

## **Chapter 314**

### **WIND ENERGY SYSTEMS**

**[The State Public Service Commission now promulgates regulations for the installation and use of wind energy systems.]**



ZONING

**Chapter 320**

ZONING

**[HISTORY: Adopted by the Town Board of the Town of Greenville (now Village Board of the Village of Greenville) 10-26-2020 by Ord. No. 09-20.<sup>1</sup> Amendments noted where applicable.]**

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1. Editor's Note: This ordinance also repealed former Ch. 320, Zoning, adopted 4-9-2001, as amended.



**Part 320-100  
Introduction**

**ARTICLE I  
General Provisions**

**§ 320-101. Title.**

This chapter shall be known, cited, and referenced as the "Greenville Zoning Ordinance" or "this chapter."

**§ 320-102. Statutory grant of power.**

This chapter is established pursuant to the provisions of § 62.23(7)(am) of the Wisconsin Statutes.

**§ 320-103. Purposes.**

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to preserve burial sites, as defined in § 157.70(1)(b), Wis. Stats. Such regulations shall be made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

**§ 320-104. Applicability.**

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

- A. No land, building or structure shall hereinafter be used or occupied, and no building, structure, or part thereof shall hereinafter 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.
- B. No sign shall hereinafter be erected, hung, placed, altered, or moved except in conformity with the regulations of the district in which it is located.
- C. 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 except if allowed in another part of this chapter.

- D. 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.
- E. 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 or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is part.
- F. Telephone, communication, gas and power transmission lines may be constructed within highway setback lines subject to permit, and additions to and replacements of existing lines may be made subject to permit, provided that the owner will first file with Greenville an agreement, in writing, that the owner will remove at its expense all new lines, additions and replacements constructed after the effective date of this chapter, when such removal is necessary for improvement of the highway.

#### **§ 320-105. Application of regulations.**

The regulations set by this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure, building, use, or land.

#### **§ 320-106. Interpretation of provisions.**

In their interpretation and application, the provisions of this chapter shall be considered minimum requirements. Where the provisions of this chapter impose greater restrictions than any statutes, other regulations, ordinance, or covenant, the provisions of this chapter shall prevail. Where the provisions of any statute, other regulation, ordinance, or covenant impose greater restrictions than the provisions of this chapter, the provisions of such statute, other regulations, ordinance, or covenant shall prevail. If there are conflicting regulations within this chapter, the more restrictive regulation shall prevail unless otherwise noted, and the conflicting regulations shall be corrected through the amendment process.

#### **§ 320-107. Other applicable regulations.**

In addition to the applicability of these regulations, certain lands and structures in Greenville are also subject to, without limitations, regulations pertaining to floodplains, shorelands, wetlands, land divisions, airports, airport operations, or other similar regulations.

#### **§ 320-108. Abrogation and greater restrictions.**

This chapter does not repeal, rescind, or otherwise negate any easement, covenant, ordinance, rule, or other regulation that is legally enforceable, provided that where the regulations of this chapter are either more or less restrictive than such easement, covenant, rules, or other agreements, the more restrictive standards or requirements shall prevail.

**§ 320-109. Severability.**

If any section, clause, provision, or portion of this chapter is judged invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If any application of this chapter to a particular structure, land or water is judged invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

**§ 320-110. Repealer.**

All ordinance or parts of ordinances in conflict with this chapter are hereby repealed to the extent necessary to give this chapter full force and effect. This chapter shall become effective on December 1, 2020.





ARTICLE II  
Districts

**§ 320-111. Establishment of districts.**

To achieve the purposes of this chapter, Greenville is hereby divided into the following districts as set forth in this chapter: Reference: § 320-112.

- A. AGD General Agricultural District.
- B. AGD-FP General Agricultural Farmland Preservation Overlay District.
- C. OS Open Space District.
- D. RR Rural Residential District.
- E. R1 Single-Family Residential District.
- F. R2 Two-Family Residential District.
- G. R3 Multifamily Residential District.
- H. R4 Attached Single-Family Residential District.
- I. MH Mobile/Manufactured Home Park District.
- J. INST Institutional District.
- K. NC Neighborhood Commercial District.
- L. GC General Commercial District.
- M. IND Industrial District.
- N. AD Airport District.<sup>2</sup>
- O. S Shoreland District. [Added 2-22-2021 by Ord. No. 03-21]
- P. SW Shoreland-Wetland District. [Added 2-22-2021 by Ord. No. 03-21]
- Q. FW Floodway District. [Added 2-22-2021 by Ord. No. 03-21]
- R. FF Floodfringe District. [Added 2-22-2021 by Ord. No. 03-21]
- S. FP Floodplain District. [Added 2-22-2021 by Ord. No. 03-21]
- T. FS Flood Storage District. [Added 2-22-2021 by Ord. No. 03-21]

**§ 320-112. Official Zoning Map.**

- A. Establishment. The location and boundaries of the districts shall be as shown in a map entitled the "Official Zoning Map of Greenville, Outagamie County, Wisconsin." The district symbol, as set out in § 320-111 above and in this chapter,

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2. Editor's Note: Original Subsection O, CP Planned Commercial District, and Subsection P, BP Business Park District, of the 2014 Town Code, which immediately followed this subsection, were repealed 9-27-2021 by Ord. No. 10-21.

shall be used to designate each district. The Official Zoning Map with all notations, dimensions, designations, references, and other data shown shall accompany and be part of this chapter.<sup>3</sup>

- B. Amendments. Amendments to the Official Zoning Map shall be approved by the Outagamie County Board of Supervisors in accordance with the provisions of this chapter and § 62.23(7)(d) of the Wisconsin Statutes. Amendments shall be effective as provided in § 62.23(7)(d) of the Wisconsin Statutes. Amendments shall promptly be portrayed on the Official Zoning Map.
- 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 to the current zoning status of any lands unless overruled by Outagamie County.
- 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 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 have 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 Greenville 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.

### **§ 320-113. 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 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 center lines of streets, highways, alleys or rights-of-way shall be construed as following such center lines as they exist on the ground.
  - (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 middle of the street, highway or right-of-way.

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3. Editor's Note: The Zoning Map is on file in the office of the Village Clerk.

- (3) Boundaries indicated as approximately following the limits of incorporated municipalities shall be construed as following such limits.
- (4) Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks.
- (5) Where boundaries do not follow property lines and distances are not specified, boundaries shall be determined by the use of the scale in the Official Zoning Map.
- (6) Where the property layout existing on the ground is at variance with what is shown in the Official Zoning Map, the Zoning Administrator shall interpret the Official Zoning Map.



**Part 320-200**  
**Administration And Enforcement**

ARTICLE I  
**Administrative Organization**

**§ 320-201. Organization defined.**

The administration of this chapter is hereby defined as follows:

- A. The Planning Commission and Greenville Community and Economic Development Department.
  - (1) Organization.
  - (2) Request for Planning Commission action.
  - (3) Amendments.
  - (4) Special exceptions.
  - (5) Planned unit development (PUD).
- B. Zoning Board of Appeals.
  - (1) Appeals.
  - (2) Variances.
- C. The Office of the Zoning Administrator.
  - (1) Zoning Administrator.
  - (2) Site plans.
  - (3) Zoning occupancy certificates.
- D. Fees and penalties.



ARTICLE II  
**Planning Commission**

**§ 320-202. Authority.**

The Greenville Planning Commission shall administer zoning functions required by Wis. Stats. § 62.23.

**§ 320-203. Request for Planning Commission action.**

Those wishing to obtain approval through the Planning Commission shall first complete an application as provided by Greenville. Such actions include, but are not limited to zoning text amendments, rezoning of property, special exceptions and amendments, planned unit developments (PUD) and amendments, subdivision of land, subdivision variances, development of district map amendments, Official Map amendments, plats of right-of-way, discontinuance of public easements and roads, street name changes, vacation of street/alley/pedestrian walkway, and/or others as applicable. The application for Planning Commission action is available in the Office of the Community and Economic Development Department. Such application shall be completed in full and submitted with the appropriate fee to the Community and Economic Development Director or designee for placement on an available Planning Commission meeting.

**§ 320-204. Zoning amendments.**

The Board may, by ordinance, change or supplement the regulations established by this chapter or amendments to this chapter.

A. Initiation.

- (1) Proposed text amendments may be initiated by the Board, Planning Commission, property owner, or resident of Greenville.
- (2) Proposed map amendments may be initiated by the Board, Planning Commission, or the owner or owner's designated agent of the particular property to be rezoned.

B. Procedures.

- (1) A preconsultation meeting shall be required with the Community and Economic Development Director or designee to discuss the request and provide guidance to the property owner/applicant.
  - (a) Map amendment. An application for a map amendment shall include a concept plan identifying the proposed use and development of the property.
  - (b) Text amendments. An application for a text amendment shall include a written description of the amendment.

- C. Public hearing. A public hearing shall be set within 60 days of filing a complete application to come before the Planning Commission. A Class 2 notice pursuant to Chapter 985, Wis. Stats. shall be published specifying the date, time and place of the hearing and the matters to come before the Planning Commission. Notice shall

be mailed to all property owners in compliance with Chapter 99, Citizen Participation, for map amendments only.

- D. Action by the Planning Commission. The Planning Commission shall consider, report, and make recommendations to the Board.
- E. Action by the Board. The Board shall approve amendments by written ordinance. Procedures shall be in accordance with § 62.23(7), Wis. Stats. If the Board approves an amendment, it becomes effective upon passage and publication. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
  - (1) AGD-FP General Agricultural Farmland Preservation Overlay District. If property is to be rezoned out of the AGD-FP General Agriculture Farmland Preservation Overlay District, it shall comply with Wis. Stats., § 91.48(1). Greenville shall, by March 1 of each year, provide a report in compliance with Wis. Stats., § 91.48(2) identifying the number of acres removed from AGD-FP.
- F. Reapplication period. The Planning Commission will not consider any application of a property owner or owner's designated agent for a Zoning Map amendment within a one-year period following a denial of the same request by the Board, except the Planning Commission may permit a new application if the request is significantly altered or at the discretion of the Community and Economic Development Director or designee for a different zoning district or for amended property boundaries.

### § 320-205. Special exceptions.

A special exception is a use or structure that may not be appropriate generally or without restriction throughout a district, but, if controlled as to number, area, location, or relation to neighborhood, would promote the public health, safety, welfare, comfort, convenience or the general welfare. Such uses or structures may be permissible in a zoning district as a special exception only if specific provision for such use or structure is made in the district. A special exception shall not be issued for any use or structure without compliance with this chapter. Reference: § 320-302, definition of "special exception"; § 320-501C; § 320-504K, Certified Survey Map; § 320-504O(1)(c)[2]; § 320-504Q; § 320-504Z; § 320-521C; § 320-713A.

- A. Procedure.
  - (1) Applications for a special exception shall be submitted to the Community and Economic Development Department.
  - (2) A site plan, in compliance with this chapter, is required for applications for a special exception, and it shall be submitted simultaneously with the application. There may be instances where a site plan is not required; in those instances, the Community and Economic Development Director or designee shall have the discretion to determine if a site plan is required and what level of detail is required to be submitted based on existing site conditions and if physical site or building improvements are required or being proposed.
  - (3) The application may also be accompanied by any other material or information



necessary to demonstrate that the grant of a special exception 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 Community and Economic Development Director shall refer all applications and accompanying materials to the Planning Commission.

- B. Public hearing. A public hearing shall be set within 60 days of filing a complete application to come before the Planning Commission. A Class 2 notice pursuant to Chapter 985, Wis. Stats., shall be published specifying the date, time, and place of the hearing and the matters to come before the Planning Commission. Notice shall be mailed to all property owners in compliance with Chapter 99, Citizen Participation.
- C. Approval, conditions, and safeguards. Standards for granting special exceptions. Special exceptions shall be recommended by the Planning Commission and approved by the Board when all of the following conditions prevail. Reference: § 320-205D(1).
- (1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
  - (2) The special exception will not be injurious to the uses of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.
  - (3) The proposed use will not create a look of clutter, garishness, glare, or create an obnoxious noise level, or would generate any other incompatibility with the surrounding neighborhood.
  - (4) The impact of the use is furthering the purposes of this chapter or the purposes of the zoning district in which the use is proposed or the adopted Comprehensive Plan.
  - (5) The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property.
  - (6) Adequate facilities, access roads, drainage, and/or necessary services will be provided.
  - (7) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - (8) If the special exception involves a public use or a use providing public utility service, such use or service shall meet a demonstrable public need and provide a public benefit.
  - (9) The requirements of this chapter are met.
  - (10) It is consistent with the Comprehensive Plan.
- D. Conditions, guarantees, and validity period.

- (1) Prior to the granting of any special exception, the Planning Commission may recommend, and the Board may place such conditions and restrictions as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in § 320-205C. Where special exceptions are subject to conditions, the Planning Commission may recommend, and the Board may require evidence and guarantees as it may deem necessary (as proof the stipulated conditions are being and will be complied with).
  - (2) A special exception shall become effective upon approval by the Board by written resolution, and all conditions shall be complied with. A record of the special exception shall be kept in the Clerk's files.
  - (3) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this chapter or those imposed by the Board, the Board shall grant the special exception. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence. Substantial evidence is defined in § 62.23(7)(de)2a of the Wisconsin Statutes as facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
  - (4) 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 Greenville relating to the special exception are or shall be satisfied, both of which must be supported by substantial evidence. Greenville's decision to approve or deny the permit must be supported by substantial evidence.
- E. Inspection and completion. Reference: § 320-215B(2); § 320-215B(3).
- (1) All conditions and improvements required as part of the special exception approval shall be complied with and completed/installed within three months of occupancy of the building or structure unless occupancy/completion occurs between November 1 and May 1, in which case improvements shall be completed no later than July 1 of the following year.
  - (2) If no building or structure is constructed as part of the project, all improvements required in this chapter shall be completed/installed within 12 months of issuance of an erosion control/stormwater permit.
  - (3) If no erosion control/stormwater permit is required, all conditions shall be completed within 12 months of approval of the special exception approval.
  - (4) Within 30 days of the completion, the owner/developer shall request an inspection of the improvements to verify compliance with the approved special exception, and record drawings shall be submitted in a format as required by Greenville. A zoning occupancy permit shall be issued per § 320-215, Zoning occupancy certificates, upon all improvements being completed and record drawings being submitted.

F. Expiration. Reference: § 320-214E. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)**]

- (1) If a building permit is required, the special exception approval shall expire if the building permit is not obtained within 12 months of special exception approval.
- (2) If a building permit is not required, but an erosion control/stormwater permit is required, the special exception approval shall expire if the erosion control/stormwater permit is not obtained within 12 months of special exception approval.
- (3) If a building permit and erosion control/stormwater permit are not required, the special exception approval shall expire if all required improvements and/or conditions are not installed/met within 12 months of special exception approval.
- (4) Once granted, a special exception shall remain in effect as long as the conditions upon which the permit was issued are followed, but Greenville may impose conditions, such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in this chapter or by the Planning Commission or Board.
- (5) Amendments. A minor change to a special exception shall be requested by the applicant, in writing, to be reviewed and voted on by the Planning Commission; no fee shall be charged. If it is determined the modification is a major change, the applicant shall be required to file a new special exception permit application with applicable fees.
- (6) Existing special exceptions. Any use or structure existing on the effective date of adoption or amendment of this chapter which is classified as a special exception in the district it is located in 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 chapter.
- (7) Records and decisions. The Planning Commission and Board shall keep a record of its proceedings under this section, and shall be filed immediately as public records. Every final decision under this section shall be in a written resolution approved by the Board, accompanied by findings of fact based on the record.

G. Appeal. If a special exception request is denied, the decision may be appealed to the Circuit Court.

**§ 320-206. Planned unit development (PUD).**

Reference: Table 320-503-1.<sup>4</sup>

A. Intent. This overlay is intended to encourage quality and desirable development by

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4. Editor's Note: Table 320-503-1 is included in § 320-503.

allowing for greater flexibility and design freedom than permitted under other zoning district regulations. These regulations are established to permit and encourage mixed-use; create diversification, variation and imagination in the layout of development; encourage the preservation of open space; and encourage more rational, economic development with respect to the provision of public services. Reference: § 320-206D(1)(a).

- B. Definition. "Mixed-use" shall be defined as a development practice blending two or more land uses either within a single building (vertical mixed-use) or multiple buildings/uses across a single parcel, a street/block or entire neighborhood (horizontal mixed-use) and is considered pedestrian-friendly and walkable when at a street/block or neighborhood level and incorporates common neighborhood design principals as identified in the Comprehensive Plan. Reference: § 320-206D(1)(b).
- C. Applicability and procedure.
- (1) A preapplication meeting shall be required with the Community and Economic Development Department.
  - (2) Once the preapplication meeting has been held, a planned unit development concept plan application shall be submitted to the Community and Economic Development Department. Upon plan submittal, the Community and Economic Development Director or designee shall schedule a meeting with the Planning Commission to review the plan. The plan shall be reviewed against the requirements of the Municipal Code, this chapter, and consistency with the Comprehensive Plan.
  - (3) The Planning Commission shall review the plan and either recommend approval or denial to the Board or postpone action until the plan has been modified based on the recommendations of the Planning Commission.
  - (4) Upon the Board receiving a recommendation from the Planning Commission, the Board shall approve or deny the plan or postpone action on the plan until it has been modified.
  - (5) Upon approval of the concept plan, the applicant shall submit an application for a special exception for planned unit development, in compliance with § 320-205, Special exceptions, along with any other applicable zoning and development application requests that may be required.
  - (6) Expiration. The concept plan shall expire if required approvals (special exception, rezoning, platting/CSM and/or site plan or any other applicable approvals) are not obtained within 12 months of the concept plan approval.
- D. Regulations.
- (1) Planned unit developments. Planned unit developments shall meet the following standards:
    - (a) Meet the planned unit development intent per § 320-206A.
    - (b) Meet the definition of "mixed-use" per § 320-206B.

- (c) Have at least two or more land uses as permitted in Table 320-503-1.<sup>5</sup>
  - (d) Be a minimum of five acres in size.
  - (e) Be consistent with the Comprehensive Plan.
- (2) All regulations within the Greenville Municipal Code shall be complied with except Part 320-500, District Regulations, Part 320-600, Site Development Regulations, and Part 320-700, Signs, may be modified and shall be proposed during the concept plan approval process and shall be approved as part of the special exception approval for the planned unit development.
- (3) Conditions and safeguards. The Planning Commission may recommend to the Board, and the Board may require, that additional conditions and safeguards be established through the special exception approval to ensure the protection and safety of the public interest.
- E. Expiration. The planned unit development special exception shall expire consistent with the requirements of § 320-205F for special exceptions.

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5. Editor's Note: Table 320-503-1 is included in § 320-503.



ARTICLE III  
**Zoning Board of Appeals**

Reference: § 320-302, definition of "variance."

**§ 320-207. Establishment..**

In order for the objectives of this chapter to be more fully and equitably achieved and a means for interpretation provided, there is established a Board of Appeals (hereinafter referred to as the "BOA") for Greenville.

- A. Board members. The BOA shall consist of five members. The highest elected officer of Greenville shall appoint the members subject to confirmation by the Board. The members of the BOA shall all reside within Greenville. The highest elected officer of Greenville shall designate one of the members as Chairperson.
- B. Terms. The terms of the first appointed shall be for one for one year, two for two years and two for three years. 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 July 1, in the year in which they were appointed and until their successors are appointed.
- C. Vacancies and removal. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members shall be removable by the highest elected officer of Greenville for cause upon written charges and after a public hearing.
- D. Compensation. The actual and necessary expenses incurred by the BOA in the performance of its duties shall be paid and allowed by the Board as in cases of other claims against Greenville. The Board may also compensate the members of the BOA and their assistants as may be authorized by the Board.
- E. Rules. The BOA shall adopt rules for the conduct of the business of the BOA in accordance with the provisions of this chapter. The BOA may adopt further rules as necessary. No rule may be changed without the concurring vote of a majority of the BOA.
- F. Meetings. Meetings of the BOA shall be held at the call of the Chairperson, and at such other times as the BOA or Greenville staff may determine. Such Chairperson or, in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the BOA shall be open to the public.
- G. Records and decisions. The BOA 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 immediately filed in the office of the Clerk and shall be a public record.
- H. Votes required. If a quorum is present, a majority vote of the members of the BOA present shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the

applicant on any matter upon which it is required to pass or to effect a variation. The grounds of every such determination shall be stated.

**§ 320-208. Jurisdiction.**

The BOA is hereby vested with the following jurisdiction and authority:

- A. Appeals: to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or designee in the enforcement of this chapter.
- B. Variances: to hear and act upon applications for specific variances from the terms provided in this chapter.
- C. Other matters: to hear and act upon all other matters referred to it upon which it is required to act under this chapter.
- D. Assistance. The BOA may request assistance from other Greenville officers, departments, commissions, and boards.
- E. Oaths. The Chairperson or, in his/her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.

**§ 320-209. Powers and duties regarding appeals.**

- A. Powers. The BOA 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 BOA 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 such ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
- B. Procedures. Appeals to the BOA may be taken by any person aggrieved or by any officer, department, board or bureau of Greenville affected by any decision made by an administrative officer. Such appeal shall be taken within 60 days of the order, requirement, decision, or determination appealed from by filing with the Zoning Administrator and with the BOA a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the BOA all the papers constituting the record upon which the action appealed from was taken. The BOA may request the applicant to provide additional information as may be needed to determine the case. A Class 2 notice pursuant to Chapter 985, Wis. Stats., shall be published, specifying the date, time, and place of the hearing and the matters to come before the BOA.
- 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 BOA after the notice of appeal shall have been filed with him, 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 BOA or by a court of record on the 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 determinations are made by the BOA, 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 BOA, to the administrative officer 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 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 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.

**§ 320-210. Powers and duties regarding variances.**

- A. Powers. The BOA 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 literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship, so the spirit of this chapter shall be observed and substantial justice is done.
- B. Procedures. Upon filing with the Community and Economic Development Department an application for variance, a reasonable time (not more than 60 days from the filing date) shall be set for a public hearing. A Class 2 notice pursuant to Chapter 985, Wis. Stats., shall be published, specifying the date, time, and place of the hearing and matters to come before the BOA.
- C. Requirements for a variance. In general, the power to authorize a variance from the requirements of the chapter shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions that require an amendment to this chapter or for use variances. Dimensional/area variances shall only be granted when the BOA finds that:
  - (1) The variance will not cause harm to the public interest and such a variance will be in general harmony with the purpose and intent of this chapter.
  - (2) The variance will not permit the establishment of a use not permitted or permissible in the district; a use variance is not permitted, only dimensional.
  - (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) An unnecessary hardship would result from the strict application of this chapter and is not the result of self-created or self-imposed circumstances or personal convenience.
- D. Expiration. A variance shall expire within 12 months of approval if not commenced. If a variance is granted and requires additional approvals or permits, the variance approval shall expire within 12 months of approval of the variance if the required additional approvals are not approved, or permits are not issued.

**§ 320-211. Powers and duties regarding interpretations.**

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

**§ 320-212. Appeals from decisions.**

Any person or persons, jointly or severally, aggrieved by any decision of the BOA, 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 BOA, commence an action seeking the remedy available by certiorari.

ARTICLE IV  
**Zoning Administration**

**§ 320-213. Zoning Administrator.**

The Zoning Administrator is responsible for interpreting and administering this chapter.

- A. The Zoning Administrator or designee shall:
- (1) Issue the necessary permits required by the provisions of this chapter, provided that its provisions have been complied with.
  - (2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of local, state and federal laws.
  - (3) Keep an accurate record of all permits issued and matters arising out of this chapter.
  - (4) Receive, file, and process all applications for site plans, special exception uses, appeals, variances, and amendments to this chapter.
  - (5) Initiate, direct, and review, from time to time, a study of the provisions of this chapter and make recommendations to the Planning Commission for investigation and appropriate action.
  - (6) Carry out such additional responsibilities as are hereinafter set forth in this chapter.
- B. In the enforcement of this chapter, the Zoning Administrator or designee shall have the power and authority at any reasonable time and for any proper purpose, to enter upon any public or private premises and make inspection thereof only if there is an open permit on the property. If there is not an open permit on the property, permission shall be granted by the property owner to enter the property or by court order.

**§ 320-214. Site plans.**

Reference: § 320-501H; § 320-504L(4)(a); § 320-504AA(4); § 320-607; § 320-626C; § 320-633; and Diagram 320-214-1.<sup>6</sup>

- A. Application. An application for a site plan is required to be submitted to and approved by the Community and Economic Development Department prior to:
- (1) Performing site work and installation of applicable improvements as required by this chapter and the Greenville Municipal Code.
  - (2) Obtaining an erosion control/stormwater permit as required by Chapters 117 and 255, this chapter and the Greenville Municipal Code.
  - (3) Obtaining a building permit or other required permit as required by Chapter 85, this chapter and the Greenville Municipal Code. Interior or exterior remodels, or work considered maintenance that does not expand the existing

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6. Editor's Note: Diagram 320-214-1 is included in § 320-214F.

footprint of a building or structure, does not require a site plan unless otherwise required by this chapter.

- B. Site plan requirements. The following plans, documents, and information, if applicable as determined by the Community and Economic Development Director, or designee, shall be submitted to the Community and Economic Development Department before it shall be considered an official site plan application submittal.
- (1) An application for a site plan provided by the Community and Economic Development Department.
  - (2) Plan set to include the following plan sheets. Each plan sheet shall provide adequate information to verify all requirements have been met. Plans may be required to be prepared and stamped by a licensed engineer or architect.
    - (a) Existing conditions sheet to include all existing structures, buildings, utilities, easements, and natural features, such as rivers/streams/lakes/wetlands/forested areas, etc. (topographic survey/CSM/plat).
    - (b) Standard notes sheet.
    - (c) Site plan sheet which shall meet the requirements of this chapter to include but not limited to the applicable zoning district uses in Table 320-503-1, dimensional requirements in Table 320-505-1, Part 320-600, Article I, Access and Visibility, and Part 320-600, Article II, Parking Requirements.<sup>7</sup>
    - (d) Utility plan sheet, which shall meet the requirements of Chapter 340.
    - (e) Erosion control plan sheet, which shall meet the requirements of Chapter 117.
    - (f) Grading/drainage/stormwater plan sheet, which shall meet the requirements of Chapters 117 and 255.
    - (g) Landscape plan sheet, which shall meet the requirements of Part 320-600, Article IV, Landscaping Requirements.
    - (h) Lighting/photometric plan sheet, which shall meet the requirements of Part 320-600, Article III, Lighting.
    - (i) Sign plan sheet, which shall meet the requirements of Part 320-700, Article I, Regulations.
    - (j) Building elevation sheet in color and black and white, which shall meet the requirements of special/overlay districts and Part 320-600, Article V, Architectural Requirements.
    - (k) Standard details plan sheet(s).
  - (3) Stormwater management report, which shall meet the requirements of Chapter 255.

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7. Editor's Note: Table 320-503-1 is included in § 320-503; Table 320-505-1 is included in § 320-505A.

- (4) Erosion control application.
  - (5) County, state, and federal permits and/or approvals if available at the time of submittal. Final approval of the site plan and issuance of erosion control/stormwater/site and building permits to construct may require applicable approvals be submitted to Greenville.
  - (6) Any other information that may be required to demonstrate all applicable requirements have been complied with and are consistent with the Comprehensive Plan.
- C. Approval. Upon site plan approval, Greenville shall issue an erosion control permit, as required by Chapter 117, for site work to begin; building permits may be issued once the erosion control permit, if required, has been issued.
- D. Inspection and completion. Reference: § 320-215B(1); § 320-215B(2); § 320-215B(3); § 320-617; § 320-626E; § 320-638.
- (1) All improvements required as part of the site plan approval shall be complied with and completed/installed within three months of occupancy of the building or structure unless occupancy/completion occurs between November 1 and May 1, in which case improvements shall be completed no later than July 1 of the following year.
  - (2) If no building or structure is constructed as part of the project, all improvements required in this chapter shall be completed/installed within 12 months of issuance of an erosion control/stormwater permit.
  - (3) If no erosion control/stormwater permit is required, all improvements shall be completed within 12 months of approval of the site plan approval.
  - (4) Within 30 days of the completion, the owner/developer shall request an inspection of the improvements to verify compliance with the approved site plan and record drawings shall be submitted in a format as required by Greenville. A zoning occupancy permit shall be issued per § 320-215, Zoning occupancy certificates, upon all improvements being completed and record drawings being submitted.
- E. Expiration.
- (1) If a building permit is required, the site plan approval shall expire if the building permit is not obtained within 12 months of site plan approval.
  - (2) If a building permit is not required, but an erosion control/stormwater permit is required, the site plan approval shall expire if the erosion control/stormwater permit is not obtained within 12 months of site plan approval.
  - (3) If a building permit and erosion control/stormwater permit are not required, the site plan approval shall expire if all required improvements are not installed/met within 12 months of site plan approval.
- F. Amendments. Changes to site plans shall be reviewed and approved by the Community and Economic Development Director or designee prior to making any

changes to the approved site plan or field changes. If it is determined it is a minor change, no fee shall be charged. If it is determined it is a major change, the site plan fee shall be charged.

Diagram 320-214-1

Site Plan

Reference: § 320-214, Part 320-600, Article I, Part 320-600, Article II, and Part 320-600, Article III

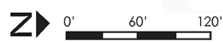
GREENVILLE, WI - ZONING SITE PLAN

\*SEE LANDSCAPE PLANS FOR LANDSCAPING DETAILS AND INFORMATION

- ① § 320-601 ACCESS (A)
- ② § 320-601 ACCESS (B)
- ③ § 320-601 ACCESS (C)
- ④ § 320-601 ACCESS (D)
- ⑤ § 320-601 ACCESS (E)
- ⑥ § 320-601 ACCESS (G)
- ⑦ § 320-601 ACCESS (H)
- ⑧ § 320-601 ACCESS (I)
- ⑨ § 320-602 VISIBILITY
- ⑩ § 320-608 ACCESS
- ⑪ § 320-609 LOCATION RESTRICTIONS
- ⑫ § 320-609 LOCATION RESTRICTIONS
- ⑬ § 320-610 PARKING DIMENSIONS
- ⑭ § 320-612 BICYCLE PARKING REQUIREMENTS
- ⑮ § 320-613 SNOW STORAGE REQUIRED
- ⑯ § 320-615 HANDICAPPED PARKING REQUIREMENTS
- ⑰ § 320-626 LIGHTING

**LEGEND**

- Street Light
- Hardscape / Plaza / Pedestrian Zones
- Right-Of-Way (R.O.W.)



**§ 320-215. Zoning occupancy certificates.**

Reference: § 320-214D(4); § 320-205E(4); Table 320-503-1.<sup>8</sup>

- A. Permit required. No vacant land shall be occupied or used, and no structure or building shall be hereafter erected, structurally altered, relocated, used or occupied until the Community and Economic Development Director or designee has certified the structure, building, use or occupancy complies with the provisions of this chapter and a zoning occupancy certificate has been issued. A like certificate shall be obtained before any change is made in the type of use or before any legal nonconforming use is resumed, changed, or extended.
- B. Applications and inspections. Applications shall be made to the Community and Economic Development Department by the following procedures; inspections may be conducted to verify compliance with Greenville Municipal Code requirements:
- (1) Site plan. If a site plan is required by this chapter, then the zoning approval shall be reviewed and approved during the site plan process. A zoning occupancy certificate shall be issued upon completion of the required site plan and building improvements per § 320-214D, Inspection and completion.
  - (2) Special exception. If a special exception is required by this chapter, then the zoning approval shall be reviewed and approved during the special exception process. A zoning occupancy certificate shall be issued upon completion of required site plan improvements (if applicable) per § 320-214D, Inspection and completion, and meeting the conditions of the special exception (if applicable) per § 320-205E.
  - (3) Building permit. If a building permit is required by this chapter or Chapter 85 for a building requiring a site plan or special exception, a zoning occupancy certificate shall be issued upon completion of required site plan improvements (if applicable) per § 320-214D, Inspection and completion, and meeting the conditions of the special exception (if applicable) per § 320-205E, Inspection and completion, and meeting all applicable building codes. Building occupancy shall comply with Chapter 85.
  - (4) Zoning occupancy certificate. If a site plan, special exception, or building permit is not required, the property owner or applicant shall submit an application to the Community and Economic Development Department if a new use is proposed and provide appropriate information to verify compliance with this chapter and the Greenville Municipal Code. If it is determined a site plan, special exception, and/or building permit is required during the review of the application, the property owner and/or applicant shall submit the applicable applications for approval prior to a zoning occupancy certificate being issued.

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8. Editor's Note: Table 320-503-1 is included in § 320-503.



ARTICLE V  
**Fees, Violations and Penalties**

**§ 320-216. Fees.**

Fees for amendments, site plans, special exceptions, building permits, zoning occupancy certificates, variances, appeals, contested case hearings and any other procedures or actions required by this chapter shall be established by the Board. No action shall be taken prior to payment of the requisite fee.

**§ 320-217. Remedies.**

Compliance with the provisions of this chapter shall be enforced by appropriate fines and penalties. Compliance may also be enforced by an injunctive suit by Greenville or by the owner or owners of real estate within the district affected by the regulation.

**§ 320-218. Violations and penalties.**

Any person, firm, or corporation who violates any provision of this chapter shall, upon conviction, be subject to a forfeiture amount set from time to time by the Board. Each calendar day a violation continues to exist shall constitute a separate offense.

**§ 320-219. Notice of violation.**

If the Zoning Administrator finds 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 he is in violation of the provisions of this chapter, such person shall commence correction of all violations immediately and shall correct all violations within the time frame as determined by the Zoning Administrator. If such corrections are not commenced immediately or corrected within the time frame as determined, each day a violation continues shall be considered a separate offense.



**Part 320-300  
Terminology**

**ARTICLE I  
Word Usage; Definitions**

**§ 320-301. Word usage.**

Unless otherwise expressly stated or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this chapter, have the meanings indicated. All words and phrases not defined shall have their common meaning.

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- B. The present tense includes the future tense, and the singular includes the plural.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. The words "used" or "occupied" also mean intended, designed, or arranged to be used or occupied.

**§ 320-302. Definitions.**

- A. For the purpose of this chapter, the following terms are defined:

ALLEY — See the definition in Chapter 270.

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.

AVERAGE GRADE — The mean level of the finished surface of the ground adjacent to the exterior facade of a building or structure. If the building or structure is within 10 feet of a street, the average grade shall be measured at the street center line. If the building or structure is further than 10 feet from a street, the average grade shall be measured between the structure and a line 10 feet from the structure. Reference: Diagram 320-302-1; Diagram 320-508-1; and Diagram 320-711-2.<sup>9</sup>

BOARD — The elected officials of Greenville.

BUILD-TO ZONE — An area on a lot, measured parallel from the front and/or corner side lot line, where a building's front facade must be located within the minimum and maximum range of setback provided. Reference: Diagram 320-302-2.<sup>10</sup>

BUILDING — A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or tangible property. When separated by division walls from the ground up and without openings, each portion of such

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9. Editor's Note: Diagram 320-302-1 is included in § 320-302B(1); Diagram 320-508-1 is included in § 320-508B(2)(l); and Diagram 320-711-2 is included in § 320-711.

10. Editor's Note: Diagram 320-302-2 is included in § 320-302B(2).

structure shall be deemed a separate building. In any nonresidential district, a group of buildings separated only by common or party walls shall be considered as one building. Reference: Diagram 320-302-1.<sup>11</sup>

**BUILDING ENVELOPE** — The area of a lot or tract formed by lot lines and minimum setback and yard requirements within which an allowed building or structure may be placed. Reference: Diagram 320-302-2.<sup>12</sup>

**BUILDING FACADE** — The exterior face of a building extending from one corner of the building to another from the ground to the top of the parapet, wall, or eaves, but not including any elements which extend beyond the roof.

**BUILDING FOOTPRINT** — The total horizontal area covered by a building's perimeter at the ground level, or cantilevered or a maximum of 24 inches of overhang; overhangs in easements are prohibited. Reference: Diagram 320-302-2.<sup>13</sup>

**BUILDING HEIGHT** — A building's vertical measurement from the average grade to the highest point on the roofline of a flat roof or a roof having a pitch ratio of less than 4/12 from the horizontal, and to a point midway between the peak and the eaves of a roof having a pitch ratio of more than 4/12. Height limitations do not apply to belfries, cupolas, water tanks, elevator bulkheads, chimneys, spires, flagpoles, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. These heights are not to exceed airport limitations. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; and Diagram 320-302-1.<sup>14</sup>

**COUNTY** — Outagamie County, Wisconsin.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to construction or additions or substantial improvements to buildings, other structures, accessory uses, mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and deposition of materials.

**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 rooms or dwelling units, and containing independent cooking and sleeping facilities. If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, it shall be consistent with the definition of "nonfarm residence" in Wis. Stats., § 91.01(21), as amended. Dwelling types are defined in § 320-504O.

**FAIR MARKET VALUE** — Assessed value adjusted for equalized value.

**FAMILY** —

(1) One or more persons living together in a single dwelling unit as a traditional

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11. Editor's Note: Diagram 320-302-1 is included in § 320-302B(1).

12. Editor's Note: Diagram 320-302-2 is included in § 320-302B(2).

13. Editor's Note: Diagram 320-302-2 is included in § 320-302B(2).

14. Editor's Note: Table 320-505-1 is included in § 320-505A; Table 320-505-2 is included in § 320-505B; Table 320-509-1 is included in § 320-509A; Table 320-509-2 is included in § 320-509B; Table 320-509-3 is included in § 320-509C; and Diagram 320-302-1 is include in § 32-302B(1).

family or the functional equivalent of a traditional family. Four or more persons living together in a single dwelling unit who are not related by blood, adoption, or marriage shall not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:

- (a) The group shares the entire dwelling unit.
  - (b) The group lives and cooks together as a single housekeeping unit.
  - (c) The group shares expenses for food, rent, utilities, or other household expenses.
  - (d) The group is permanent and stable and not transient or temporary in nature.
  - (e) Any other factor reasonably related to whether the group is the functional equivalent of a family.
- (2) This definition is not intended to prohibit group homes or community living arrangements determined to be protected by the federal Fair Housing Act,<sup>15</sup> provided that such facilities are licensed and permitted under the authority of the State Department of Health Services or the State Department of Children and Families or other state department or agency.

**FLATWORK** — Any flat or horizontal system of construction, such as concrete/asphalt/gravel slabs, pavers, flat stepping stones, sidewalks, patios, driveways, parking lots, etc. placed or laid down to form the surface. Reference: Table 320-507-1; and Diagram 320-302-2.<sup>16</sup>

**FLOOR AREA** — The sum of the gross horizontal areas of each floor of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings; for the purpose of calculating parking requirement the following shall be excluded: public corridors, common restrooms, attic areas, unenclosed stairways, elevator structures, heating or other building machinery or equipment or basement space.

**FLOOR AREA RATIO** — The ratio of the total floor area of a building to the total lot area.

**IMPERVIOUS SURFACE** — See definition in Chapter 255.

**LANDSCAPING** — Landscaping shall consist of, but not be 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.

**LOT** — A contiguous parcel of land in single ownership used or intended to be used for a use permitted by this chapter, including one principal building and its accessory buildings or as otherwise provided in this chapter, and having its principal frontage upon a dedicated street or other officially approved place. Land

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15. Editor's Note: See 42 U.S.C. § 3601 et seq.

16. Editor's Note: Table 302-507-1 is included in § 320-507; and Diagram 320-302-2 is included in § 320-302B(2).

within the limits of a public or private street right-of-way shall not be included in a lot. Reference: Diagram 320-302-3.<sup>17</sup>

LOT AREA, GROSS — The total horizontal area within the lot lines of the lot. Reference: Table 320-505-1; Table 320-505-2; and Diagram 320-302-3.<sup>18</sup>

LOT AREA, NET — The total area of a lot, tract, or parcel excluding existing and proposed streets and rights-of-way, land under navigable water bodies, and land within the floodway. Reference: Diagram 320-302-3.<sup>19</sup>

LOT COVERAGE — The percentage of the gross lot area covered by all buildings and structures, including flatwork. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; and Diagram 320-302-3.<sup>20</sup>

LOT FRONTAGE — The uninterrupted linear or curvilinear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the side line of the rights-of-way. If a lot has frontage on more than one street, frontage on one street only may be used to satisfy the minimum lot frontage. The lot frontage used to satisfy the minimum lot frontage shall be deemed the front lot line. Reference: Table 320-505-1; Table 320-505-2; and Diagram 320-302-3.<sup>21</sup>

LOT LINE — The property line bounding a lot. Reference: Diagram 320-302-2.<sup>22</sup>

LOT LINE, CORNER SIDE — A lot line abutting a public street but is not a front or rear lot line. There may be multiple corner side lot lines per lot. Reference: Diagram 320-302-2.

LOT LINE, FRONT — The lot line along a public street which is not a corner side lot line and is adjacent to the street for which it has been issued an address. Reference: Diagram 320-302-2.

LOT LINE, INTERIOR SIDE — A lot line not abutting a public street and is not a rear lot line. There may be multiple interior side lot lines per lot. Reference: Diagram 320-302-2.

LOT LINE, REAR — The lot line most distant from, and is, or most nearly is, parallel to the front lot line. There shall only be one rear lot line per lot. Reference: Diagram 320-302-2.

LOT LINE, ZERO — An interior side lot line which has no side setback or yard requirements. Buildings are constructed directly on the zero lot line and may be attached to buildings located on lots adjacent to the zero lot line. Reference:

17. Editor's Note: Diagram 320-302-3 is included in § 320-302B(3).

18. Editor's Note: Table 320-505-1 is included in § 320-505A; Table 320-505-2 is included in § 320-505B; and Diagram 320-302-3 is included in § 320-302B(3).

19. Editor's Note: Diagram 320-302-3 is included in § 320-302B(3).

20. Editor's Note: Table 320-505-1 is included in § 320-505A; Table 320-505-2 is included in § 320-505B; Table 320-509-1 is included in § 320-509A; Table 320-509-2 is included in § 320-509B; Table 320-509-3 is included in § 320-509C; and Diagram 320-302-3 is included in § 320-302B(3).

21. Editor's Note: Table 320-505-1 is included in § 320-505A; Table 320-505-2 is included in § 320-505B; and Diagram 320-302-3 is included in § 320-302B(3).

22. Editor's Note: Diagram 320-302-2 is included in § 320-302B(2).

## Diagram 320-302-2.

**LOT OF RECORD** — Land designated as a distinct and separate lot on a legally recorded deed, Certified Survey Map (CSM) or plat in the Register of Deeds's office.

**LOT TYPES** —

- (1) **CORNER LOT** — A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side. Reference: Diagram 320-302-2.<sup>23</sup>
- (2) **CORNER LOT, REVERSED** — A corner lot oriented so it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear. Reference: Diagram 320-302-2.
- (3) **FLAG LOT** — An irregular shaped lot where access to a public or private street is provided by means of a narrow access strip between two abutting lots and makes the shape of a flag or other irregular shape. Reference: § 320-504O; Diagram 320-302-2.
- (4) **INTERIOR LOT** — A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot. Reference: Diagram 320-302-2.
- (5) **LEGAL NONCONFORMING LOT** — A lot lawfully existing at the effective date of this chapter, or any subsequent amendment, which is not in conformance with all provisions of this chapter.
- (6) **THROUGH LOT** — A lot that has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. If there are varied front yards and/or setbacks on either side of the through lot, then the deeper front yard and setback requirements shall be used. Structures in the rear yard of a through lot shall be located no closer to the street than structures on adjacent lots. Reference: Diagram 320-302-2.

**LOT WIDTH** — The minimum horizontal distance between the side lot lines as measured at the required front setback. Reference: Table 320-505-1; Table 320-505-2; and Diagram 320-302-3.<sup>24</sup>

**MODULAR HOME** — Per § 101.71(6)(a), Wis. Stats., any structure or component thereof which is intended for use as a dwelling and is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection or assembly and installation at the building site or is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and where certification is sought by the manufacturer. "Modular home" does not mean any manufactured home under § 101.91 of the Wisconsin Statutes or any building of open construction which is not subject to this definition.

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23. Editor's Note: Diagram 320-302-2 is included in § 320-302B(2).

24. Editor's Note: Table 320-505-1 is included in § 320-505A; Table 320-505-2 is included in § 320-505B; and Diagram 320-302-3 is included in § 320-302B(3).

**MOTOR VEHICLE** — A vehicle intended to be self-propelled, including, but not limited to, automobiles, tractors, trucks, recreational vehicles, watercraft, snowmobiles, motorcycles, and all-terrain vehicles as listed below:

- (1) **PASSENGER VEHICLE, COMPACT** — Any passenger vehicle not exceeding six feet in width and/or 15 feet in length.
- (2) **PASSENGER VEHICLE** — Private passenger vehicle properly licensed and operable, of less than 10,000 pounds gross vehicle weight rating.
- (3) **SMALL TRUCKS, COMMERCIAL VEHICLES, AND FARM EQUIPMENT** — A truck, van, tractor or commercial vehicle with less than 10,000 pounds gross vehicle weight rating.
- (4) **LARGE TRUCKS, COMMERCIAL VEHICLES AND FARM EQUIPMENT** — A truck, cargo van, tractor or bus greater than 10,000 pounds.
- (5) **RECREATIONAL VEHICLE** — An operable vehicle primarily used for leisure activities, including, but not limited to, camper trailers, boats with or without trailers, utility trailers, all-terrain vehicles, and snowmobiles.
- (6) **MOTOR HOMES** — A self-propelled vehicle on a chassis outfitted for travel with permanent sleeping accommodations but not for permanent use as a dwelling.

**NET ACRE** — An acre of land excluding existing and proposed streets and rights-of-way, land under navigable water bodies, and land within the floodway.

**NET DENSITY** — The number of residential dwelling units per net acre of land.

**PLANNING COMMISSION** — The agency or commission designated by the Board pursuant to § 62.23, Wis. Stats.

**PLAT** — See subdivision definition in Chapter 270.

**RIGHT-OF-WAY RESERVATION LINE** — A line designating future right-of-way on a property. The lot area between this line and the front/corner side lot line is reserved for use as right-of-way in the future. For properties with a right-of-way reservation line, required setbacks and yards shall be measured from the right-of-way reservation line instead of the front/corner side lot line. Reference: Diagram 320-302-2; and Diagram 320-302-3.<sup>25</sup>

**ROOF** — A structural covering over any portion of a building or structure including eaves or similar projections beyond the walls or supports of the building or structure. Reference: Diagram 320-302-1.<sup>26</sup>

**SETBACK** — The minimum required distance between any buildings and structures and the lot lines of the lot on which it is located. Flatwork is permitted to extend beyond the setback. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; and Diagram 320-302-2.<sup>27</sup>

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25. Editor's Note: Diagram 320-302-2 is included in § 320-302B(2); and Diagram 320-302-3 is included in § 320-302B(3).

26. Editor's Note: Diagram 320-302-1 is included in § 320-302B(1).

27. Editor's Note: Table 320-505-1 is included in § 320-505A; Table 320-505-2 is included in § 320-505B; Table 320-509-1 is included in § 320-509A; Table 320-509-2 is included in § 320-509B; Table 320-509-3 is included in § 320-509C; and Diagram 320-302-2 is included in § 320-302B(2).



**SETBACK LINE, CORNER SIDE** — A line parallel to the corner side lot line extending between the front setback line and rear lot line, behind which a building may be constructed. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; and Diagram 320-302-2.

**SETBACK LINE, FRONT** — A line parallel to the front lot line extending between the interior side lot lines and/or corner side lot line, behind which a building may be constructed. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; and Diagram 320-302-2.

**SETBACK LINE, INTERIOR SIDE** — A line parallel to the interior side lot line extending between the front setback line and the rear setback line, behind which a building may be constructed. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; and Diagram 320-302-2.

**SETBACK LINE, REAR** — A line parallel to the rear lot line extending between the interior side lot lines and/or corner side setback line, behind which a building may be constructed. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; and Diagram 320-302-2.

**SIGN** — See the definition of "sign" in § 320-705.

**STORY** — The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for every 14 feet or fraction thereof. Reference: Diagram 320-302-1.<sup>28</sup>

**STRUCTURE** — Anything constructed or erected with a fixed location on the ground or attached to something with a fixed location on the ground, including buildings and flatwork.

**STRUCTURE, ACCESSORY** — A structure (including buildings) on the same lot with the principal use or structure, and of a nature customarily incidental and subordinate to the principal use or structure. No accessory structure shall be constructed upon a lot until the construction of the principal structure has actually commenced, or principal use has commenced. No accessory structure or building shall be used unless the principal structure or building on the lot is also being used or a principal use is active.

**STRUCTURE, PRINCIPAL** — The primary structure on a lot that is not an accessory structure.

**USE, ACCESSORY** — A use on the same lot with the principal use or structure, and of a nature customarily incidental and subordinate to the principal use or structure. No accessory use shall be commenced upon a lot until the construction of the principal structure has actually commenced, or principal use has commenced. No accessory use shall be used unless the principal structure or building on the lot is also being used or a principal use is active.

**USE, PRINCIPAL** — The primary use on a lot that is not an accessory use or special exception.

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28. Editor's Note: Diagram 320-302-1 is included in § 320-302B(1).

USE, SPECIAL EXCEPTION — Reference: § 320-205.

VARIANCE — A relaxation of the terms of this chapter where such variance 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 the chapter would result in an unnecessary and undue hardship. Reference: Part 320-200, Article III, Zoning Board of Appeals.

YARD — The minimum green space area parallel to a lot line and extending into the lot for a distance as required by this chapter. Buildings and structures shall be prohibited in all yards unless otherwise permitted. Customary accessory lawn ornaments, furniture, fences/walls, pedestrian facilities and signs are permitted. Reference Table 320-505-1, Table 320-505-2, Table 320-509-1, Table 320-509-2, Table 320-509-3 and Diagram 320-302-2.<sup>29</sup>**[Amended 4-26-2021 by Ord. No. 01-21; 4-26-2021 by Ord. No. 05-21]**

YARD, CORNER SIDE — A yard extending into the lot from the corner side lot line. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; and Diagram 320-302-2.

YARD, FRONT — A yard extending into the lot from the front lot line. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; and Diagram 320-302-2.

YARD, INTERIOR SIDE — A yard extending into the lot from the interior side lot line. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; and Diagram 320-302-2.

YARD, REAR — A yard extending into the lot from the rear lot line. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; and Diagram 320-302-2.

ZONING ADMINISTRATOR — The Community and Economic Development Director or designee.

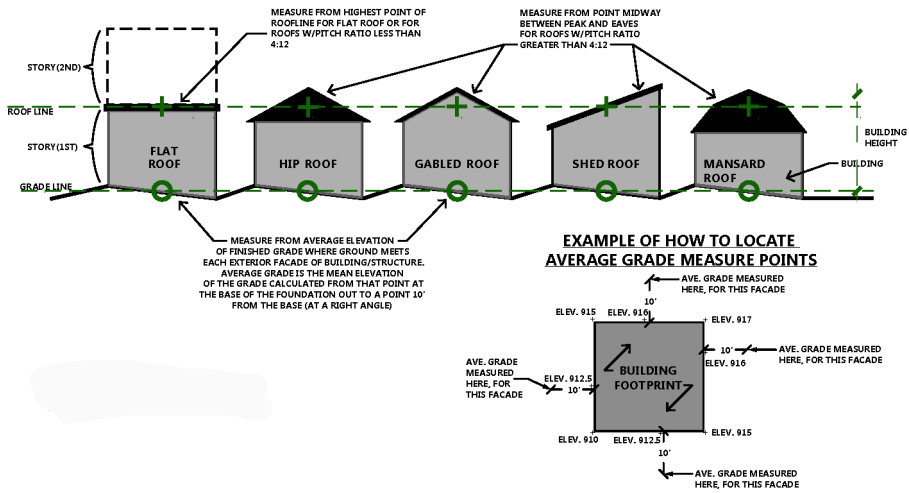
B. Diagrams for definitions.

- (1) Diagram 320-302-1 Building and Roof Types. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3.<sup>30</sup>

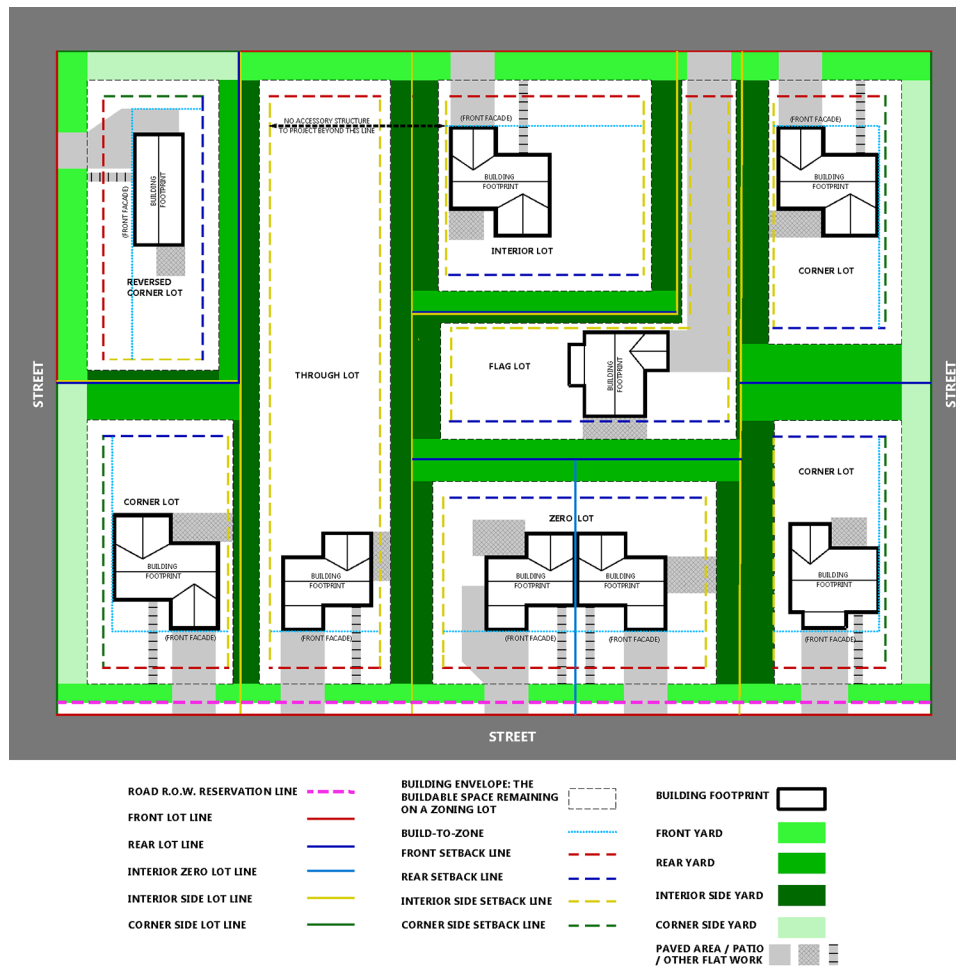
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29. Editor's Note: Table 320-505-1 is included in § 320-505A; Table 320-505-2 is included in § 320-505B; Table 320-509-1 is included in § 320-509A; Table 320-509-2 is included in § 320-509B; Table 320-509-3 is included in § 320-509C; and Diagram 320-302-2 is included in § 320-302B(2).

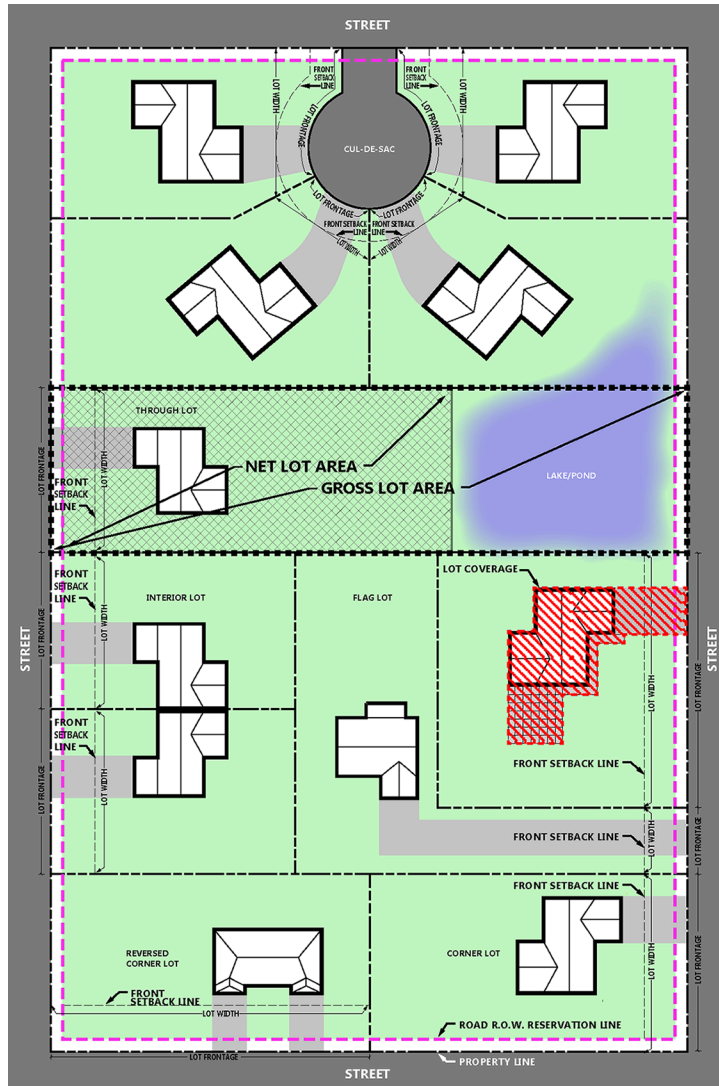
30. Editor's Note: Table 320-505-1 is included in § 320-505A; Table 320-505-2 is included in § 320-505B; Table 320-509-1 is included in § 320-509A; Table 320-509-2 is included in § 320-509B; and Table 320-509-3 is included in § 320-509C.



(2) Diagram 320-302-2 Bulk Regulations. Reference: § 320-504O; Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3.



- (3) Diagram 320-302-3 Bulk Regulations. Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3.



**Part 320-400  
Nonconformities**

**ARTICLE I  
Applicability; Restrictions**

Reference: § 320-104A; Diagram 320-400-1.<sup>31</sup>

**§ 320-401. Applicability and intent.**

Any use of land or structures, or any lot or structure which lawfully existed at the effective date of adoption or amendment of this chapter which would not be permitted or permissible by the provisions of this chapter as adopted or amended, shall be deemed nonconforming. It is the intent of this chapter to permit such nonconformities to continue, subject to certain restrictions listed within this section unless otherwise noted within this chapter.

**§ 320-402. Nonconforming uses.**

The continued lawful use of a building, premises, structure, or fixture existing at the time of the adoption or amendment of a zoning ordinance may not be prohibited although the use does not conform to the provisions of the ordinance. The nonconforming use, building, premises, structure or fixture may not be extended. The total structural repairs or alterations in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50% of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the chapter.

**§ 320-403. Repair, rebuilding, and maintenance of certain nonconforming structures.**

A. In this section:

- (1) "Development regulations" means the part of this chapter that applies to elements including setback, height, lot coverage, and side yard.
- (2) "Nonconforming structure" means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.

B. An ordinance may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

**§ 320-404. Restoration or replacement of certain nonconforming structures.**

A. Restrictions that are applicable to damaged or destroyed nonconforming structures

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31. Editor's Note: Diagram 320-400-1 is included immediately following § 320-407.

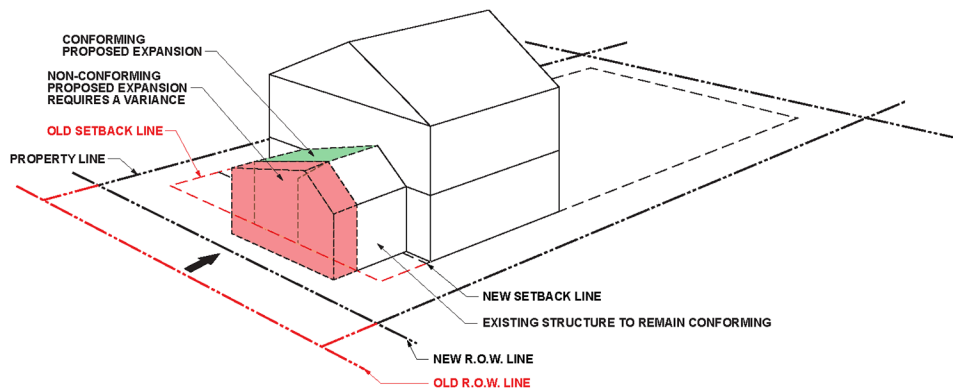
and that are contained in an ordinance enacted under this subsection may not prohibit the restoration or replacement of a nonconforming structure if the structure will be restored to, or replaced at, the size, subject, location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

- (1) The nonconforming 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. An ordinance enacted under this subsection to which the restrictions above apply shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.
- C. When a structure becomes nonconforming as to setback from a public right-of-way because the public right-of-way was dedicated, reserved, widened, or relocated, such structure shall not be considered a nonconforming structure under this section. However, no such structure shall thereafter be added to or rebuilt closer to the public right-of-way. Reference: Diagram 320-400-2.

**Diagram 320-400-2**

**Nonconformities**

Reference: § 320-404C.



**§ 320-405. Nonconforming characteristics of use; nonconforming design of structures.**

- A. If characteristics of use, such as lighting, parking, noise or other matters pertaining to the use of land, structures, and premises, are made nonconforming by the provisions of this chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity; provided, however, that changes may be made which decrease such nonconformity.
- B. Nonconforming design of structures. If characteristics of the design of a structure,

such as walls, roofs, equipment, entrances, facades or building materials, are made nonconforming by the provisions of this chapter as adopted or amended, the structure may be altered or enlarged, provided that the alteration or enlargement complies with such requirements and does not increase the nonconformity.

**§ 320-406. Nonconforming lots of record.**

In any district, any permitted or permissible use may commence, or 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, lot frontage or all three for the district in which it is located, and provided that all other requirements for the district are met.

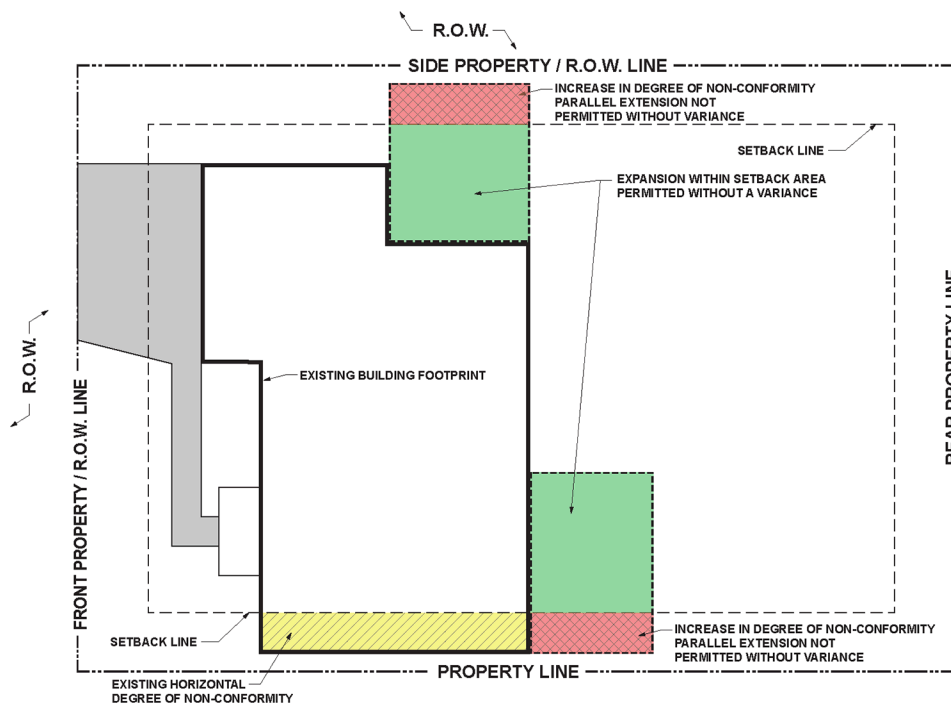
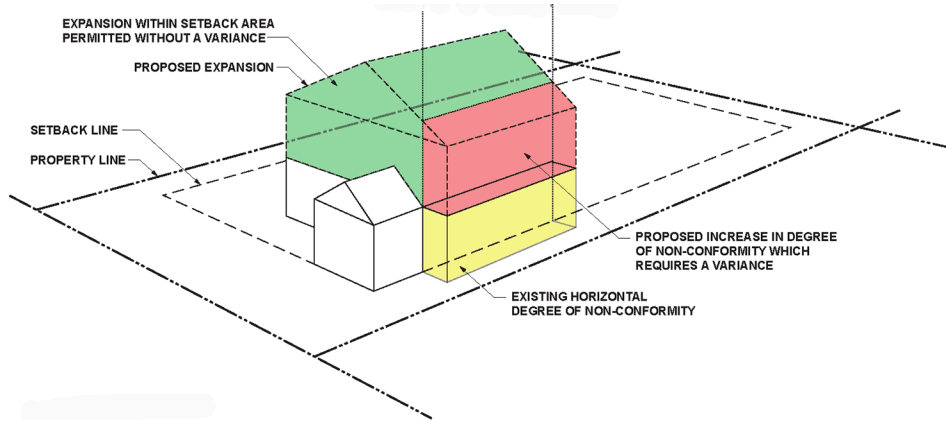
**§ 320-407. Casual, temporary, or illegal use.**

The casual, temporary, or illegal use of land or structures, or land structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

**Diagram 320-400-1**

**Nonconformities**

Reference: Part 320-400.



32. Editor's Note: Section 320-408, Exemption, added 4-26-2021 by Ords. No. 01-21 and 05-21, which immediately followed this section, was repealed 9-27-2021 by Ord. No. 10-21.



**Part 320-500**  
**District Regulations**

**ARTICLE I**  
**General Provisions**

**§ 320-501. Interpretation, application, and organization.**

- A. All uses and structures, dimensional, access/visibility, off-street parking, lighting, landscaping/screening, signage, and architectural regulations and district regulations shall be as set forth in the following articles and as modified and supplemented by the remainder of this chapter.
- B. Permitted principal and accessory uses and structures listed for any district shall be permitted by right subject to the conditions as specified. Any use or structure not listed for the district shall be prohibited except as provided in § 320-501D.
- C. Special exception uses and structures listed for any district are permissible only upon approval as required by § 320-205, Special exceptions. Any use or structure not listed for the district shall be prohibited except as provided in § 320-501D of this section.
- D. New compatible uses and structures. The Zoning Administrator may allow a land use to be considered as a permitted, special exception or an accessory use or structure while not identified by name in a zoning district, if deemed to be similar in nature, and clearly compatible with the listed uses. Reference: § 320-501B; § 320-501C.
- E. Addition of nonlisted uses to chapter. All nonlisted uses and structures eligible for approval may be added to the appropriate use table at the time of periodic updating or upon request by the Planning Commission or Board.
- F. No land, building or structure shall hereinafter be used or occupied, and no building, structure, or part thereof shall hereinafter 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.
- G. 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.
- H. A site plan is required in compliance with § 320-214, Site plans, and must be approved before installation of improvements, issuance of an erosion control/stormwater permit, and/or issuance of a building permit.



ARTICLE II  
**District Purposes**

**§ 320-502. Purposes established.**

- A. AGD General Agricultural District. This district is intended to maintain open land areas predominantly devoted to farming and agricultural related uses. It is anticipated while certain areas within this district may eventually be used for nonagricultural uses, the intensity of development will remain significantly limited due to a lack of urban facilities and services.
- B. AGD-FP General Agricultural Farmland Preservation Overlay District. This district provides for the conservation and protection of lands planned for farmland preservation in the Outagamie County Farmland Preservation Plan. This overlay district will only be applied to areas planned for farmland preservation in the Outagamie County Farmland Preservation Plan and mapped/zoned over the underlying AGD base district. This district is further intended to comply with standards contained in Chapter 91, Wis. Stats., to permit eligible landowners to receive tax credits under § 71.09, Wis. Stats., in connection with their agricultural operations. All properties that receive a rezone from this district will automatically be taken out of the farmland preservation overlay and will be tracked to provide DATCP an annual audit by March 1 of every year pursuant to § 91.48(2), Wis. Stats.
- C. OS Open Space District. This district is intended to maintain open space focused on natural features, such as lakes, rivers, streams, wetlands, woodlands, prairies, active and passive recreation, and functional features, such as stormwater management facilities.
- D. RR Rural Residential District. This district is intended to provide limited opportunities for scattered site rural residential development. Scattered site residential development is a permitted use for existing lots of record and a special exception use for newly created lots by Certified Survey Map (CSM).
- E. R1 Single-Family Residential District. This district is intended to provide for a more urban single-family detached residential development style within platted subdivisions providing curb, gutter, storm sewer, and connected to municipal water and sanitary sewer.
- F. R2 Two-Family Residential District. This district is intended to provide for medium-density residential development with an emphasis on two-family residential uses with a more urban residential development style within platted subdivisions providing curb, gutter and storm sewer and connected to municipal water and sanitary sewer.
- G. R3 Multifamily Residential District. This district is intended to provide for medium- to high-density residential areas with an emphasis on multifamily or apartment development with a more urban residential development style providing curb, gutter and storm sewer and connected to municipal water and sanitary sewer.
- H. R4 Attached Single-Family Residential District. This district is intended to provide for medium- to high-density residential areas with an emphasis on attached single-

family or townhome/row home development with a more urban residential development style providing curb, gutter and storm sewer and connected to municipal water and sanitary sewer.

- I. MH Mobile/Manufactured Home Park District. This district is intended to permit mobile/manufactured homes as permitted by the Wisconsin Administrative Code.
- J. INST Institutional District. This district is intended to provide for public and quasi-public institutional organizations, such as government, schools, utilities, nonprofits, and other similar uses.
- K. NC Neighborhood Commercial District. This district is intended to apply to small-scale, neighborhood-oriented commercial, retail and service establishments, either freestanding or in a small clusters, providing curb, gutter, storm sewer, and connected to municipal water and sanitary sewer. Higher density residential uses may also be considered.
- L. GC General Commercial District. This district is intended to apply to commercial establishments, whether small- or large-scale, with either single or multiple buildings on a single parcel or lot. It is the intent of this district to encourage grouping of such commercial establishments providing curb, gutter, storm sewer, and connected to municipal water and sanitary sewer. Higher density residential uses may also be considered.
- M. IND Industrial District. This district is intended for a mix of office, commercial, manufacturing, warehousing, wholesaling, distribution, and closely related uses in a commercial/business/industrial park setting. It is further the intent of this district that it be so located in relation to major thoroughfares so as resulting traffic generated by industrial activity will not be channeled through residential areas.
- N. AD Airport District. This district is intended to recognize that the Appleton International Airport is a unique land use and must adhere to the recommendations of the airport master plan. The Airport District includes all uses within county-owned land for airport purposes.<sup>33</sup>
- O. S Shoreland District: See § 320-802. **[Added 2-22-2021 by Ord. No. 03-21]**
- P. SW Shoreland-Wetland District: See § 320-902. **[Added 2-22-2021 by Ord. No. 03-21]**
- Q. FW Floodway District: See Part 320-1000, Article III. **[Added 2-22-2021 by Ord. No. 03-21]**
- R. FF Floodfringe District: See Part 320-1000, Article IV. **[Added 2-22-2021 by Ord. No. 03-21]**
- S. FP Floodplain District: See § 320-1019. **[Added 2-22-2021 by Ord. No. 03-21]**
- T. FS Flood Storage District: See § 320-1020. **[Added 2-22-2021 by Ord. No. 03-21]**

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33. Editor's Note: Former Subsection O, CP Planned Commercial District, and Subsection P, BP Business Park District, which immediately followed this subsection, were repealed 9-27-2021 by Ord. No. 10-21.

ARTICLE III  
**District Uses and Dimensional Requirements**



**§ 320-503. Principal and special exception uses and structures. [Amended 2-22-2021 by Ord. No. 03-21; 9-27-2021 by Ord. No. 10-21; 3-28-2022 by Ord. No. 3-22; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Reference: § 320-214B(2)(c); § 320-206D(1)(c).

Table 320-503-1 Principal and Special Exception Uses and Structures																					
P = Permitted principal use; S = Special exception use; A = Accessory use																					
Grey Shading = Prohibited Use																					
A zoning occupancy certificate is required for all uses in compliance with § 320-215.																					
Principal/Special Exception Uses and Structures	See For Additional Regulations	Zoning District																			
		ADG	AGD-FP	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MIH	INST	NC	GC	IND	AD
Adult use	§ 320-504A				All permitted and special exception uses in the underlying zoning district	See § 320-1013 for permitted uses	See § 320-1013 for permitted uses	All permitted and special exception uses in the underlying zoning district; see § 320-1018 for additional regulations	See § 320-1019B for permitted uses	All permitted and special exception uses in the underlying zoning district; see § 320-1010B for additional regulations										S	
Agriculture/ agribusiness use	§ 320-504B	P	P																		
Agriculture/ agribusiness use: farm	§ 320-504B(1)	P	P																		
Agriculture/ agribusiness use: farm animal	Chapter 76	P	P								S	S	S	S	S						
Agriculture/ agribusiness use: livestock	§ 320-504B(2)	P	P																		
Agriculture/ agribusiness use: stable	§ 320-504B(3)	P	P								S										
Agriculture/ agribusiness use: riding stable	§ 320-504B(4)	P	P																		
Agritourism	§ 320-504C	P	P																		
Airport use	§ 320-504D																				P
Automobile use: motor vehicle filling stations	§ 320-504E																	S	S		
Automobile use: sales and service	§ 320-504F																	S	S	S	
Automobile use: salvage yard	§ 320-504G																			S	
Bar/tavern/tap room	§ 320-504H																	P	P	P	
Bed-and-breakfast, owner shall reside on premises	§ 320-504I	S	S															S			
Cemetery	§ 320-504J																S				
Certified Survey Map (CSM)	§ 320-504K	S/P	S/P	P							S/P	P	P	P	P	P	P	P	P	P	P
Communication tower and antenna and related facilities	§ 320-504L	S	S								S	S	S	S	S	S	S	S	S	S	S

Table 320-503-1 Principal and Special Exception Uses and Structures																					
P = Permitted principal use; S = Special exception use; A = Accessory use																					
Grey Shading = Prohibited Use																					
A zoning occupancy certificate is required for all uses in compliance with § 320-215.																					
Principal/Special Exception Uses and Structures	See For Additional Regulations	Zoning District																			
		ADG	AGD-FP	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH	INST	NC	GC	IND	AD
Day-care, family	§ 320-504M(1)										P	P	P	P	P						
Day-care, group	§ 320-504M(2)																P	P	P	A	
Distribution/wholesale use	§ 320-504N																			P	
Dwelling: accessory dwelling unit, accessory to permitted principal/special exception use	§ 320-504O(1)	P	P								P	P	P		P			P	P	S	
Dwelling: community living arrangements per § 62.23(7)(i), 46.03, Wis. Stats.	§ 320-504O(2)											P	P	P	P		P				
Dwelling: existing and new farm residence dwellings within agriculturally zoned property	§ 320-504O(3)	P	P																		
Dwelling: mobile/ manufactured home	§ 320-521														P						
Dwelling: multifamily	§ 320-504O(4)												P								
Dwelling: single-family attached	§ 320-504O(5)													P							
Dwelling: single-family detached	§ 320-504O(6)										P	P	P								
Dwelling: two-family attached	§ 320-504O(7)												P								
Entertainment use	§ 320-504P																		P	P	
Flag lot	§ 320-504Q	S	S	S							S	S					S	S	S	S	
Government use	§ 320-504R																P				
Home occupation	§ 320-504S	P	P								P	P	P	P	P	P					
Hospital	§ 320-504T																P				
Hotel/motel	§ 320-504U																		P		
Institutional use	§ 320-504V																P				
Junkyard	§ 320-504W																			S	



Table 320-503-1 Principal and Special Exception Uses and Structures		Zoning District																				
Principal/Special Exception Uses and Structures	See For Additional Regulations	ADG	AGD-FP	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH	INST	NC	GC	IND	AD	
		Landfill/recycling facility	§ 320-504X																P			
Manufacturing use	§ 320-504Y																				P	
Manufacturing use: special	§ 320-504Z																				S	
Mining/resource extraction	§ 320-504AA																S					
Nursing home	§ 320-504BB																P		P			
Office use	§ 320-504CC																P	P	P	P		
Open land	§ 320-504DD	P	P	P																		
Open space	§ 320-504EE			P																		
Outdoor storage, accessory to permitted principal/special exception use	§ 320-504FF	P	P								P	P	P	P	P	P	S	S	S	P		
Outdoor use/service/sales, accessory to permitted principal/special exception use	§ 320-504GG																S	S	S	S		
Park/preserve	§ 320-504HH			P													P					
Park-n-ride lot	§ 320-504II																P					
Planned unit development (PUD)	§ 320-206			S								S	S	S	S		S	S	S	S		
Plat, condominium	Chapter 270											P	P	P	P	P	P	P	P	P	P	P
Plat, subdivision	Chapter 270										P	P	P	P	P	P	P	P	P	P	P	P
Recreational use, indoor	§ 320-504JJ(1)																			P	P	
Recreational use, outdoor	§ 320-504JJ(2)																			S	S	
Religious use	§ 320-504KK																S					
Restaurant	§ 320-504LL																	P	P	P		
Retail use	§ 320-504MM																	P	P	P		
School	§ 320-504NN																P					
Self-storage facility	§ 320-504OO																				S	
Service use	§ 320-504PP																P	P	P	P		
Stormwater facility	Chapter 255	P		P							P	P	P	P	P	P	P	P	P	P	P	P
Utility	§ 320-504QQ																P					

Table 320-503-1 Principal and Special Exception Uses and Structures																						
P = Permitted principal use; S = Special exception use; A = Accessory use																						
Grey Shading = Prohibited Use																						
A zoning occupancy certificate is required for all uses in compliance with § 320-215.																						
Principal/Special Exception Uses and Structures	See For Additional Regulations	Zoning District																				
		ADG	AGD-FP	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH	INST	NC	GC	IND	AD	
Utility, alternative energy	§ 320-504QQ(2)																S					
Warehouse, accessory to a retail or service use	§ 320-504RR																		P			
Warehouse distribution, industrial	§ 320-504SS																			P		

**§ 320-504. Principal and special exception use and structure definitions; additional regulations.<sup>34</sup>**

- A. "Adult use" shall be defined as a use which includes bookstores, motion-picture theaters, mini motion-picture theaters, bathhouses, massage parlors, modeling, body-painting studios, and cabarets whose principal use is to depict, describe, engage in or relate to specified anatomical areas or specified sexual activities. They shall be a minimum of 1,000 feet (measured from the property line) from churches, schools, residential districts and uses, parks and park facilities, day cares, and 1,000 feet from other adult uses. They shall have a setback of 1,000 feet from the right-of-way line closest to the use of all state and county highway rights-of-way, which include but are not limited to State Highways 15, 76 and 96 and County Highways BB, CA, CB, GV and JJ. The 1,000-foot buffer includes all buildings and parking/pavement areas.
- (1) "Specified anatomical areas" shall be defined as less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state even if completely or opaquely covered.
  - (2) "Specified sexual activities" shall be defined as activities where human genitals are in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse or sodomy; and fondling or erotic touching of the human genitals, pubic region, buttocks or female breast.
- B. "Agriculture/agribusiness use" shall be defined as agricultural business where the property owner earns a substantial (\$6,000 per year or \$18,000 over three years) part of his or her livelihood from farming operations on the farm parcel by performing the operations themselves or through a lease to a separate operator; uses including but not limited to beekeeping, dairying, floriculture, poultry and livestock raising, stables, and orchards, raising of grain and seed crops, raising of grass and mint, raising of nuts and berries, raising of fruits and vegetables, viticulture, and forest and game management (incidental hunting is an accessory use) and similar uses. This includes the sale of products produced on-premises. **[Amended 9-27-2021 by Ord. No. 10-21]**
- (1) Farm: If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, the definition of "farm" shall be consistent with Wis. Stats., § 91.01(13), as amended.
  - (2) Livestock: If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, the definition of "livestock" shall be consistent with Wis. Stats., § 91.01(20m), as amended.
  - (3) Stable: shall be defined as a premises where more than one horse (livestock) is boarded, raised, kept, or trained, regardless of whether such horses are (livestock is) owned by the occupants or owners of the premises. A stable shall provide three acres' minimum of land required for one horse or pony, plus one acre for each additional horse or pony. If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, it shall be accessory to

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34. Editor's Note: See also Table 320-503-1 in § 320-503.

an agricultural use per Wis. Stats., § 91.01(1), as amended.

- (4) "Riding stable" shall be defined as premises on which horses are (livestock is) kept for the purpose of renting them to the public on any basis. A riding stable shall consist of not less than five acres. If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, it shall be consistent with Wis. Stats., § 91.01(1)(d), as amended.
- C. "Agritourism" shall be defined as recreational, educational, and entertainment activities in an agricultural setting, such as a farm or ranch where the public is able to participate in and experience agricultural uses and activities. Agritourism is differentiated from traditional agriculture in the following ways: customers come to the farm for the product rather than the product being taken off the farm to a purchase location; the product can be an experience, and; the farm environment is an essential part of what the customer is seeking and would not be the same without the farm setting. If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, it shall be consistent with Wis. Stats., § 91.01(1)(d), as amended, or ATCP 49.01(11), as amended.
- D. "Airport use" shall be defined as any use related to airport operations, including but not limited to administrative offices, terminals, hangars, runways, taxiways, maintenance/service operations, indoor or outdoor, fuel storage, outdoor storage, parking lots and driveways and commercial/industrial uses directly related to airport operations. "Airport" shall be defined as any use which complies with the definition contained in Chapter 114, Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.
- E. "Automobile use, motor vehicle filling stations" shall be defined as a building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories and convenience retail goods may be supplied, dispensed, and sold. The following conditions shall be complied with:
- (1) Proximity to residential uses. Parcels motor vehicle filling stations are located on shall be 250 feet from any parcel zoned residential.
  - (2) Direct access to arterial streets required. All motor vehicle filling stations shall have direct access to an arterial street which is a federal, state, or county designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road, or reverse frontage road, where nonresidential uses will be on both sides of the street.
  - (3) Fuel pump location. Any fuel pump, underground fuel storage tanks, and islands shall be at least 50 feet from any street or abutting lot line and meet all other State of Wisconsin regulations.
  - (4) Canopies. The canopies provided over the pump islands of convenience stores with gas pumps shall meet the yard requirements of a principal structure in addition to the following:
    - (a) Obstruction of visibility at rights-of-way prohibited. The canopy shall not block visibility at intersections of rights-of-way or drives.

- (b) Zoning district dimensional requirements shall be met. All pump islands, their surrounding structures, and the canopy overhang shall meet the underlying zoning district's dimensional requirements.
  - (c) Maximum height. Under no circumstances shall the canopy be higher than 25 feet.
  - (d) Signs. No signs shall be permitted on top of canopy roofs, but may be allowed on the face of the canopy.
- (5) Lighting. The off-street parking and fueling area may be illuminated. Total cutoff of light shall be at an angle of less than 90° and shall be located so a bare light bulb, lamp or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts.
- (6) Hours of operation. Hours of operation shall be established by the Board.
- (7) Outdoor display.
- (a) Products shall be sold by the principal business or agricultural products sold by the producer.
  - (b) All private sidewalks serving the site shall keep a minimum of 36 inches clear of all obstructions or display items.
- F. "Automobile use, sales and service" shall be defined as a use that buys, sells, trades, rents or services vehicles and equipment, including but not limited to vehicle dealerships, vehicle rentals, car washes and repair shops; all vehicle and equipment repair shall be conducted indoors, and all vehicles and equipment that are in disrepair or require bodywork shall be stored indoors or screened with landscaping or fencing to provide 100% solid screen. A principal building is required on the same lot for all uses, sales, and service.
- G. "Automobile use, salvage yard" shall be defined as a premises used for the storing, dismantling, crushing, shredding, or disassembly of used motor vehicles or their parts. Salvage yards shall have a setback of 1,000 feet from all residential zoning districts and from the right-of-way line closest to the use of all state and county highway rights-of-way, which include but are not limited to State Highways 15, 76 and 96 and County Highways BB, CA, CB, GV and JJ. The 1,000-foot buffer includes all buildings, outdoor vehicles, and parking/pavement areas. The property shall be screened with landscaping or fencing to provide 100% solid screen of the yard operations.
- H. "Bar/tavern/tap room" shall be defined as a use serving alcoholic beverages.
- I. "Bed-and-breakfast" shall be defined as an establishment offering overnight accommodations and breakfast in a private home or homestead. If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, it shall be consistent with Wis. Stats., § 91.01(1)(d), as amended.
- J. "Cemetery" shall be defined as a premises for burying the dead.

- K. Certified Survey Map (CSM). See definition in Chapter 270. CSMs shall require a special exception be granted in compliance with § 320-205, Special exceptions, when required by Table 320-503-1 (AGD, AGD-FP and RR) and only when new lots are created; if lot lines are being shifted or lots are being consolidated, it shall be a permitted use. In addition to the conditions required to approve special exceptions, CSMs shall only be approved as a special exception if the following are met [reference § 320-504(Q)]: **[Amended 9-27-2021 by Ord. No. 10-21]**
- (1) Purpose. The CSM shall create an efficient division of land for future development opportunities by providing for cost effective extension of roads, utilities and services, appropriate emergency service response times and access, preservation of land and development limitations.
  - (2) Criteria for creation of new lots.
    - (a) Comprehensive Plan Tier II areas. These areas are intended to be available for future expansion of residential development and municipal water and sewer.
      - [1] The CSM shall not potentially impair or interfere with the logical extension and continuity of existing or planned streets or by reason of topography or other environmental conditions, the likely location of future streets.
      - [2] The CSM shall not potentially impair or interfere with the logical extension and continuity of existing or planned water and sewer utilities or by reason of topography or other environmental conditions, the likely location of future utilities.
      - [3] The CSM shall be consistent with the Comprehensive Plan, with specific attention to whether it is contributing to infill, environmental features, neighborhood consistency, market conditions, development phasing and concurrency and the airport overlay.
    - (b) Comprehensive Plan Tier III areas. These areas are intended to remain predominately in agricultural use.
      - [1] The CSM shall not potentially impair or interfere with future farm consolidation, the efficient movement of farm machinery and equipment or farm operations having nuisance like affects.
      - [2] The CSM shall not potentially obstruct or interfere with field drainage infrastructure, including but not limited to drain tiles, drainage ditches, or any other drainage improvements or appurtenances.
      - [3] The CSM shall be consistent with the Comprehensive Plan, with specific attention to whether it is contributing to infill, environmental features, neighborhood consistency, market conditions, development phasing and concurrency and the airport overlay.

- (3) Conditions for creation of new lots.
  - (a) Minimum and maximum lot sizes (i.e., maximum two acres) may be imposed as a condition of approval.
  - (b) A build-to zone may be imposed as a condition of approval (i.e., 75 feet to 100 feet).
  - (c) Standards for access drives and driveways may be imposed as a condition of approval (i.e., length, width and design of driveways for fire/safety purposes).
  - (d) Conditions for access, use and improvements of remnant parcels may be imposed.
  - (e) A limitation or prohibition on subsequent land division may be imposed as a condition of approval.

L. Communication towers, antennas and related facilities:

- (1) Intent. It is the intent of this section to allow for the necessary radio, television, cellular, and other wireless communication to encourage co-location and utilization of existing structures and to minimize visual impacts to surrounding properties.
- (2) Definitions. For the purpose of this section, the following definitions shall apply:

ALTERNATIVE TOWER STRUCTURE — Clock towers, bell steeples, light poles, electric transmission tower facilities, silos, and similar mounting structures that camouflage or conceal the presence of antennas.

ANTENNA — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

CO-LOCATION — Location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or structure.

FAA — Federal Aviation Administration.

FCC — Federal Communications Commission.

PREEXISTING TOWER/ANTENNA — Any tower or antenna for which a building permit or special exception permit has been properly issued prior to the effective date of this amendment.

TOWER, COMMUNICATION — Any structure designed and constructed for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmissions towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes

the structure and any support thereto.

- (3) Applicability.
  - (a) The requirements of this section shall apply to all communication towers and antennas, except for towers and antennas owned and operated by federally licensed amateur radio station operators or are receive-only antennas.
  - (b) Preexisting towers and antennas shall also be exempt from these regulations.
  - (c) Antennas or towers located on property owned, leased, or otherwise controlled by a unit of government shall be exempt from the requirements of this section, provided that a license or lease authorizing such antenna or tower has been approved by the governing authority.
- (4) Application procedure.
  - (a) Site plan. See Table 320-503-1 for the applicable zoning district.<sup>35</sup> A scaled site plan shall be submitted to the Community and Economic Development Department to verify compliance with this section and § 320-214, Site plans. To ensure abandoned towers and antennas are properly dealt with, the applicant shall submit a performance bond or other financial guarantee to Greenville sufficient in an amount equal to 10% of the total tower cost.
  - (b) Building permit. No tower or antenna shall be installed or constructed without first obtaining a building permit; an approved site plan shall be submitted with the building permit.
  - (c) Lease review fees. All reasonable and appropriate engineering and legal fees expended by Greenville during the review of an application or lease agreement shall be paid for by the applicant.
- (5) Antennas.
  - (a) Permitted accessory use. Installing an antenna on an existing alternative tower structure or existing tower shall be permitted, provided that the antenna adds no more than 20 feet to the height of the existing structure. Where the addition of the antenna adds more than 20 feet to the height, a special exception permit shall be required.
  - (b) Design. If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of neutral color, identical to or closely compatible with the color of the supporting structure in order to limit the visual impact.
- (6) Communication towers.
  - (a) Utilizing existing structures. No permits for a new tower shall be issued

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35. Editor's Note: Table 320-503-1 is included in § 320-503.



unless the applicant demonstrates that the telecommunication equipment planned for the new tower cannot be accommodated on an existing or approved tower or structure. In the event Greenville determines it is necessary to consult with a third party in considering the factors listed below, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. The applicant may provide names of consultants the applicant believes are qualified to assist in resolving the issues. Such demonstration may include one or more of the following reasons:

- [1] No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
  - [2] Existing towers or structures are not of sufficient height to meet the engineering requirements.
  - [3] Existing towers or structures do not have the structural capacity to support the applicant's proposed antenna and related equipment, and the existing tower or structure cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost.
  - [4] The planned equipment would cause interference affecting the usability of the other existing or planned equipment at the tower, or the existing antennas would cause interference with the applicant's proposed antenna, and the interference cannot be prevented at a reasonable cost.
  - [5] The fees, costs, or contractual provisions required by the owner to share an existing tower or structure are cost-prohibitive.
- (b) Co-location. Any proposed commercial wireless telecommunication service tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antenna and comparable antenna for up to two additional users. Towers must be designed to allow for future rearrangement of antennas upon lattice towers and to accept antennas mounted at varying heights.
- (c) Construction. All telecommunication towers constructed, erected or located within the jurisdictional limits of this chapter shall comply with all applicable state and local building codes, as well as the applicable standards for towers published by the Electronic Industries Association.
- (d) Design. Proposed or modified towers shall blend in with the surrounding environment, except as may be required by rules of the FAA and FCC. Any associated utility buildings shall also blend in with the character of the district in which they are located.
- (e) Lighting. Telecommunication towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, it shall be designed to cause the least disturbance to surrounding views as possible.

- (f) Signage. No signs or billboards, other than warning or equipment information signs, shall be located on any telecommunication tower.
  - (g) Security and landscaping. Ground-mounted equipment and utility buildings shall be screened 100% from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the character of the surrounding neighborhood. The base of the telecommunication tower shall be fenced with materials impervious to sight and secured so it is not accessible by the general public.
  - (h) Setbacks. Telecommunication towers shall be set back from adjacent property lines a minimum of 50% of the tower height. When part of a parcel is being leased for a tower, setbacks shall be measured from the boundary of the leased area to the adjacent property line.
  - (i) Height restrictions. The maximum height of a proposed telecommunications tower shall be 200 feet, or in an Airport Overlay District as governed by Outagamie County height limitations, and shall be designed for co-location.
  - (j) Separation between towers. Separation distances between towers shall be measured by a straight line between the base of an existing tower and the base of the proposed tower. No proposed tower shall be permitted to locate within 5,000 feet of an existing tower.
  - (k) The towers shall be shielded, filtered, and grounded in a manner consistent with the FCC and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally received transmissions. Additionally, the owner and operator of such towers shall execute an agreement holding Greenville harmless for any transmission or reception interference caused by such towers.
  - (l) The tower owner shall provide for co-location at market rates for others' servers.
- (7) Removal of abandoned antennas and towers. Any antenna or telecommunication tower not operated for a continuous period of 12 months shall be considered abandoned. The owner of such antenna or tower shall remove it within 90 days of receipt of notice from Greenville notifying the owner of such abandonment. If the antenna or tower is not removed within the said ninety-day period, Greenville may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then the provision shall not become effective until all users cease operation.
- (8) If there is any conflict with the provisions of this subsection, § 66.0404, Wis. Stats., shall apply. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

M. Day care.

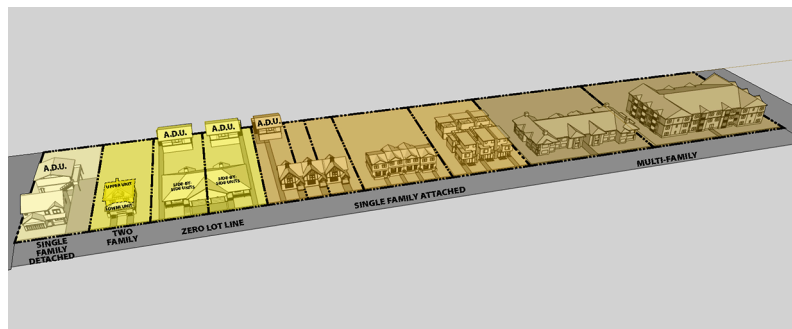
- (1) "Family day care" shall be defined as a place where regular day care is provided to not more than eight children and is licensed pursuant to Chapter

48, Wis. Stats.

- (2) "Group day care" shall be defined as a place where regular day care is provided to nine or more children and is licensed pursuant to Chapter 48, Wis. Stats.
- N. "Distribution/wholesale use" shall be defined as a use engaging in selling and/or distributing merchandise to retailers, industrial, commercial, institutional or professional businesses or users or to other wholesalers or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies; incidental sales to individual consumers on premises is permitted but shall not be the primary use of the business.
- O. Dwelling unit: See definition in § 320-302.

**Diagram 320-504-1**

**Housing Types**



- (1) "Accessory dwelling unit (ADU)" shall be defined as a secondary dwelling unit on a lot and include a room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities. If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, it shall be consistent with the definition of "farm residence" in Wis. Stats., § 91.01(19), as amended, or be a residence that existed before January 1, 2014, per ATCP 49.22(1). The following regulations shall apply. Reference: § 320-508D; and Table 320-505-1.<sup>36</sup>

- (a) Accessory to the permitted principal or special exception use.
- (b) Residential and Agricultural Districts. Reference: Diagram 320-504-1 and Diagram 320-504-2.

[1] A principal dwelling shall be required on the lot where an ADU is constructed.

[2] ADUs may be attached to the principal building or detached.

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36. Editor's Note: Table 320-505-1 is included in § 320-505A.

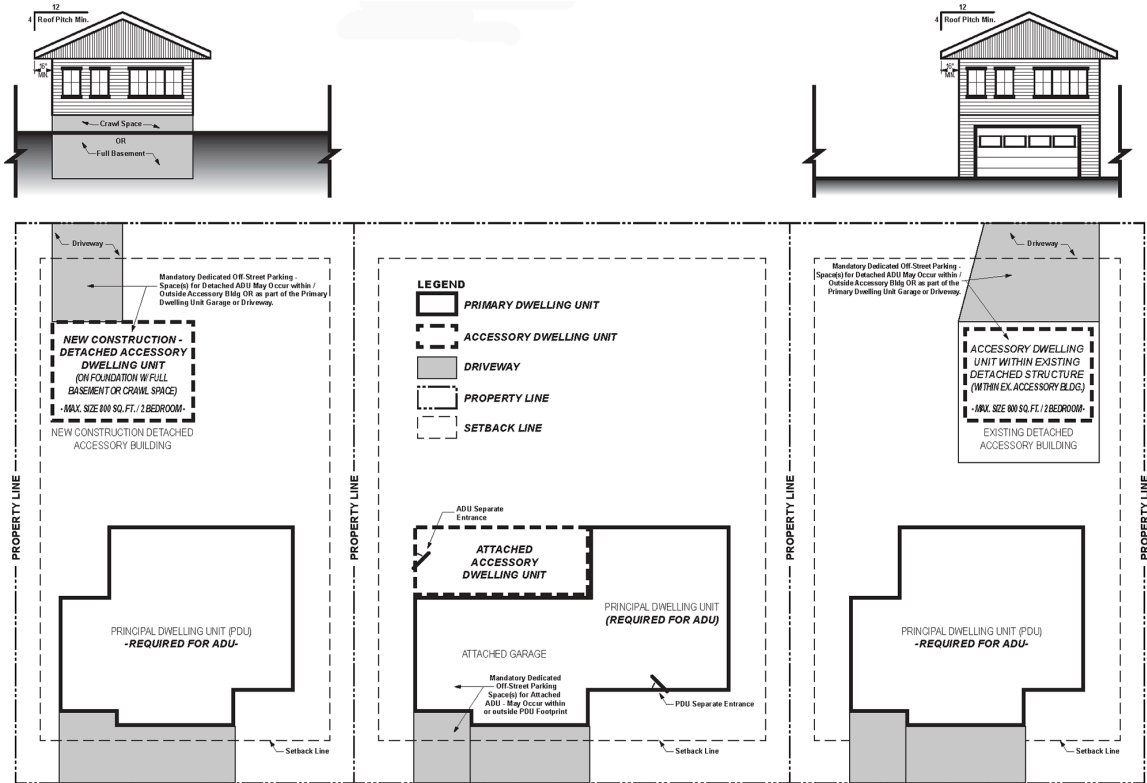
- [a] Attached ADUs shall have their own entrance and cannot share a main entrance with the principal residence.
  - [b] Detached ADUs may be constructed within an existing residential accessory building, such as an apartment over a garage, or new construction. New construction shall be built on a foundation and have a full basement or crawl space under the full foundation; shall have a roof pitch with a minimum slope of 4/12 and eaves extending outward a minimum of 16 inches beyond the nearest vertical wall (excluding dormers and overhangs at gable ends); and shall be roofed with asphalt, metal, fiberglass, wood shake, clay or cement shingles.
- [3] The owner of the lot must reside either in the principal residence or in the detached structure.
  - [4] ADUs may be used by family and nonfamily members, except ADUs on lots with single-family detached dwellings shall only be used by family members.
  - [5] The maximum size shall be 800 square feet.
  - [6] The maximum number of bedrooms shall be two.
  - [7] ADUs shall comply with dimensional requirements of Table 320-505-1.
  - [8] ADUs shall comply with all residential building and sanitary codes.
  - [9] Adequate off-street parking shall be provided for the residents of both the principal residence and the ADU.
  - [10] ADUs cannot be sold separately from the principal residence on the lot, nor from the lot on which the ADU sits.
- (c) Nonresidential districts: Reference: Diagram 320-504-1; and Diagram 320-504-3.
- [1] Detached ADUs shall be prohibited.
  - [2] ADUs are prohibited on the first floor/ground floor or below the first floor/ground floor of a building unless approved as a special exception in compliance with § 320-205, Special exceptions. It is intended to have a business on the first floor with ADUs above.
  - [3] The maximum size shall be 1,200 square feet.
  - [4] The maximum number of bedrooms shall be three.
  - [5] ADUs shall comply with dimensional requirements of Table 320-505-1.
  - [6] ADUs shall meet all commercial building and sanitary codes.
  - [7] Adequate off-street parking shall be provided for the principal/

special exception use and the ADU.

[8] ADUs cannot be sold separately from the principal/special exception use on the lot, nor from the lot on which the ADU sits.

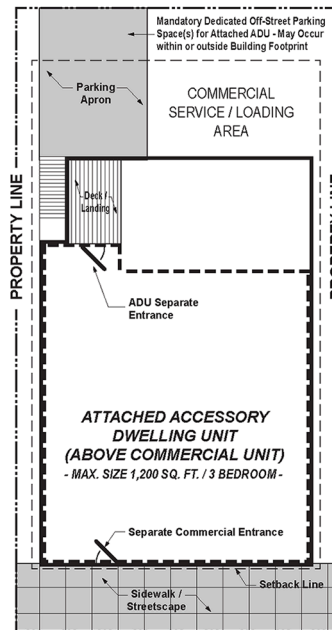
Diagram 320-504-2

Residential ADU



**Diagram 320-504-3**

**Commercial ADU**



- (2) Community living arrangements: shall be defined as per §§ 62.23(7)(i) and 46.03, Wis. Stats. (Examples include assisted living or memory care facilities.)
- (3) "Existing and new farm residence dwellings within agriculturally zoned property" shall be defined as a residential dwelling unit farm owners/operators reside in located on the land being farmed and existing prior to the effective date of adoption of this chapter. If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, it shall be in existence before January 1, 2014, under ATCP 49.22(1), as amended. Reference: Table 320-505-1.
  - (a) For purposes of farm consolidation, farm residences or structures that existed prior to the effective date of adoption of this chapter may be separated from the larger parcel by CSM only, and new dwellings may be

built and occupied by a person or a family who earns a substantial part of their livelihood from farming operations on the farm parcel or is the parent or child of the farm operator.

- (b) Transfer of property shall only be permitted if it meets the family requirements unless the farmland use/operation ceases, the property is rezoned to residential, the property is platted for a residential subdivision development, or the property is rezoned and used for nonresidential purposes. A note to this effect shall be placed on the CSM.
- (c) Dimensional regulations shall apply per Table 320-505-2.<sup>37</sup>
- (4) "Multifamily dwelling" shall be defined as a building containing three or more dwelling units. The term "multifamily dwelling" shall include cooperative apartments, condominiums, apartments, and the like. Regardless of how rental units are equipped, any multifamily dwelling in which units are available for rental periods of less than one week shall be considered a motel. Reference: Diagram 320-504-1.
- (5) "Single-family attached dwelling" shall be defined as a building containing not more than one dwelling unit attached at the side or "side-by-sides" in a series or group of three or more buildings, each containing not more than one dwelling unit. Each building shall be separated from the adjoining building or buildings by a party wall or walls extending from footings to the underside of the roof deck. The term "attached dwelling" is intended to imply townhouses, patio, or atrium houses or any form conforming to this definition. Reference: Diagram 320-504-1.
  - (a) Additional regulations. Additional regulations shall comply with § 320-504O(6)(a).
- (6) "Single-family detached dwelling" shall be defined as a building containing not more than one dwelling unit entirely separated from structures on adjacent lots. The term "detached dwelling" shall not include mobile/manufactured homes, travel trailers, or other forms of portable or temporary housing. Reference: Diagram 320-504-1.
  - (a) Additional regulations. No single-family dwelling or two-family dwelling shall be erected or installed in a zoning district within Greenville except the Mobile/Manufactured Home Park District unless it meets all of the following criteria. Reference: § 320-504O(5)(a); § 320-504O(7)(a).

[1] The dwelling shall be set on a full basement or crawl space under the entire foundation of the home, excluding the garage. The Building Inspector may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed enclosed foundation system provides proper support for the structure. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is part.

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37. Editor's Note: Table 320-505-2 is included in § 320-505B.

- [2] The structure shall have a minimum living area of at least 1,056 square feet and a minimum width of 25 feet.
  - [3] The structure shall have a roof pitch with a minimum slope of 4/12 and eaves extending outward a minimum of 16 inches beyond the nearest vertical wall (excluding dormers and overhangs at gable ends). On homes of 1 1/2 stories or more or which have a roof pitch of 7/12 or steeper, this minimum overhang requirement shall be decreased to 12 inches.
  - [4] The structure shall be roofed with asphalt, metal, fiberglass, wood shake, clay, or cement shingles.
  - [5] All on-site construction shall be in compliance with Chapter 85.
- (7) "Two-family attached dwelling" shall be defined as one building containing not more than two dwelling units or two buildings, attached at the side, side-by-side, or vertical configuration, with not more than one dwelling unit per building. The term "two-family dwelling" is intended to imply single-family semidetached buildings and duplexes or any form conforming to this definition. Reference: Diagram 320-504-1.
- (a) Additional regulations. Additional regulations shall comply with § 320-504O(6)(a).
- P. "Entertainment use" shall be defined as a use selling or providing entertainment on-site indoors. Examples include but are not limited to arcades, amusement rides, laser tag, go-carts, movie theaters, bowling alleys, skating rinks, etc.
- Q. Flag lot: see definition in § 320-302. Flag lots shall be prohibited except as allowed for as a special exception in compliance with § 320-205. In addition to the conditions required to approve special exceptions, flag lots shall only be approved as a special exception if the following conditions are met: Reference: Diagram 320-302-2.
- (1) Flag lots shall only be created by Certified Survey Map (CSM) as allowed in Table 320-503-1 and if they meet the criteria and conditions for CSMs in § 320-504(K). If a flag lot already exists and lot lines are being shifted or lots are being consolidated through a CSM in which the flag lot will continue to exist it shall not be required to be approved as a special exception. **[Amended 9-27-2021 by Ord. No. 10-21]**
- R. "Government use" shall be defined as any local, county, regional, state, federal, or international governmental use or political unit, including offices, facilities (includes outdoor storage and use), and utilities providing a service or product for public benefit.
- S. "Home occupation" shall be defined as a means to accommodate a small family home-based business or professional home office with relocation of the business to an area appropriately zoned as it grows and is not able to comply with the conditions below. If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, it shall be consistent with Wis. Stats., § 91.01(1)(d),



as amended. Home occupations shall comply with the following conditions:

- (1) The total area devoted to such home occupations shall not exceed 20% of the building area of the dwelling unit involved and no more than 20% of an attached or detached accessory building area.
- (2) A home occupation shall produce no offensive noise, vibration, dust, odors, smoke, heat, pollution, glare, or radio, electrical or television interference, or otherwise produce a nuisance.
- (3) No materials which decompose by detonation shall be allowed in conjunction with a home occupation.
- (4) No home occupation shall be permitted which changes the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, mounted flat against the wall of the principal building.
- (5) Materials used in or produced by a home occupation may not be stored or displayed outside.
- (6) No person other than members of the family residing on the premises shall be engaged in such occupation on-site; non-family-member employees are permitted to visit and make deliveries to the site. **[Amended 3-28-2022 by Ord. No. 3-22]**
- (7) Retail and wholesale sales shall be prohibited except for online sales or a by-product of a service provided (i.e., salon products for an in-home salon) as a result of the home occupation.
- (8) The applicant shall demonstrate that there is sufficient off-street parking available to the home occupation. All vehicular parking for both the residence and the home occupation shall be located on the premises.
- (9) A home occupation shall be carried on wholly within enclosed buildings.
- (10) Home occupation uses shall meet all applicable fire and building code safety requirements.
- (11) No home occupation involving visits to the site of the home occupation by customers or the loading or unloading of business-oriented material shall be operated between the hours of 8:00 p.m. and 8:00 a.m.
- (12) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- (13) Every home occupation shall be subject to periodic, unannounced inspection by the Zoning Administrator in response to complaints or to ensure compliance with this chapter.
- (14) The following uses are prohibited as home occupations:
  - (a) Animal hospitals or pet boarding.

- (b) Animal processing.
  - (c) Automobile or other motor vehicle repair or paint shops.
  - (d) Dance studios for more than six students.
  - (e) Gift shops.
  - (f) Gun or ammunition sales.
  - (g) Private clubs.
  - (h) Restaurants.
  - (i) Small engine repair shops.
  - (j) Stables or kennels.
  - (k) Tourist homes or boardinghouses.
  - (l) Any other home occupations not meeting the criteria established by this chapter.
- T. "Hospital" shall be defined as a use where the sick or injured are given medical or surgical care.
- U. "Hotel/motel": An establishment where sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multifamily dwellings and boardinghouses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Hotels/motels may serve meals to both occupants and others. The term "hotel" is also intended to imply motel, motor court, motor lodge, tourist court, or any form which conforms to this definition.
- V. "Institutional use" shall be defined as any quasi-public, profit or nonprofit organization that provides services to the public for free or through membership. Examples of organizations include but are not limited to YMCAs, Boys and Girls Clubs, Boy Scouts/Girl Scouts, Lions/Kiwanis/Rotary Clubs, and similar uses.
- W. "Junkyard" shall be defined as premises, land, building 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, 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. Junkyards shall have a setback of 1,000 feet from all residential zoning districts and from the right-of-way line closest to the use of all state and county highway rights-of-way, and include but are not limited to State Highways 15, 76 and 96 and County Highways BB, CA, CB, GV and JJ. The 1,000-foot buffer includes all buildings, outdoor vehicles, and parking/pavement areas.

- X. "Landfill/recycling facility" shall be defined as a public or private use that accepts yard waste, garbage, and recycling material.
- Y. "Manufacturing use" shall be defined as a use or process including assembling, fabricating, altering, converting, finishing, processing, treating and packaging, except any use or process specifically excluded, and provided that such use will not be hazardous, offensive, or objectionable by reason of odor, dust, cinders, gas, fumes, noise, vibrations, radiation, refuse mater or wastewater. See § 320-504Z, Manufacturing use, special, for restricted uses.
- Z. "Manufacturing use, special" shall be defined as uses that require special consideration as a special exception in compliance with § 320-205, Special exceptions, and include the following uses: manufacturing and storage of flammable liquids, fertilizer, chemicals, and processes, including canneries and slaughterhouses. These uses shall have a setback of 1,000 feet from all residential zoning districts and from the right-of-way line closest to the use of all state and county highway rights-of-way and include but are not limited to State Highways 15, 76 and 96 and County Highways BB, CA, CB, GV and JJ. The 1,000-foot buffer includes all buildings, outdoor vehicles, and parking/pavement areas. Reference: § 320-504Y.
- AA. "Mining/resource extraction" shall be defined as the extraction of nonmetallic materials, such as stone, sand, rock or similar materials from natural deposits, from quarries and pits in compliance with the following regulations:
- (1) Purpose. The purpose of this subsection is to regulate resource extraction sites within Greenville, with the intent the property may later be reused for other permissible uses and structures as possible, and further to regulate the activity at the resource extraction sites so it is in conformity with the harmony and peaceful enjoyment of their respective property by other citizens of Greenville.
  - (2) Exemptions. Persons will be exempt from this permit requirement if they excavate or grade solely for domestic use at a residence, grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster, any activities conducted at a solid or hazardous waste disposal facility site required to prepare, operate or close a solid waste disposal facility, but a resource extraction reclamation ordinance may apply to activities related to solid or hazardous waste disposal which are conducted at a facility, such as activities to obtain resource extraction to be used for lining, capping, covering or constructing berms, dikes or roads for the solid waste facility or the hazardous waste facility.
  - (3) Existing operations. The requirements of this section shall apply to all existing resource extraction sites as well as any future resource extraction sites in Greenville.
  - (4) Application. The application and permit shall designate the premises to be used by the permitted person for the resource extraction operation. The permit may not be amended if the person changes premises in Greenville for the resource extraction site. The application for permit shall contain and shall submit a site plan in compliance with § 320-214, Site plan, in addition to the following:

- (a) The name, address, phone and email of the property owner and name of the responsible party.
  - (b) Tax key number for each parcel.
  - (c) Resource extraction operations plan/reclamation plan.
  - (d) Financial assurance in an amount determined by the Board.
  - (e) Proof of liability insurance coverage.
  - (f) Security plan for the site.
  - (g) Erosion and air quality control plan.
- (5) Permits.
- (a) Each resource extraction site shall hold a resource extraction permit from Greenville. The Board shall establish the fee for such permit. The permit shall be issued from July 1 of one year to June 30 of the next year by the Clerk of Greenville upon approval of the Board prior to the person conducting and maintaining a resource extraction operation.
  - (b) The following conditions shall be met to issue a permit:
    - [1] Meet or comply with the reclamation standards established in the Outagamie County ordinances adopted by Greenville.
    - [2] Develop and submit to the Board a resource extraction operation plan and maintain compliance with the plan.
    - [3] Develop and submit to the Board a resource extraction reclamation plan, as required by the Outagamie County ordinance for nonmetallic mining reclamation adopted by Greenville, and maintain compliance with the plan.
    - [4] Submit and maintain the financial assurance requested by the Board.
    - [5] Install and maintain adequate fire safety equipment at the resource extraction operation as determined by the Fire Inspector.
    - [6] Install and maintain adequate sanitary facilities at the resource extraction operation as determined by the Board.
    - [7] Comply with the operational hours for operation of the resource extraction operation.
    - [8] Meet the Greenville Building Code<sup>38</sup> for the resource extraction site.
    - [9] Install, provide and maintain adequate and necessary physical structures, equipment and operational controls as determined by this section to prevent public nuisances and to protect the public health and safety of persons residing near the resource extraction operation

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38. Editor's Note: See Ch. 85, Building Construction.

or persons entering the resource extraction operation, including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion.

- [10] Maintain adequate public liability insurance for the resource extraction site as determined by the Board.
  - [11] Comply with this chapter and applicable Outagamie County ordinances.
  - [12] Provide and maintain adequate security and operations personnel at the resource extraction site to prevent trespassing on to the resource extraction as determined by the Board.
  - [13] Install and maintain adequate physical structures and operational controls to prevent trespassing, littering, discharging of waste, and to prevent private nuisances on private and public lands adjacent to the resource extraction site.
  - [14] Provide adequate sanitary personnel at the resource extraction operation as determined by the Board, maintain adequate sanitary facilities at the resource extraction site and keep the resource extraction site free of trash, papers, standing water, noxious weeds, and other debris during and after daily operations at the resource extraction site.
  - [15] Allow physical access to the resource extraction site by the Board or designee for inspection purposes upon 24 hours' notice to the applicant or permittee.
  - [16] Hours of operation shall be 7:00 a.m. to 5:00 p.m., Monday through Friday, and 7:00 a.m. to 12:00 p.m., Saturday.
  - [17] Noise levels shall be no more than 60 decibels for more than one hour, to be measured at 100 feet from the owner's property line.
- (6) Area and setback requirement. The parcel shall consist of a minimum of five acres with dimensions sufficient to adequately accommodate the proposed uses with minimum adverse effects on adjacent lands. No operations shall be permitted within 100 feet of any exterior boundary of the tract or within 250 feet of any building intended for human occupancy existing at the time of permit application. For operations involving blasting, processing, or manufacturing, the Board may increase the required setbacks as a condition of approval.
- (7) Location: as permitted in Table 320-503-1.<sup>39</sup> The location shall be appropriate to existing development and any development where it 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.

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39. Editor's Note: Table 320-503-1 is included in § 320-503.

- (8) Violations and penalties. Any person, firm, or corporation who violates any provision of this subsection shall, upon conviction, be subject to a forfeiture amount set from time to time in the Greenville Fine and Forfeiture Schedule.<sup>40</sup> For the hours of operation, each additional hour or part thereof shall be considered a separate offense.
- BB. "Nursing home" shall be defined as a place where regular care is provided to three or more infirmed persons, children, or aged persons, who are not members of the family who resides on the premises.
- CC. "Office use" shall be defined as a use conducting the affairs of a business, profession or service.
- DD. "Open land" shall be defined as undeveloped land not in active use but not considered a park/preserve. It shall include lands such as wetlands, woodlands, fallow land, natural lakes/ponds, streams/rivers, unique natural features, and similar uses.
- EE. "Open space" shall be defined as 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 and shall comply with the following:
- (1) Nature. Common open space shall not include street rights-of-way, driveways, parking areas or yards required in connection with any buildings.
  - (2) Buildings and structures. Common open space areas may contain complementary buildings and structures appropriate for the recreational use and enjoyment of the residents and employees/patrons of the development for which it was established.
  - (3) Reservation. When common open space or any portion thereof is to be reserved for the exclusive use and enjoyment of the residents of residential developments from which it was established, the developer shall establish conditions as to the ownership, maintenance, and use of such areas as deemed necessary to assure preservation of its intended purposes. Land designated as common open space shall be restricted by an appropriate legal instrument as open space perpetually or for a period of not less than 99 years. Such an instrument shall be binding upon the developer, his successors and assigns, and shall constitute a covenant running with the land, and be recorded as a condition of approval.
  - (4) Maintenance. Common open space shall be properly maintained. If it is not properly maintained, Greenville may serve written notice upon any property owner or association that the deficiencies are to be corrected within 30 days. If the deficiencies are not corrected within 30 days, Greenville may enter upon such common open space and correct maintenance deficiencies. The cost of

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40. Editor's Note: The Fine and Forfeiture Schedule is on file in the Village offices.

such maintenance shall be assessed equitably against the properties within the development that have the right to use the area and shall become a tax lien on said properties. Greenville shall file notice of any liens in the office of the Clerk.

FF. "Outdoor storage, accessory to permitted principal/special exception use" shall be defined as a use that stores products or goods, produced by or related to the business, outdoors on-site, and is accessory to the permitted principal or special exception use; this excludes vehicles and equipment used for personal use or business operation. Outdoor storage on residential or agricultural zoned property shall be permitted and are exempt from the regulations below except for Subsection FF(1).

(1) Residential zoning district. All outdoor storage on residentially zoned property shall be behind the front building face line.

(2) Nonresidential zoning district.

(a) All outdoor storage shall be behind the front building face line, 20 feet from the interior side lot lines, and 25 feet from the rear lot line.

(b) All outdoor storage shall be screened as required in § 320-635E, Screening requirements.

(c) Outdoor storage shall be prohibited within 250 feet of a residential zoning district.

(d) If outdoor storage is stored on a dustless all-weather surface, it shall have a minimum three-inch surface (asphalt, concrete, pavers, etc.) on a six-inch base of compacted stone or gravel.

(e) Outdoor storage on gravel.

[1] Outdoor storage may be stored on gravel if the following conditions can be met:

[a] Implementation of dust mitigation techniques to keep the site free from dust.

[b] Implementation of mitigation techniques to eliminate fines, aggregate and debris from discharging into stormwater facilities.

[2] If these conditions cannot be maintained once installed and being used, the Board may require the surface to be paved.

GG. "Outdoor use/service/sales" shall be defined as a use/service/sales that operate outdoors on a site for business purposes and shall be located on a dustless all-weather surface with a three-inch surface (asphalt, concrete, pavers, etc.) on a six-inch base of compacted stone or gravel.

HH. "Park/preserve" shall be defined as a tract of land used for active or passive open space education, entertainment, and recreation by a government or institutional use. Activities include but are not limited to trails, playgrounds, sports fields/courts/

- facilities, indoor sports fields/courts/facilities, swimming area, and similar uses.
- II. "Park-n-ride lot" shall be defined as a parking lot where the public can park its vehicles and use another means of transportation to commute to other destinations.
- JJ. Recreational use:
- (1) "Indoor" shall be defined as any private indoor commercially operated activities where the public is able to participate in activities, including but not limited to sports fields/courts/facilities, skating facilities, swimming pools, golf, archery and shooting ranges, and uses of similar nature.
  - (2) "Outdoor" shall be defined as any private outdoor commercially operated activities where the public is able to participate in activities, including but not limited to camps; golf courses; campgrounds; golf, archery and shooting ranges; sledding/skiing/skating facilities; sports fields/courts/facilities; swimming pools and lakes; and uses of similar nature.
- KK. "Religious use" shall be defined as any use that offers religious services and a location to assemble for religious purposes.
- LL. "Restaurant" shall be defined as any use that prepares, dispenses and serves food for consumption on-site or for carrying out; alcohol may also be served as long as the establishment serves food.
- MM. "Retail use" shall be defined as a use that sells or rents goods and commodities to consumers.
- NN. "School" shall be defined as a public or private school for preschool age children through high school. It shall also include public or private colleges, universities, and technical/trade/vocational schools.
- OO. "Self-storage facility" shall be defined as a building or premises where individuals store their personal possessions for a fee. All possessions stored on-premises shall be within completely enclosed buildings except motor vehicles, recreational vehicles or boats, and other similar motorized equipment may be stored outdoors on the premises. Self-storage facilities are not considered warehouses; see § 320-504SS, Warehouse, industrial, definition. Self-storage facilities shall have a setback of 1,000 feet from the right-of-way line closest to the use of all state and county highway rights-of-way, which include but are not limited to State Highways 15, 76 and 96, and County Highways BB, CA, CB, GV and JJ. The 1,000-foot buffer includes all buildings, outdoor vehicles, and parking/pavement areas.
- PP. "Service use" shall be defined as a use that provides service to customers either on premises or at the customer's location; this excludes automobile service.
- QQ. "Utility" shall be defined as an entity that provides a service or product, such as water, sewer, electric, gas, and any similar related service or product, and includes an aboveground structure or building to operate the utility (i.e., electrical substation, utility plant, etc.). Standard underground and aboveground lines used to transfer/distribute said utility are exempt from this section and shall be permitted on all property. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**



- (1) Telephone, television, natural gas, and power transmission lines and similar utilities may be constructed within the setback line, and additions to and replacements of existing lines may be made, provided that the utility owner first file with Outagamie County, in the case of a county highway, and Greenville, in the case of a local road, an agreement in writing that they will remove at their expense all new lines, additions, and replacements constructed after the effective date of this amendment when such removal is necessary for the improvement of the highway/road or municipal utility.
  - (2) "Alternative energy" shall be defined as a utility that provides an alternative method for energy production, including but not limited to geothermal, solar, wind, and any method that requires an accessory structure to generate such energy, such as solar panels, wind turbines and the like.
- RR. "Warehouse, accessory to a retail or service use" shall be defined as a building attached to or part of a retail or service use where goods/products, parts, or equipment are stored to be sold on premises or used for the purpose of the service provided. The warehouse area shall not be more than 50% of the total area of the building or structure the retail or service use occupies.
- SS. "Warehouse distribution, industrial" shall be defined as a building where raw material or manufactured goods may be transported to and from and stored before their export or distribution for sale and includes distribution facilities and transportation terminals; see § 320-504OO, Self-storage facility, definition.



**§ 320-505. Principal and special exception use and structure dimensional regulations.**

A. Table 320-505-1, Principal and Special Exception Use and Structure Dimensional Regulations. Reference: § 320-214B(2)(c); § 320-504O(1); § 320-504O(1)(b)[7]; § 320-504O(1)(c)[5]; § 320-508B(2)(l); § 320-601A. [Amended 4-26-2021 by Ord. No. 01-21; 2-22-2021 by Ord. No. 03-21; 4-26-2021 by Ord. No. 05-21; 3-28-2022 by Ord. No. 3-22]

Table 320-505-1 Principal and Special Exception Use and Structure Dimensional Regulations																					
		Zoning District																			
Regulation	See Diagram	AGD'	AGD-FP'	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH <sup>2</sup>	INST	NC	GC	IND	AD
Minimum gross lot area in square feet	§ 320-302-3	5 acres	35/5 acres	0	Regulations of the underlying zoning district shall apply, except § 320-805 shall apply for setback and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-805 shall apply for setback and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-1014 shall apply for setback and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-1018 shall apply for setback and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-1019C shall apply for setback and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-1020C shall apply for setback and yard requirements	16,000	13,500	8,000	20,000	5,000		0	0	0	0	0
Minimum lot width in feet	§ 320-302-3	200	200	0	the underlying zoning district shall apply, except § 320-805 shall apply for setback and yard requirements	the underlying zoning district shall apply, except § 320-805 shall apply for setback and yard requirements	the underlying zoning district shall apply, except § 320-1014 shall apply for setback and yard requirements	the underlying zoning district shall apply, except § 320-1018 shall apply for setback and yard requirements	the underlying zoning district shall apply, except § 320-1019C shall apply for setback and yard requirements	the underlying zoning district shall apply, except § 320-1020C shall apply for setback and yard requirements	80	60	50	120	30		0	0	0	0	0
Minimum lot frontage width in feet	§ 320-302-3	160/120 for culs-de-sac	160/120 for culs-de-sac	100/60 for culs-de-sac	shall apply, except § 320-805 shall apply for setback and yard requirements	district shall apply, except § 320-805 shall apply for setback and yard requirements	district shall apply, except § 320-1014 shall apply for setback and yard requirements	shall apply, except § 320-1018 shall apply for setback and yard requirements	district shall apply, except § 320-1019C shall apply for setback and yard requirements	district shall apply, except § 320-1020C shall apply for setback and yard requirements	65/50 for culs-de-sac	50/35 for culs-de-sac	40/30 for culs-de-sac	95/70 for culs-de-sac	30/25 for culs-de-sac		0	0	0	0	0
Maximum building height in feet	§ 320-302-1	UNL	UNL	45	for setback and yard requirements	§ 320-805 shall apply for setback and yard requirements	§ 320-1014 shall apply for setback and yard requirements	apply if more restrictive than underlying zoning district regulations	§ 320-1019C shall apply if more restrictive than underlying zoning district regulations	shall apply if more restrictive than underlying zoning district regulations	35	35	35	45	45		50	35	50	50	UNL
Maximum lot coverage for all uses, including accessory uses	§ 320-302-3	70%	70%	50%	requirements	shall apply for setback and yard requirements	shall apply if more restrictive than underlying zoning district regulations	strictive than underlying zoning district regulations	shall apply if more restrictive than underlying zoning district regulations	strictive than underlying zoning district regulations	70%	70%	70%	70%	70%		UNL	UNL	UNL	UNL	UNL
Maximum number of principal or special exception uses per parcel		UNL	UNL	UNL	requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	UNL	UNL	UNL	UNL	UNL		UNL	UNL	UNL	UNL	UNL
Maximum number of principal or special exception buildings per parcel		UNL	UNL	UNL	requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	1	1	1	UNL	1		UNL	UNL	UNL	UNL	UNL
Maximum number of uses per building		UNL	UNL	UNL	requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	UNL	UNL	UNL	UNL	UNL		UNL	UNL	UNL	UNL	UNL
Minimum building/structure setback in feet					requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations											
Front					requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations											
Local roads	§ 320-302-2	37	37	37	requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	37	25	25	25	25		30	30	30	30	30
County/state roads	§ 320-302-2	55	55	55	requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	55	55	55	55	55		55	55	55	55	55
Corner side					requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations											
Local roads	§ 320-302-2	37	37	37	requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	37	25	25	25	25		30	30	30	30	30
County/state roads	§ 320-302-2	55	55	55	requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	55	55	55	55	55		55	55	55	55	55
Interior side	§ 320-302-2	50	50	20	requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	12	8	0/8	20	0/15		0/20	0/20	0/20	0/20	None
Rear	§ 320-302-2	50	50	20	requirements	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	than underlying zoning district regulations	25	20	25	25	25		25	25	25	25	None

Table 320-505-1 Principal and Special Exception Use and Structure Dimensional Regulations																					
		Zoning District																			
Regulation	See Diagram	AGD <sup>1</sup>	AGD-FP <sup>2</sup>	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH <sup>2</sup>	INST	NC	GC	IND	AD
See § 320-506A for additional regulations.																					
If setbacks are identified on existing recorded plats and CSMs they shall be complied with.																					
Minimum yard in feet (green space required)																					
Front																					
Greenville roads	§ 320-302-2	37	37	37							37	25	25	25	25		20	20	20	20	20
County/state roads	§ 320-302-2	55	55	55							55	55	55	55	55		20	20	20	20	20
Corner side																					
Greenville roads	§ 320-302-2	37	37	37							37	25	25	25	25		20	20	20	20	20
County/state roads	§ 320-302-2	55	55	55							55	55	55	55	55		20	20	20	20	20
Interior side	§ 320-302-2	6	6	20							6	6	0/6	20	0/6		0/10	0/10	0/10	0/10	None
Rear	§ 320-302-2	6	6	20							6	6	6	25	25		10	10	10	10	None
See § 320-506B for additional regulations.																					
Minimum distance between all buildings in feet		10	10	10							10	10	10	10	10		10	10	10	10	10
Maximum dwelling units per lot unless noted		1	1	0							1	1	1 for side-by-side units; 2 for vertical units	20 per net acre	1		0	0	0	0	0
Maximum accessory dwelling units per lot unless noted		1	1	0							1	1	1	0	1		0	UNL	UNL	0 per lot	0 per lot

**NOTES:**

UNL = Unlimited number/amount

- See § 320-504O(3) and Table 320-505-2 for additional regulations regarding AGD and AGD-FP existing and new dwelling units.
- See § 320-521 for regulations regarding MH Mobile/Manufactured Home Park District.

**NOTES:**

<sup>3</sup> AGD-FP minimum gross lot area: The thirty-five-acre minimum shall be required when a parcel is split by CSM or plat to create new buildable lots. The five-acre minimum shall be required when parcels are consolidated or added on to through CSM or plat.

B. Table 320-505-2, Existing and New Farm Dwelling Unit Dimensional Regulations. Reference: § 320-504O(3)(c); Table 320-505-1. [Amended 4-26-2021 by Ord. No. 01-21; 2-22-2021 by Ord. No. 03-21; 4-26-2021 by Ord. No. 05-21]

Table 320-505-2									
Existing and New Farm Dwelling Unit Dimensional Regulations									
Zoning District									
Regulation	See Diagram	AGD	AGD-FP	S	SW	FW	FF	GFP	FS
Minimum gross lot area in square feet	§ 320-302-3	16,000	16,000	Regulations of the underlying zoning district shall apply, except § 320-805 shall apply for setback and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-805 shall apply for setback and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-1014 shall apply if more restrictive than underlying zoning regulations	Regulations of the underlying zoning district shall apply, except § 320-1018 shall apply if more restrictive than underlying zoning regulations	Regulations of the underlying zoning district shall apply, except § 320-1019C shall apply if more restrictive than underlying zoning regulations	Regulations of the underlying zoning district shall apply, except § 320-1020C shall apply if more restrictive than underlying zoning regulations
Minimum lot width in feet	§ 320-302-3	100	100						
Minimum lot frontage width in feet	§ 320-302-3	80/60 culs-de-sac	80/60 culs-de-sac						
Maximum building height in feet	§ 320-302-1	35	35						
Maximum lot coverage for all uses, including accessory uses	§ 320-302-3	50%	50%						
Maximum number of uses per parcel		UNL	UNL						
Maximum number of buildings per parcel		UNL	UNL						
Maximum number of uses per building		UNL	UNL						
Minimum building/structure setback in feet									
Front									

Table 320-505-2									
Existing and New Farm Dwelling Unit Dimensional Regulations									
Zoning District									
Regulation	See Diagram	AGD	AGD-FP	S	SW	FW	FF	GFP	FS
Local roads	§ 320-302-2	37	37						
County/state roads	§ 320-302-2	55	55						
Corner side									
Local roads	§ 320-302-2	37	37						
County/state roads	§ 320-302-2	55	55						
Interior side	§ 320-302-2	20	20						
Rear	§ 320-302-2	25	25						
See § 320-506A for additional regulations									
If setbacks are identified on existing recorded plats and CSMs, they shall be complied with.									
Minimum yard in feet (green space required)									
Front									
Greenville roads	§ 320-302-2	37	37						
County/state roads	§ 320-302-2	55	55						
Corner side									
Greenville roads	§ 320-302-2	37	37						
County/state roads	§ 320-302-2	55	55						
Interior side	§ 320-302-2	6	6						
Rear	§ 320-302-2	6	6						

Table 320-505-2									
Existing and New Farm Dwelling Unit Dimensional Regulations									
Zoning District									
Regulation	See Diagram	AGD	AGD-FP	S	SW	FW	FF	GFP	FS
See § 320-506B for additional regulations.									
Minimum distance between all buildings in feet		10	10						

**NOTE:**  
 UNL = Unlimited number/amount

**§ 320-506. Principal and special exception use and structure dimensional definitions; additional regulations.**

Reference: Table 320-505-1; Table 320-505-2; Table 320-509-1; Table 320-509-2; Table 320-509-3; Diagram 320-302-2; and Diagram 320-302-3.<sup>41</sup>

**A. Minimum building/structure setback.**

- (1) Flatwork. Flatwork is not included when calculating the minimum setback but is included when calculating the minimum yard.
- (2) Easements. Buildings, structures, flatwork, trees, and shrubs shall be prohibited in easements unless otherwise permitted. If there is an easement and it is greater than the minimum setback, than the easement shall be complied with.
- (3) Interior side building setback. A zero lot line shall be required to split two-family and attached single-family for side-by-side units but not required for vertical units and allowed for nonresidential buildings. Two-family and attached single-family units that were issued a building permit prior to December 1, 2020, have the option to convert to a zero lot line or condo unit.  
**Amended 4-26-2021 by Ord. No. 01-21; 4-26-2021 by Ord. No. 05-21**

**B. Minimum yard.**

- (1) Yard encroachment.
  - (a) Every part of every required yard shall be open and unobstructed by structures from 30 inches above the average grade of the lot upward to the sky except as hereinafter provided or as otherwise permitted in these regulations.
  - (b) Roof eaves may project into a required yard, but not more than two feet.
  - (c) Fire escapes, stairways, and balconies shall not intrude into required yards.
- (2) Easements. Buildings, structures, trees, and shrubs shall be prohibited in easements unless otherwise permitted. If there is an easement and it is greater than the minimum setback, than the easement shall be complied with.
- (3) Interior side building setback. A zero lot line shall be required to split two-family and attached single-family for side-by-side units but not required for vertical units and allowed for nonresidential buildings. Two-family and attached single-family units that were issued a building permit prior to December 1, 2020, have the option to convert to a zero lot line or condo unit.  
**[Amended 4-26-2021 by Ord. No. 01-21; 4-26-2021 by Ord. No. 05-21]**

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41. Editor's Note: Table 320-505-1 is included in § 320-505A; Table 320-505-2 is included in § 320-505B; Table 320-509-1 is included in § 320-509A; Table 320-509-2 is included in § 320-509B; Table 320-509-3 is included in § 320-509C; Diagram 320-302-2 is included in § 320-302B(2); and Diagram 320-302-3 is included in § 320-302B(3).



**§ 320-507. Accessory uses and structures. [Amended 2-22-2021 by Ord. No. 03-21]**

Accessory uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal and special exception uses and structures when they are located on the same lot with the permitted principal and special exception use or structure shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation and include but are not limited to the following.

Table 320-507-1  
Accessory Uses and Structures

P = Permitted Accessory Use; S = Special Exception Accessory Use

Grey Shading = Prohibited Use

Accessory Uses and Structures	See for Additional Regulations	Is Permit Required?	Zoning District																								
			AGD	AGD-FP	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH	INST	NC	GC	IND	AD					
Antennas	§ 320-504L(5)	Yes	P	P	P	All permitted and special exception accessory uses in the underlying zoning district	See § 320-920 for permitted uses	See § 320-1013 for permitted uses	All permitted and special exception accessory uses in the underlying zoning district; See § 320-1018 for additional regulations	See § 320-1019B for permitted uses	All permitted and special exception accessory uses in the underlying zoning district; See § 320-1020B for additional regulations	P	P	P	P	P	P	P	P	P	P	P					
Berms	§ 320-508A	Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Decks		Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Driveway, grass/natural areas		No	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Driveway, gravel	§ 320-611A(1)(c)	Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Driveway, paved (asphalt, concrete, pavers, etc.)	§ 320-611A(1)(b)	Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fences/walls/privacy screens	§ 320-508B	Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Firewood	§ 320-508C	No	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Flatwork	§ 320-302 definition	Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Garages <sup>1</sup>	§ 320-508D	Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Gardens, including composting		No	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Gazebos <sup>1</sup>		Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Geothermal equipment for private use not associated with a public or private utility		Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Greenhouse <sup>1</sup>		Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Heating devices, outdoor; only allowed outside of the sewer service area	§ 320-508E	Yes	P	P								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Hot tubs <sup>1</sup>		Yes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Hunting blinds	§ 320-508F	No	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						

Table 320-507-1  
Accessory Uses and Structures

P = Permitted Accessory Use; S = Special Exception Accessory Use

Grey Shading = Prohibited Use

Accessory Uses and Structures	See for Additional Regulations	Is Permit Required?	Zoning District																				
			AGD	AGD-FP	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH	INST	NC	GC	IND	AD	
Landscaping	Part 320-600, Article IV	Yes, only for non-residential	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P
Lighting (outdoor only)	Part 320-600, Article III	Yes, only for non-residential	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P
Parking area, grass/natural areas		No	P	P	P																		
Parking area, gravel	§ 320-611A(2)(c)	Yes	P	P	P												P				S		
Parking area, paved (asphalt, concrete, pavers etc.)	§ 320-611A(2)(b)	Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P
Parking of vehicles and equipment	§§ 320-609 and 320-611	No	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P
Patios <sup>1</sup>	§ 320-508G	Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P
Pergolas <sup>1</sup>		Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P
Playsets <sup>1</sup>		No	P	P	P							P	P	P	P	P	P	P	P	P	P		
Pools <sup>1</sup>		Yes, only if impervious surfaces are installed	P	P	P							P	P	P	P	P	P	P	P	P	P		
Sheds <sup>1</sup>	§ 320-508H	Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P
Signs	Part 320-700	Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P
Signs, electronic messaging	§ 320-713	Yes			S												S	S	S	S	S	S	S
Solar energy equipment for private use not associated with a public or private utility		Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P
Wind turbines for private use not associated with a public or private utility		Yes	P	P	P							P	P	P	P	P	P	P	P	P	P	P	P

**NOTE:**

<sup>1</sup> If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, these uses may be permitted as an appurtenance to a permitted residence consistent with Wis. Stats., § 91.01(1), as amended.

**§ 320-508. Accessory use and structure definitions; and additional regulations.**

If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, accessory garages, gazebos, hot tubs, patios, pergolas, playsets, pools and sheds may be permitted as an appurtenance to a permitted residence consistent with Wis. Stats., § 91.01(1), as amended.

A. "Berm" shall be defined as an earthen mound, 18 inches in height or higher, used for decorative, screening, or buffering purposes. Reference: § 320-635E(3).

(1) All berms require approval pursuant to site plan requirements in this chapter.

(2) Height restriction.

(a) Residential lots. Berms on individual residential lots shall be restricted to 42 inches in height.

(b) Residential subdivision developments and nonresidential developments. Berms planned for within residential subdivision developments and nonresidential developments shall not have a height restriction.

B. Fences/walls/privacy screens.

(1) Definitions.

FENCES/WALLS — Constructed barriers intended to enclose, screen, or separate areas and constructed out of traditional fence/wall material and require a permit.

GARDEN FENCES — Fences six feet in height or less enclosing gardens. A permit is not required. **[Amended 4-26-2021 by Ord. No. 01-21; 4-26-2021 by Ord. No. 05-21]**

PRIVACY SCREENS — Barriers intended to provide privacy that is not a fence/wall. They are typically used around patios, decks, porches, or other areas of the property to provide privacy without installing a fence around the perimeter of the property. They shall not be greater than six feet in height and shall not be located in a required yard. Landscaping is not considered a privacy screen. A permit is not required.

SECURITY GATES — Movable fence structures installed at a driveway to allow ingress and egress through a controlled means and shall be eight feet in height or less and not wider than the driveway and require a permit.

(2) Regulations.

(a) Purpose. The purpose of this subsection is to provide guidance for landowners wishing to construct a fence. The intention is to allow landowners to construct fences for the purpose of enhancing their privacy, increasing or maintaining property value, or improving the aesthetics of the property. At the same time, it is important that these structures do not infringe upon safety, or nearby current or future neighbors, by unreasonably restricting their view or quality of life or negatively impacting property value. Additionally, fences allowed to be constructed must be maintained to preserve the quality originally

intended.

- (b) Athletic fields/courts fences/walls are exempt from height restrictions and permit requirements.
- (c) Fences and walls on lots and parcels zoned for residential uses may be permitted in any required yard or along the edge of any required yard, unless prohibited by other restrictions. No fence or wall may exceed a height of four feet along the sides or front edge of any required front or corner side yard measuring from the property line to the face of the principal structure. No fence or wall may exceed a height of six feet in any other required yard or along the edge of any required yard. Height shall be measured from the average grade.
- (d) Fences and walls on lots and parcels zoned and being used for agricultural, commercial, industrial, institutional and open space purposes may not exceed a height of eight feet; provided, however, that a security topper not to exceed two feet may be added to any fence along any property line except a property line adjoining a road. Height shall be measured from the average grade.
- (e) The finished or decorative side of a fence or wall shall face the adjoining property, and no part of a fence or wall shall project over the property line.
- (f) No fence or wall is permitted within any Greenville stormwater, water or sanitary sewer easement. Other utility easements may also have restrictions.
- (g) All fences and walls must provide for natural surface water flow.
- (h) Height limitations shall be referenced to any Greenville-approved drainage and grading plan.
- (i) Temporary fences for short-term planting, construction, hazard, or temporary event shall be marked with colored streamers or other warning devices at four-foot intervals. Temporary fences shall comply with all fence requirements of this section and shall be removed upon completion of the temporary activity.
- (j) Electric, barbed wire and razor wire fences are prohibited in all residential districts.
- (k) See Part 320-600, Article I, Access and Visibility, for visibility requirements.
- (l) See Table 320-505-1 for dimensional requirements and Diagram 320-508-1 and Diagram 320-600-1.<sup>42</sup>

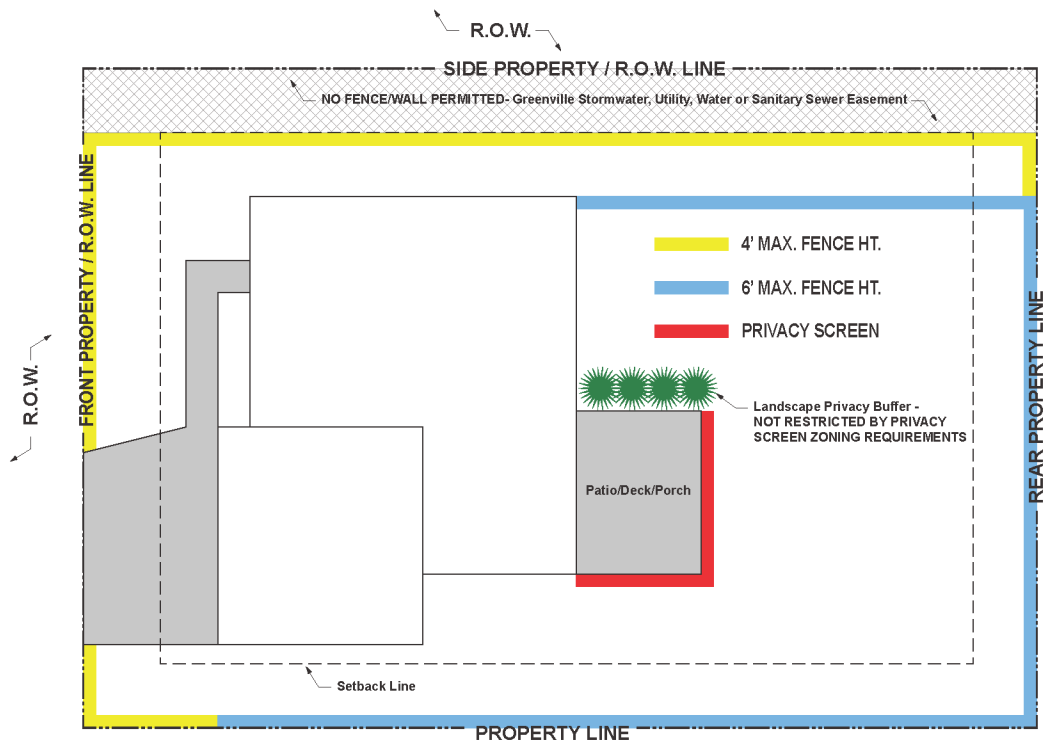
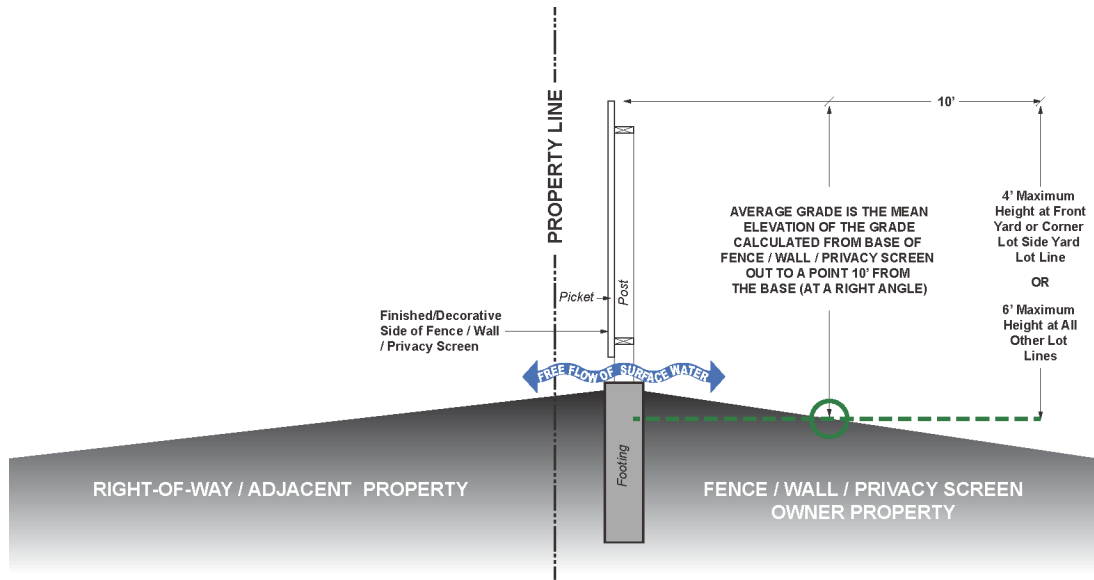
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42. Editor's Note: Table 320-505-1 is included in § 320-505A and Diagram 320-600-1 is included in § 320-602.

**Diagram 320-508-1**

**Fences**

Reference: § 320-508B.



- C. Firewood. No firewood shall be stored in any required front or corner side yard or closer than two feet to any residential lot line.
- D. "Garage" shall be defined as an accessory building designed or used for inside

parking of private motor vehicles, recreational vehicles or boats, storage of personal property and commonly accepted accessory uses related to and by the occupant of the principal building/use. **[Amended 4-26-2021 by Ord. No. 01-21; 4-26-2021 by Ord. No. 05-21]**

- (1) Dwelling units shall be prohibited unless a permit for an accessory dwelling unit has been issued [reference § 320-504O(1) and Table 320-503-1].
  - (2) A private garage attached to or a part of the main building is to be considered part of the main building.
  - (3) Detached garage footprints for residential purposes zoned R1, R2, R3, and R4 shall be greater than 500 square feet and less than or equal to 1,500 square feet.
  - (4) Attached garages for residential purposes shall not have a size limit. They shall be connected to the principal building and meet required building codes. Breezeways or other passageways that are enclosed may connect the garage and house, but the garage and house shall not be separated by such connection by more than 10 feet.
  - (5) The following types of structures shall be prohibited:
    - (a) Metal storage containers for residential use.
- E. "Heating devices, outdoor" shall be defined as detached energy systems using fuel such as wood, coal, or other solid fuel, liquid fuel, or waste oil burners, boilers, or furnaces associated with the production of usable heat or energy, which is located outside of the structure for which the heat is to be supplied either directly or indirectly into the principal structure on site and in compliance with the following. Outdoor heating devices exclude recreational uses such as fireplaces, fire pits, portable patio/deck heaters and similar uses.
- (1) They shall only be allowed outside of the Greenville sewer service area.
  - (2) They shall be located on a lot greater than one acre.
  - (3) They shall only be permitted in a rear yard and 50 feet from all property lines.
  - (4) The chimney height shall be a minimum of 15 feet tall measured from the average grade of the ground.
  - (5) They may only be used between September 1 and June 1.
  - (6) No person shall burn fuel in any outdoor heating units other than the fuel recommended by the manufacturer. The following fuels are prohibited: trash, plastics, gasoline, naphtha, household garbage, material treated with petroleum products, particle board, railroad ties, telephone poles, pressure-treated wood, leaves, paper products and cardboard, or any other material that may cause offensive or noxious odors, smoke, airborne ash or debris.
  - (7) The exterior of any outdoor heating unit shall be maintained and kept in good working condition in accordance with the manufacturer's maintenance recommendation. Any storage buildings related to the outdoor heating device will need an additional permit.

- (8) No detached energy system shall create an undesirable impact upon adjacent property or otherwise create a public nuisance as defined in Chapter 198, Nuisances, of the Greenville Municipal Code. Enforcement actions may be taken in accordance with Chapter 198 should the Village determine any device is in conflict with the public nuisance ordinance.
- F. "Hunting blind" shall be defined as a structure that is used for hunting. It shall be a maximum of 100 square feet and may be located on the ground or be elevated. It shall not be used as a dwelling unit. If located within the AGD-FP and is certified as a Farmland Preservation Zoning District, it shall not have a permanent foundation.
- G. "Patio" shall be defined as a flat structure that is constructed with brick, block, concrete, asphalt, gravel, or another similar surface.
- H. "Shed" shall be defined as an accessory building designed or used for inside parking of private motor vehicles, recreational vehicles or boats, storage of personal property, and commonly accepted accessory uses related to and by the occupant of the principal building/use. Sheds shall be 500 square feet or less.
- (1) The following types of structures shall be prohibited: **[Added 4-26-2021 by Ord. No. 01-21; amended 4-26-2021 by Ord. No. 05-21]**
- (a) Metal storage containers residential use.



**§ 320-509. Accessory use and structure dimensional regulations. [Amended 2-22-2021 by Ord. No. 03-21]**

A. Table 320-509-1, Accessory Uses and Structures Dimensional Regulations Between 0 Square Feet and 150 Square Feet.

Table 320-509-1																												
Accessory Uses and Structures Dimensional Regulations Between 0 Square Feet and 150 Square Feet																												
		Zoning District																										
Regulation	See Diagram	AGD	AGD-PP	OS	S	SW	FW	FF	GFP	ES	RR	R1	R2	R3	R4	MH'	INST	NC	GC	IND	AD							
Maximum building height in feet	§ 320-302-1	15	15	15	Regulations of the underlying zoning district shall apply, except § 320-805 shall apply for setback and yard requirements for setback and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-805 shall apply if more restrictive than underlying zoning regulations	Regulations of the underlying zoning district shall apply, except § 320-1014 shall apply if more restrictive than underlying zoning regulations	Regulations of the underlying zoning district shall apply, except § 320-1018 shall apply if more restrictive than underlying zoning regulations	Regulations of the underlying zoning district shall apply, except § 320-1019C shall apply if more restrictive than underlying zoning regulations	Regulations of the underlying zoning district shall apply, except § 320-1020C shall apply if more restrictive than underlying zoning regulations	15	15	15	15	15			15	15	15	15	UNL						
Maximum number of uses		UNL	UNL	UNL							UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	
Maximum number of detached buildings		UNL	UNL	UNL							UNL	UNL	UNL	UNL	UNL	UNL	UNL	2	2	UNL	1							
Maximum number of structures, excluding buildings		UNL	UNL	UNL							UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL
Maximum lot coverage for all uses, including principal/special exception uses	§ 320-302-3	70%	70%	50%							UNL	UNL	UNL	UNL	UNL	UNL	UNL	70%	70%	70%	70%	70%						
Minimum building/structure setback in feet																												
Front																												
Local roads	§ 320-302-2	37	37	37														37	25	25	25	25						
County/state roads	§ 320-302-2	55	55	55														55	55	55	55	55						
Corner side																												
Local roads	§ 320-302-2	37	37	37								37	25	25	25	25												
County/state roads	§ 320-302-2	55	55	55								55	55	55	55	55												
Interior side	§ 320-302-2	6	6	6								6	6	6	6	6					10	None						
Rear	§ 320-302-2	6	6	6								6	6	6	6	6					10	None						
See § 320-506A for additional regulations.																												

Table 320-509-1																					
Accessory Uses and Structures Dimensional Regulations Between 0 Square Feet and 150 Square Feet																					
		Zoning District																			
Regulation	See Diagram	AGD	AGD-FP	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH <sup>1</sup>	INST	NC	GC	IND	AD
If setbacks are identified on existing recorded plats and CSMs, they shall be complied with.																					
Minimum yard in feet (green space required)																					
Front																					
Greenville roads	§ 320-302-2	37	37	37							37	25	25	25	25		20	20	20	20	30
County/state roads	§ 320-302-2	55	55	55							55	55	55	55	55		20	20	20	20	55
Corner side																					
Greenville roads	§ 320-302-2	37	37	37							37	25	25	25	25		20	20	20	20	30
County/state roads	§ 320-302-2	55	55	55							55	55	55	55	55		20	20	20	20	55
Interior side	§ 320-302-2	6	6	6							6	6	6	6	6		10	10	10	10	None
Rear	§ 320-302-2	6	6	6							6	6	6	6	6		10	10	10	10	None
See § 320-506B for additional regulations.																					
Minimum distance between all buildings in feet		10	10	10							10	10	10	10	10		10	10	10	10	10

**NOTE:**  
 UNL = Unlimited number/amount  
<sup>1</sup> See § 320-521 for regulations

B. Table 320-509-2, Accessory Uses and Structures Dimensional Regulations Between 151 Square Feet and 750 Square Feet.

Table 320-509-2																					
Accessory Uses and Structures Dimensional Regulations Between 150 Square Feet and 750 Square Feet																					
		Zoning District																			
Regulation	See Diagram	AGD	AGD-FP	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH	INST	NC	GC	IND	AD
Maximum building height in feet	§ 320-302-1	20	20	20	Regulations of the underlying zoning district shall apply, except § 320-805 shall apply for setback and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-805 shall apply for setback and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-1014 shall apply if more restrictive than underlying zoning district regulations	Regulations of the underlying zoning district shall apply, except § 320-1018 shall apply if more restrictive than underlying zoning district regulations	Regulations of the underlying zoning district shall apply, except § 320-1019C shall apply if more restrictive than underlying zoning district regulations	Regulations of the underlying zoning district shall apply, except § 320-1020C shall apply if more restrictive than underlying zoning district regulations	20	20	20	20	20		20	20	20	20	UNL
Maximum number of uses		UNL	UNL	UNL							UNL	UNL	UNL	UNL	UNL		UNL	UNL	UNL	UNL	UNL
Maximum number of detached buildings		UNL	UNL	UNL							UNL	2	2	UNL	1		UNL	UNL	UNL	UNL	UNL
Maximum number of structures, excluding buildings		UNL	UNL	UNL							UNL	UNL	UNL	UNL	UNL		UNL	UNL	UNL	UNL	UNL
Maximum lot coverage for all uses, including principal/special exception uses	§ 320-302-3	70%	70%	50%							70%	70%	70%	70%	70%		UNL	UNL	UNL	UNL	UNL
Minimum building/structure setback in feet																					
Front																					
Local roads	§ 320-302-2	37	37	37							37	25	25	25	25		30	30	30	30	30
County/state roads	§ 320-302-2	55	55	55							55	55	55	55	55		55	55	55	55	55
Corner side																					
Local roads	§ 320-302-2	37	37	37							37	25	25	25	25		30	30	30	30	30
County/state roads	§ 320-302-2	55	55	55							55	55	55	55	55		55	55	55	55	55
Interior side	§ 320-302-2	12	12	12							12	8	12	12	12		10	10	10	10	None
Rear	§ 320-302-2	12	12	12							12	12	12	12	12		10	10	10	10	None
See § 320-506A for additional regulations.																					

		Table 320-509-2 Accessory Uses and Structures Dimensional Regulations Between 150 Square Feet and 750 Square Feet																			
		Zoning District																			
Regulation	See Diagram	AGD	AGD-FP	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH <sup>1</sup>	INST	NC	GC	IND	AD
If setbacks are identified on existing recorded plats and CSMs, they shall be complied with.																					
Minimum yard in feet (green space required)																					
Front																					
Greenville roads	§ 320-302-2	37	37	37							37	25	25	25	25		20	20	20	20	30
County/state roads	§ 320-302-2	55	55	55							55	55	55	55	55		20	20	20	20	55
Corner side																					
Greenville roads	§ 320-302-2	37	37	12							12	25	25	25	25		20	20	20	20	30
County/state roads	§ 320-302-2	55	55	12							12	55	55	55	55		20	20	20	20	55
Interior side	§ 320-302-2	6	6	6							6	6	6	6	6		10	10	10	10	None
Rear	§ 320-302-2	6	6	6							6	6	6	6	6		10	10	10	10	None
See § 320-506B for additional regulations.																					
Minimum distance between all buildings in feet		10	10	10							10	10	10	10	10		10	10	10	10	10

**NOTE:**  
 UNL = Unlimited number/amount  
<sup>1</sup> See § 320-521 for regulations

C. Table 320-509-3, Accessory Uses and Structures Dimensional Regulations Greater than 750 Square Feet.

Table 320-509-3																					
Accessory Uses and Structures Dimensional Regulations Greater Than 750 Square Feet																					
Zoning District																					
Regulation	See Diagram	AGD	AGD-FP	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH'	INST	NC	GC	IND	AD
Maximum building height in feet	§ 320-302-1	UNL	UNL	45	Regulations of the underlying zoning district shall apply, except § 320-805 shall apply for setbacks and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-805 shall apply for setbacks and yard requirements	Regulations of the underlying zoning district shall apply, except § 320-1014 shall apply if more restrictive than underlying zoning district regulations	Regulations of the underlying zoning district shall apply, except § 320-1018 shall apply if more restrictive than underlying zoning district regulations	Regulations of the underlying zoning district shall apply, except § 320-1019C shall apply if more restrictive than underlying zoning district regulations	Regulations of the underlying zoning district shall apply, except § 320-1020C shall apply if more restrictive than underlying zoning district regulations	35	35	35	45	45		50	35	50	50	UNL
Maximum number of uses		UNL	UNL	UNL							UNL	UNL	UNL	UNL	UNL		UNL	UNL	UNL	UNL	UNL
Maximum number of detached buildings		UNL	UNL	UNL							UNL	2	2	UNL	1		UNL	UNL	UNL	UNL	UNL
Maximum number of structures, excluding buildings		UNL	UNL	UNL							UNL	UNL	UNL	UNL	UNL		UNL	UNL	UNL	UNL	UNL
Maximum lot coverage for all uses, including principal/special exception uses	§ 320-302-3	70%	70%	50%							70%	70%	70%	70%	70%		UNL	UNL	UNL	UNL	UNL
Minimum building/structure setback in feet																					
Front																					
Local roads	§ 320-302-2	37	37	37							37	25	25	25	25		30	30	30	30	30
County/state roads	§ 320-302-2	55	55	55							55	55	55	55	55		55	55	55	55	55
Corner side																					
Local roads	§ 320-302-2	37	37	37							37	25	25	25	25		30	30	30	30	30
County/state roads	§ 320-302-2	55	55	55							55	55	55	55	55		55	55	55	55	55
Interior side	§ 320-302-2	50	50	20							12	8	12	20	15		20	20	20	20	None
Rear	§ 320-302-2	50	50	20							25	20	25	25	25		25	25	25	25	None
See § 320-506A for additional regulations.																					

Table 320-509-3																					
Accessory Uses and Structures Dimensional Regulations Greater Than 750 Square Feet																					
Zoning District																					
Regulation	See Diagram	AGD	AGD-FP	OS	S	SW	FW	FF	GFP	FS	RR	R1	R2	R3	R4	MH <sup>1</sup>	INST	NC	GC	IND	AD
If setbacks are identified on existing recorded plats and CSMs, they shall be complied with.																					
Minimum yard in feet (green space required)																					
Front																					
Greenville roads	§ 320-302-2	37	37	37							37	25	25	25	25		20	20	20	20	20
County/state roads	§ 320-302-2	55	55	55							55	55	55	55	55		20	20	20	20	20
Corner side																					
Greenville roads	§ 320-302-2	37	37	37							37	25	25	25	25		20	20	20	20	20
County/state roads	§ 320-302-2	55	55	55							55	55	55	55	55		20	20	20	20	20
Interior side	§ 320-302-2	6	6	20							6	6	6	20	6		10	10	10	10	None
Rear	§ 320-302-2	6	6	20							6	6	6	25	25		10	10	10	10	None
See § 320-506B for additional regulations.																					
Minimum distance between all buildings in feet		10	10	10							10	10	10	10	10		10	10	10	10	10

**NOTE:**

UNL = Unlimited number/amount

<sup>1</sup> See § 320-521 for regulations

**§ 320-510. through § 320-514. (Reserved)**





**ARTICLE IV  
Performance Standards**

**§ 320-516. Purpose; applicability; enforcement.**

It is the intent to use performance standards for the regulation of all uses to facilitate a more objective and equitable basis for control and to ensure the community is adequately protected from potentially hazardous and nuisance-like effects. The performance standards shall apply to all zoning districts. Determinations necessary for the administration and enforcement of these standards range from those which can be made by a reasonable person using normal senses and no mechanical equipment to those requiring substantial technical competence and complex equipment. It is the intent of this chapter that the methods to be used in determining compliance shall be the responsibility of the Community and Economic Development Director or designee. Whenever the Community and Economic Development Director or designee has reason to believe the standards of this chapter have been violated, they shall initiate enforcement as authorized by this chapter.

**A. Noise.**

- (1) No activity in an industrial district shall produce a sound level outside the district boundary exceeding the following sound level measured by a sound level meter and associated octave band filter:

<b>Table 320-516-1</b>	
<b>Industrial Sound Levels</b>	
<b>Octave Band Frequency</b>	<b>Sound Level</b>
<b>(cycles per second)</b>	<b>(decibels)</b>
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1,200	53
1,200 to 2,400	47
2,400 to 4,800	41
Above 4,800	39

- (2) No other activity in any other district shall produce a sound level outside its premises that exceeds the following:

<b>Table 320-516-2</b>	
<b>Sound Levels Excluding Industrial District</b>	
<b>Octave Band Frequency</b>	<b>Sound Level</b>
<b>(cycles per second)</b>	<b>(decibels)</b>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

(3) All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.

**B. Vibration.**

(1) No operation or activity shall transmit any physical vibration perception threshold of an individual at or beyond the property line of the source. "Vibration perception threshold" means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

(2) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

**C. External lighting.** No operation or activity shall produce any intense glare or lighting. Reference: Part 320-600, Article III, Lighting.

**D. Odor.** No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 429.03, Wis. Adm. Code.

**E. Particulate emissions.** No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 415, Wis. Adm. Code.

**F. Visible emissions.** No operation of activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 431, Wis. Adm. Code.

**G. Hazardous pollutants.** No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or

property, and all emissions of hazardous substances shall not exceed the limitations established in Ch. NR 445, Wis. Adm. Code.

**§ 320-517. through § 320-520. (Reserved)**



ARTICLE V  
**Special and Overlay Districts**

**§ 320-521. MH Mobile/Manufactured Home Park District.**

Reference: Table 320-503-1; Table 320-505-1; Table 320-509-1; Table 320-509-2; Table 320-509-3.<sup>43</sup>

A. Definitions.

**MANUFACTURED HOME** — Per § 101.91(2), Wis. Stats., shall be defined as a structure designed to be used as a dwelling with or without a permanent foundation and is certified by the federal Department of Housing and Urban Development as complying with the standards established under 42 U.S.C. §§ 5401 to 5425.

**MOBILE HOME** — Per § 101.91(10), Wis. Stats., shall be defined as a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, and has an overall length in excess of 45 feet. Mobile home includes the mobile home structure, and its plumbing, heating, air-conditioning, electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

**MOBILE/MANUFACTURED HOME PARK** — Premises designed and maintained for the location of two or more mobile/manufactured homes under a continuing local general management, and including special facilities for common use by the occupants, such as open space areas and recreational areas and buildings.

**MOBILE/MANUFACTURED HOME SITE** — A site on a parcel or lot within a mobile/manufactured home park, designated for the accommodation of not more than one mobile/manufactured home.

**MOBILE/MANUFACTURED HOME SUBDIVISION** — Premises where more than two mobile/manufactured homes are located for nontransient living purposes and where lots are set aside and offered for sale for use as mobile/manufactured homes for living purposes.

**NONCONFORMITIES** — A manufactured home community licensed under § 101.935, Wis. Stats., that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

- (1) Repair or replacement of homes.
- (2) Repair or replacement of infrastructure.

B. Parking outside licensed manufactured home parks.

- (1) Restricted. No mobile/manufactured home shall be permitted to be located, parked, or occupied in the Village unless the same is in a licensed mobile/manufactured home park, except those mobile/manufactured homes occupied

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43. Editor's Note: Table 320-503-1 is included in § 320-503; Table 320-505-1 is included in § 320-505A; Table 320-509-1 is included in § 320-509A; Table 320-509-2 is included in § 320-509B; and Table 320-509-3 is included in § 320-509C.

outside of a mobile/manufactured home park on the effective date of this chapter.

- (2) Exceptions.
  - (a) One- and two-family modular homes that meet the applicable one-and-two-family standards set forth in Chapter 101, Wis. Stats., and the requirements of this chapter are exempt.
  - (b) A mobile/manufactured home may be permitted for temporary use solely as a field office for construction activities as long as a building or erosion control permit has been issued, and shall be removed upon construction completion.
- C. Park license required. No person shall establish or operate upon property owned or controlled by him within Greenville a mobile/manufactured home park without having first secured a license from the Board. The application for such a license shall be made to the Clerk and shall be accompanied by a fee as set by the Board for each space in the existing or proposed park. Such park shall comply with Chapter SPS 326, Wis. Adm. Code, which is hereby adopted by reference.
- D. Application.
  - (1) A site plan application shall be submitted in compliance with this chapter.
  - (2) Before approval of any site, a public hearing shall be held, and the Planning Commission shall view the proposed site and shall consider such evidence as may be presented at the hearing bearing upon the general purpose and intent of this article to promote the public health, safety, and general welfare and the specific purpose of the chapter to prevent the overcrowding of land and the development of housing blight.
- E. Additions to park. Licensees of mobile/manufactured home parks shall furnish information to the Clerk on such homes added to the park within five days after arrival on forms furnished by the Clerk.
- F. Parking permit fees. There is imposed on each mobile/manufactured home located in Greenville a parking permit fee, such amount to be determined in accordance with § 66.0435, Wis. Stats. The fee shall be paid to the Treasurer on or before the 10th day of the month following the month for which they are due. It shall be the full and complete responsibility of a licensee of a mobile/manufactured home park to collect such fees from each mobile/manufactured home therein and to remit such fees to the Treasurer. Failure to do so is to be treated like a default in the payment of personal property taxes and subject to all procedures and penalties applicable under Chapters 70 and 74, Wis. Stats.
- G. Mobile/manufactured home park requirements.
  - (1) The following park requirements shall be met:
    - (a) A minimum of five acres.
    - (b) A minimum setback of 100 feet on all sides.

- (c) Private roads shall be hard-surfaced and no less than 24 feet wide and a right-of-way of 40 feet wide serving all mobile/manufactured home spaces. This shall be either concrete or bituminous hard-surfaced. Public streets shall have a right-of-way of 66 feet and a hard-surfaced road no less than 24 feet.
  - (d) Electricity, cable television, natural gas, public sewer, and water shall serve all mobile/manufactured home spaces.
  - (e) Two parking spaces for each mobile/manufactured home, which shall be hard-surfaced with concrete or bituminous pavement.
  - (f) Laundry hookups will be required to be made available in each mobile/manufactured home unit.
  - (g) An on-site manager's office.
  - (h) Each mobile/manufactured home space shall be clearly defined or delineated and shall have a minimum frontage of 50 feet and a depth of 100 feet.
  - (i) Movable footing slabs of reinforced concrete or other suitable means of supporting the mobile/manufactured homes shall be provided. Enclosing the foundation is recommended for appearance and insulating. Basements are not authorized.
  - (j) A service slab shall be provided for each mobile/manufactured home site.
  - (k) Attachments and/or necessary structures shall be designed and constructed so they will blend in with and not detract from the appearance of the mobile/manufactured home units. No such attachments or accessory structures shall be constructed without first securing a building permit.
  - (l) All parks shall be furnished with lighting so spaced and equipped with luminaires placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night that include potentially hazardous locations, such as major park street intersections and steps or stepped ramps, individually illuminated, with a minimum of 0.3 footcandle.
  - (m) All mobile/manufactured home sites shall abut upon a street.
  - (n) All mobile/manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile/manufactured home site. Entrances to parks shall be designated to minimize congestion and traffic on adjacent streets.
  - (o) Each mobile home unit shall have its own municipal water and sanitary sewer service.
- (2) Dimensional requirements.
- (a) Site frontage: minimum 50 feet.

- (b) Site area: minimum 5,000 square feet.
  - (c) Front setback and yard: minimum 25 feet at hitch and 18 feet from house.
  - (d) Corner side setback and yard: minimum 25 feet at hitch and 18 feet from house.
  - (e) Side setback: minimum 10 feet.
  - (f) Side yard: minimum six feet.
  - (g) Rear setback: minimum 20 feet.
  - (h) Rear yard: minimum six feet.
- (3) Parking area. Each parking space to be not less than 20 feet wide and 400 square feet in area.
- (4) Buffer strip.
- (a) Each mobile/manufactured home park shall be completely surrounded, except for permitted entrances and exits, by a yard containing a seventy-five-foot-wide buffer strip along all boundaries.
  - (b) A permanent evergreen planting, the individual trees to be of such number and so arranged that within 10 years they will form a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet. The trees shall be a minimum of six feet in height at the time of planting.
- H. Maintenance of facilities. It shall be a condition of the granting of a permit for the establishment of any mobile/manufactured home park, and a continuing condition for the operation of the same, that:
- (1) All parking spaces, walks, and driveways are constructed and maintained so as to prevent the accumulation of surface water and the formation of substantial muddy areas.
  - (2) The planting screen required is established and maintained.
  - (3) The Building Inspector, Fire Chief, or their lawful agents or employees are authorized and directed to inspect mobile/manufactured home parks not less than once in every twelve-month period to determine the health, safety, and welfare of the occupants of the park and inhabitants of Greenville as affected thereby and the compliance of structures and activities therein with this chapter and all other applicable laws of the state and ordinances of the Village.



**Part 320-600**  
**Site Development Regulations**

ARTICLE I  
**Access and Visibility**

Reference: § 320-214B(2)(c); § 320-508B(2)(k); Diagram 320-214-1. (Editor's Note: Diagram 320-214-1 is included immediately following § 320-214F.)

**§ 320-601. Access.**

- A. Except as provided below, every building housing a principal use or special exception hereafter erected or moved shall be on a lot which fronts or abuts a public street and has direct vehicular access to that public street and be so located as to provide safe and convenient access for servicing and off-street parking; see Table 320-505-1 for minimum lot frontage width.<sup>44</sup> Direct access does not include the use of easements. Fee simple title to the access to a public roadway must be the same as the building title. **Amended 3-28-2022 by Ord. No. 3-22]**
- (1) Combined/shared access for agricultural and single-family and two-family residential zoning districts. Where a lot abuts a state or county road that has access restrictions, combined/shared access may be granted as a special exception in compliance with the requirements for granting special exceptions in § 320-205 in addition to the following requirements and conditions:
    - (a) An access easement and maintenance agreement shall be required.
    - (b) Standards for access drives and driveways may be imposed as a condition of approval (i.e., length, width, design of driveways for fire-safety purposes).
    - (c) Conditions for access, use and improvements of adjacent parcels may be imposed.
  - (2) Combined/shared access for attached single-family and multifamily zoning districts. Where a lot abuts an arterial or collector road, provision for combined access with adjacent parcels by easement or dedicated frontage road is permitted and may be required for new development; if infill development is proposed, all efforts shall be made to obtain adequate access.
  - (3) Combined/shared access for nonresidential zoning districts. Where a lot abuts an arterial or collector road, provision for combined access with adjacent parcels by easement or dedicated frontage road shall be required for new development; if infill development is proposed, all efforts shall be made to obtain adequate access.
- B. Multiple frontages. Where a residential parcel abuts two streets, access shall be limited to the street with the lowest functional classification; if both streets are

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44. Editor's Note: Table 320-505-1 is included in § 320-505A.

considered collectors or arterials, only one street shall be granted access as approved by the Greenville Engineer. Where a nonresidential parcel abuts two streets, access may be limited to the street with the lowest functional classification. Reference Chapter 204, Article II.<sup>45</sup> [Amended 4-26-2021 by Ord. No. 01-21; 4-26-2021 by Ord. No. 05-21]

- C. Number of accesses and locations. No parcel abutting a public street for less than 100 feet shall have more than one driveway access to that street. No parcel abutting on a public street for over 100 feet shall have more than two driveway accesses to that street.
- D. Location to intersections. No driveway access shall be located with its closest edge closer than 50 feet to a local street intersection or closer than 100 feet to a collector or arterial street intersection; this shall be measured at the property corner of such lots along the right-of-way lines. To the extent practical, driveways shall be located to maximize distances to an intersection.
- E. Access design standards. Access shall comply with the Greenville Standard Specifications and Details. (Contact Engineer for details.)
- F. Coordination of access. Driveway access shall be located to minimize potential interference and conflicts with the use of buildings and driveways on the opposite side of the street and should align with driveways on the opposite side of the street as much as possible.
- G. Configuration. Driveway access shall intersect with public streets as nearly as possible at right angles; provided, however, for high-intensity uses (average daily traffic of 500 or more vehicles per day), or for parcels with access to streets with posted speeds of 45 miles per hour or greater, a channelized T-intersection may be required and acceleration and deceleration lanes may be required.
- H. Bicycle and pedestrian facilities. Bicycle and pedestrian facilities shall be provided on-site and shall connect to existing bicycle and pedestrian facilities within the public right-of-way and adjacent sites for both transportation and recreational purposes. Facilities shall be provided in and around parking lots, entrances to buildings, stormwater features, landscape features, and other site amenities where appropriate. If pedestrian and bicycle facilities are not available within the public right-of-way, they shall be provided within the right-of-way and be consistent with the Greenville Bicycle and Pedestrian Plan unless there is justification from the Village Engineer determining bicycle and pedestrian facilities are not feasible based on physical or environmental circumstances.
- I. Traffic impact analysis. Depending on the volume and type of traffic, a traffic impact analysis shall be submitted to determine if the requests are warranted and shall be approved by the Public Works Director and Greenville Engineer.
- J. Access shall also be consistent with the Comprehensive Plan and 2020 Sub Area Plan.

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45. Editor's Note: Former Subsection C, Combined access/frontage road, which immediately followed this subsection, was repealed 3-28-2022 by Ord. No. 3-22. This ordinance also provided for the redesignation of Subsections D through K as Subsections C through J.

**§ 320-602. Visibility. [Amended 4-26-2021 by Ord. No. 01-21; 4-26-2021 by Ord. No. 05-21]**

- A. On any corner lot in all zoning districts, no fence, wall, hedge, planting, object, building or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision from the ground up to the sky in the area bounded by the right-of-way lines of such corner lots and a line joining the point along said right-of-way line from the point of intersection for a distance based on Table 320-602-1. Reference Diagram 320-602-1.
- B. If lot lines do not connect to form a traditional corner lot but rather create an additional lot line in place of a corner, the vision corner shall be measured from the point of intersection of the extension of imaginary lot lines that would have traditionally created the intersecting corner. Reference Diagram 320-602-2.

<b>Table 320-602-1</b>	
<b>Vision Triangle Distance</b>	
<b>Posted Speed of Major Roadway (miles per hour)</b>	<b>Distance (feet)<sup>1</sup></b>
25	25
30	35
35	45
40	55
45	65
50	75
55	85

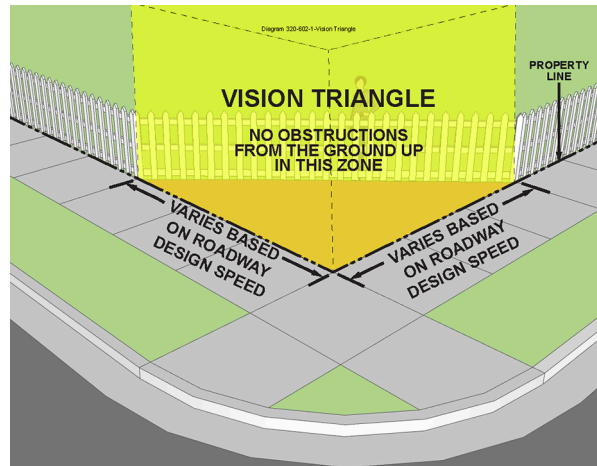
**NOTE:**

- <sup>1</sup> Distances are calculated based on FDM 11-10 Attachment 5.13 assuming a sixty-six-foot R/W urban local roadway typical section.

**Diagram 320-602-1**

**Vision Triangle**

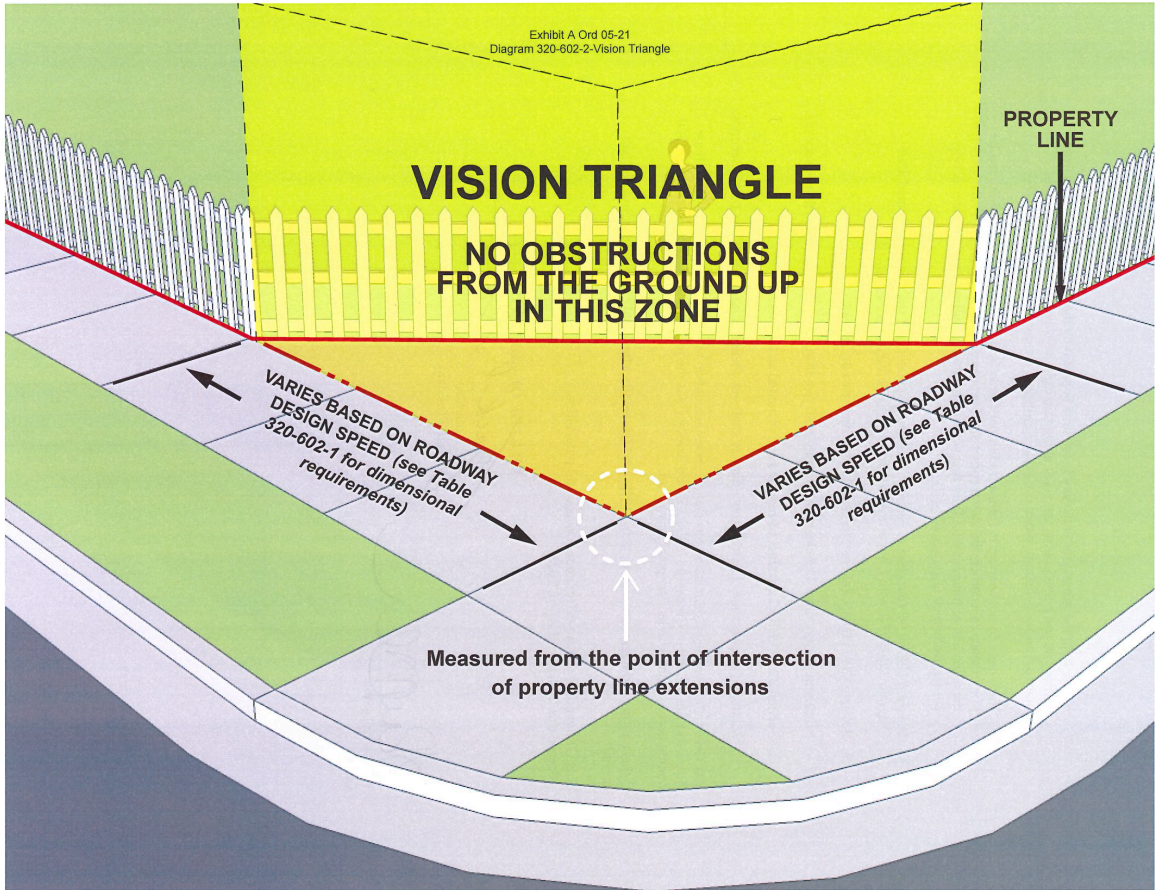
Reference: § 320-508B; § 320-602.



**Diagram 320-602-2**

**Vision Triangle**

Reference: § 320-508B; § 320-602B.



§ 320-603. through § 320-605. (Reserved)



ARTICLE II  
**Parking Requirements**

Reference: §§ 320-214B(2)(c); and Diagram 320-214-1.<sup>46</sup>

**§ 320-606. Applicability.**

The off-street parking provisions of this chapter shall apply to all buildings, structures and uses in all districts at the time any building, structure or use is erected, enlarged, extended or increased in accordance with this article and be consistent with the Comprehensive Plan and the 2020 Sub Area Plan after the effective date of this chapter. Parking shall be an accessory use as allowed in Table 320-507-1.<sup>47</sup>

**§ 320-607. Approval procedure.**

A parking plan is required in conjunction with § 320-214, Site plans, of this chapter and must be approved before installation of improvements, issuance of an erosion control/stormwater permit and issuance of a building permit.

**§ 320-608. Access.**

Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movement. No parking area shall be designed to require any vehicle to back into a public street.

**§ 320-609. Location restrictions.**

Reference: Table 320-507-1.<sup>48</sup>

- A. All parking spaces required shall be located on the same lot with the building or use served, or may be located not to exceed 400 feet from the parcel.<sup>49</sup>
- B. There shall be no customary storage of any sports vehicle, boat, trailer, utility trailer, camper, or any like business or recreational vehicle between the front or corner side lot line and the plane of a house, garage, or accessory building or structure of any residential district.
- C. There shall be no storage or parking of construction or farm equipment, tractor-trailer semis, delivery vehicles, or other vehicles that are not standard passenger vehicles except inside a fully enclosed building in all residential districts. In all other districts, these types of vehicles/equipment shall be allowed only in conjunction with an approved use of the property and may be parked outside.

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46. Editor's Note: Diagram 320-214-1 is included in § 320-214F.

47. Editor's Note: Table 320-507-1 is included in § 320-507.

48. Editor's Note: Table 320-507-1 is included in § 320-507.

49. Editor's Note: Former Subsection B, concerning driveway widths in certain situations, which immediately followed this subsection, was repealed 9-27-2021 by Ord. No. 10-21. This ordinance also provided for the redesignation of Subsections C through F as Subsections B through E.

- D. No parcel or contiguous parcel under single ownership shall display more than one vehicle or one piece of equipment (car, truck, tractor, boat, camper, trailer or items of a similar nature) for sale at any one time for no more than six months unless the parcel is zoned for automobile sales and is licensed with the State of Wisconsin. Any such item on display for sale shall not be located less than 15 feet from the right-of-way.
- E. 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 except if allowed in another part of this chapter.

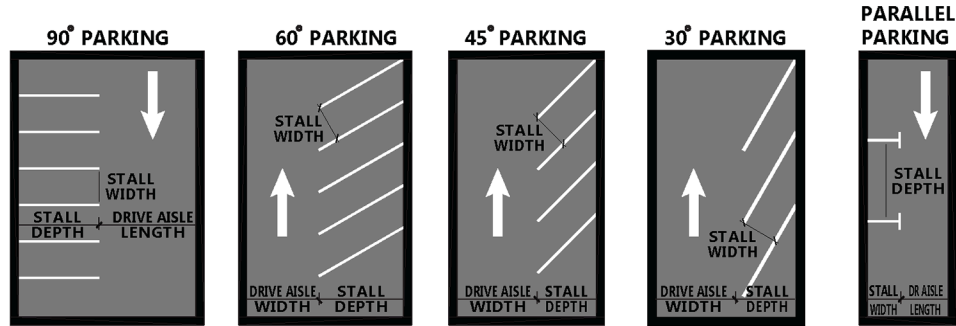
**§ 320-610. Parking dimensions.**

<b>Table 320-610-1</b>				
<b>Minimum Parking Dimensions</b>				
<b>Reference: Diagram 320-610-1.</b>				
<b>Dimension</b>	<b>30°</b>	<b>45°</b>	<b>60°</b>	<b>90°</b>
Stall width perpendicular to parking stall (feet)	10	10	10	10
Stall depth (feet)	18	19	20.5	18
One-way drive aisle width (feet)	12	13	18	24
Two-way drive aisle width (feet)	22	22	24	24
Parallel parking (feet)	9 × 22			
Flexibility may be provided to existing parking facilities that expand parking if existing parking dimensions are less than the dimensions required; the expanded parking facilities may be allowed to match the existing parking dimensions and will be reviewed on a case-by-case basis.				



**Diagram 320-610-1**  
**Parking Dimensions**

Reference: Table 320-610-1.



**§ 320-611. Surfacing; curb and gutter.**

A. Surfacing.

(1) Driveway/drive aisles.

- (a) "Driveway/drive aisles" shall be defined as areas vehicles and equipment drive on to access private property parking areas and public rights-of-way.
- (b) Pavement. All off-street driveways/drive aisles, except as permitted in Table 320-507-1, shall be surfaced with a dustless all-weather material with a minimum of a three-inch surface (asphalt, concrete, pavers, etc.) on a six-inch base of compacted stone or gravel.<sup>50</sup>
- (c) Gravel.

[1] Compacted stone or gravel may be used for off-street driveways/drive aisles only in instances where gravel or stone exists and is planned to be expanded and is outside of the sewer service area.

[2] The use of compacted stone or gravel may be allowed for nonresidential driveways/drive aisles only when approved as a special exception as allowed in Table 320-507-1<sup>51</sup> only for parking, maneuvering, and use of heavy machinery/construction equipment in conjunction with the operation/business of the property. This excludes semi-tractor/trailers and/or delivery vehicles.

- (d) Driveways within public rights-of-way shall comply with the Greenville

50. Editor's Note: Table 320-507-1 is included in § 320-507.

51. Editor's Note: Table 320-507-1 is included in § 320-507.

Standard Specifications and Details.

- (2) Parking area.
  - (a) "Parking areas" shall be defined as areas vehicles and equipment park in designated spots.
  - (b) Pavement. All off-street parking areas, except as permitted in Table 320-507-1, shall be surfaced with a dustless all-weather material with a minimum of a three-inch surface (asphalt, concrete, pavers, etc.) on a six-inch base of compacted stone or gravel.
  - (c) Gravel.
    - [1] Compacted stone or gravel may be used for off street parking areas only in instances where gravel or stone exists and is planned to be expanded and is outside of the sewer service area.
    - [2] The use of compacted stone or gravel may be allowed for nonresidential parking areas only when approved as a special exception as allowed in Table 320-507-1 only for parking, maneuvering, and use of heavy machinery/construction equipment in conjunction with the operation/business of the property. This excludes semitractor/trailers and/or delivery vehicles.

B. Curb and gutter. Concrete curb and gutter shall be required in all new parking lots; existing parking lots that add parking are not required to install curb and gutter if curb and gutter does not already exist. Where alternatives to concrete curb and gutter are demonstrated to be more appropriate, it may be approved by the Public Works Director and Engineer. Curb cuts may be permitted intermittently to allow for the treatment of stormwater.

**§ 320-612. Number of parking stalls.**

The minimum number of parking stalls required is shown in Table 320-612-1. Greenville recognizes not all land uses function the same; some may require more parking while others require less; therefore, general and specific uses have been identified with general uses allowed flexibility with reduced parking of up to 50% of the required number of stalls.

<b>Table 320-612-1</b>		
<b>Number of Parking Stalls</b>		
<b>Reference: § 320-612.</b>		
<b>Specific Use</b>	<b>Parking Stalls Required</b>	<b>Bicycle Rack Stalls Re- quired</b>
Assembly: churches, funeral homes, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 for each 5 seats	3 per lot

<b>Table 320-612-1</b>		
<b>Number of Parking Stalls</b>		
<b>Reference: § 320-612.</b>		
Bed-and-breakfast establishments	1 for each guest room	0 per lot
Dwelling: ADU	1 for each dwelling	0 per lot
Dwelling: mobile/manufacturing home	2 for each dwelling unit	0 per lot
Dwelling: multifamily	1.5 for each dwelling unit	0 per lot
Dwelling: single-family attached	2 for each dwelling unit	0 per lot
Dwelling: single-family detached	2 for each dwelling unit	0 per lot
Dwelling: two-family	2 for each dwelling unit	0 per lot
Hospitals, nursing homes, assisted living, memory care, community living arrangements	1 for each 2 beds, plus 1 for each 3 employees	3 per lot
Hotels, motels	1 for each guest room plus 1 for each 3 employees	0 per lot
Recreational use, indoor facility	1 for each 4 of the total building occupancy permitted by Building/Fire Codes	3 per lot
Schools, day cares	1 for each employee	3 per lot
<b>General Use</b>	<b>Parking Stalls Required (may be reduced by up to 50%)</b>	<b>Bicycle Rack Stalls Required</b>
Distribution/wholesale use	1 for each employee per shift	3 per lot
Entertainment use	1 for each 500 square feet of floor area	3 per lot
Government use	1 for each 500 square feet of floor area	3 per lot
Institutional use	1 for each 500 square feet of floor area	3 per lot
Manufacturing use	1 for each employee per shift	3 per lot
Office use	1 for each 500 square feet of floor area	3 per lot

<b>General Use</b>	<b>Parking Stalls Required (may be reduced by up to 50%)</b>	<b>Bicycle Rack Stalls Required</b>
Restaurants/bars/tavern/tap room	1 for each 500 square feet of floor area	3 per lot
Retail use	1 for each 500 square feet of floor area	3 per lot
Service use	1 for each 500 square feet of floor area	3 per lot
Warehouse use	1 for each employee per shift	3 per lot

**§ 320-613. Snow storage required.**

A snow storage area shall be provided outside of the parking and driveway and drive aisle areas. An area 5% of the total parking/driveway/drive aisle areas shall be provided and shown on the site plan and landscape plan and not interfere with traffic movement, parking spaces, or site amenities such as landscaping, aboveground utilities, signs, etc. Agriculture, single-family, two-family, and attached single-family uses are exempt.

**§ 320-614. Uses not listed.**

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply, as determined by the Community and Economic Development Director or designee.

**§ 320-615. Handicapped parking requirements.**

In addition to any other requirements relating to parking spaces contained in this chapter, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections or accessibility codes and standards adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

**§ 320-616. Reduction of parking areas.**

Off-street parking spaces shall not be reduced in numbers unless said number exceeds the requirement set forth herein.

**§ 320-617. Inspection and completion.**

See § 320-214D for inspection and completion requirements.

**§ 320-618. through § 320-625. (Reserved)**

ARTICLE III  
**Lighting**

Reference: § 320-214B(2)(h); § 320-516C; Table 320-507-1; and Diagram 320-214-1.<sup>52</sup>

**§ 320-626. Applicability; approval procedure; certification requirements; inspection and completion.**

- A. **Applicability.** The provisions of this article shall apply to developments allowed as a permitted use, requiring site plan approval or a special exception use in the OS, NC, GC, INST, IND, AD (where permitted by the Federal Aviation Administration), R3 and R4 Districts and any developments allowed as a special exception considered a commercial/industrial/business use in the AGD-FP, AGD, RR, R1 and R2 Districts. It shall also apply to existing buildings and developed sites adding new or replacing existing lighting which may or may not require a site plan. Lighting shall also be consistent with the Comprehensive Plan and 2020 Sub Area Plan.
- B. **Definitions.** As used in this article, the following terms shall have the meanings indicated:
- FOOTCANDLE — The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.
- FULLY SHIELDED LUMINAIRE (LIGHTING) — A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
- C. **Approval procedure.** A photometric plan is required in conjunction with § 320-214, Site plans, of this chapter and must be approved before installation of improvements, issuance of an erosion control/stormwater permit, and issuance of a building permit.
- D. **Exterior lighting, whether freestanding or mounted on a building or structure, shall be certified by the International Dark-Sky Association (IDA) as dark-sky compliant; documentation shall be provided to verify certification. Lighting shall be fully shielded and oriented so as not to exceed the following light levels on adjacent properties:**
- (1) Zero point two horizontal footcandles on residentially zoned property or nonresidentially zoned property that has a residential use.
  - (2) Two point zero horizontal footcandles on nonresidentially zoned property.
  - (3) Fifteen horizontal footcandles on public road right-of-way; if light spills onto property across a public right-of-way, the zero-point-two and two-point-zero

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52. Editor's Note: Table 320-507-1 is included in § 320-507 and Diagram 320-214-1 is included immediately following § 320-214F.

horizontal footcandle restrictions shall apply accordingly as identified in this subsection.

- E. Inspection and completion. See § 320-214D for inspection and completion requirements.

**§ 320-627. through § 320-630. (Reserved)**

ARTICLE IV  
**Landscaping Requirements**

Reference: § 320-214B(2)(g); Table 320-507-1. (Table 320-507-1 is included in § 320-507.)

**§ 320-631. Purpose.**

The purpose of this article is to enhance the appearance of Greenville by improving the quality of landscaping, buffering and screening at commercial and industrial properties. Criteria and standards are provided to ensure building sites and off-street parking areas are sufficiently landscaped to protect and preserve the appearance, character, and value of surrounding properties and public rights-of-way, thereby promoting the general welfare, safety and aesthetic quality of Greenville.

**§ 320-632. Applicability.**

- A. The provisions of this article shall apply to developments allowed as a permitted use, requiring site plan approval or a special exception use in the OS, NC, GC, INST, IND, AD (where permitted by the Federal Aviation Administration) and R3 Districts and any developments allowed as a special exception considered a commercial/industrial/business use in the AGD-FP, AGD, RR, R1, R2, and R4 Districts. Landscaping shall also be consistent with the Comprehensive Plan and 2020 Sub Area Plan.
- B. Any development occurring on vacant land shall be in full compliance with the provisions of this article.
- C. Existing occupied developments that do not conform to the provisions of this article may be continued until such time as a site plan is required by this chapter. Where a building, parking or other site improvement is proposed, landscaping requirements in this article shall apply to those areas on the property; if the remaining areas of the property not proposed for improvements are nonconforming, they may continue as legal nonconforming, but it is recommended they be brought into conformance as much as possible. Flexibility on relief shall be allowed on a case-by-case basis, as approved by the Planning Commission, as the standards set in this article may not be able to be applied due to existing physical or environmental constraints. It is the intent to meet the standards in this article where practical.

**§ 320-633. Approval procedure.**

A landscape plan is required in conjunction with § 320-214, Site plans, of this chapter and must be approved before installation of improvements, issuance of an erosion control/stormwater permit and issuance of a building permit.

**§ 320-634. Landscape plan requirements.**

Landscape plans submitted for review shall be drawn to an appropriate scale and shall include at a minimum the following information:

- A. The name and address of the owner/developer and name of the landscape architect/designer.
- B. Date of plan preparation, date and description of all plan revisions, name of project or development, scale of plan, and North marker.
- C. The location of all lot lines, locations of all existing and proposed easements and rights-of-way, and elevation, topography, and cross-section details as determined necessary by Greenville.
- D. The location of all existing and proposed structures, parking and loading areas, parking spaces (numbered), driveways, sidewalks, ground signs, refuse disposal areas, fences, freestanding electrical and other utility equipment, easements, and other site improvement features as determined necessary by Greenville.
- E. The location and contours at one-foot intervals of all proposed berms.
- F. The location, caliper size, and species (common and botanical name) of all existing plant material on the site and designation of intended treatment (save, relocate, remove).
- G. The location, caliper size at planting and species (common and botanical name) of all proposed plant materials, and location and description of all ground cover and turf grasses.
- H. A schedule of all new plants proposed for planting, and existing plants to be preserved, including size (caliper, height, container size, etc.), condition (bare-root, balled-and-burlapped, container-grown, or preexisting), planned installation date, and common and botanical names (genus, species, and variety).
- I. A schedule itemizing the total square foot area of all green space proposed on the lot, the total square foot area of off-street parking, the number of off-street parking spaces, the number and square foot area of each interior island and peninsula.

**§ 320-635. Landscape standards.**

Landscaping required under this article shall be of the following types as specified below (reference: Diagram 320-635-1):

- A. Lot line and street tree landscaping. A minimum twenty-foot front strip extending along the lot adjacent to all road rights-of-way, plus a minimum ten-foot strip along all other lot lines, shall be landscaped as described below.
  - (1) Lot line landscape strips shall be planted with a minimum of one shade tree at fifty-foot centers ("shade trees" shall be defined as any tree with a mature height of 30 feet or greater), excluding driveway openings and vision triangles.
  - (2) Street trees. In addition to lot-line landscaping, street trees shall be planted within the right-of-way along curbed public and private streets, including parking lot connections, circulation drives, and loading areas; and shall be located six feet to seven feet behind the curb (except as determined unfeasible by Greenville or if prohibited by County or State Departments of Transportation).



- (3) Where it is deemed appropriate or desirable to construct a berm in the lot line landscape strip in order to restrict view and/or to absorb noise, Greenville may require this option for a landscape plan. The slope of the berm shall be minimally planted with a variety of conifer species spaced 20 feet on center.
  - (4) Mulch or other acceptable organic material shall be placed around the base of all plant material and maintained on a regular basis; rock, stone, gravel and similar materials shall be prohibited.
- B. Foundation plantings. Landscaping is required for all building foundations in order to provide visual breaks in the mass of the building.
- (1) Such foundation landscaping shall be placed along 30% of the building's total perimeter, predominately near and along customer facades and entrances facing public streets.
  - (2) One ornamental tree ("ornamental" shall be defined as any tree having a mature height less than 30 feet), and a variety of five shrubs/annuals/perennials/ground cover or a combination thereof shall be planted for every 25 linear feet of building foundation planter area.
  - (3) Mulch or other acceptable organic material shall be placed around the base of all plant material and maintained on a regular basis; rock, stone, gravel and similar materials shall be prohibited.
- C. Curbed planting islands or peninsulas shall be provided in off-street parking areas, as described below.
- (1) Parking spaces must be separated by a planting island or peninsula at the rate of one island/peninsula for each row of 12 consecutive parking spaces for single-row configurations, or for each 24 consecutive parking spaces in double-row configurations.
  - (2) Each island or peninsula shall be at least 360 square feet in area for single-row configurations and 720 square feet in area for double-row configurations.
  - (3) One shade tree shall be planted in each island or peninsula for single-row configurations, and two shade trees shall be planted in each island or peninsula for double-row configurations.
  - (4) Islands and peninsulas shall be placed at the ends of parking rows or along designated pedestrian circulation areas.
  - (5) Alternatives.
    - (a) Planted boulevards within interior off-street parking areas may be considered as an alternative to islands and peninsulas and shall be a minimum of eight feet wide and shall relocate the required shade trees from the islands/peninsulas to the boulevard.
    - (b) Parking spaces along the perimeter of the off-street parking areas may plant the required tree on the backside of the parking space every 12 spaces instead of installing an island or peninsula.

- (6) Mulch or other acceptable organic material shall be placed around the base of all plant material and maintained on a regular basis; rock, stone, gravel and similar materials shall be prohibited.
- D. Buffer yard landscaping. Any commercial, industrial or other nonresidential use adjacent to a residential use or zoning district shall provide a landscaped buffer yard along the full length of the affected side to afford protection to the residential uses from the glare of lights, from visual encroachment, and from the transmission of noise. Required buffer yards shall be landscaped as described below. Combinations of trees, shrubs, berms, and fences shall create screening, which is at least 50% impervious at planting to sight.
- (1) Buffer yards required for commercial/nonresidential uses zoned NC, GC, INST, AD, and R3 shall be a minimum 10 feet wide and shall be planted with a variety of conifer species spaced 20 feet on center and a minimum of one shade tree at fifty-foot centers. ("Shade trees" shall be defined as any tree with a mature height of 30 feet or greater.)
  - (2) Buffer yards required for industrial/nonresidential uses zoned IND shall be a minimum 25 feet wide and shall be planted with a double row of a variety of conifer species spaced 20 feet on center and a minimum of one shade tree at fifty-foot centers. ("Shade trees" shall be defined as any tree with a mature height of 30 feet or greater.)
  - (3) Buffer yards required for commercial/industrial/nonresidential uses zoned AGD-FP, AGD, OS, RR, R1, R2, and R4 shall be a minimum 10 feet wide and shall be planted with a variety of conifer species spaced 20 feet on center and a minimum of one shade tree at fifty-foot centers. ("Shade trees" shall be defined as any tree with a mature height of 30 feet or greater.)
  - (4) As an alternative to these buffer yard landscaping requirements, a six-foot-high sight-tight fence may be constructed near the lot line, except chain-link fences with or without privacy slats shall be prohibited, with the remainder of the required buffer yard planted with a minimum of one shade tree at fifty-foot centers. ("Shade trees" shall be defined as any tree with a mature height of 30 feet or greater.) The required trees shall be located between the lot line and the fence.
  - (5) The required buffer yard shall be a green space where no portion of a building, parking, and driving, loading, or storage area may be located.
  - (6) Mulch or other acceptable organic material shall be placed around the base of all plant material and maintained on a regular basis; rock, stone, gravel and similar materials shall be prohibited.
- E. Screening requirements. The intent of these requirements is to provide a visual screen around service equipment, outdoor storage, shipping and receiving docks, and trash collections areas contained within commercial, industrial, and nonresidential properties. Reference: § 320-504FF(2)(b).
- (1) At the time of installation or planting, screening materials of a variety of conifer plantings must be at least 50% impervious at planting to sight and be

sufficiently high and long to accomplish the desired blockage of view year round. These plantings shall be located adjacent to the area being screened.

- (a) As an alternative to the landscaping requirements, a six-foot-high sight-tight fence may be constructed near the lot line (chain-link fences with or without privacy slats shall be prohibited.), with the remainder of the required strip planted with a minimum of one shade tree at fifty-foot centers. ("Shade trees" shall be defined as any tree with a mature height of 30 feet or greater.) The required strip shall be a green space where no portion of a building, parking, and driving, loading, or storage area may be located.
- (2) Trash collection areas. All exterior storage in refuse disposal areas, trash collection dumpsters, and trash pads on commercial, industrial, and nonresidential properties shall be located and oriented to be as inconspicuous as possible. They shall be screened from view to all adjacent properties; all adjacent road rights-of-way; and, if located within commercial developments, from view to on-site entrance drives and parking areas. Screening materials may consist of the following:
    - (a) A six-foot-high sight-tight fence or wall; chain-link fences with or without privacy slats shall be prohibited; or
    - (b) An evergreen screen sufficient to provide 100% screening at the time of planting.
  - (3) Berms. Berms are allowed and encouraged when combined with landscaping; See § 320-508A for requirements.
  - (4) Mulch or other acceptable organic material shall be placed around the base of all plant material and maintained on a regular basis; rock, stone, gravel and similar materials shall be prohibited.
- F. Easements. Landscaping/fences/walls are not allowed within easements. If an easement exists or is required and screening is required where the easement is, screening shall still be required but shall be designed/located to comply with the regulations outside of the easement. Landscaping/fences/walls may be allowed within easements on a case-by-case basis as long as they will not conflict with the purpose of the easement.

Diagram 320-635-1

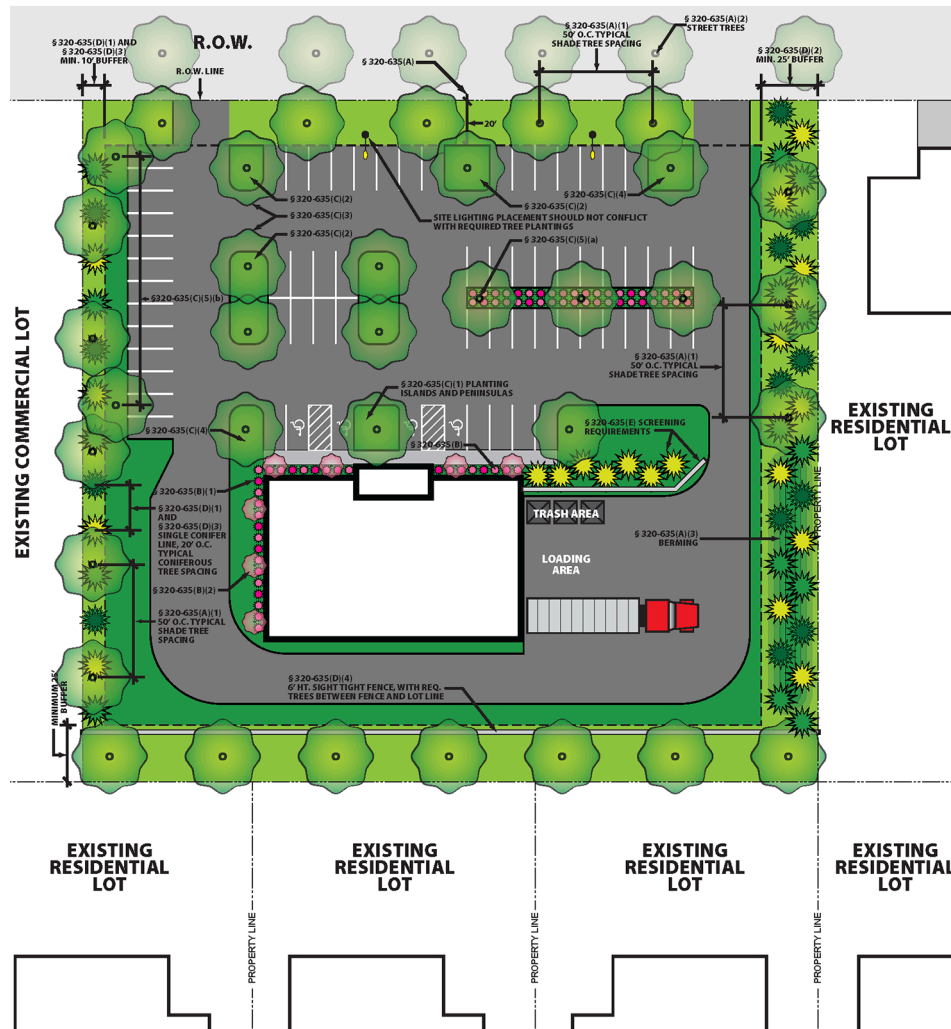
Landscape Plan

Reference: § 320-635.

LANDSCAPING PLAN

**LEGEND**

- SHADE TREE
- ORNAMENTAL TREE
- SHRUBS / ANNUALS / PERENNIALS / GROUND COVER
- CONIFEROUS TREE
- BUFFER YARD
- SIGHT TIGHT FENCE



**§ 320-636. Planting specifications. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Plant materials provided in conformance with the requirements of this article shall be equal to or better in quality than the standards of the AmericanHort. The minimum sizes of plant materials that shall satisfy the requirements of this article are as follows:

- A. Shade tree: two-and-one-half-inch caliper at time of planting.
- B. Ornamental tree: one-and-one-half-inch caliper at time of planting.
- C. Evergreen tree: five feet height at time of planting.
- D. Shrub: 18 inches to 24 inches in height or spread at the time of planting.

**§ 320-637. Substitutions and modifications.**

- A. To meet unique site design conditions or to overcome obstructions, conflicts, or other factors, the following planting substitutions may be approved as described below.
- (1) Two ornamental trees may be substituted in place of one shade tree.
  - (2) Two evergreen trees may be substituted in place of one shade tree.
  - (3) One evergreen tree may be substituted in place of five shrubs.
  - (4) One shade tree may be substituted in place of 10 shrubs.
- B. While plant materials should generally be distributed proportionately on the lot in accordance with the standards of this article, alterations and variations in the planting pattern may be approved, on a case-by-case basis, to maximize the effectiveness of the installed landscaping.
- C. Flexibility on relief may be provided in meeting the landscape standards in cases where quantity and location of planting material would be difficult to install due to site/environmental or life/safety reasons, including restrictions within vision triangles, or unique land uses being proposed for development. In these cases, required plant material shall be relocated elsewhere on the site. The Planning Commission shall review and may approve a reduction in plant quantity due to the circumstances listed above if there is not room on-site to relocate the required plant material. If a reduction is approved, the Planning Commission shall require a fee in lieu, based on the market rate of the plant material being reduced, to be used for landscaping within the public right-of-way or on public property.

**§ 320-638. Inspection and completion.**

See § 320-214D for requirements.

**§ 320-639. Maintenance.**

The owner of the lot on which landscaping has been provided shall be responsible for protecting and maintaining all plant materials and landscape areas as approved on the landscape plan in a healthy and growing condition and shall be responsible for keeping them free from refuse, debris, and weeds. Dead or diseased plant materials shall be replaced during the next appropriate planting period.

**§ 320-640. Airport height limitation zones.**

Owners of lots within an Airport Overlay Zone should be aware of height restrictions set by Outagamie County when planting trees.

**§ 320-641. through § 320-650. (Reserved)**

ARTICLE V  
**Architectural Requirements**

Reference: § 320-214B(2)(j).

**§ 320-651. Architectural requirements.**

- A. Purpose. It is the intent of this article to establish architectural requirements to enhance the visual and aesthetic character along major corridors within Greenville.
- B. Applicability. The provisions of this article shall apply to developments requiring a building permit for permitted uses and special exception uses in the NC, GC, INST, IND, AD, R3 and R4 Districts and any development allowed as a special exception considered a commercial/industrial/business use in the AGD-FP, AGD, RR, R1 and R2 Districts to parcels abutting the rights-of-way of CTH CA, CB, and GV; and STH 15, STH 76 from Everglade Road to STH 96, STH 96 from Mayflower Road to Julius Drive, including any parcel lying within 500 feet beyond the rights-of-way of the above-named roads.
- C. Architectural design and materials.
- (1) Architectural design plan submittals. Color and black and white architectural design plans (to scale) shall be submitted. They shall include all building elevations with dimensions, entrances, architectural features, and building materials and colors.
  - (2) General. Building design shall complement the building site and be compatible with existing or permissible adjacent or surrounding buildings and development. Building design shall be compatible with existing and proposed adjacent routes of circulation for vehicles and pedestrians. Building and site design shall be consistent with the Comprehensive Plan and 2020 Sub Area Plan.
  - (3) Building materials. Any exterior building wall visible from a street shall be constructed of one or a combination of the following materials:
    - (a) Clay or masonry brick.
    - (b) Customized concrete masonry with striated, scored, or broken-faced brick-type units (sealed) with color consistent with the theme design.
    - (c) Poured-in-place and tilt-up, or precast concrete walls shall have a finish of stone, a texture, or a coating.
    - (d) Natural stone.
    - (e) At a minimum, industrial buildings shall be constructed having the lower 1/3 of the structure being of architectural masonry, architectural composite aluminum or steel panels, glass, or a combination of these materials. EFIs shall not be allowed on the bottom three feet of a building or more than 25% of a building elevation.

- (f) All roof drains of a structure must be integral to the design and nonapparent.
  - (g) In the design of buildings or clusters of buildings, developers should orient projects so the side(s) facing a street and/or highway stated within the Overlay District shall form the front of the project. Where buildings facing a street and/or highway stated within the Overlay District are not feasible due to the location of access roads and other site constraints, the project should be oriented and designed in such a manner to convey the design intent.
  - (h) Accessory structures shall be of comparable design and building materials as the principal structure.
  - (i) Where additions are proposed for buildings constructed prior to the effective date of this chapter and such buildings do not comply with the standards in this section, the entire building (addition and existing building) shall comply with the architectural design standards unless an exception is granted by the Board.
  - (j) Exceptions to the building architecture standards set forth in this section may be granted by the Board for structures of comparable design and building materials.
- (4) Walls. No building shall have long expanses of uniform and flat walls. Reasonable articulation of building facades shall be provided by using offsets, recesses and/or projections, changes in plane, changes in height, windows, awnings, arcades and/or colonnades. The use of awnings shall be limited to the above windows and entrances. Awnings shall be attached to a vertical wall.
- (5) Roofs. No buildings shall have long expanses of uniform roof planes. Reasonable articulation of rooflines shall be provided by using a pitched roof, a partial roof, or parapet walls of varying heights, dormers, overhangs, arches, stepped roofs, gables, or other similar devices. All flat roofs shall be screened with parapets on all sides of the building. If no rooftop equipment exists, the parapet shall be a minimum of 18 inches high. All parapets shall feature cornice treatments and shall provide a cap to demonstrate the upper edge is the top of the building.
- (6) Roof equipment. The placement of rooftop mechanical equipment is encouraged. If roof-mounted mechanical equipment is necessary, it shall be screened from view. Acceptable screening shall be accomplished by raising the parapet on all sides of the buildings to be as high as the equipment, or a secondary roof screening system that encloses groups of units. Screens shall be aesthetically incorporated into the design of the building and have materials compatible with the building. In no case shall wooden or vinyl fences, or chain-link fencing with slats be used as rooftop equipment screens.
- (7) Shipping and receiving docks. Shipping and receiving docks shall be located and/or screened in a manner so that the docks are not visible to passing motorists.



- (8) Entrances. Entrances shall be designed with one or more of the following: canopy, overhang, or arch above the entrance; recess or projection in the building facade surrounding the entrances; or peaked roof or raised parapet structure over the door.



**Part 320-700**  
**Signs**

**ARTICLE I**  
**Regulations**

Reference: § 320-214B(2)(i); Table 320-507-1. (Editor's Note: Table 320-507-1 is included in § 320-507.)

**§ 320-701. Purpose.**

- A. The purpose of these regulations is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display. These regulations recognize the need to protect the safety and welfare of the public and the need for well-maintained and attractive sign displays within the community and the need for adequate business identification, advertising, and communication. Signs shall also be consistent with the Comprehensive Plan and 2020 Sub Area Plan.
- B. No sign shall hereafter be erected, hung, placed, altered, or moved except in conformity with the regulations of this chapter.

**§ 320-702. Authorization.**

These regulations authorize the use of signs visible from public rights-of-way, provided that the signs are:

- A. Complying with the zoning regulations.
- B. Designed, constructed, installed, and maintained in such a manner so that they do not endanger public safety or traffic safety.
- C. Legible, readable, and visible in the circumstances in which they are used.
- D. Respectful of the reasonable rights of other advertisers whose messages are displayed.

**§ 320-703. Permits and construction specifications.**

- A. Permits required. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in Greenville without first obtaining a sign permit for each sign as required by this article.
- B. Permits shall not be required for a change of copy of any sign, nor for the repainting, cleaning and other normal maintenance and repair of the sign and sign structure.
- C. Application for a permit. Application for a permit shall be filed with the Community and Economic Development Department upon forms provided by the Department and shall contain the following information:
  - (1) The name, address and telephone number of the sign owner, the property

owner, where the sign is or will be located and the sign contractor of the proposed sign.

- (2) Clear and legible drawings with description and nominal dimensions of the proposed sign, the construction, size, dimensions, and kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained, together with locations, setbacks, size, and types of existing signs on the premises where the proposed sign is to be located. All dimensions shall be indicated for the sign and the site plan elements.
- (3) Calculations or evidence showing the structure and design meet the requirements of these regulations for wind-pressure load.
- (4) Such other information as may be required to show full compliance with this and all other applicable laws.

D. Construction specifications.

- (1) Every sign or advertising structure hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturer's name, the permit number, and the voltage of any electrical apparatus used in connection therewith.
- (2) All signs shall comply with the provisions of Chapter 85, the current National Electrical Code, and the additional construction standards hereinafter set forth.
- (3) All ground sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- (4) Electrical service to ground signs shall be concealed wherever possible.
- (5) All signs, except those attached flat against the wall of a building and those signs no portion of which exceeds a height of three feet and are no greater than nine square feet in area, shall be constructed to withstand wind loads of 30 pounds per square foot of the sign and structure, with correct engineering adjustments for the height of the sign above grade.
- (6) No sign shall be suspended by chains or other devices to allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- (7) Supports and braces shall be an integral part of the sign design. Angle irons, chain or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

E. Permit fees. A fee shall be required prior to issuance of permits and shall be set from time to time by the Board. Signs installed without a permit shall be removed after proper notice.

F. Permit issuance and denial. The Building Inspector or designee shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign when the permit application is properly made, all appropriate fees have been made, and the

sign complies with the appropriate laws and regulations. If the sign permit is denied, written notice of the denial shall be provided to the applicant, together with a brief statement of the reasons for the denial, along with the return of all permit fees and papers.

- G. Sign permit appeal. In the event any of the requirements herein contained cause undue or unnecessary hardship on any person, firm, or corporation, a variance from requirements may be applied for to the Board of Appeals. An application for a variance must be made within 10 days after receipt of the notice that the sign involved does not conform to the chapter. In the event the appeal is not made, in writing, to the Board of Appeals within such ten-day period, a variance shall not be granted. The Board of Appeals shall take action on any variance request within 60 days of receipt of the variance application. The Community and Economic Development Director or designee shall comply with and enforce the Board of Appeals' decision.
- H. Indemnification for sign installation and maintenance. All persons engaging in the installation or maintenance of signs which involves in whole or in part the erection, alteration, relocation, maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way or public property, when such property is used or encroached upon, shall agree to hold harmless and indemnify Greenville, its officers, agents, employees from any and all claims resulting from erection, alteration, relocation, maintenance of the sign or any other sign work insofar as this chapter has not specifically directed the placement of the sign.

#### **§ 320-704. Sign type definitions.**

The following definitions shall be applicable in this article:

**ABANDONED SIGN** — A sign which no longer correctly identifies or advertises a bona fide business, lessor, owner, product or activity on the premises or elsewhere.

**BILLBOARD** — See "off-premises sign."

**CANOPY SIGN** — Any sign incorporated into or attached to a canopy, marquee, or awning.

**CHANGEABLE MESSAGE SIGN** — A sign displaying words, lines, logos, or symbols which can be changed manually, mechanically, or electronically to provide different information without altering the face or surface of such sign. Changeable message signs include, but are not limited to, time and temperature signs and reader boards.

**CONSTRUCTION SIGN** — Any sign pertaining to an ongoing construction project and is confined to the site of construction.

**DIRECTIONAL SIGN** — Any sign limited to providing directions and information necessary or convenient for visitors or clients coming onto a premises. This includes, but is not limited to, such signs as those identifying restrooms, delivery areas, parking areas, entrances, and exits.

**DRIVE-THROUGH SIGN** — Any nonilluminated or illuminated, digital sign located on the premises of a drive-through use used to communicate information between buyer and seller and may have an intercom and/or speaker(s).

**ELECTRIC SIGN** — Any sign containing or using electrical wiring, but not including

signs illuminated by an exterior light source.

**FLASHING SIGN** — Any sign containing an intermittent or flashing light source or that includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source, including scrolling signs/messages, but excluding changeable message signs.

**GOVERNMENT SIGN** — Any sign for control of traffic and other regulatory purposes, danger signs, railroad crossings signs, and signs of public utilities, including danger and aids to service and safety erected by or on the order of a public officer in the performance of his/her public duty.

**IDENTIFICATION SIGN** — Any sign identifying only the name, address, and/or trademark or logo of a specific business, organization, profession, or institution which is located upon the subject property.

**ILLUMINATED SIGN** — A sign, lit by an artificial light source, either directed upon it or illuminated from an interior source.

**INFLATABLE SIGN** — Any sign, advertising device, or balloon larger than 18 inches in diameter that is or can be filled with air or gas which is used to promote special events, grand openings, sales and business transitions, or other events. This includes any three-dimensional ambient air-filled in the shape of a container, figure, or product.

**INTERIOR SIGN** — Any sign located within the interior of any building or structure not visible from the public right-of-way.

**LEGAL NONCONFORMING SIGN** — A sign meeting regulations at the time it was originally installed but does not conform to the current sign regulations.

**MEMORIAL SIGN/PLAQUE** — Memorial signs or tablets, names of buildings, and date of erection, cut into masonry surface or inlaid so as to be part of a building, or when constructed of bronze or other noncombustible material.

**MONUMENT GROUND SIGN** — Any permanent, freestanding sign generally having a low profile with little or no open space between the ground and the sign and having a structure of masonry, wood, or materials similar in appearance. Any support structures used to anchor the monument ground sign shall not be narrower in width than the sign itself.

**NONCONFORMING SIGN** — A sign not in conformance with Code regulations, excluding legal nonconforming signs.

**OFF-PREMISES SIGN** — A sign advertising goods, products, facilities, or services not on the premises where the sign is located or which directs persons to a different location from where the sign is located. Reference: definition of "billboard."

**ON-PREMISES SIGN** — Any sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained.

**POLITICAL/CAMPAIGN SIGN** — Any sign on behalf of candidates for public office or measures on election ballots.

**PORTABLE SIGN** — Any sign designed or intended to be moved easily and not permanently embedded in the ground or affixed to a building or other structure. Portable signs include but are not limited to trailer signs, menu and sandwich boards, and A-frame

signs.

**PROJECTING SIGN** — A sign, which may be double-faced, attached to and projecting horizontally out from a structure or building facia.

**PUBLIC NOTICE** — Any official notice posted by public officers or employers in the performance of their duties.

**PUBLIC SIGN** — Any sign required as specifically authorized for a public purpose by any law, statute, or ordinance.

**REAL ESTATE SIGN** — Any sign advertising the sale or lease of real property and may include the identification and contact information of the person and/or company handling such sale, lease, or rent. A real estate sign must be located entirely within the property to which the sign applies and may not be directly illuminated.

**ROOF SIGN** — A sign erected upon, against, or above a roof wholly supported by the roof structure.

**SWINGING SIGN** — A sign installed on an arm, mast, or spar not permanently fastened to an adjacent wall or upright pole.

**SYMBOLS/INSIGNIA** — Religious symbols, commemorative plaques, or identification emblems of religious orders or recognized historical agencies.

**TEMPORARY SIGN** — A sign intended or designed for temporary display or advertising of goods and services provided by the business on the premises.

**TEMPORARY SIGN, CIVIC** — Temporary signs pertaining to drives or events of civic, philanthropic, education, religious organizations located entirely within the property to which the sign applies.

**VEHICULAR SIGN** — Any sign displayed on the exterior of a truck, bus, trailer, or other vehicle, while operating in the normal course of business, and is not parked primarily for the display of signs.

**WALL SIGN** — A sign attached to the wall of a building. It shall not project away from the wall more than 12 inches. This includes signs painted directly on a wall.

**WINDOW SIGN** — A sign installed in or on a window for purposes of viewing from outside the premises.

### **§ 320-705. General definitions.**

As used in this article, the following terms shall have the meanings indicated:

**COPY AREA** — The geometric area in square feet enclosing the sign copy.

**GROSS AREA** — The area of a sign determined by the outside perimeter dimensions of the sign, excluding any necessary supports on which the sign may be placed. If the sign consists of more than one modular section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for copy area apply.

**HEIGHT OF SIGN** — The vertical distance measured from the average grade of a sign to the highest point of such sign or structure.

**SIGN** — Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or nonilluminated, used to advertise,

identify, convey information or direct attention to a product, service, place, activity, person, institution, or business of solicitation, including any permanently installed or situated merchandise. Signs shall also include all sign structures. Reference: § 320-302, definition of "sign."

**SIGN CONTRACTOR** — Any person, partnership, or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business or entity the sign advertises.

**SIGN COPY** — Any combination of letters, numbers, or images intended to inform, direct, advertise, or otherwise transmit information.

### § 320-706. Legal nonconforming signs.

- A. Notification of nonconformance. Upon determination that a sign is nonconforming, the Community and Economic Development Director or designee shall use reasonable efforts to notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
- (1) The sign's nonconformity.
  - (2) Whether the sign is eligible for characterization as a legal nonconforming sign or is unlawful.
- B. Signs eligible for characterization as legal nonconforming. Any sign located within Greenville on the date of adoption of this chapter which does not conform with the provisions of this chapter is eligible for characterization as a legal nonconforming sign and is permitted, provided that it also meets the following requirements:
- (1) The sign was covered by a proper sign permit prior to the date of adoption of this chapter.
  - (2) No permit was required under applicable law for the sign in question, and the sign was, in all respects, in compliance with applicable law on the date of adoption of this chapter.
- C. Loss of legal nonconforming status.
- (1) A sign loses its legal nonconforming status if one or more of the following occurs: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
    - (a) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this chapter than it was before alteration.
    - (b) The sign is relocated.
    - (c) The sign fails to conform to this chapter regarding maintenance and repair, abandonment, or dangerous or defective signs.
    - (d) The sign is destroyed by any means to the extent of more than 50% of its fair market value, except as provided in § 60.61(5m), Wis. Stats.



- (2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this chapter with a new permit secured or shall be removed.
- D. Legal nonconforming sign maintenance and repair. Nothing in this chapter shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs.

**§ 320-707. Removal and disposition of signs.**

- A. Maintenance and repair.
- (1) Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign.
  - (2) The Community and Economic Development Director or designee shall require compliance with all standards of this chapter. If the sign is not modified to comply with the safety standards outlined in this chapter, the Community and Economic Development Director or designee shall require its removal in accordance with this article.
- B. Abandoned signs. All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertises is no longer conducted or, for an off-premises sign, when lease payments and rental income are no longer provided. The Community and Economic Development Director or designee shall give the owner 60 days' written notice to remove the sign. If the sign is not removed, Greenville may cause removal to be executed, the expenses of which will be assessed on the tax roll to the property on which the abandoned sign is located.
- C. Deteriorated or dilapidated signs. The Community and Economic Development Director or designee shall cause to be removed any deteriorated or dilapidated signs under the provisions of § 66.0413, Wis. Stats.

**§ 320-708. Prohibited signs.**

The following signs shall be prohibited within Greenville unless otherwise permitted:

- A. Abandoned signs.
- B. Billboards and off-premises signs.
- C. Flashing signs. All blinking and flashing signs are prohibited. Changeable-message signs are permitted by special exception.
- D. Portable signs.
- E. Signs within the right-of-way other than traffic control signs and those signs permitted by the Department of Transportation having jurisdiction over the said

right-of-way.

- F. Swinging signs.
- G. Reflective signs.
- H. Roof signs.
- I. Unclassified signs. The following signs are prohibited:
  - (1) Those bearing or containing statements, words, pictures of obscene, pornographic, or other immoral subjects.
  - (2) Signs imitating or resemble in shape, size, copy or color an official traffic sign or signal.
- J. Vehicular signs on parked vehicles, including but not limited to cars, trucks, semitrailers, containers or trailers, with the intention of using as a sign.

**§ 320-709. Signs not requiring permit.**

No sign shall be located within 15 feet of the public right-of-way at a street intersection or within the right-of-way. The following signs do not require a permit:

- A. Garage/rummage sale signs not larger than four square feet in size. They shall be allowed to be installed two days prior to the event and removed two days after the event. They shall be prohibited in the right-of-way but may be placed off-premises.
- B. Government signs.
- C. House numbers and nameplates. Each building in Greenville which has a street address shall be in compliance with Chapter 261, Street Address Signs.
- D. Identification signs.
- E. Interior signs.
- F. Memorial signs and plaques not more than four square feet in gross area.
- G. "No trespassing" or "no dumping" signs: "no trespassing" and "no dumping" signs not to exceed 1 1/2 square feet in gross area per sign.
- H. Public notices.
- I. Public signs.
- J. Political and campaign signs. Said sign shall be removed within seven days following the general election.
- K. Real estate signs: maximum of one real estate sales sign per frontage on any lot or parcel, provided that such sign(s) is located entirely within the property to which the sign applies and is not directly illuminated.
  - (1) In agricultural and residential districts, such signs shall not exceed eight square feet in area and shall be removed within 30 days after the sale, rental, or lease

has been accomplished.

- (2) In all other districts, such signs shall not exceed 32 square feet in area and shall be removed within 30 days after the sale, rental or lease has been accomplished.

L. Symbols or insignia.

M. Temporary sign, civic: not exceeding four square feet in area, provided that such signs are posted not more than 30 days prior to the event and removed within five days of the event ending. These signs may be located off-premises.

N. Vehicular signs.

**§ 320-710. Permitted temporary signs.**

Table 320-710-1																
Permitted Temporary Sign Type and Zoning District																
<b>P = Permitted Use</b>																
<b>Grey Shading = Prohibited Use</b>																
Temporary Sign Type	See Diagram	Zoning District													Is a Permit Required Yes/No?	
		AGD	AGD-FP	OS	RR	R1	R2	R3	R4	MH	INST	NC	GC	IND		AD
Banners/flags	320-710-1										P	P	P	P	P	Yes
Construction signs	320-710-1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	No
Inflatables	320-710-1										P	P	P	P	P	Yes
Residential subdivision/ development marketing signs						P	P	P	P	P		P	P			Yes
Special event signs	Approved through the special event application and approval process															

**Table 320-710-2**

**Permitted Temporary Sign Dimensional Regulations**

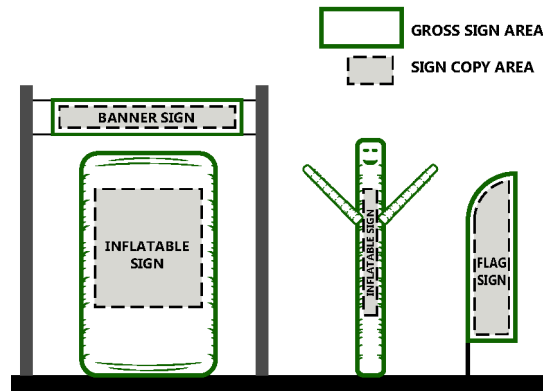
Temporary Sign Type	See Diagram	Gross Area per Sign in Square Feet	Maximum Height from Average Grade per Sign in Feet	Setback in Feet	Allowed on Ground	Allowed on Building	Allowed on Roof	Allowed on Vehicles/ Equipment	Lighting Allowed	Permit Required	Number of Permits per Year per Property per Use/ Business	Number of Signs per Permit	Permit Duration
Banners/flags	320-710-1	32	20	10	Yes	Yes	No	No	No	Yes	4	1	30 days
Construction signs		100	10	10	Yes	Yes	No	No	No	No	N/A	1 per construction site	Shall be removed within 30 days of completion of construction
Inflatables	320-710-1	20 feet x 20 feet	20	10	Yes	No	No	No	No	Yes	1	1	30 days
Residential subdivision/ development marketing signs		100	10	10	Yes	No	No	No	No	Yes	1	1 for each arterial or collector road adjacent the subdivision/ development	1 year with a maximum of 2 renewals for a total of 3 years
Special event signs	Approved through the temporary use/special event application and approval process												

**Diagram 320-710-1**

**Temporary Signs**

Reference: Table 320-710-1, Table 320-710-2.

**TEMPORARY SIGNAGE**



**§ 320-711. Permitted permanent signs.**

		Table 320-711-1														
		Permitted Permanent Sign Type and Zoning District														
P = Permitted Use																
Grey Shading = Prohibited Use																
		Zoning District														
Permanent Sign Type	See Diagram	AGD	AGD-FP	OS	RR	R1	R2	R3	R4	MH	INST	NC	GC	IND	AD	Is a Permit Required Yes/No?
Canopy/awning signs shall be permitted above doors and windows	320-711-1										P	P	P	P	P	Yes
Directional signs	320-711-1	P	P	P						P	P	P	P	P	P	No
Drive-through signs	320-711-1											P	P	P		Yes
Monument ground signs, nonresidential, may include changeable-message signs	320-711-2	P	P	P							P	P	P	P	P	Yes
Monument ground signs, residential subdivision/development	320-711-2				P	P	P	P	P	P		P	P			Yes
Projecting signs	320-711-1										P	P	P	P	P	Yes
Wall signs	320-711-1	P	P	P							P	P	P	P	P	Yes
Window signs	320-711-1										P	P	P	P	P	Yes

Table 320-711-2

Permitted Permanent Sign Dimensional Regulations

Permanent Sign Type	See Diagram	Maximum Gross Area per Side/Face (square feet)	Maximum Copy Area per Side/Face (square feet)	Maximum Height from Average Grade (feet)	Maximum Width (feet)	Setback (feet)	Maximum Number of Signs	Sign Material	Allowed on Ground	Allowed on Building	Allowed on Roof	Allowed on Vehicles/ Equipment	Lighting Allowed	Electronic Message Sign Allowed	Is a Permit Required Yes/No?
Canopy/awning signs shall be permitted above doors and windows	320-711-1	NA	10 per canopy/awning	Shall not be less than 8.5 above the grade; shall not be less than 15 above a driveway; shall not be above the roofline	NA	NA	1 per door or window	Sturdy/durable material; fabric is permitted	No	Yes	No	No		No	Yes
Directional signs	320-711-1	8	8	6 if ground-mounted and 10 if wall-mounted	NA	10	Unlimited	Sturdy/durable material; fabric is prohibited	Yes	Yes	No	No	Yes; see § 320-712.	No	Yes
Drive-through signs	320-711-1	75	75	8	NA	10	Unlimited	Sturdy/durable material; fabric is prohibited	Yes	Yes	No	No		Yes; see § 320-713	Yes



Table 320-711-2

Permitted Permanent Sign Dimensional Regulations

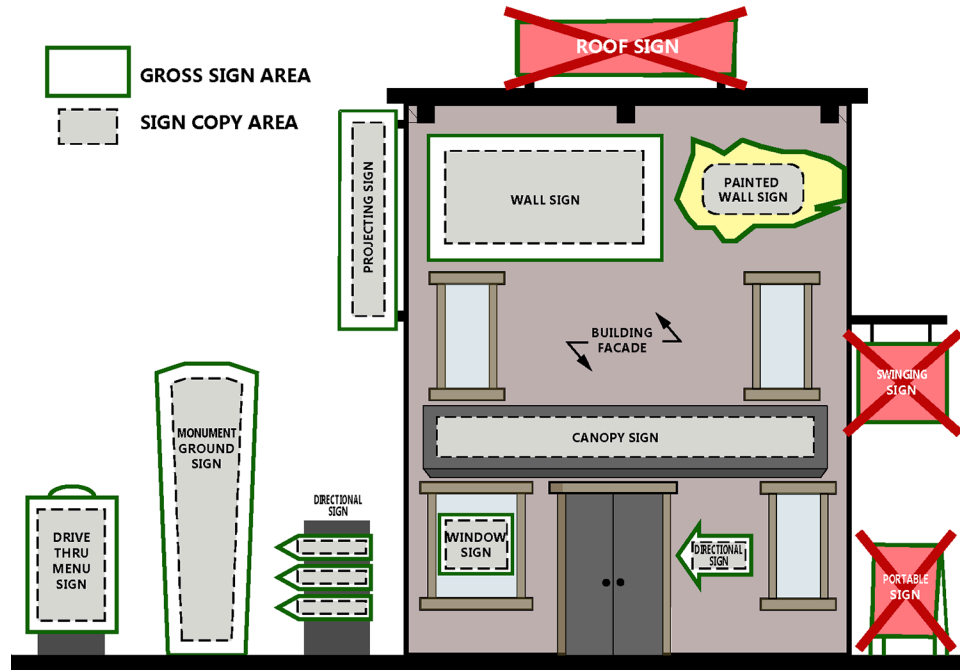
Permanent Sign Type	See Diagram	Maximum Gross Area per Side/Face (square feet)	Maximum Copy Area per Side/Face (square feet)	Maximum Height from Average Grade (feet)	Maximum Width (feet)	Setback (feet)	Maximum Number of Signs	Sign Material	Allowed on Ground	Allowed on Building	Allowed on Roof	Allowed on Vehicles/ Equipment	Lighting Allowed	Electronic Message Sign Allowed	Is a Permit Required Yes/No?
Monument ground signs, nonresidential, multiple business/tenant use	320-711-2	300 (maximum 2 sides)	225 (maximum 2 sides)	20	15	10	1 per road frontage	Sturdy/durable material; shall match the building material; fabric is prohibited	Yes	No	No	No		Yes; see § 320-713	Yes
Monument ground signs, nonresidential, single business/tenant use	320-711-2	150 (maximum 2 sides)	100 (maximum 2 sides)	12	15	10	1 per road frontage	Sturdy/durable material; shall match the building material; fabric is prohibited	Yes	No	No	No	Yes; see § 320-712.	Yes; see § 320-713	Yes
Monument ground signs, residential subdivision/development	320-711-2	150 (maximum 2 sides)	100 (maximum 2 sides)	10	NA	10	1 for each arterial or collector road adjacent the subdivision/development	Stone/brick/masonry; fabric is prohibited	Yes	No	No	No		No	Yes

Table 320-711-2															
Permitted Permanent Sign Dimensional Regulations															
Permanent Sign Type	See Diagram	Maximum Gross Area per Side/Face (square feet)	Maximum Copy Area per Side/Face (square feet)	Maximum Height from Average Grade (feet)	Maximum Width (feet)	Setback (feet)	Maximum Number of Signs	Sign Material	Allowed on Ground	Allowed on Building	Allowed on Roof	Allowed on Vehicles/ Equipment	Lighting Allowed	Electronic Message Sign Allowed	Is a Permit Required Yes/No?
Projecting signs	320-711-1	25	25	Shall not be less than 8.5 above the grade; shall not be less than 15 above a driveway; shall not exceed 25 above grade	NA	10	1 per building facade per business/use	Sturdy/durable material; fabric is prohibited	No	Yes	No	No	Yes; see § 320-712.	No	Yes
Wall signs	320-711-1	25% of building facade area	25% of building facade area	NA	NA	Shall not extend more than 12 inches outside of the building's wall surface	1 per building facade per business/use	Sturdy/durable material; fabric is prohibited	No	Yes	No	No		Yes; see § 320-713.	Yes
Window signs	320-711-1	NA	25% of the window area but shall not exceed 9 square feet	NA	NA	NA	5 per building or business	Sturdy/durable material; fabric is prohibited	NA	NA	NA	No		Yes; see § 320-713.	Yes

**Diagram 320-711-1**

**Permanent Signs**

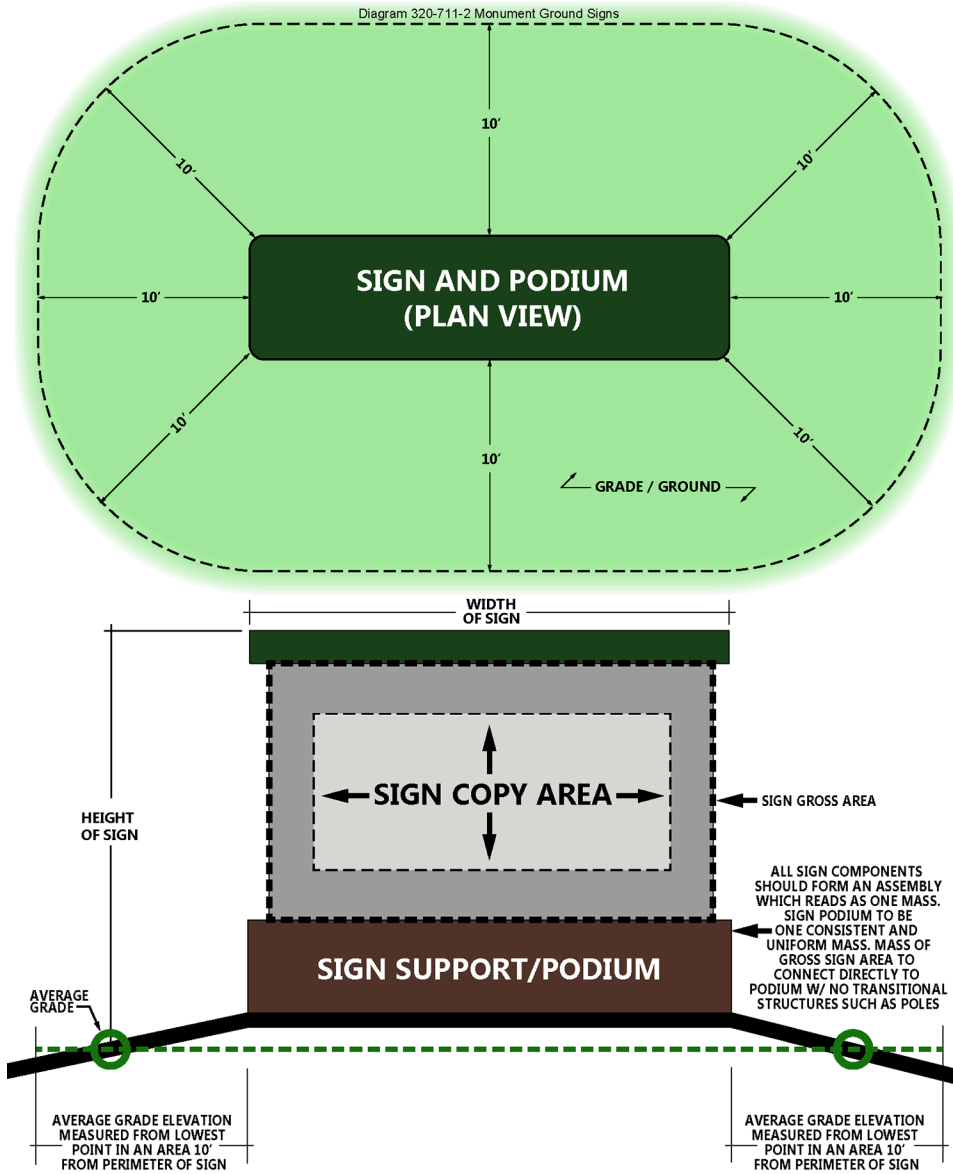
Reference: Table 320-711-1; Table 320-711-2.



**Diagram 320-711-2**

**Monument Ground Signs**

Reference: Table 320-711-1; Table 320-711-2.



**§ 320-712. Lighting of signs.**

Reference: Table 320-711-2. (Editor's Note: Table 320-711-2 is included in § 320-711.)

- A. Signs may be floodlighted or internally illuminated, subject to the following restrictions.
- (1) Lighting shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public right-of-way and that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle.
  - (2) Lighting shall be effectively shielded so as to prevent beams or rays of light from being directed at any residential property and which are of such intensity or brilliance as to cause a public nuisance.
  - (3) No sign shall be so floodlighted or illuminated so as to allow it to interfere with the effectiveness of or to obscure an official traffic sign, device or signal.

**§ 320-713. Electronic messaging signs.**

Electronic messaging signs may be permitted subject to the following regulations, Table 320-507-1 and Table 320-711-2 (Note: Table 320-507-1 is included in § 320-507 and Table 320-711-2 is included in § 320-711):

- A. A special exception is required to be granted in compliance with § 320-205, Special exceptions.
- B. Time and temperature and gas station price signs are exempt from these regulations.
- C. The changeable-messaging sign copy area shall be incorporated into the design of the gross area of the sign.
- D. Location. The sign shall be located on the site of the use identified or advertised by the sign.
- E. Setback from residential. The leading edge of the electronic messaging sign shall be setback a minimum distance of 200 feet from an abutting residential district boundary.
- F. Setback from other electronic messaging signs. Electronic messaging signs shall be separated from other electronic messaging signs on adjacent properties by a minimum distance of 50 feet.
- G. Orientation. When located within 250 feet of a residentially used lot in a residential zone, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that residential lot.
- H. The area of electronic messaging sign copy shall not exceed 33% of the maximum gross area of the sign to which it is incorporated.
- I. No sign shall be erected or maintained or be so placed or illuminated that it

interferes with the effectiveness or obscures any official traffic sign, device, or signal, or any official sign as determined by the Director of Public Works.

- J. The sign shall be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
- K. All signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.
- L. Maximum brightness levels for electronic signs shall not exceed 5,000 nits, when measured from the sign's face at its maximum brightness, during daylight hours and 500 nits, when measured from the sign's face at its maximum brightness, between dusk and dawn.
- M. At no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels.
- N. Electronic sign permit applications must include a certification from the owner or operator of the sign, stating the sign shall at all times be operated in accordance with Greenville codes, and the owner or operator shall provide proof of such conformance upon request.
- O. Electronic sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, scrolling or traveling speed, and other display operations.
- P. Audio speakers shall not be permitted with any electronic messaging sign except for drive-through signs.
- Q. Any form of pyrotechnics is prohibited in association with an electronic messaging sign.
- R. Electronic messaging displays are defined in four basic levels of operational modes for message transitions:
  - (1) Level 1. Static display only (messages change with no transition).
    - (a) Minimum display time. The electronic display shall not change at intervals of less than four seconds. **[Amended 4-26-2021 by Ord. No. 01-21; 4-26-2021 by Ord. No. 05-21]**
    - (b) Message change sequence. The change of messages shall be accomplished immediately.
  - (2) Level 2. Static display with fade or dissolve transitions, or similar transitions and frame effects not having the appearance of moving text or images.
    - (a) Minimum display time. The electronic display shall not change at intervals of less than four seconds. **[Amended 4-26-2021 by Ord. No. 01-21; 4-26-2021 by Ord. No. 05-21]**
    - (b) Operational limitations. Such displays shall contain static messages only,

changed only through dissolve or fade transitions, or with the use of other subtle transitions and frame effects not having the appearance of moving text or images, but may otherwise not have movement, or the appearance of movement, or the appearance or optical illusion of movement, of any part of the sign structure, designs, or pictorial segment of the sign, including the movement of any illumination or flashing, scintillating, or varying of light intensity.

- (3) Level 3. Static display with travel or scrolling transitions, or similar transitions or frame effects that have text, graphics, or symbols that appear to move or change size, or can be revealed sequentially rather than all at once.
  - (a) All Level 3 electronic messaging signs are prohibited.
- (4) Level 4. Graphic display signs including video, flashing, or full animation.
  - (a) All Level 4 electronic messaging signs are prohibited.
- S. Existing electronic message board signs. Electronic message board signs existing prior to adoption of these standards shall comply with the standards above with respect to audio, lighting and display when the signs computer programming system is able to be adjusted to meet these requirements.





**Part 320-800**  
**[Added 2-22-2021 By Ord. No. 03-21]**  
**Shoreland District**

ARTICLE I  
**Shoreland Regulations**

**§ 320-801. Statutory authorization.**

Part 320-800, Shoreland District, referenced as "ordinance, the ordinance, or this ordinance," is adopted pursuant to the authorization in Wis. Stats. §§ 61.35 and 61.353.

**§ 320-802. Finding of fact and purpose.**

Uncontrolled use of shorelands and pollution of the navigable waters of Greenville 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:

- A. Promote the public health, safety, convenience and general welfare;
- B. Limit certain land use activities detrimental to shorelands; and
- C. Preserve shore cover and natural beauty by controlling the location of structures in shoreland areas.

**§ 320-803. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**PRINCIPAL BUILDING** — The main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.

**SHORELAND SETBACK AREA** — As defined in Wis. Stats. § 59.692(1)(bn).

**SHORELANDS** — As defined in Wis. Stats. § 59.692(1)(b).

**§ 320-804. General provisions.**

- A. **Compliance.** The use of shorelands within the shoreland area within Greenville shall be in full compliance with the terms of this Part and other applicable local, state or federal regulations. All permitted development shall require the issuance of permit(s) as required by the Greenville Municipal Code unless otherwise expressly excluded by a provision of this Part.
- B. **Municipalities and state agencies regulated.** Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Part and obtain all necessary permits. State agencies are required to comply if Wis. Stats. § 13.48(13) applies.
- C. **Abrogation and greater restrictions.**
  - (1) This Part supersedes all the provisions of any other applicable municipal ordinance except, where another municipal ordinance is more restrictive than this Part, that ordinance shall continue in full force and effect to the extent of

the greater restrictions, but not otherwise.

- (2) This Part is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Part imposes greater restrictions, the provisions of this Part shall prevail.
- D. Interpretation. In their interpretation and application, the provisions of this Part shall be held to be minimum requirements and shall be liberally construed in favor of Greenville and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes or Wisconsin Constitution.
- E. Severability. Should any portion of this Part be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Part shall not be affected.
- F. Applicability of Shoreland District Regulations. The Shoreland Zoning District regulations apply only to the following shorelands:
- (1) A shoreland annexed by the Village of Greenville after May 7, 1982, and prior to annexation was subject to a county shoreland zoning ordinance under Wis. Stats. § 59.692.
  - (2) A shoreland before incorporation by the Village of Greenville was part of a town that was subject to a county shoreland zoning ordinance under Wis. Stats. § 59.692 if the date of incorporation was after April 30, 1994.
- G. District boundaries. The Shoreland District areas regulated by this Part shall include all the lands (referred to herein as "shorelands") in the Village of Greenville that are:
- (1) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources Surface Water Data viewer available on the DNR website, or are shown on United States Geological Survey quadrangle maps or other zoning base maps.
  - (2) Within 300 feet of the ordinary 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 continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood-hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
  - (3) Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Wisconsin Department of Natural Resources for a final determination of navigability or ordinary high-water mark.
  - (4) Pursuant to Wis. Stats. § 61.353(7) or 62.233, the Shoreland Zoning District does not include lands adjacent to an artificially constructed drainage ditch, pond, or retention basin if the drainage ditch, pond or retention basin is not

hydrologically connected to a natural navigable water body.

- H. Effect of existing land division, sanitary, zoning and other regulations. The lands within the Shoreland Zoning District are subject to all applicable provisions of the Village of Greenville Municipal Code. Where the provisions of this Part are more restrictive than other regulations in the Municipal Code, the provisions of this Part shall apply.

**§ 320-805. Setbacks from water.**

Reference Tables 320-501-1, 320-501-2, 320-509-1, 320-509-2, and 320-509-3.

A. Building and structure setbacks.

- (1) All buildings and structures shall be set back at least 75 feet from the ordinary high-water mark.
- (2) Reduced principal building setback. A setback less than the 75 feet setback required from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows:
  - (a) Where there are existing principal buildings on each adjacent lot, the setback shall equal the average of the distances the two existing principal buildings are setback from the ordinary high-water mark or 35 feet from the ordinary high-water mark, whichever distance is greater.



**Part 320-900**  
**[Added 2-22-2021 By Ord. No. 03-21]**  
**Shoreland-Wetland District**

**ARTICLE I**  
**Introduction**

**§ 320-901. Statutory authority.**

Part 320-900, Shoreland-Wetland District, referenced as "ordinance, the ordinance, or this ordinance," is adopted pursuant to the authorization in § 61.351 Wis. Stats.

**§ 320-902. Finding of fact and purpose.**

Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of Greenville 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:

- A. Promote the public health, safety, convenience and general welfare.
- B. Maintain the storm- and floodwater storage capacity of wetlands.
- C. 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.
- D. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat.
- E. Prohibit certain uses detrimental to the shoreland-wetland area.
- F. 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.



ARTICLE II  
**General Provisions**

**§ 320-903. Compliance.**

The use of wetlands and the alteration of wetlands within the shoreland area of Greenville shall be in full compliance with the terms of this Part and other applicable local, state or federal regulations. All permitted development shall require the issuance of permit(s) as required by the Greenville Municipal Code unless otherwise expressly excluded by a provision of this Part.

**§ 320-904. Municipalities and State agencies regulated.**

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Part 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 § 30.2022, Wis. Stats., applies.

**§ 320-905. Abrogation and greater restrictions.**

- A. This Part supersedes all the provisions of any municipal zoning ordinance enacted under §§ 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 Part, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- B. This Part is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Part imposes greater restrictions, the provisions of this Part shall prevail.

**§ 320-906. Interpretation.**

In their interpretation and application, the provisions of this Part shall be held to be minimum requirements and shall be liberally construed in favor of Greenville and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Part is required by a standard in Ch. NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Ch. NR 117 standards in effect on the date of the adoption of this Part or in effect on the date of the most recent text amendment to this Part.

**§ 320-907. Severability.**

Should any portion of this Part be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Part shall not be affected.





ARTICLE III  
**Definitions**

**§ 320-908. Definitions; word usage.**

For the purpose of administering and enforcing this Part, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

**ACCESSORY STRUCTURE OR USE** — A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.

**BOATHOUSE** — As defined in § 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

**CLASS 2 PUBLIC NOTICE** — A publication of a public hearing notice under Chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

**DEPARTMENT** — The Wisconsin Department of Natural Resources.

**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.

**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.

**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.

**FIXED HOUSEBOAT** — As defined in § 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 spud poles attached to the bed of the waterway.

**NAVIGABLE WATERS** **Amended 3-28-2022 by Ord. No. 3-22]** —

- A. "Navigable waters" means 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

§ 281.31(2m), Wis. Stats., not withstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under § 61.351 or 62.231, Wis. Stats., and Chapter NR 117, Wis. Adm. Code, a wetland ordinance does not apply to lands adjacent to:

- (1) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- (2) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

B. 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.

**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.

**PLANNING COMMISSION** — The municipal plan commission created under § 62.23(1), Wis. Stats., a board of public land commissioners or a committee of the municipality's governing body which acts on matters pertaining to planning and zoning.

**SHORELAND-WETLAND DISTRICT** — The zoning district created in this Part, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Part.

**SHORELANDS** — Lands within the following distances from the ordinary high-water mark of navigable waters; 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**UNNECESSARY HARDSHIP** — That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this Part.

**VARIANCE** — An authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Part.

**WETLAND ALTERATION** — Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

**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.

ARTICLE IV  
**Administration and Enforcement**

**§ 320-909. Zoning Administrator.**

The Zoning Administrator, or designee, shall have the following duties and powers:

- A. Advise applicants as to the provisions of this Part and assist them in preparing permit applications and appeal forms.
- B. Issue permits and certificates of compliance and inspect properties for compliance with this Part.
- C. Keep records of all permits issued, inspections made, work approved and other official actions.
- D. Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
- E. Submit copies of decisions on variances, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied, to the appropriate office of the Department.
- F. Investigate and report violations of this Part to corporation counsel.

**§ 320-910. Permits.**

Unless another section of this Part specifically exempts certain types of development from this requirement, permits are required for any new development ("development" as defined in § 320-908) as required by the Greenville Municipal Code or any change in the use of an existing building or structure is initiated.

- A. Application. An application shall be submitted in compliance with § 320-214 and all other permits required by the Greenville Municipal Code. The following shall also be provided with the application materials and site plan:
  - (1) Legal description of the property and a general description of the proposed use or development.
  - (2) Dimensions and area of the lot.
  - (3) Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways.
  - (4) Description of any existing or proposed on-site sewage systems or private water supply systems.
  - (5) Location of the ordinary high-water mark of any abutting navigable waterways.
  - (6) Boundaries of all wetlands.
  - (7) Existing and proposed topographic and drainage features and vegetative cover.

- (8) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps.
- (9) Location of existing or future access roads.
- (10) Specifications and dimensions for areas of proposed wetland alteration.

B. Inspection and completion. See § 320-214D.

C. Expiration. See § 320-214E.

### **§ 320-911. Special exceptions.**

Any use listed as a special exception in this Part shall be permitted only after compliance with § 320-205.

A. Conditions. As permitted by § 320-205D(1), additional conditions may be imposed related to the following:

- (1) Type of shore cover.
- (2) Erosion controls.
- (3) Increased setbacks.
- (4) Sewage disposal and water supply facilities.
- (5) Landscaping and planting screens.
- (6) Period of operation.
- (7) Operational control.
- (8) Sureties.
- (9) Deed restrictions.
- (10) Location of piers, docks, parking areas and signs.
- (11) Type of construction.

### **§ 320-912. Revocation.**

Where the conditions of a permit are violated, the permit shall be revoked by the Board of Appeals.

### **§ 320-913. Variances and appeals.**

Variances and appeals may be applied for in compliance with Part 320-200 Article III.

### **§ 320-914. Enforcement; violations and penalties.**

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this Part in violation of the provisions of this Part, by any

person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to corporation counsel, who shall prosecute such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this Part shall be subject to a forfeiture as set by the Board, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Part is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30(2), Wis. Stats.



ARTICLE V  
**Amendments**

**§ 320-915. Amendment procedure.**

Reference § 320-921(A).

The Board may alter, supplement or change the district boundaries and the regulations contained in this Part in accordance with the requirements of § 62.23(7)(d)2, Wis. Stats., Ch. NR 117, Wis. Adm. Code, and the following:

- A. A copy of each proposed text or map amendment shall be submitted to the appropriate office of the Department within five days of the submission of the proposed amendment to the Planning Commission.
- B. All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the Planning Commission, and a public hearing shall be held after Class 2 notice as required by § 62.23(7)(d)2, Wis. Stats. The appropriate office of the Department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.
- C. In order to ensure that this Part will remain consistent with the shoreland protection objectives of § 281.31, Wis. Stats., the Board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions [reference § 320-920(B)(6), § 320-920(C)(1)(b), § 320-920(E)(3)]:
  - (1) Storm- and floodwater storage capacity.
  - (2) Maintenance of dry-season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.
  - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
  - (4) Shoreline protection against erosion.
  - (5) Fish spawning, breeding, nursery or feeding grounds.
  - (6) Wildlife habitat.
  - (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- D. Where the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in § 320-915C of this Part, the Department shall so notify Greenville of its determination either prior to or during the public hearing held on the proposed amendment.
- E. The appropriate office of the Department shall be provided with:
  - (1) A copy of the recommendation and report, if any, of the Planning Commission

on a proposed text or map amendment, within 10 days after the submission of those recommendations to the Board.

- (2) Written notice of the action on the proposed text or map amendment within 10 days after the action is taken.
- F. If the Department notifies the Planning Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in § 320-915C, of this Part, that proposed amendment, if approved by the Board, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the Department. If, within the thirty-day period, the Department notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for Greenville 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.



ARTICLE VI  
**Nonconforming Structures and Uses**

**§ 320-916. Nonconforming structures and uses.**

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

- A. The shoreland-wetland provisions of this Part 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)(hb), Wis. Stats. Note: An ordinance may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.
- B. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure or property shall conform to this Part.
- C. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Part adopted under § 61.351 or 62.231, Wis. Stats., may be continued although such use does not conform with the provisions of this Part. However, such nonconforming use may not be extended.
- D. The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of § 30.121, Wis. Stats.
- E. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.



ARTICLE VII  
**Shoreland-Wetland Zoning District**

**§ 320-917. Shoreland-wetland Zoning Maps.**

The following maps are hereby adopted and made part of this Part and are on file in the office of the Clerk:

- A. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this Part. The maps can be viewed at <https://dnrm.wisconsin.gov/H5/?viewer=SWDV>.
- B. Floodplain Zoning Maps titled and dated.
- C. United States Geological Survey maps titled and dated.
- D. Zoning Maps titled and dated.

**§ 320-918. District boundaries.**

- A. The Shoreland-Wetland Zoning District includes all wetlands in Greenville which are five acres or more and are shown on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data View and made a part of this Part and which are:
  - (1) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality 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 Part.
  - (2) Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Part. Floodplain Zoning Maps adopted shall be used to determine the extent of floodplain areas.
- B. Navigability. 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 office of the Department for a final determination of navigability or ordinary high-water mark.
- C. When an apparent discrepancy exists between the Shoreland-Wetland District boundary shown on the Official Zoning Maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the Shoreland-Wetland District boundary as mapped, is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a permit in accordance with the regulations applicable to the correct zoning district.

In order to correct wetland mapping errors or acknowledge exempted wetlands designated, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

**§ 320-919. Wetlands.**

- A. Wetlands which are filled prior to the effective date of the municipality's original implementation of shoreland-wetland zoning, 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 Part.
- B. Wetlands located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982, under § 30.11, Wis. Stats., are not subject to this Part.

**§ 320-920. 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: Reference § 320-920C(1), § 320-921A, Tables 320-503-1, 320-507-1.

- A. Activities and uses which do not require the issuance of a permit, provided that no wetland alteration occurs:
  - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating. Reference § 320-920D(3).
  - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
  - (3) The practice of silviculture, including the planting, thinning and harvesting of timber.
  - (4) The pasturing of livestock.
  - (5) The cultivation of agricultural crops.
  - (6) The construction and maintenance of duck blinds.
- B. Uses which do not require the issuance of a permit and which may involve wetland alterations only to the extent specifically provided below:
  - (1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
  - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries.
  - (3) The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and

that dredged spoil is placed on existing spoil banks where possible.

- (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
  - (5) The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance.
  - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Shoreland-Wetland Zoning District, provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in § 320-915C.
  - (7) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- C. Uses which are allowed upon the issuance of a permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under § 320-920, provided that:
    - (a) The road cannot, as a practical matter, be located outside the wetland.
    - (b) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in § 320-915C.
    - (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
    - (d) Road construction activities are carried out in the immediate area of the roadbed only.
    - (e) Any wetland alteration must be necessary for the construction or maintenance of the road.
  - (2) The construction and maintenance of nonresidential buildings, provided that:
    - (a) The building is used solely in conjunction with a use permitted in the Shoreland-Wetland District or for the raising of waterfowl, minnows or other wetland or aquatic animals.
    - (b) The building cannot, as a practical matter, be located outside the wetland.
    - (c) The building does not exceed 500 square feet in floor area.
    - (d) Only limited filling and excavating necessary to provide structural support for the building is allowed.

- D. 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 subsection 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 subsection are allowed only where such construction and maintenance meets the criteria in § 320-920A(1).
  - (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.
- E. 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.
  - (3) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in § 320-915C.

**§ 320-921. Prohibited uses.**

- A. Any use not listed in § 320-920 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Part in accordance with § 320-915.
- B. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

**Part 320-1000**  
[Added 2-22-2021 By Ord. No. 03-21]  
**Floodplain Ordinance**

ARTICLE I  
**Introduction**

**§ 320-1001. Statutory authorization.**

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

**§ 320-1002. Finding of fact.**

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

**§ 320-1003. Statement of purpose.**

Reference § 320-1029(D)(1)(d).

This Part is intended to regulate floodplain development to:

- A. Protect life, health and property;
- B. Minimize expenditures of public funds for flood control projects;
- C. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- D. Minimize business interruptions and other economic disruptions;
- E. Minimize damage to public facilities in the floodplain;
- F. Minimize the occurrence of future flood blight areas in the floodplain;
- G. Discourage the victimization of unwary land and home buyers;
- H. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

**§ 320-1004. Title.**

This Part shall be known as the "Floodplain Zoning Ordinance for Greenville, Wisconsin."

**§ 320-1005. General provisions.**

- A. Areas to be regulated. This Part regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones.

Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

- B. Official Maps and revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (reference Part 320-1000, Article VIII, Amendments) before it is effective. No changes to RFEs on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village of Greenville Village Hall. If more than one map or revision is referenced, the most restrictive information shall apply.
- (1) Official Maps based on the FIS:
    - (a) Flood Insurance Rate Map (FIRM), panel numbers 55087C0300D, 55087C0425D, 55087C0426D, 55087C0278D, and 55087C0313D dated July 22, 2010; and panel numbers 55087C0305E, and 55087C0311E dated January 20, 2016; with corresponding profiles that are based on the Flood Insurance Study (FIS) Study number 55087CV000B dated January 20, 2016; [**Amended 9-27-2021 by Ord. No. 10-21**]  

Approved by the DNR and FEMA
    - (2) Official Maps based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development. Reference § 320-1034C.
      - (a) Letter of map revision. As of the date when this Part was passed there were none.
      - (b) Flood Storage Map, Panel number 1, dated January 20, 2016, approved by the DNR.
  - C. Establishment of floodplain zoning districts. The regional floodplain areas are divided into three districts as follows:
    - (1) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
    - (2) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
    - (3) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.
    - (4) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.
  - D. Locating floodplain boundaries. Discrepancies between boundaries on the Official



Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in Subsection D(1) or (2) below. If a significant difference exists, the map shall be amended according to Part 320-1000, Article VIII, Amendments. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to § 320-1029C and the criteria in Subsection D(1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Part 320-1000, Article VIII, Amendments.

- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
  - (2) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.
- E. Removal of lands from floodplain. Compliance with the provisions of this Part shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Part 320-1000, Article VIII, Amendments.
- F. Compliance. Any development or use within the areas regulated by this Part shall be in compliance with the terms of this Part, and other applicable local, state, and federal regulations.
- G. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Part 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 is exempt when § 30.2022, Stats., applies.
- H. Abrogation and greater restrictions.
- (1) This Part supersedes all the provisions of any municipal zoning ordinance enacted under § 61.35, Wis. Stats., for villages, or § 87.30, Wis. Stats., which relates to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
  - (2) This Part is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this Part imposes greater restrictions, the provisions of this Part shall prevail.
- I. Interpretation. In their interpretation and application, the provisions of this Part are the minimum requirements liberally construed in favor of Greenville and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a

provision of this Part, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Part or in effect on the date of the most recent text amendment to this Part.

- J. Warning and disclaimer of liability. The flood protection standards in this Part are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Part does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. This Part does not create liability on the part of, or a cause of action against, Greenville or any officer or employee thereof for any flood damage that may result from reliance on this Part.
- K. Severability. Should any portion of this Part be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Part shall not be affected.
- L. Annexed areas for cities and villages. The Outagamie County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code and 44 CFR Parts 59 to 72, National Flood Insurance Program (NFIP). These annexed lands are described on Greenville's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this subsection and are on file in the office of the Greenville Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

ARTICLE II  
**General Standards Applicable to All Floodplain Districts**

Reference § 320-1014A(1).

**§ 320-1006. General standards.**

- A. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.
- B. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this Part and all other requirements in § 320-1027B. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

**§ 320-1007. Hydraulic and hydrological analyses.**

Reference § 320-1008A, § 320-1014A(2), § 320-1014C(2), § 320-1014D(1), § 320-1027B(2)(i).

- A. No floodplain development shall:
  - (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
  - (2) Cause any increase in the regional flood height due to floodplain storage area lost.
- B. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Part 320-1000, Article VIII, Amendments, are met.

**§ 320-1008. Watercourse alterations.**

- A. No permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified, in writing, all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of § 320-1007 must be met and the flood-carrying capacity of any altered or relocated watercourse shall be

maintained.

- B. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to Part 320-1000, Article VIII, Amendments, Greenville shall apply for a letter of map revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

**§ 320-1009. Chapter 30, 31, Wis. Stats., development.**

Development which requires a permit from the Department, under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to Part 320-1000, Article VIII, Amendments.

**§ 320-1010. Public or private campgrounds.**

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- A. The campground is approved by the Department of Health Services.
- B. A permit for the campground is issued by the Zoning Administrator.
- C. The character of the river system and the campground elevation are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants.
- D. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- E. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in Subsection D to remain in compliance with all applicable regulations, including those of the State Department of Health Services and all other applicable regulations.
- F. Only camping units that are fully licensed, if required, and ready for highway use are allowed.
- G. The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- H. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions

of this section.

- I. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- J. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Part 320-1000, Article III; Part 320-1000, Article IV or § 320-1019 for the floodplain district in which the structure is located.
- K. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- L. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.

**§ 320-1011. (Reserved)**



ARTICLE III  
**Floodway District (FW)**

Reference § 320-1010J, § 320-1019C, § 320-1027B(2)(h).

**§ 320-1012. Applicability.**

This section applies to all floodway areas on the floodplain Zoning Maps and those identified pursuant to § 320-1019(D).

**§ 320-1013. Permitted uses.**

Reference § 320-1015, § 320-1019(B), Tables 320-503-1, 320-507-1.

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if they are not prohibited by any other ordinance, they meet the standards in § 320-1014 and § 320-1015 and all permits or certificates have been issued according to § 320-1027.

- A. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- B. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- C. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of § 320-1014(D).
- D. Uses or structures accessory to open space uses, or classified as historic structures that comply with § 320-1014 and § 320-1015.
- E. Extraction of sand, gravel or other materials that comply with § 320-1014D.
- F. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chs. 30 and 31, Wis. Stats.
- G. Public utilities, streets and bridges that comply with § 320-1014C.

**§ 320-1014. Standards for development in floodway.**

Reference Tables 320-501-1, 320-501-2, 320-509-1, 320-509-2, 320-509-3, § 320-1027B(2)(i).

General. Reference § 320-1023C.

A. General.

- (1) Any development in the floodway shall comply with Part 320-1000, Article II,

and have a low flood-damage potential.

- (2) Applicants shall provide the following data to determine the effects of the proposal according to § 320-1007 and § 320-1027B(3) [reference § 320-1030A(3)]:
    - (a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
    - (b) An analysis calculating the effects of this proposal on regional flood height.
  - (3) The Zoning Administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for Subsection A(2) above.
- B. Structures. Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
- (1) Not designed for human habitation, does not have a high flood-damage potential and is constructed to minimize flood damage.
  - (2) Shall either have the lowest floor elevated to or above the flood protection elevation shall meet all the following standards:
    - (a) Be dry-floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
    - (b) Have structural components capable of meeting all provisions of § 320-1014B(7) and;
    - (c) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency floodproofing certificate, that the design and methods of construction are in accordance with § 320-1014B(7).
  - (3) Must be anchored to resist flotation, collapse, and lateral movement.
  - (4) Mechanical and utility equipment must be elevated to or above the flood protection elevation.
  - (5) Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
  - (6) For a structure designed to allow the automatic entry of floodwaters below the regional flood elevation, the applicant shall submit a plan that meets or exceeds the following standards:
    - (a) The lowest floor must be elevated to or above the flood protection elevation;



- (b) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (c) The bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters; otherwise, must remain open.
- (7) Certification. Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood [reference § 320-1014B(2)(b) and (c)]:
- (a) Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
  - (b) Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of floodwaters in such systems and must be in accordance with provisions in § 320-1015D and E;
  - (c) Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
  - (d) Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
  - (e) Placement of utilities above the flood protection elevation.
- C. Public utilities, streets and bridges. Reference § 320-1013G. Public utilities, streets and bridges may be allowed by permit, if:
- (1) Adequate floodproofing measures are provided to the flood protection elevation.
  - (2) Construction meets the development standards of § 320-1007.
- D. Fills or deposition of materials. Reference § 320-1013(C), § 320-1013(E). Fills or deposition of materials may be allowed by permit, if:
- (1) The requirements of § 320-1007 are met.
  - (2) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and all other requirements have been met.
  - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading.
  - (4) The fill is not classified as a solid or hazardous material.

**§ 320-1015. Prohibited uses.**

Reference § 320-1013, § 320-1013D.

All uses not listed as permitted uses in § 320-1013 are prohibited, including the following uses:

- A. Habitable structures, structures with high flood-damage potential, or those not associated with permanent open space uses.
- B. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life.
- C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts.
- D. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code. Reference § 320-1014B(7)(b).
- E. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code. Reference § 320-1014B(7)(b).
- F. Any solid or hazardous waste disposal sites.
- G. Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code.
- H. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

ARTICLE IV  
**Floodfringe District (FF)**

Reference § 320-1010J, § 320-1019C, § 320-1027B(2)(h).

**§ 320-1016. Applicability.**

This section applies to all floodfringe areas shown on the Floodplain Zoning Maps and those identified pursuant to § 320-1019.

**§ 320-1017. Permitted uses.**

Any structure, land use, or development is allowed in the Floodfringe District if the standards in § 320-1018 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in § 320-1027 have been issued. Reference § 320-1019B, Tables 320-503-1, 320-507-1.

**§ 320-1018. Standards for development in floodfringe.**

Reference § 320-1017, § 320-1020B, § 320-1024A, Tables 320-503-1, 320-501-1, 320-501-2, 320-507-1.

Section 320-1007 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Part 320-1000, Article VI, Nonconforming Uses.

- A. Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Part 320-1000, Article VI, Nonconforming Uses; reference § 320-1018C, § 320-1018K(3), § 320-1022B(4), § 320-1022B(5), § 320-1022B(6).
- (1) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of Subsection A(2) below can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
  - (2) The basement or crawlway floor may be placed at the regional flood elevation if it is dry-floodproofed to the flood protection elevation. However, no floor of any kind is allowed below the regional flood elevation;
  - (3) Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection A(4).
  - (4) In developments where existing street or sewer line elevations make compliance with Subsection A(3) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
    - (a) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by

wheeled vehicles during a regional flood event; or

- (b) The municipality has a DNR-approved emergency evacuation plan.
- B. Accessory structures or uses. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- C. Commercial uses. Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of § 320-1018A. Subject to the requirements of § 320-1018E, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- D. Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in § 320-1031. Subject to the requirements of § 320-1018E, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- E. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with § 320-1031. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding. Reference § 320-1018C, § 320-1018D, § 320-1024B(6).
- F. Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans and:
- (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with § 320-1031.
  - (2) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- G. Sewage systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of floodwater into the system, pursuant to § 320-1031C, to the flood protection elevation and meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
- H. Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to § 320-1031C, to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
- I. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- J. Deposition of materials. Any deposited material must meet all the provisions of this Part.

K. Manufactured homes.

- (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall: Reference § 320-1018L.
  - (a) Have the lowest floor elevated to the flood protection elevation; and
  - (b) Be anchored so they do not float, collapse or move laterally during a flood.
- (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in § 320-1018A. Reference § 320-1018L.

- L. Mobile recreational vehicles. All mobile recreational vehicles that are on-site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in § 320-1018K(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.



ARTICLE V  
**Other Floodplain Districts**

Other floodplain districts may be established under the ordinance and reflected on the floodplain Zoning Map. These districts may include general floodplain districts and flood storage districts.

**§ 320-1019. General Floodplain District (GFP).**

Reference § 320-1010J, § 320-1016.

- A. **Applicability.** The provisions for this district shall apply to all floodplains mapped as A, AO or AH Zones.
- B. **Permitted uses.** Pursuant to § 320-1019D, it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (§ 320-1013) and Floodfringe (§ 320-1017) Districts are allowed within the General Floodplain District, according to the standards of § 320-1019C, provided that all permits or certificates required under § 320-1027 have been issued. Reference Tables 320-503-1, 320-507-1.
- C. **Standards for development in the General Floodplain District.** Reference § 320-1019B, Tables 320-501-1, 320-501-2, 320-509-1, 320-509-2, 320-509-3. Part 320-1000, Article III, applies to floodway areas; Part 320-1000, Article IV, applies to floodfringe areas. The rest of this Part applies to either district.
- (1) In AO/AH Zones, the structure's lowest floor must meet one of the conditions listed below, whichever is higher {reference § 320-1022B(8)(a)[5], § 320-1022B(8)(b)[3]}:
- (a) At or above the flood protection elevation; or
- (b) Two feet above the highest adjacent grade around the structure; or
- (c) The depth as shown on the FIRM.
- (2) In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.
- D. **Determining floodway and floodfringe limits.** Reference § 320-1012, § 320-1019B, § 320-1030A(2), § 320-1035. Upon receiving an application for development within the General Floodplain District, the Zoning Administrator shall:
- (1) Require the applicant to submit an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood

height and flood flows, regional flood elevation and to determine floodway boundaries.

- (a) A hydrologic and hydraulic study as specified in § 320-1027B(3).
- (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
- (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

### **§ 320-1020. Flood Storage District (FSD).**

The Flood Storage District delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood-storage capacity which would cause higher flood elevations.

- A. Applicability. The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the Official Floodplain Zoning Maps.
- B. Permitted uses. Any use or development which occurs in the Flood Storage District must meet the applicable requirements in § 320-1018. Reference Tables 320-503-1, 320-507-1.
- C. Standards for development in Flood Storage District. Reference § 320-1025, Tables 320-501-1, 320-501-2, 320-509-1, 320-509-2, 320-509-3.
  - (1) Development in the Flood Storage District shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
  - (2) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the predevelopment ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
  - (3) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District, on this waterway, is rezoned to the Floodfringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per Part 320-1000, Article VIII.
  - (4) No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.



§ 320-1021

ZONING

§ 320-1021

**§ 320-1021. through § 320-1022. (Reserved)**



ARTICLE VI  
**Nonconforming Uses**

Reference § 320-1018.

**§ 320-1022. General.**

Reference § 320-1023A(2).

- A. Applicability. If these standards conform with § 87.30, Wis. Stats. and Ch. NR 116.15, Wis. Adm. Code and 44 CFR 59 to 72, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this Part or any amendment thereto.
- B. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Part may continue subject to the following conditions:
- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this Part. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.
    - (a) The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
  - (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Part;
  - (3) Greenville shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
  - (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Part. Contiguous dry land access must be provided for residential and commercial

uses in compliance with § 320-1018(A). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

- (5) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Part. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 320-1018A.
- (6) If on a per event basis the total value of the work being done under Subsection B(4) and (5) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Part. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 320-1018A.
- (7) Except as provided in Subsection B(8), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current Part requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.
  - (a) Residential structures {reference § 320-1022B(8)(b)[1], § 320-1022C}:
    - [1] Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of § 320-1031B.
    - [2] Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
    - [3] Shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

- [4] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
  - [5] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 320-1019C(1).
  - [6] In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- (b) Nonresidential structures.
- [1] Shall meet the requirements of § 320-1022B(8)(a)[1] through [6].
  - [2] Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in § 320-1031A or B.
  - [3] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 320-1019C(1).
- C. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with § 320-1014A, flood-resistant materials are used, and construction practices and floodproofing methods that comply with § 320-1031 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of § 320-1023B(8)(a) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and is the minimum necessary to preserve the historic character and design of the structure.

### § 320-1023. Floodway District.

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
- (1) Has been granted a permit or variance which meets all ordinance requirements;
  - (2) Meets the requirements of § 320-1022;
  - (3) Shall not increase the obstruction to flood flows or regional flood height;
  - (4) Any addition to the existing structure shall be floodproofed, pursuant to § 320-1031, by means other than the use of fill, to the flood protection elevation; and
  - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    - (a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12

inches above the adjacent grade;

- (b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
  - (c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
  - (d) The use must be limited to parking, building access or limited storage.
- B. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, § 320-1031C and Ch. SPS 383, Wis. Adm. Code.
- C. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances § 320-1031C and Chs. NR 811 and NR 812, Wis. Adm. Code.

**§ 320-1024. Floodfringe District.**

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of § 320-1018 except where § 320-1024B is applicable.
- B. Where compliance with the provisions of Subsection A would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood-damage potential, the Board of Appeals, using the procedures established in § 320-1029, may grant a variance from those provisions of Subsection A for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if (reference § 320-1024A):
- (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
  - (2) Human lives are not endangered;
  - (3) Public facilities, such as water or sewer, shall not be installed;
  - (4) Flood depths shall not exceed two feet;
  - (5) Flood velocities shall not exceed two feet per second; and
  - (6) The structure shall not be used for storage of materials as described in § 320-1018E.
- C. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable

provisions of all local ordinances, § 320-1031C and Ch. SPS 383, Wis. Adm. Code.

- D. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Part, § 320-1031C and Chs. NR 811 and NR 812, Wis. Adm. Code.

**§ 320-1025. Flood Storage District.**

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in § 320-1020C are met.





ARTICLE VII  
**Administration**

**§ 320-1026. Administration.**

Where a Zoning Administrator, planning commission or a Board of Appeals has already been appointed to administer a zoning ordinance adopted under §§ 59.69, 59.692 or 62.23(7), Wis. Stats., these officials shall also administer this Part.

**§ 320-1027. Zoning Administrator.**

Reference § 320-1013, § 320-1017, § 320-1019B.

A. Duties and powers. The Zoning Administrator is authorized to administer this Part and shall have the following duties and powers:

- (1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (2) Issue permits and inspect properties for compliance with provisions of this Part and issue certificates of compliance where appropriate.
- (3) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (4) Keep records of all official actions such as:
  - (a) All permits issued, inspections made, and work approved.
  - (b) Documentation of certified lowest floor and regional flood elevations.
  - (c) Floodproofing certificates.
  - (d) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.
  - (e) All substantial damage assessment reports for floodplain structures.
  - (f) List of nonconforming structures and uses.
- (5) Submit copies of the following items to the Department regional office:
  - (a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
  - (b) Copies of case-by-case analyses and other required information, including an annual summary of floodplain zoning actions taken.
  - (c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (6) Investigate, prepare reports, and report violations of this Part to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be

sent to the Department regional office.

(7) Submit copies of amendments to the FEMA regional office.

- B. Land use permit. In addition to the requirements of § 320-214, a land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

Reference § 320-1006B, § 320-1030A(1), § 320-1035.

(1) General information.

- (a) Name and address of the applicant, property owner and contractor.
- (b) Legal description, proposed use, and whether it is new construction or a modification.

(2) Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- (a) Location, dimensions, area and elevation of the lot;
- (b) Location of the ordinary high-water mark of any abutting navigable waterways;
- (c) Location of any structures with distances measured from the lot lines and street center lines;
- (d) Location of any existing or proposed on-site sewage systems or private water supply systems;
- (e) Location and elevation of existing or future access roads;
- (f) Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;
- (g) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study, either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- (h) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Part 320-1000, Article III and Article IV are met; and
- (i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to § 320-1007. This may include any of the information noted in § 320-1014.

(3) Hydraulic and hydrologic studies to analyze development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a

professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department. Reference § 320-1014A(2), § 320-1019D(2)(a).

(a) Zone A floodplains:

- [1] Hydrology. The appropriate method shall be based on the standards in § NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
- [2] Hydraulic modeling. The regional flood elevation shall be based on the standards in § NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of Regional Flood Elevation, and the following:
  - [a] Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
  - [b] Channel sections must be surveyed.
  - [c] Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
  - [d] A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
  - [e] The most current version of HEC-RAS shall be used.
  - [f] A survey of bridge and culvert openings and the top of road is required at each structure.
  - [g] Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
  - [h] Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data, such as high-water marks, to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
  - [i] The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a

tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

- [3] Mapping. A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
  - [a] If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
  - [b] If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
- (b) Zone AE floodplains.
  - [1] Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on § NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
  - [2] Hydraulic model. The regional flood elevation shall be based on the standards in § NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of Regional Flood Elevation, and the following:
    - [a] Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
    - [b] Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.
    - [c] Existing (preproject conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (post-project) Model or to establish more up-to-date models on which to base the Revised (post-project) Model.

- [d] Revised (post-project conditions) Model. The Revised (post-project conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
  - [e] All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
  - [f] Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- [3] Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- [a] Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or flood boundary floodway maps (FBFMs), construction plans, bridge plans.
  - [b] Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
  - [c] Annotated FIRM panel showing the revised 1%- and 0.2%-annual-chance floodplains and floodway boundaries.
  - [d] If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission, along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
  - [e] The revised floodplain boundaries shall tie into the effective floodplain boundaries.
  - [f] All cross sections from the effective model shall be labeled in accordance with the effective map, and a cross-section lookup table shall be included to relate to the model input numbering scheme.
  - [g] Both the current and proposed floodways shall be shown on the

map.

[h] The stream center line or profile baseline used to measure stream distances in the model shall be visible on the map.

- (4) Expiration. All permits issued under the authority of this Part shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.
- C. Zoning occupancy certificate. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a zoning occupancy certificate is issued by the Zoning Administrator, except where no permit is required, in compliance with § 320-215 and the following provisions:
- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Part;
  - (2) Application for such certificate shall be concurrent with the application for a permit;
  - (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
  - (4) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of § 320-1031 are met.
- D. Other permits. Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.

#### **§ 320-1028. Planning Commission.**

- A. The Planning Commission shall:
- (1) Oversee the functions of the office of the Zoning Administrator; and
  - (2) Review and advise the governing body on all proposed amendments to this Part, maps and text.
- B. The Planning Commission shall not:
- (1) Grant variances to the terms of this Part in place of action by the Board of Appeals; or
  - (2) Amend the text or zoning maps in place of official action by the governing body.

**§ 320-1029. Board of Appeals.**

Reference § 320-1024B, § 320-1030B(1).

The Board of Appeals, created under § 62.23(7)(e), Wis. Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this Part. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator shall not be the Secretary of the Board.

A. Powers and duties. The Board of Appeals shall:

- (1) Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Part;
- (2) Boundary disputes. Hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map; and
- (3) Variances. Hear and decide, upon appeal, variances from the ordinance standards.

B. Appeals to the Board.

- (1) Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
- (2) Notice of hearing for appeals, including variances.
  - (a) Notice. The Board shall:
    - [1] Fix a reasonable time for the hearing;
    - [2] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
    - [3] Assure that notice shall be mailed to the parties in interest and the Department regional office at least 10 days in advance of the hearing.
  - (b) Hearing. Any party may appear in person or by agent. The Board shall:
    - [1] Resolve boundary disputes according to § 320-1029C;
    - [2] Decide variance applications according to § 320-1029D; and
    - [3] Decide appeals of permit denials according to § 320-1030.
  - (c) Decision. The final decision regarding the appeal or variance application shall:

- [1] Be made within a reasonable time;
  - [2] Be sent to the Department regional office within 10 days of the decision;
  - [3] Be a written determination signed by the Chairperson or Secretary of the Board; **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
  - [4] State the specific facts which are the basis for the Board's decision;
  - [5] Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
  - [6] Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- C. Boundary disputes. Reference § 320-1005D, § 320-1029B(2)(b)[1]. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
- (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
  - (2) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
  - (3) If the boundary is incorrectly mapped, the Board should inform the Zoning Committee or the person contesting the boundary location to petition the governing body for a map amendment according to Part 320-1000, Article VIII, Amendments.
- D. Variance. Reference § 320-1029B(2)(b)[2].
- (1) The Board may, upon appeal, grant a variance from the standards of this Part if an applicant convincingly demonstrates that:
    - (a) Literal enforcement of this Part will cause unnecessary hardship;
    - (b) The hardship is due to adoption of this Part and unique property conditions, not common to adjacent lots or premises. In such case, the Part or map must be amended;
    - (c) The variance is not contrary to the public interest; and
    - (d) The variance is consistent with the purpose of this Part in § 320-1003.
  - (2) In addition to the criteria in Subsection D(1), to qualify for a variance under FEMA regulations, the following criteria must be met:
    - (a) The variance shall not cause any increase in the regional flood elevation;



- (b) Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE; and
  - (c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this Part.
- (3) A variance shall not:
- (a) Grant, extend or increase any use prohibited in the zoning district;
  - (b) Be granted for a hardship based solely on an economic gain or loss;
  - (c) Be granted for a hardship which is self-created;
  - (d) Damage the rights or property values of other persons in the area;
  - (e) Allow actions without the amendments to this Part or map(s) required in Part 320-1000, Article VIII, Amendments; and
  - (f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (4) When a floodplain variance is granted, the Board shall notify the applicant, in writing, that it may increase risks to life and property and flood insurance premiums could increase up to \$25 per \$100 of coverage. A copy shall be maintained with the variance record.

**§ 320-1030. Review of appeals of permit denials.**

Reference § 320-1029(B)(2)(b)(iii).

- A. The Board shall review all data related to the appeal. This may include:
- (1) Permit application data listed in § 320-1027B;
  - (2) Floodway/floodfringe determination data in § 320-1019D;
  - (3) Data listed in § 320-1014A(2) where the applicant has not submitted this information to the Zoning Administrator; and
  - (4) Other data submitted with the application, or submitted to the Board with the appeal.
- B. For appeals of all denied permits, the Board shall:
- (1) Follow the procedures of § 320-1029;
  - (2) Consider zoning agency recommendations; and
  - (3) Either uphold the denial or grant the appeal.
- C. For appeals concerning increases in regional flood elevation, the Board shall:
- (1) Uphold the denial where the Board agrees with the data showing an increase

in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Part 320-1000, Article VIII, Amendments; and

- (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

**§ 320-1031. Floodproofing standards for nonconforming structures or uses.**

Reference § 320-1018D, § 320-1018E, § 320-1018F(1), § 320-1022C, § 320-1023A(4), § 320-1027C(4).

- A. No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA floodproofing certificate. Reference § 320-1022B(8)(b)[2].
- B. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

Reference § 320-1022B(8)(a)[1] and [2].

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

Reference § 320-1018G, § 320-1018H, § 320-1023B, § 320-1023C, § 320-1024C, § 320-1024D.

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

**§ 320-1032. Public information.**

- A. Place marks on structures to show the depth of inundation during the regional flood.
- B. All maps, engineering data and regulations shall be available and widely distributed.
- C. Real estate transfers should show what floodplain district any real property is in.



ARTICLE VIII  
**Amendments**

Reference § 320-1005B, § 320-1005D, § 320-1005E, § 320-1007B, § 320-1008B, § 320-1009, § 320-1020C(3), § 320-1029C(3), § 320-1029D(3)(e), § 320-1030C(1).

**§ 320-1033. Amendments.**

Obstructions or increases may only be permitted if amendments are made to this Part, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with § 320-1034.

- A. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this Part, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with § 320-1034. Any such alterations must be reviewed and approved by FEMA and the DNR.
- B. In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this Part, the Official Floodplain Maps, floodway lines, and water surface profiles, in accordance with § 320-1034.

**§ 320-1034. General.**

Reference § 320-1033, § 320-1033A, § 320-1033B.

The governing body shall change or supplement the floodplain zoning district boundaries and this Part in the manner outlined in § 320-1035 below. Actions which require an amendment to the ordinance and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

- A. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- B. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- C. Any changes to any other officially adopted floodplain maps listed in § 320-1005B(2);
- D. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- E. Correction of discrepancies between the water surface profiles and floodplain maps;
- F. Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- G. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood

elevation from a FIRM requires prior approval by FEMA.

**§ 320-1035. Procedures.**

Reference § 320-1034.

Ordinance amendments may be made upon petition of any party according to the provisions of § 320-204 and § 62.23, Wis. Stats., for cities and villages. The petitions shall include all data required by § 320-1019D and § 320-1027B. The land use permit shall not be issued until a letter of map revision is issued by FEMA for the proposed changes.

- A. The proposed amendment shall be referred to the Planning Commission for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats., for villages.
- B. No amendments shall become effective until reviewed and approved by the Department.
- C. All persons petitioning for a map amendment that obstructs flow, causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

ARTICLE IX  
**Enforcement and Penalties**

**§ 320-1036. Enforcement; violations and penalties.**

Any violation of the provisions of this Part by any person shall be unlawful and shall be referred to the Municipal Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Part is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.





ARTICLE X  
**Definitions**

**§ 320-1037. Definitions; word usage.**

Unless specifically defined, words and phrases in this Part shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary.

**A ZONES** — Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

**ACCESSORY STRUCTURE OR USE** — A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

**AH ZONE** — See "area of shallow flooding."

**ALTERATION** — An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

**AO ZONE** — See "area of shallow flooding."

**AREA OF SHALLOW FLOODING** — A designated AO, AH, AR/AO, AR/AH, or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of flooding to an average depth of one foot to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

**BASE FLOOD** — The flood having a 1% chance of being equaled or exceeded in any given year, as published by FEMA as part of an FIS and depicted on a FIRM.

**BASEMENT** — Any enclosed area of a building having its floor subgrade; i.e., below ground level, on all sides.

**BUILDING** — See "structure."

**BULKHEAD LINE** — A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to § 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this Part.

**CAMPGROUND** — Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

**CAMPING UNIT** — Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, or tent that is fully licensed, if required, and ready for highway use.

**CERTIFICATE OF COMPLIANCE** — A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in

compliance with all of the provisions of this Part.

**CHANNEL** — A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

**CRAWLWAY or CRAWL SPACE** — An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

**DECK** — An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

**DEPARTMENT** — The Wisconsin Department of Natural Resources.

**DEVELOPMENT** — Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**DRY LAND ACCESS** — A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation, and wide enough for wheeled rescue and relief vehicles.

**ENCROACHMENT** — Any fill, structure, equipment, use or development in the floodway.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** — The federal agency that administers the National Flood Insurance Program.

**FLOOD FREQUENCY** — The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent chance of occurring in any given year.

**FLOOD HAZARD BOUNDARY MAP** — A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

**FLOOD INSURANCE RATE MAP (FIRM)** — A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

**FLOOD INSURANCE STUDY** — A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps that

accompany the Flood Insurance Study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

**FLOOD or FLOODING** — A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions: the overflow or rise of inland waters; the rapid accumulation or runoff of surface waters from any source; the inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or the sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

**FLOOD PROFILE** — A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

**FLOOD PROTECTION ELEVATION** — An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see "freeboard.")

**FLOOD STORAGE** — Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

**FLOODFRINGE** — That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

**FLOODPLAIN** — Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

**FLOODPLAIN ISLAND** — A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

**FLOODPLAIN MANAGEMENT** — Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

**FLOODPROOFING** — Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

**FLOODWAY** — The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

**FREEBOARD** — A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

**HABITABLE STRUCTURE** — Any structure or portion thereof used or designed for human habitation.

**HEARING NOTICE** — Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (seven days)

before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice exceeding these minimums.

**HIGH FLOOD-DAMAGE POTENTIAL** — Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

**HIGHEST ADJACENT GRADE** — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** — Any structure that is either:

- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

**INCREASE IN REGIONAL FLOOD HEIGHT** — A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

**LAND USE** — Any nonstructural use made of unimproved or improved real estate. (Also see "development").

**LOWEST ADJACENT GRADE** — Elevation of the lowest ground surface that touches any of the exterior walls of a building.

**LOWEST FLOOR** — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.

**MAINTENANCE** — The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

**MANUFACTURED HOME** — A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent

foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a mobile recreational vehicle.

**MOBILE RECREATIONAL VEHICLE** — A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

**MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION** — A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

**MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING** — A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this Part. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

**MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING** — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

**MODEL, CORRECTED EFFECTIVE** — A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

**MODEL, DUPLICATE EFFECTIVE** — A copy of the hydraulic analysis used in the effective FIS and referred to as the "effective model."

**MODEL, EFFECTIVE** — The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

**MODEL, EXISTING (PREPROJECT)** — A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

**MODEL, REVISED (POST-PROJECT)** — A modification of the existing or preproject conditions model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

**MUNICIPALITY or MUNICIPAL** — The county, city or village governmental units enacting, administering and enforcing this Part.

**NAVD or NORTH AMERICAN VERTICAL DATUM** — Elevations referenced to mean sea level datum, 1988 adjustment.

**NEW CONSTRUCTION** — For floodplain management purposes, "new construction"

means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NGVD or NATIONAL GEODETIC VERTICAL DATUM — Elevations referenced to mean sea level datum, 1929 adjustment.

NONCONFORMING STRUCTURE — An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Part for the area of the floodplain which it occupies. (For example, an existing residential structure in the Floodfringe District is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

NONCONFORMING USE — An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this Part for the area of the floodplain which it occupies (such as a residence in the floodway).

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.

OFFICIAL FLOODPLAIN ZONING MAP — That map, adopted and made part of this Part, as described in § 320-1005B, which has been approved by the Department and FEMA.

OPEN SPACE USE — Those uses having a relatively low flood damage potential and not involving structures.

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.

PERSON — An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

PRIVATE SEWAGE SYSTEM — A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

PUBLIC UTILITIES — Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

REASONABLY SAFE FROM FLOODING — Means base floodwaters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

REGIONAL FLOOD — A flood determined to be representative of large floods known

to have occurred in Wisconsin. A "regional flood" is a flood with a 1% chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

**START OF CONSTRUCTION** — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** — Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

**SUBDIVISION** — Has the meaning given in § 236.02(12), Wis. Stats.

**SUBSTANTIAL DAMAGE** — Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its predamaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50% of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions; or any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

**UNNECESSARY HARDSHIP** — Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Part.

**VARIANCE** — An authorization by the Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in this Part. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

**VIOLATION** — The failure of a structure or other development to be fully compliant with this Part. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment

calculations is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE PROFILE** — A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

**WATERSHED** — The entire region contributing runoff or surface water to a watercourse or body of water.

**WELL** — An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.