this chapter, section 117-56, and lot grading as part of an approved drainage/grading plan for a subdivision or development.
  - c. *Forms.* The certificate of occupancy, where issued, shall certify compliance with the applicable conditions and standards and state the use of the building or parcel of land which is approved, whether conforming or lawfully nonconforming with this chapter. The certificate of occupancy shall in no event certify compliance with any environmental law, rule or regulation or another other law, rule or regulation not found in this chapter.
- (2) *Temporary certificate of occupancy.*
- a. *Eligibility and application.* The owner or tenant of a building or parcel of land which is not eligible for a certificate of occupancy, but will meet the eligibility requirements of this chapter within the time period specified under this section, may apply to the building inspector or zoning administrator for and obtain a temporary certificate of occupancy as hereinafter provided. The application must be made and certificate obtained prior to occupancy.
  - b. *Term.* The term of a temporary certificate of occupancy shall not exceed the following:
    - 1. Winter temporary occupancy permit. An applicant may obtain a winter temporary occupancy permit for any occupancy occurring between November 1 and June 30. The temporary occupancy permit may be obtained upon payment of an application fee as set forth in the zoning fee



schedule, reference this code section, by posting of cash performance deposit and compliance with this section. All temporary winter occupancy permits shall expire on June 30.

2. Special 30-day temporary occupancy permit. An applicant may obtain a special 30-day temporary zoning occupancy permit between July 1 and October 31. This permit may be obtained upon payment of a nonrefundable application fee as set forth in the zoning fee schedule, reference this code section, by posting of the required cash performance deposit and compliance with this section. Applicant may obtain an additional 30-day extension upon payment of an additional nonrefundable application fee. The total duration for a special 30-day temporary occupancy permit, with extension, shall not exceed 60 days.

c. *Conditions and standards for issuance of temporary certificate of occupancy.* A temporary certificate of occupancy shall be issued by the building inspector or zoning administrator within two working days of an inspection of a building or parcel of land subject thereto, provided such building or parcel of land is in compliance with the following standards for issuance:

1. The building or parcel of land will be the subject of a certificate of occupancy within the period of time specified under subsection b., term.
2. With respect to multi-unit residential developments, prior to occupying an individual unit, the exterior of the building shall be 100 percent complete. With respect to commercial, industrial and/or institutional developments, prior to occupying the building or any individual unit or tenant space, the exterior of the building shall be 100 percent complete.
3. The building or parcel of land shall be capable of being occupied without unduly endangering the public health, safety or welfare.
4. A completed temporary occupancy permit application shall be submitted and permit fee paid.
5. All exterior lighting shall be installed.

6. All paving for streets, drives, sidewalks, and parking areas shall be completed. All parking areas to be paved in asphalt shall have the first lift binder course of asphalt installed.
7. The site shall be graded in accordance with the approved plans on file with the Village.
8. There shall be compliance with any conditions of approval within an approved conditional use permit, site plan review or developer's agreement and subdivider's agreement, where applicable.

*(Ord. No. 10-147, § 14.0(3), 7-27-2010)*

## Article XV DEFINITIONS

### Sec. 117-426. - Purpose.

The following words and terms, wherever they occur in this chapter, shall be construed as herein defined. Words not defined in this chapter shall be interpreted in accordance with definitions in the 21<sup>st</sup> Century Land Development Code by Freilich, White, and Murray, Planners Dictionary by APA Planning Advisory Service Report 521/522, the State Building Code or Uniform Dwelling Code. If a word or term is not defined as identified by the protocol above, it shall have the meaning set forth in the latest edition of Webster's New World College Dictionary.

*(Ord. No. 10-147, § 15.0(1), 7-27-2010)*

### Sec. 117-427. - Generally.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The present tense includes the future tense and the singular includes the plural. The word "shall" is mandatory and the word "may" is permissive. The words "used" or "occupied" also mean intended, designed or arranged to be used or occupied.

*(Ord. No. 10-147, § 15.0(2), 7-27-2010)*

### Sec. 117-428. - Words and terms defined.

For the purposes of this chapter, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

*Abandonment.* To cease or discontinue a use or activity without intent to resume.

Generally, if a use or activity is discontinued for more than 12 months, unless otherwise specified in this chapter, it shall be considered abandoned.

*Abutting.* Having a common border with, or being separated from such common border by a right-of-way or easement.

*Addition.* Any construction which increase the outside dimensions of a building or structure.

*Adjacent.* See *Abutting*.

*Agriculture.* The use of land for agricultural purposes, including farming, pasturage, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

*Airport (public).* Any airport which complies with the definition contained in Wis. Stats. ch. 114, or any airport which serves or offers to serve common carriers engaged in air transport.

*Alley.* A public or approved private way which affords only a secondary means of access to abutting property.

*Alteration.* A change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height, or the movement of a structure from one location to another.

*Asphalt plant.* A use that stores materials for and manufactures asphalt products for distribution off premises.

*Assisted living and retirement home.* A use where the primary function is to provide personal care, food, or shelter to three or more unrelated adults whom are retired or do not need the care associated with a nursing or convalescent home, either for profit or nonprofit.

*Automobile body repair or paint shop.* A use, within an enclosed building, conducting body work, frame work, welding and painting of an entire vehicle, boat, RV, or truck or a major portion thereof of any of the aforementioned motor vehicles, excluding heavy truck and buses.

*Automobile repair and service establishments.* A use where the exclusive service performed or executed, within an enclosed building, on any motor vehicle, excluding heavy truck and buses, for compensation, including the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, tire repair and installation, rust proofing, motor vehicle diagnostic center, major and minor mechanical repairs, or similar.

*Bar.* see *Tavern.*

*Basement.* A story partly or wholly underground. A basement shall be counted as a story for purposes of allowable number of stories where more than one-half of its height is above the average level of the surrounding grade.

*Bed and breakfast establishment.* A use involving lodging in a single-family dwelling that provides for overnight accommodations and a morning meal to customers for compensation where the owner resides on the premises.

*Berm.* Earthen material and soil covered with grass or other landscaping materials along a property line, right-of-way line or other feature typically for aesthetics or screening purposes.

*Billboard.* An advertising sign used to advertise goods, services, establishments or organizations off the premises. See article VII, Signs and Billboards.

*Boarding houses.* An establishment where meals and lodging are provided for compensation by prearrangement other than in dwelling units, without limitation on time periods involved, and for a total of at least four or more boarders.

*Boathouse.* An accessory building or accessory structure, which is accessible by boats from navigable water, is designed, constructed, and used solely for the purpose of storing or protecting boats and other water related recreational materials, and is used in conjunction with a principal use on a property.

*Buffer.* The use of land, topography, difference in elevation, space fences or landscape planting to screen, or partially screen a use or property from another use or property.

*Buildable area.* The space remaining on a lot after the minimum setback, open space, easements and other site constraint requirements of this chapter have been satisfied.

*Building footprint.* The ground area covered by and including the exterior dimensions of a building, including enclosed and/or covered porches or patios and attached garages.

*Building line.* A line, usually fixed parallel to the lot line, beyond which a building or structure cannot extend under the terms of this chapter. Building line will constitute the footing walls rather than the overhang.

*Building or structure, attached.* A building or structure which is attached to another building or structure by a wall, a roof, or by a continuous foundation.

*Building or structure, detached.* A building or structure on the same lot and having no structural or physical connection with another structure.

*Building site.* The lot or lots or portion of a lot or lots used for building, the total area of which lots is ascribed to the building for compliance with these zoning regulations.

*Building, accessory.* A building which is located on the same lot with such principal building, structure, or use and which is customarily incidental to and subordinate to the principal building, structure, or use. Examples of accessory buildings include, but are not limited to, attached garages, detached garages, sheds, and gazebos.

*Building, principal.* A building which contains the primary use of the lot, as contrasted to an accessory building, structure, or use.

*Building.* A structure having a roof supported by columns and/or walls for the housing or enclosure of persons, animals or personal property.

*Build-to line.* A line parallel to a lot line or street setback line along which a building or structure, or a portion of a building or structure, determined by use, shall be required to be built.

*Business.* Any lawful use, occupation, employment or enterprise where merchandise is sold or where services are offered for compensation.

*Calumet County (also county).* Calumet County, Wisconsin.

*Calumet County Board.* Board of Supervisors, Calumet County, Wisconsin.

*Car wash.* The use of a tract of land, building, or portion thereof, for the manual or automatic washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

*Carport.* A detached or attached accessory building that consists of a roof and that has at least two sides completely unenclosed from the ground to the roof, which is designed primarily for storage and/or parking of passenger vehicles, trailers, recreational vehicles, and trucks.

*Cemetery.* The use of land or land dedicated for the burial of the dead, including mausoleums, necessary sales and maintenance facilities.

*Clinic.* An office or group of offices relating to the health care professions including physicians, dentists and the like engaged in the treatment of persons.

*Commercial truck body and/or paint shop.* A use, within an enclosed building, conducting body work, frame work, welding and painting of the entire vehicle or major portion thereof any commercial truck, tractor, semi-trailer or truck-trailer combination.

*Commercial truck repair and service establishments.* A use where the exclusive service performed or executed, within an enclosed building, on any commercial truck, tractor, semi-trailer combination for compensation which shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, tire repair and installation, rust proofing, truck diagnostic center, major and minor mechanical repairs.

*Common open space.* A parcel or parcels of land or an area of water or combination of land and water designated and intended for either the recreational use and enjoyment of residents of the development for which it was established and for the general public or for the exclusive recreational use and enjoyment of residents of the development for which it was established. No yard required in connection with any principal use or structure shall be designated or intended for use as common open space.

*Community living arrangement.* Facilities defined in Wis. Stats. § 46.03(22).

*Comprehensive plan.* A compilation of policy statements, goals, objectives and maps for guiding the physical, social, and economic development, both private and public, of the Village.

*Concrete mixing plant.* A use that stores water, aggregate and cement and mixes those items for the production of concrete for distribution into trucks for off site use.

*Conditional use.* Use of a special nature as to make impractical their predetermined classification as a permitted use in a district. See article XI, Conditional Use Permits. Sometime referred to as special exceptions.

*Conditional use permit.* Authorizes the use of a building, structure or land according to stated conditions.

*Condominium.* A building or group of buildings in which dwelling units, offices or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

*Convenience store.* A convenience store is a retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide array of consumable products (predominantly food or food and motor fuels) and services.

*Covenant.* A contract or other written agreement between private parties that constitutes a restriction on a particular parcel of land.

*Day care, family.* A place where regular day care is provided to not more than eight children and is licensed pursuant to Wis. Stats. ch. 48.

*Day care, group or day care center.* A place where regular day care is provided to nine or more children and is licensed pursuant to Wis. Stats. ch. 48.

*Deck.* An open structure not enclosed with walls or roof which is accessory to the principal dwelling.

*Density.* The ratio of the number of dwelling units to the lot area. Areas used in computing "density" are the actual sites devoted to the residential use and consist of the area of the lot and any private roads.

*Development.* Any man-made 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 substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

*Development standards.* Minimum requirements and maximum allowable limits established for the effects and characteristics of conditional uses.

*Drainage system.* One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

*Drive-in restaurant.* Any establishment dispensing or serving food in automobiles including those establishments where customers serve themselves and may eat or drink in the building or in their automobiles on the premises.

*Drive-thru facility.* An improvement to a new or existing building which expands the use and physical characteristics of the property so as to permit patrons and customers who are operators or passengers in a motor vehicle, to receive a service or obtain a product on or from the exterior of the building.

*Dwelling or dwelling unit.* A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for

rental, lease or other occupancy on a weekly or longer basis, physically separated from any other dwelling unit.

*Dwelling, single-family detached.* A building containing not more than one dwelling unit, entirely separated from structures on adjacent lots by yard or open space. The term "detached dwelling" shall not include mobile homes, travel trailers, or other forms of portable or temporary housing.

*Dwelling, single-family attached.* A building containing dwelling units attached at the side or sides in a series to a group of two or more dwelling units. Each dwelling unit shall be separated from the adjoining dwelling unit by a party wall or walls extending from footings through roofs. The term "attached dwelling" is intended to imply townhouses or condominiums or any form which conforms to this definition.

*Dwelling, two-family.* One building containing not more than two dwelling units. The term "two-family dwelling" is intended to imply single-family semi-detached buildings and duplexes or any form which conforms to this definition.

*Dwelling, multiple family.* A building containing three or more dwelling units. The term "multi-family dwelling" shall include cooperative apartments, condominiums, apartments and the like. Regardless of how rental units are equipped, any multi-family dwelling in which units are available for rental periods of less than one week shall be considered a motel.

*Dwelling, mobile home.* See *Mobile home*.

*Dwelling, modular home or manufactured home.* A building made up of two or more modular sections transported to the home site, put on a permanent foundation and joined to make a single dwelling. For the purposes of this chapter, modular homes shall be allowed as a single-family detached dwelling.

*Easement.* A grant by a property owner for use of a parcel of land by the public or any person for any specific purpose or for purposes of access, construction, and installation and maintaining utilities, including: sanitary sewers, water mains, electric lines, telephone lines, cable television lines, other transmission lines, storm sewer, storm drainage ways, gas lines or other service utilities.

*Educational institution; business, technical or vocational.* A use including specialized instructional classes that provides training for business, commercial, or trade skills such as accounting, data processing or automotive repair.

*Educational institution; college or university.* A public or private post-secondary use, with an academic curricula, including uses, structures, and/or facilities sanctioned by, ancillary to, or necessary to the operation of the college or university. This includes, but is not limited to the following ancillary uses affiliated with the college or university: food



sales, retail sales indoor and/or outdoor recreation facilities, offices, printing, museums and professional service.

*Educational institution; elementary, middle, high school.* A public or private use that provides an academic curricula of elementary or secondary academic instruction, kindergartens, elementary schools, middle schools, junior high schools and high schools.

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

*Essential services* means overhead or underground electrical, cable, telephone (excluding wireless), internet, gas, steam or water transmission or distribution systems, and collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or systems as are required for the protection of public health, safety or general welfare, including: towers, poles, wires, mains, drains, sewers, pipes, conduits, cables and similar improvements. This does not include buildings, structures or substations.

*Fair market value.* Assessed value adjusted for equalized value.

*Family.* One or more individuals not necessarily related by blood, marriage, adoption, or guardianship, living together under common housekeeping living arrangement.

*Farm or farming.* A parcel of land which is developed primarily to agriculture and agricultural use, including all appurtenant structures.

*Fence.* Any partition, structure, wall or gate erected as a divider, marker, barrier or enclosure and located along the boundary, or within the required yard.

*Finished grade.* The average elevation of the finished surface of the ground adjacent to the exterior walls of the building or structure.

*Floor area.* The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

*Floor area ratio.* The ratio of the total floor area of a building to the total lot area.

*Frontage, building, structure, lot.* The horizontal distance of a building, structure, or lot facing or abutting a street right-of-way.

*Fur farm.* Land, buildings or structures used for the purpose of raising or harboring fur bearing animals including those defined in Wis. Stats. § 29.01, and also including chinchillas, whether the animals kept for breeding, slaughtering or petting.

*Garage.* A detached or attached accessory building or a portion of the principal building, which is designed or used primarily for storage and/or parking of private vehicles, trailers, or recreational vehicles.

*Gasoline/fueling stations.* A retail store for servicing motor vehicles, especially with gasoline or other fueling sources.

*Height, building.* The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof or parapet wall, in case of a flat roof.

*Home occupation.* Refer to section 117-127.

*Home business.* Refer to section 117-127.

*Hospital.* A use providing inpatient and outpatient medical and surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, training facilities, and/or other necessary accessory facilities.

*Hotel or motel.* A use offering lodging accommodations, in individual rooms or suites, on a daily rate to the general public and which may include additional accessory services such as restaurants, meeting rooms and personal fitness facilities.

*Houseboat, Fixed.* Defined in section 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

*Impervious surface.* An area that releases, as runoff, all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots, and streets are examples of surfaces that are typically impervious.

*Impervious surface ratio or coverage.* The measure of intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross area of the site.

*Kennel.* Any use where any person engages in the business of boarding, grooming, breeding, buying, letting for hire, training for a fee or selling of small animals either inside or outside a completely enclosed building or structure.

*Kennel, dog.* A place of business where more than two adult dogs are boarded for a fee on a recurrent basis. Also, a household in a residential zoning district (RS-1, RS-2, RT, RM) that keeps, harbors or has custody of four or more adult dogs for any purpose.

*Landscaping.* Alteration of the natural terrain consisting of, but not limited to, grass, ground covers, shrubs, vines, hedges, trees, berms and complementary structural landscape architectural features such as rock, fountains, sculpture, decorative walls and tree wells.

*Livestock.* Generally means cattle, horses, pigs, fowl and other animals typically found on a farm.

*Lot.* A distinct and separate parcel of land used or set aside and available for use as the site for one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. See also "lot of record".

*Lot, corner.* A lot located at the intersection of two or more streets.

*Lot, back.* A lot held in common ownership directly across the road from the lot fronting on the shore of Lake Winnebago.

*Lot, double frontage (lot, through).* An interior lot having street frontage on the front and the rear of the lot.

*Lot, interior.* A lot other than a corner lot, with only one frontage on a street.

*Lot area.* Any area within a lot, including land over which easement have been granted, but not including any land within the limits of a street right-of-way upon which such lot abuts, even if fee title to such street is held by the owner of the lot.

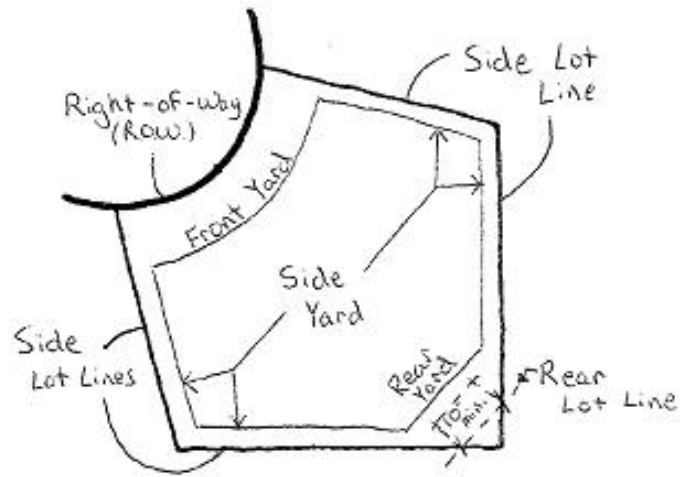
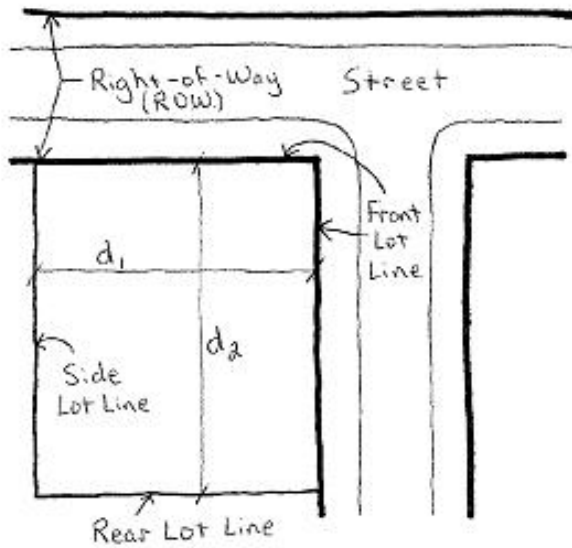
*Lot coverage.* The percentage of the lot area covered by all principal and accessory building(s) or structure(s) and other such uses as specified in section 117-51.

*Lot depth.* The horizontal distance between the front and rear lot lines measured along a line joining the midpoints of the front and rear lot lines.

*Lot frontage.* The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and double frontage lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as set out in these zoning regulations.

*Lot line, front.* That boundary of a lot which abuts a dedicated public street or private street. If a lot abuts two or more dedicated public streets or two or more private streets, all sides facing a dedicated public street or private street shall be considered the front. In the case of a land-locked lot, the front lot line shall be that lot line that faces the access to the lot.

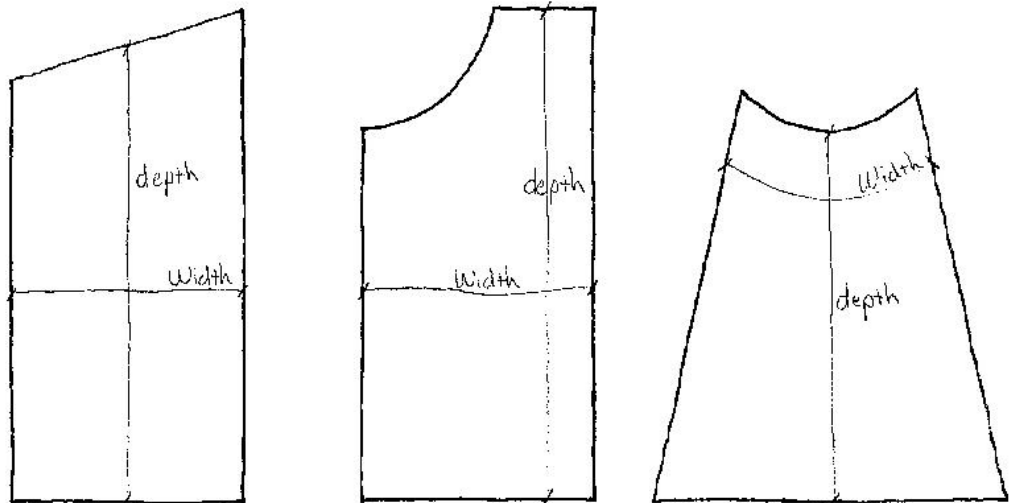
*Lot line, rear.* A boundary line which is opposite and most distant from the front lot line. In the case of corner lots, the rear lot line is the boundary line that has the greatest lot depth from either of the front lot lines. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be defined as a line ten feet in length within the lots, parallel to, and at the maximum distance from the front lot line.



*Lot line, side.* Any boundary line not a front lot line or a rear lot line.

*Lot of record.* A lot which is part of a subdivision recorded in the office of the Calumet County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been recorded in said office, or a certified survey which has been recorded in said office.

*Lot width.* The maximum horizontal distance between the side lot lines of a lot measured along the front lot line. On a cul-de-sac, or curved street, the front setback line shall be used to determine minimum lot width.



*Manufacturing, custom.* A use primarily engaged in the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic

mechanical equipment that does not exceed two horsepower each or a single kiln not exceeding eight cubic feet in volume and the incidental direct sale to consumers. Typical custom manufacturing include: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking shops, custom textile manufacturing and craft shops.

*Manufacturing, heavy.* A use engaged in the processing or production of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, noise, odor, vibration, water pollution, electromagnetic disturbances, radiation or dust. Heavy manufacturing uses may include uses such as a metal foundry, metal stamping plant, electrical generation plants, extraction of mineral resources in an open mine, concrete processing facility, paper manufacturing facility from raw materials, asphalt manufacturing facility, petroleum refining, private garbage incineration and animal processing and rendering plants.

*Manufacturing, light.* A use engaged in the processing, repair, production, assembling, altering, converting, fabricating, finishing, processing or treatment of a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements such as smoke, noise, odor, vibration, water pollution or dust and which is operating and storing products and materials in a completely enclosed structure. Light manufacturing uses may include uses such as: assembly or maintenance of machinery, manufacture or assembly of cloth, wire or rubber products in a completely enclosed building, chemical mixing or storage in a completely enclosed building, microchip manufacturing, assembly of precision instruments, assembly of electronic devices, assembly of medical devices, completely enclosed machine shops, cabinet making facilities and silk screening facilities.

*Metes and bounds description.* A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

*Mobile home.* Mobile home, as defined in section 107-1 of this Code.

*Mobile home park.* Mobile home community, as defined in section 107-1 of this Code.

*Mobile home site.* Mobile home space, as defined in section 107-1 of this Code.

*Mobile home subdivision.* Mobile home community, as defined in section 107-1 of this Code.

*Multi-tenant building.* Any building or structure that is occupied by two or more owners, renters or land uses, which is managed as a single property.

*Navigable water.* Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under section 281.31, Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sections 61.351 or 62.231, Wis. Stats., and chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if;

- (a) Such lands are not adjacent to a natural navigable stream or river;
- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agricultural use.

"Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or 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 example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons."

*Nonconforming characteristics.* Lawful, pre-existing aspects of a site that do not comply with the standards of this chapter, even though the principal use or structure may be conforming.

*Nonconforming lot.* A lot of record that does not comply with the lot requirements for any permitted use in the zone in which it is located.

*Nonconforming structure.* A lawful, pre-existing structure that does not comply with all relevant dimensional standards of this chapter.

*Nonconforming use.* Any lot or structure, lawfully occupied by a use at the time of the passage of this chapter or any subsequent amendments thereto, which do not conform to the applicable use regulations of the district in which it is located.

*Nursery, orchards or tree farm.* The use of land for the establishment, care and harvesting of trees, shrubs, plants or fruit from fruit bearing trees.

*Nursing or convalescent home.* A use where the primary function is to provide personal care, food, or shelter to three or more unrelated adults whom are infirmed, have a chronic illness or are unable to care for themselves either for profit or nonprofit.

*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.

*Occupancy.* To reside in as an owner or tenant on a permanent or temporary basis.

*Office.* A use in a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

*Open space.* A natural or manmade landscaped area not occupied by any structures, buildings or impervious surfaces.

*Ordinary high water 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.

*Outdoor commercial entertainment.* A use involving entertainment or recreation services offered outside of an enclosed building that is open to the general public for a fee.

Examples include: driving ranges, miniature golf courses, Go-Kart tracks, volleyball courts, water parks, skating rinks, batting cages and amusement parks.

*Outdoor display and/or sales.* An area of designated size located outside of an enclosed permanent building or structure used in conjunction with the a business that is occupying a permanent building or structure for the display of merchandise, goods, wares or tangible property normally sold, rented or leased within the business on the lot where the merchandise is sold, rented or leased.

*Outdoor storage.* An area of designated size located outside of an enclosed permanent building or structure used in conjunction with the business that is occupying a permanent building or structure on the same lot for the keeping of personal or business property, goods, wares, or merchandise that are not located in that specific area for customer viewing or immediate sale.

*Overlay zoning district.* A district established to prescribe special regulations to be applied to a described area in combination with the underlying zoning district.

*Owner.* A person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot.

*Office, business.* A business office is an office for such activities as real estate agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies or insurance companies, stockbrokers, and the like. It is characteristic of a business office that retail or wholesale goods are not shown on the premises to a customer. A barber or beauty shop is not a business office.

*Office, professional.* A professional office is an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like.

*Parcel.* See *Lot of record*.

*Park or playground.* The use of any land or open space for passive or active recreation purposes. Private parks or playgrounds are those owned or controlled by a private or for profit entity while public parks or playgrounds are those owned or controlled by a governmental entity. Private parks or private playgrounds as defined in this chapter are not intended to be single lots, or grouping of lots, located in a platted subdivision.

*Parking lot and structure.* An off-street, ground level open area or structure, used exclusively for the temporary storage of motor vehicles. Does not include an area for the display of motor vehicles for sale as part of an automobile dealership.

*Plan commission.* The plan commission of the Village of Harrison, Calumet and Outagamie Counties, Wisconsin.

*Personal storage.* The primary use of a building containing individual, compartmentalized and controlled access spaces, rooms or lockers that are leased, rented or owned by different individuals for the storage of individual possessions or personal property.

*Pervious surface.* An area that releases, as runoff, a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or similar vegetated areas are examples of surfaces that are typically pervious.

*Planned unit development.* A parcel of land or contiguous parcels of land controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located.

*Plat.* A minor land division (certified survey map), map, graphics or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is a recorded, legal document and must conform to all Wisconsin Statutes.

*Porch.* A platform at or above ground level adjoining and extending outward from the exterior walls of a building.

*Private drive.* A roadway, not maintained by the Village, providing access from a public street to a lot or building.

*Processing plant, food.* Any place where the manufacture or preparation of food for sale through the process of canning, extracting, fermenting, distilling, pickling, freezing, baking, drying, smoking, grinding, cutting, mixing, coating, stuffing, packing, bottling, or



packaging, or through any other treatment or preservation process is conducted. This does not include places defined under retail establishments, food.

*Professional service.* The use of office and other related spaces for such services as are provided by medical practitioners not intended for overnight care, dentists, attorneys, architects, real estate agents, engineers, funeral homes, banks, credit unions, savings and loan institutions, lending establishments and mortgage companies and other similar professions.

*Property line.* The legal boundaries of a parcel of property or lot that may or may not coincide with platted lot lines or street right-of-way.

*Premises.* A lot, or a building or structure.

*Recreational camp.* Premises and facilities used occasionally or periodically for the accommodation of members of groups or associations for outdoor recreational activities.

*Recreational vehicle.* A structure or vehicle designed to be towed, hauled or driven and used for temporary living or sleeping purposes and equipped with wheels to facilitate movement from place to place including, but not limited to: campers, motorized homes and travel trailers.

*Recycling and waste recovery center.* A use in which recoverable resources such as newspapers, magazines, books and other paper products, glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may be used again for production.

*Recycling center.* A use whose purpose is to collect and process recyclable materials and transfer the processed materials off site, not including a junkyard. Processing shall be limited to the preparation of material for efficient shipment by such means as compacting, flattening, crushing, mechanical sorting, cleaning and loading, all done within the confines of a building. For the purposes of this chapter, recyclable material collection shall be limited to aluminum, glass, paper or plastic.

*Religious institution.* A use involving a building, together with its accessory structures and uses, where persons regularly assemble for religious worship and which building, together with its accessory structures and uses, is maintained and controlled by a religious body organized to sustain public worship.

*Research laboratory or testing facility.* A use in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the facility.

*Residence.* See *Dwelling*.

*Restaurant.* A use involving a business establishment, with a valid liquor license issued by the Village or without alcoholic beverages, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the

customer, in a ready to consume state in individual serving or in nondisposable containers.

*Restaurant, fast food.* A use involving a business establishment whose principal business is the sale of previously prepared food, in disposable containers, directly to the consumer in a ready to consume state for consumption either within the restaurant or off-premises.

*Retail establishments, food.* An establishment required to be licensed under Wis. Stats. § 97.30, and all other commercial enterprises, fixed or mobile, where food is processed or sold or offered for sale at retail. The term shall also include all areas and facilities of such establishments used in conjunction therewith and all vehicles and equipment utilized in conjunction therewith. It includes retail grocery stores, meat markets, poultry markets, fish markets, delicatessens, bakeries, confectionaries, ice cream shops, cheese stores, convenience marts, milk cases, spice and herb shops, temporary retail food establishments and all other establishments where food is processed or sold or offered for sale at retail.

*Retail establishments, general merchandise.* A use that provides goods, wares, merchandise and/or services directly to the consumer, where such goods are available for immediate purchase.

*Retail establishments, personal services.* Any use which caters to customers' needs, and which may include the incidental sale of products. Personal services may include barbershops, beauty shops, copying and duplicating services, dry cleaners, health clubs, pet grooming and tanning spas. Personal services shall not include adult entertainment or sexually oriented businesses.

*Rummage sale.* The sale of personal household goods on a property customarily used as a residence.

*Rezoning.* The redesignation of an area, lot, or parcel from one zoning district to another.

*Right-of-way line.* The dividing line between the street and the lot.

*Roadside stand.* A structure not permanently fixed to the ground that is readily removable in its entirety for the display and sale of agricultural products. No such structure shall exceed 200 square feet in area and there shall be no more than one such structure on any one premises.

*Salvage yard or junk yard.* Premises where land, buildings or structures where junk, waste, discarded, salvaged or similar materials such as old metals, wood, lumber, glass, paper, rags, cloth, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, stored or handled, including used lumber and building materials, equipment, wrecking yards and the like. This definition shall not include automobile salvage or wrecking yards or pawnshops and establishments for the sale, storage or purchase of secondhand vehicles, clothing, furniture, appliances or similar household

goods, all of which shall be usable, nor shall it apply to the processing of used, discarded or salvageable materials incident to manufacturing activity on the same site.

*Salvage yards, automobile and commercial truck.* Premises used for the storing, dismantling, crushing, shredding or disassembly of used motor vehicles or their parts.

*Setback.* The required distance the exterior wall of a building or structure must be located from a lot line, easement, right-of-way, adjacent building or other feature as indicated in this chapter.

*Setback, front yard.* The minimum distance between the street lot line and the nearest part of the building or structure.

*Setback, rear yard.* The minimum distance between the rear lot line and the nearest part of the building or structure.

*Setback, side yard.* The minimum distance between the side lot line and the nearest part of the building or structure.

*Shopping center.* A use involving a group of retail business establishments and/or service uses on a single site, under one ownership, which leases spaces for separate establishments and which has common parking spaces and no lot lines between establishments.

*Shorelands.* The area within the following distances from the ordinary high-water mark of navigable waters, as defined under s. 281.31 (2) (d):

- (a) One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high-water mark of the lake.
- (b) Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

*Shoreland setback area.* An area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of buildings or structures has been limited or prohibited under the Harrison zoning ordinance.

*Shoreland-wetland overlay district.* The zoning overlay district, created in this ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance.

*Showroom.* An indoor use or the indoor portion of a building or use where merchandise is on display for consumer viewing.

*Solar energy systems.* A system of equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

*Special exception.* See *Variance*.

*Stable.* Premises where more than one horse is boarded, raised, kept or trained regardless of whether such horses are owned by the occupants or owners of the premises. A stable shall provide not less than three acres of lot area.

*Stable, riding.* Premises on which horses are kept for the purpose of renting them to the public on any basis. A riding stable shall consist of not less than five acres.

*Storage establishment.* Premises where goods and materials or more than three motor vehicles, recreational vehicles or boats are stored or kept for a fee.

*Story.* That portion of a building, other than a basement, that is between the surface of any floor and the surface of the next floor above it or, if there is not a floor above, then the space between such floor and the ceiling next above it.

*Street.* A dedicated right-of-way affording primary access by pedestrians or vehicles to abutting property. Egress and ingress easements shall not be considered streets or roads.

*Street, private.* A street that has not been accepted by the Village or other governmental agency.

*Structure.* Anything constructed or erected with a fixed location on the ground or attached or resting on something having a fixed location on the ground. Moreover, the following shall always be considered structures: parking lots, buildings, walls, fences, signs and billboards.

*Structure, accessory.* A structure which is located on the same lot with such principal building, structure, or use and which is customarily incidental to and subordinate to the principal building, structure, or use. An accessory structure is not necessarily a building. Examples of accessory structures include, but are not limited to, parking lots, fences, patios, decks, swimming pools, and game courts.

*Structure, principal.* A structure which contains the primary use of the lot, as contrasted to an accessory building, structure, or use.

*Structure, temporary.* A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected or placed has ceased.

*Tavern.* A use, licensed by the Village, to sell retail alcoholic beverages to be consumed on premises and which may provide dancing (not exotic), entertainment and food. The term tavern shall include bar, pub, nightclub and cocktail lounge.

*Temporary contractor's offices.* A temporary structure used as an office in conjunction with a construction project.

*Temporary merchandise sales, outdoor.* A temporary use that is conducted outside of an enclosed permanent building or structure on a lot where a temporary merchant or a group of temporary merchants displays and sells goods, wares and merchandise to the general public.

*Temporary merchant.* Any individual who engages in, conducts any temporary use in the Village, either in one location or by moving his or her place of business from one lot to another lot in the Village, displaying or selling goods, wares or merchandise, or who solicits for such trade to the general public.

*Temporary model home sales office.* A dwelling temporarily used as a real estate office for a residential development or subdivision under construction for on-site real estate sales.

*Tent.* A temporary structure constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, and is open without sidewalls or drops on 75 percent or more of the perimeter.

*Towed vehicle storage.* A use that provides for the temporary storage of vehicles that have been towed, but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.

*Towing business.* A use that provides for the removal of vehicles.

*Toxic and hazardous waste.* Waste materials as defined by the DNR and EPA.

*Truck and heavy equipment sales and rental.* A use involving the display and temporary storage of trucks or other equipment commonly used in commercial, industrial or construction enterprises for sale, lease or rental.

*Undue hardship.* As used in connection with the granting of a variance means the property in question cannot be put to any reasonable use if established under conditions required by this chapter, and, where the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if approved, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if any reasonable use for the property exists under the terms of this chapter.

*Use.* The purpose or activity for which the land, building or structure thereon is designated, arranged or intended, for which it is occupied, utilized or maintained.

*Use, accessory.* A use which is located on the same lot with such principal building, structure, or use and which is customarily incidental to and subordinate to the principal building, structure, or use.

*Use, conditional.* See *Conditional use*.

*Use, permitted.* A public or private use which of itself conforms to the intent, requirements, regulations and design standards of a particular zoning district.

*Use, principal.* The main use of the land, building or structure as distinguished from accessory use. A "principal use" may be "permitted" or "conditional".

*Use, temporary.* A use that is established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

*Utility substation.* Public or private buildings or structures required to provide essential municipal or other utility services (gas, electric, telephone, water, sewer, cable, etc.)

*Variance.* A relaxation of the terms of the this chapter where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

*Veterinarian clinic.* A use in a completely enclosed building, or portion thereof, designed or used for the care, observation or treatment of domestic animals by or under the supervision of a licensed veterinarian.

*Village Board.* *Village Board of Trustees, Village of Harrison, Calumet and Outagamie Counties, Wisconsin.*

*Vision clearance or vision corner.* The triangular approach zones at street and/or driveway intersections intended to allow visibility of approaching traffic, pedestrians and bicycles and as regulated in section 117-53.

*Warehouse or storage facility.* A use of a building or part of a building primarily involved in the indoor storage of goods and materials.

*WDNR.* The Wisconsin Department of Natural Resources.

*Wetlands.* Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

*Wetland, alteration.* Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

*Wholesale and distribution facility.* A use that maintains a stock of goods, other than samples on premises, and is engaged in the resale of commodities in quantity, to businesses, industries and institutions.

*Yard.* A required open space, on a lot between a lot line and a building or structure, which is unoccupied and unobstructed from the ground upward, except for permitted obstructions.

*Yard, front.* An open space extending the full width of the lot, between the building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward except as provided herein, the depth of which shall be measured as the least distance between the front lot line and the front foundation wall of the main building.

*Yard, rear.* An open space extending the full width of the lot, between the building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward, except as provided herein, the depth of which shall be measured as the least distance between the rear lot line and the rear foundation wall of the main building.

*Yard, side.* An open space extending from the front yard to the rear yard, between the building and the side lot line, unoccupied and unobstructed from the ground upward, except as provided herein, the depth of which shall be measured as the least distance between the side lot line and the side foundation wall of the main building.

*Zoning administrator.* The zoning administrator shall be the Village planner.

*Zoning amendment.* A change of the zoning map or zoning text authorized by the Village, either in the allowable use within a district, in the boundaries of a district or in a change to the text of this chapter.

*Zoning district.* An area or areas within the limits of the Village for which the regulations and requirements governing uses of land, premises and buildings are uniform, within which certain yards and open spaces are required and certain height limits are established for buildings.

*Zoning map.* The map or maps incorporated into this chapter as a part thereof, designating the zoning districts.