# ZONING CODE

## CHAPTER 66

## OF THE

## MUNICIPAL CODE

## OF THE

## VILLAGE OF

## SISTER BAY, WISCONSIN

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## Table of Contents

## Zoning Code

**Section 100 - Statutory Authority And Purpose** **1**

Sec. 66.0101 Authority 1
Sec. 66.0102 Purpose 1
Sec. 66.0103 Intent 1
Sec. 66.0104 Abrogation and Greater Restrictions 1
Sec. 66.0105 Interpretation 1
Sec. 66.0106 Severability 1
Sec. 66.0107 Title 1
Sec. 66.0108 Adoption 1

**Section 200 - Jurisdiction** **3**

Sec. 66.0201 Jurisdiction 3
Sec. 66.0202 Compliance 3
Sec. 66.0203 Municipalities and State Agencies Regulated 3
Sec. 66.0204 Annexation 3

**Section 300 Districts** **5**

Sec. 66.0300 Establishment 5
Sec. 66.0301 Zoning Map 5
Sec. 66.0302 Use Restrictions 6
Sec. 66.0303 Site and Lot Restrictions 6
Sec. 66.0304 Setback Requirements from the Water 8
Sec. 66.0305 Reduction 9
Sec. 66.0306 Additions 9
Sec. 66.0307 Special Setback Requirements 9
Residential Districts 10
Sec. 66.0310 RSOD Residential Second Dwelling Units Overlay District. 10
Sec. 66.0311 R-1 Single-Family Residence District 13
Sec. 66.0312 R-2 Multiple-Family Residence District 17
Sec. 66.0313 R-3 Large Lot Residence District 21
Sec. 66.0314 R-4 Small Lot Residence District 25
Sec. 66.0315 CS-1 Countryside District 29
Business Districts 33
Sec. 66.0320 B-1 General Business District 33
Sec. 66.0322 B-2 Downtown Business Transition District 37
Sec. 66.0323 B-3 Downtown Business District 45
Other Districts 52
Sec. 66.0330 I-1 Institutional District 52
Sec. 66.0331 P-1 Park District 55
Overlay Districts 57
Sec. 66.0340 W-1 Wetland Overlay District 57
Sec. 66.0341 PUD Planned Unit Development Overlay District 61
Sec. 66.0342 HL Highway 42 and 57 Landscape Setback Overlay District 68
Sec. 66.0344 BP Bluff Protection Overlay District 70
Sec. 66.0345 WHP Wellhead Protection District 73
Sec. 66.0346 RS Ridges and Swales 78
Sec. 66.0350 RO Restaurant Overlay District RO-1 80

**Section 400 -Traffic, Loading, Parking And Access** **84**

Sec. 66.0401 Traffic Visibility 84
Sec. 66.0402 Loading Requirements 84

| | | |
|---|---|---|
| 1 | Sec. 66.0403 Parking Requirements | 84 |
| 2 | Sec. 66.0404 Adjustments to Required Parking | 90 |
| 3 | Sec. 66.0405 Parking of Vehicles in Residential Districts | 92 |
| 4 | Sec. 66.0406 Highway Access | 93 |
| 5 | Sec. 66.0407 Other Parking Restrictions | 93 |
| 6 | **Section 500 - Accessory Uses, Home Occupations, Fences, And Antennas** | **96** |
| 7 | Sec. 66.0501 Accessory Uses and Structures | 96 |
| 8 | Sec. 66.0502 Fences | 101 |
| 9 | Sec. 66.0503 Antennas | 102 |
| 10 | Sec. 66.0504 Wireless Telecommunication Sites | 102 |
| 11 | Sec. 66.0505 Wind Power Generating Towers | 107 |
| 12 | Sec. 66.0506 Outdoor Displays | 107 |
| 13 | **Section 600 - Modifications** | **109** |
| 14 | Sec. 66.0601 Height Modifications | 109 |
| 15 | Sec. 66.0602 Setback Modifications | 109 |
| 16 | **Section 700 - Signs** | **111** |
| 17 | Sec. 66.0700 Purpose and Intent | 111 |
| 18 | Sec. 66.0701 Design Guidelines | 111 |
| 19 | Sec. 66.0710 Business District Signage with Permit | 112 |
| 20 | Sec. 66.0711 Shopping Center Signage with Permit | 113 |
| 21 | Sec. 66.0712 Business Off-Premise Signage with Permit | 114 |
| 22 | Sec. 66.0713 Sandwich Board Signage with Permit | 114 |
| 23 | Sec. 66.0720 On-Premise Signs without Permit | 115 |
| 24 | Sec. 66.0721 On/Off-Premise Signs without Permit | 115 |
| 25 | Sec. 66.0722 Other On/Off-Premise Signs with Permit | 116 |
| 26 | Sec. 66.0730 Residential Districts Signage with Permit | 116 |
| 27 | Sec. 66.0731 Countryside District Signage with Permit | 116 |
| 28 | Sec. 66.0732 Institutional and Park Districts Signage with Permit | 116 |
| 29 | Sec. 66.0750 Sign Permit | 117 |
| 30 | Sec. 66.0751 Construction Standards | 117 |
| 31 | Sec. 66.0752 Color and Lighting | 118 |
| 32 | Sec. 66.0753 Measuring Signs | 118 |
| 33 | Sec. 66.0754 Maintenance of Signs | 119 |
| 34 | Sec. 66.0770 Prohibited Signs | 119 |
| 35 | Sec. 66.0780 Legal Non-conforming Signs | 120 |
| 36 | Sec. 66.0790 Historic Signs | 121 |
| 37 | Sec. 66.0791 Compliance | 121 |
| 38 | **Section 800 - Performance Standards** | **123** |
| 39 | Sec. 66.0801 Compliance | 123 |
| 40 | Sec. 66.0802 Air Pollution | 123 |
| 41 | Sec. 66.0803 Fire and Explosive Hazards | 123 |
| 42 | Sec. 66.0804 Heat | 123 |
| 43 | Sec. 66.0805 Water Quality Protection | 123 |
| 44 | Sec. 66.0806 Radioactivity and Electrical Disturbances | 124 |
| 45 | Sec. 66.0807 Vibration | 124 |
| 46 | Sec. 66.0808 Noise | 124 |
| 47 | Sec. 66.0809 Outdoor Lighting | 124 |
| 48 | **Section 900 - Non-Conforming Uses, Structures And Lots** | **128** |
| 49 | Sec. 66.0900 Non-Conforming Use Definitions | 128 |
| 50 | Sec. 66.0901 Existing Non-Conforming Uses | 128 |
| 51 | Sec. 66.0902 Conforming Structures on Non-Conforming Lots | 129 |
| 52 | Sec. 66.0910 Non-Conforming Structure Definitions | 129 |

Sec. 66.0911 Non-Conforming Structures 129
Sec. 66.0920 Existing Non-Conforming Lots 130
Sec. 66.0921 Wetland Non-Conforming Uses 130
Sec. 66.0922 Interpretation and Proof of Uses 131

**Section 1000 – Other Permits and Regulations 133**

Sec. 66.1000 Tree Cutting Regulations 133
Sec. 66.1015 Land Disturbance Regulations. 134
Sec. 66.1020 Pier Permits 135
Sec. 66.1025 Impact on Housing Stock 137
Sec. 66.1030 Impact on Workforce Housing 138
Sec. 66.1035 Property Addressing 138
Sec. 66.1036 Criteria for Address Number Assignment. 138
Sec. 66.1037 Address Sign Criteria and Placement 139
Sec. 66.1038 Street and Road Naming 140
Sec. 66.1039 County Administration of Village Numbering 141
Sec. 66.1040 Property Address Reassignment Implementation 141
Sec. 66.1050 Site Plan and Architectural Review 142
Sec. 66.1055 Architectural Review Criteria. 145
Sec. 66.1060 Landscaping 152
Sec. 66.1065 Utilities in Rights of Way 150

**Section 1500 - Administration 156**

Sec. 66.1500 Plan Commission 156
Sec. 66.1505 Public Information 156
Sec. 66.1510 Zoning Administrator Designated 156
Sec. 66.1520 Development Agreement Required. 157
Sec. 66.1525 Terms of Development Agreement. 158
Sec. 66.1530 Zoning Permit Required 158
Sec. 66.1531 Zoning Permit Not Required 161
Sec. 66.1532 Certificates of Occupancy and Compliance Required 161
Sec. 66.1535 Conditional Use Permit 161
Sec. 66.1540 Other Permits 164
Sec. 66.1545 Permit Fees 164
Sec. 66.1550 Violations 164
Sec. 66.1560 Remedial Action 164
Sec. 66.1570 Penalties 164
Sec. 66.1575 Renewal of Permits 165

**1600 - Zoning Board Of Appeals 167**

Sec. 66.1601 Establishment 167
Sec. 66.1602 Organization 167
Sec. 66.1603 Powers 167
Sec. 66.1604 Appeals and Applications 167
Sec. 66.1605 Hearings 168
Sec. 66.1606 Notice to DNR 168
Sec. 66.1607 Findings 168
Sec. 66.1608 Wetland Mapping Disputes 168
Sec. 66.1609 Decision 168
Sec. 66.1610 Review by Court of Record 169

**Section 1700 - Changes And Amendments 171**

Sec. 66.1701 Authority 171
Sec. 66.1702 Initiation 171
Sec. 66.1703 Applications 171
Sec. 66.1704 Review and Recommendations 171
Sec. 66.1705 Hearings 171

| | | |
|---|---|---|
| 1 | Sec. 66.1706 Village Board's Action | 171 |
| 2 | Sec. 66.1708 Wetland Amendments | 171 |
| 3 | Sec. 66.1709 Protest | 172 |
| 4 | Sec. 66.1710 Map and Text Amendments | 172 |
| 5 | **Section 1800 – Public Hearings** | **176** |
| 6 | Sec. 66.1801 Public Hearings | 176 |
| 7 | **Section 2000 - Definitions** | **178** |
| 8 | Sec. 66.2001 General Definitions | 178 |
| 9 | Sec. 66.2100 Specific Words and Phrases | 178 |
| 10 | **Section 3000 - Index** | **201** |
| 11 | Sec. 66.3000 Index | 201 |
| 12 | **Section 4000 – Architectual Guide** | **214** |
| 13 | Sec. 66.4200 Illustrations | 214 |
| 14 | **Section 4200 – Sandwich Board Guide** | **218** |
| 15 | Sec. 66.4200 Illustrations | 218 |
| 16 | **Section 4300 - Appendix Of Zoning Illustrations** | **222** |
| 17 | Sec. 66.4300 Illustrations | 222 |
| 18 | | |

1

# SECTION 100 - STATUTORY AUTHORITY AND PURPOSE

**Sec. 66.0101 Authority**

These regulations are adopted under the authority granted by sections 61.35, 62.23(7), 62.231 and 87.30 of the Wisconsin Statutes. Therefore, the Village Board of the Village of Sister Bay, Wisconsin does ordain as follows:

**Sec. 66.0102 Purpose**

The purpose of this chapter is to promote the health, safety, aesthetics and general welfare of this community.

**Sec. 66.0103 Intent**

It is the general intent of this chapter to regulate and restrict the use of all structures, lands, and waters; and to:

(a) Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
(b) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services and utilities;
(c) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of the streets, highways and waterways;
(d) Secure safety from fire, flooding, panic, pollution, contamination and other dangers;
(e) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
(f) Provide adequate light and air, including access to sunlight for solar collectors;
(g) Assure the protection of groundwater,
(h) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
(i) Stabilize and protect existing property values;
(j) Further the appropriate use of land and conservation of natural resources;
(k) Preserve and promote the beauty of the community;
(l) Implement those municipal, county, watershed, and regional comprehensive plans or plan components adopted by the Village of Sister Bay;
(m) Provide for the administration and enforcement of this chapter and to provide penalties for its violation.

**Sec. 66.0104 Abrogation and Greater Restrictions**

It is not intended by the provisions of this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. Except as otherwise provided in this chapter, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

**Sec. 66.0105 Interpretation**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**Sec. 66.0106 Severability**

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

**Sec. 66.0107 Title**

This chapter shall be known as, referred to or cited as the "Zoning Chapter of the Municipal Code of Ordinances (Zoning Code), Village of Sister Bay, Door County, Wisconsin."

**Sec. 66.0108 Adoption**

This code was adopted as Ordinance No. 102-110904 on November 9, 2004 and was effective upon publication on November 16, 2004.

1

# SECTION 200 - JURISDICTION

**Sec. 66.0201 Jurisdiction**

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village of Sister Bay.

**Sec. 66.0202 Compliance**

The use of any land or water; the size, shape and placement of lots; the use, size, type and location of structures on lots; the filling and grading of any land; the cutting of shore land cover; the regulation of signs, manufactured homes, trailers and parking lots; the consolidation or splitting of parcels; and the subdivision of lots shall be in full compliance with the terms of this chapter and other applicable regulations. The construction of buildings and structures, or any addition thereto, and the changing of any land use shall require a zoning permit unless otherwise expressly excluded from the requirement of this chapter. No structure, land, or water shall hereafter be used or developed (as "development" is defined in section 66.2100 [See page 178] of this chapter) and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located; except that in residence districts, a lot of record as of November 16, 1973 even though not meeting the requirements of this chapter as to area and width, may be used for single family residence purposes.

**Sec. 66.0203 Municipalities and State Agencies Regulated**

Unless specifically exempted by law all cities, villages, towns, counties, school districts, vocational school districts and other public entities are required to comply with this chapter and obtain all required permits. State agencies are required to comply if section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.12(4)(a) of the Wisconsin Statutes applies, including subsequent amendments to those rules..

**Sec. 66.0204 Annexation**

All territory annexed by the Village shall become part of the CS-1 district until definite boundaries and regulations are recommended by the Plan Commission and adopted by the Village Board, such adoption to be completed within 90 days of the annexation.

1

# SECTION 300 DISTRICTS

**Sec. 66.0300 Establishment**

For the purpose of this chapter, the Village of Sister Bay is hereby divided into ten basic use districts and four overlay districts as follows:

- Countryside (CS-1)
- Single-Family Residence District (R-1)
- Multiple-Family Residence District (R-2)
- Large Lot Residence District (R-3)
- Small Lot Residence District (R-4)
- General Business District (B-1)
- Downtown Business Transition District (B-2)
- Downtown Business District (B-3)
- Institutional District (I-1)
- Park/Recreation District (P-1)
- Wetland Overlay District (W-1)
- Planned Unit Development Overlay District (PUD)
- Highway 42 and Highway 57 Landscape Setback Overlay District (HL)
- Bluff Protection Overlay District (BP)
- Wellhead Protection Overlay District (WHP)
- Ridges and Swales Overlay District (RS-1)
- Restaurant Overlay District (RO-1)

(a) Boundaries. Boundaries of these districts are hereby established as shown on the maps entitled "Village of Sister Bay Official Zoning Map" which map accompanies and is herein made a part of this chapter. All notations and references shown on the map are as much a part of this chapter as though specifically described herein. This chapter hereby incorporates herein any future changes or any later zoning maps that may be adopted by ordinance of the Village Board.

(b) The district boundaries in all districts, except the overlay districts shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys and easements. Where the district boundary is parallel to corporate limits, the centerline or right-of-way of a street, the district boundary shall be determined by the dimension noted on the zoning map, or where said dimension is not noted, by the scale contained on the zoning map.

(c) Boundaries of the Wetland Overlay District (W-1) are based on the Wisconsin Wetland Inventory Maps for the Village, dated July 1, 1992 or the most current map. The wetlands included as W-1 are those wetlands that are two or more acres in area; and are located within 300 feet of a navigable river, within 1,000 feet of a lake, or within the 100-year recurrence interval floodplain. These boundaries are for illustrative purposes only. The actual boundaries shall be those established by a field staking of the particular wetland, followed by a survey and legal description of the wetland.

(d) Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting property to which the vacated land reverts.

(e) Annexations subsequent to the effective date of this chapter shall be placed in the Countryside district (CS-1), unless the annexation chapter temporarily places the land in another district. Within one year, the Plan Commission shall evaluate and recommend a permanent classification to the Village Board.

(f) Annexations containing shorelands shall be governed in the following manner: Pursuant to section 59.971(7) of the Wisconsin Statutes, any annexation of land after May 7, 1982, which lies within shorelands, as defined herein, shall be governed by the provisions of the Door County Zoning Ordinance until such time that the Village adopts an Ordinance that is at least as restrictive as the Door County Zoning Ordinance. Said regulations shall be administered and enforced by the Village of Sister Bay Zoning Administrator.

**Sec. 66.0301 Zoning Map**

A certified copy of the Zoning Maps shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the Village President and the Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk. Changes thereafter, to the general zoning districts, shall not become effective until entered and attested on the certified copy.

**Sec. 66.0302 Use Restrictions**

The following use restrictions and regulations shall apply:

(a) Principal uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.

(b) Accessory uses. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry, except home occupations and professional home offices as defined in this chapter.

(c) Conditional uses and their accessory uses require review, public hearing and approval by the Plan Commission in accordance with section 66.1535 [See page 161] of this chapter.

(d) Temporary uses may be permitted by the Zoning Administrator and the President for a period of 14 days or as hereinafter provided. Temporary use permits for longer periods may be issued by the Plan Commission after review of site and operation plans. Special requirements may be imposed, but not limited to parking, sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may be allowed one temporary sign not to exceed 24 square feet in area on one side and 48 square feet in area on all sides. All buildings, tents, equipment, supplies and debris shall be removed from the site within ten days following the temporary activity. Temporary uses permitted under this section include:

(1) Real estate sales, rental field offices or model homes may be permitted in any residential district.

(2) Temporary structures, including mobile home units, may be permitted in any business or institutional district. Such temporary structure may be used as a business, institutional or professional office during or immediately prior to the construction of a permanent structure.

(3) Shelters for materials and equipment being used in the construction of a permanent structure or public utility may be permitted in any district. The Zoning Administrator or Plan Commission may require that storage areas be screened to prevent a view of materials or equipment from adjacent properties.

(4) Flea markets, concerts, festivals and outdoor group assemblies may be permitted in a B-1, B-2 or B-3 district.

(5) Circuses, carnivals and animal shows may be permitted in a B-1, B-2 or B-3 district. The Plan Commission may limit or prohibit the display of dangerous animals such as tigers or snakes.

(6) Christmas tree sales may be permitted in a B-1, B-2 or B-3 district for not more than 42 days.

(7) Farmers markets may be permitted in a B-1, or CS-1 district.

(8) The temporary sale of goods from a truck, trailer, table or tent shall only be permitted as part of a festival permit issued by the Village Board. (Amended Ordinance 143-081208)

(9) A property owner may allow camping on their land for up to 72 hours as long as bathroom facilities are on the premises.

(10) Because it is difficult to enumerate all temporary uses that may occur in the Village, any other use which the Plan Commission finds to be similar to other temporary uses permitted in a given district, will not be disruptive to the neighborhood, and will not create a hazard to traffic in a neighborhood may be permitted. The Plan Commission may impose additional operational or construction conditions on such temporary uses when it is deemed necessary.

**Sec. 66.0303 Site and Lot Restrictions**

(a) Suitability. No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff,

inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Village Zoning Administrator, in cooperation with the Village Engineer, shall, in applying the provisions of this section, recite in writing the particular facts upon which he/she bases his/her conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she so desires. Thereafter the Plan Commission may affirm, modify or withdraw the determination of unsuitability. In addition:

(b) Minimum lot sizes. Lots created after the adoption of the ordinance from which this chapter is derived shall meet the minimum area requirements for each district as defined in sections 66.0310 through 66.0331.

(c) Minimum lot width. The minimum lot requirement shall apply at the building setback line and at the ordinary high-water mark.

(d) Substandard lots. If two or more substandard lots have the same ownership as of November 16, 1973, the lots involved shall be considered an individual parcel for the purpose of this chapter.

(e) Public streets. All lots shall abut upon a public street, and each lot shall have a minimum lot width measured at the street setback line as specified in each district, but not less than 65 feet. The required minimum lot width shall be maintained for at least 30 feet beyond the street setback line for construction of the principal structure.

(f) Principal structure location. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot in single-family residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose, but not limited to additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.

(g) Lots abutting other districts. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line to equal the average of the street yards required in both districts.

(h) Buffer yard. A buffer yard shall be created and maintained around all business districts which abut upon residential districts and/or which are adjacent to limited access arterial streets and highways, which abut upon residential districts. The Plan Commission may also require a buffer yard around business districts abutting park and institutional districts. Buffer yards shall be a minimum of 20 feet in width; shall be in addition to the required street yards, side yards, and rear yards; and shall screen business uses from adjoining lands in such a manner that:

(1) If the buffer yard is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such varieties as to provide adequate visual screening within no more than two years and during all seasons of the year.

(2) Where architectural walls or fences are used, sufficient landscaping shall be used in conjunction with such wall or fence to create an attractive view from the residential side, and all walls and fences shall be maintained in a structurally sound and attractive condition. Any wall or fence shall be not less than four feet or more than six feet in height.

(3) All landscaping shall be maintained by the owner or operator to the satisfaction of the Zoning Administrator.

(4) Where the land adjacent to the buffer yard is a parking lot, the buffer yard shall be sufficiently opaque to prevent the penetration

of headlight glare. Overhead lighting installed in or adjacent to a buffer yard shall not throw any rays onto adjacent residential properties.

(5) No signs shall be permitted on or in any part of the buffer yard.

(i) Structures not buildings. Structures which are not buildings and which are six inches or more in height from the surface of the ground shall be subject to the setback and other dimensional requirements of this chapter. Excluded are fences up to six feet in height, public utility poles and signs, except where provisions of this chapter specifically apply. For the purposes of this chapter, decks, tennis courts, parking lots, outdoor seating for taverns or general restaurants, fast food restaurants, drive-in restaurants and take-out restaurants, swimming pools (above-ground and in-ground pools), basketball courts and other similar uses shall be considered structures, shall require a permit, and shall be subject to the yard and setback requirements for accessory buildings. (Amended Ordinance 172-081010)

**Sec. 66.0304 Setback Requirements from the Water**

For lots that abut on navigable waters, there shall be setbacks from the ordinary high-water mark of such waters.

(a) Applicability in developed areas. In areas with existing development patterns, structures close to the ordinary high-water mark, except as provide in subsection (e) and (f) below, shall be set back at least 30 feet from all points along the ordinary high-water mark. The lowest floor level of all structures shall be elevated at least two feet above the ordinary high-water mark. All structures, boathouses, accessory buildings allowed in (e) and structures not buildings shall comply with the applicable district side yard setbacks.

(b) Applicability in undeveloped areas. In areas with no development pattern, structures close to the ordinary high-water mark, except as provide in subsection (e) and (f) below, shall be set back at least 75 feet from all points along the ordinary high-water mark. The lowest floor level of all structures shall be elevated at least two feet above the ordinary high-water mark. All structures, boathouses, accessory buildings allowed in (e) and structures not buildings shall comply with the applicable district side yard setbacks.

(c) Setback averaging in developed areas. Where the two adjacent lots are occupied by principal structures (excluding boathouses), the water setback shall be the average of the setbacks of the adjacent principal structures or 30 feet whichever is less. When one adjacent lot is occupied by a principal structure (excluding boathouses), the water setback shall be the average of the setback of the adjacent principal structure and 30 feet or 30 feet whichever is less. The adjacent principal structures must be within 100 feet of either side of the proposed structure in order to use the averaging method.

(d) Setback averaging in undeveloped areas. Where two adjacent lots are occupied by principal structures (excluding boathouses) with high-water mark setbacks of 30 feet or more, the water setback shall be the average of the setbacks of the adjacent principal structures. When one adjacent lot is occupied by a principal structure (excluding boathouses) with a high-water setback of 40 feet or more, the water setback shall be the average of the setback of the adjacent principal structure and 75 feet. The adjacent principal structures must be within 100 feet of either side of the proposed structure in order to use the averaging method.

(e) Exceptions.

(1) Decks are allowed provided they do not extend waterward more than 20 percent of the remaining setback.

(2) Boathouses shall not project beyond the ordinary high-water mark.

(3) Stairways, elevated walkways, ramps, lifts, fences, flagpoles, piers, boat hoists.

(4) Utility poles, lines and related equipment without permanent foundations.

(5) Structures not buildings as defined in section 66.0303(i) [See page 6]

(6) Signs as permitted starting with section 66.0701 [See page 111]

(f) Parking lots. Parking lots shall be set back at least 75 feet from all points along the ordinary high-water mark. However, the Plan Commission may with a conditional use permit, grant modifications to a minimum of 35 feet from all points along the ordinary high-water mark for parking lots only.

**Sec. 66.0305 Reduction**

No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter.

**Sec. 66.0306 Additions**

Additions in the front yard of existing structures shall not project beyond the required setback for the district in which they are located subject to the limitations for averaging front setbacks as set forth below.

**Sec. 66.0307 Special Setback Requirements**

(a) Average Front Setbacks. The required front setback shall not be decreased below the minimum setback for the district in which it is located. However, if the principal structures on abutting lots are set back closer than the minimum, the front setback of a proposed principal structure shall be decreased to the average of the existing front setbacks of the abutting structures on each side. The adjacent principal structures must be within 100 feet of either side of the proposed structure in order to use the averaging method. Note: For setback averaging from the water, see section 66.0304 Setback Requirements from the Water on page 8. (Amended Ordinance 120-061306)

(b) Corner Lot Setbacks. On a vacant through or corner lot, either of the lot lines abutting street right-of-way lines may be established as its front lot line, except that where two more through lots are contiguous and a front lot line has been duly established, the same street lot line shall thereafter be deemed to be the front lot line of all such contiguous lots. On a through lot, a front yard shall be provided along any lot line abutting a street. On a corner lot, the owner has the option of designating a side yard and a rear yard of the two remaining yards after the front yard and side yard abutting a street have been identified; as long as one is at least equal to the required side setback and the other is at least equal to the required rear setback. (Amended Ordinance 120-061306)

(c) Double Frontage Lot. Structures on lots abutting two opposite streets shall be provided with a front setback and a rear setback. The Zoning Administrator shall select where the front setback shall be applied and where the rear setback shall be applied in a manner that prohibits access to a double frontage lot from arterial streets. The selected front setback area shall be required to comply with the front setback requirements for the district in which the lot is located. The selected rear setback area shall be required to comply with the rear setback requirements for the district in which the lot is located and the rear setback area shall be screened from arterial streets with fencing or landscaping, as may be appropriate. Accessory structures may be placed in the designated rear setback area, but shall be located no closer to the street right-of-way than the required setback for accessory structures. (Amended Ordinance 120-061306)

(d) Large Project Setbacks. The Plan Commission may establish the front yard, side yard, street yard, and rear yard setbacks for projects built in the R-2 district, all PUD projects and projects involving multiple buildings on a single parcel in B-1 district. The various setbacks shall complement the adjacent property's setbacks. (Amended Ordinance 120-061306)

**Residential Districts**

**Sec. 66.0310 RSOD Residential Second Dwelling Units Overlay District.**

Purpose and Intent. The Residential Second Dwelling Units Overlay district (RSDO) is intended to permit as a conditional use the construction and/ or occupancy of a second dwelling unit is to allow, when all applicable standards have been met, a detached building designed as a second dwelling unit or an addition to the primary dwelling unit. The standards below apply to the following residential districts including R-1, R-3, R-4 and CS-1.

(a) Definitions. For purposes of this section: The term dwelling unit shall consist of and include both the primary dwelling unit occupied by the owner and the second dwelling unit and together are viewed as one single-family dwelling.

(1) A primary dwelling unit is defined as a detached building designed for and occupied by the owner as a single-family dwelling unit.

(2) A second dwelling unit is defined as a detached or attached dwelling unit located on the same lot of a primary dwelling unit that is occupied by the owner as a single-family dwelling unit. A second dwelling unit shall have sleeping areas and a ¾ or full bathroom, with or without kitchen facilities, as specified in the permit.

(b) Permits. A conditional use permit must be obtained before a building and/ or occupancy permit may be issued for any second dwelling unit. When a conditional use permit has been issued for a second dwelling unit, the owner of the lot shall be responsible for payment of impact fees as required in Section 62.25.

(c) Standards.

(1) An applicant for such a conditional use must comply with general ordinances for conditional use permits as required.

(2) A second dwelling unit may be rented or leased separately from the primary dwelling unit on the lot. The owner of a lot containing a primary dwelling unit and a second dwelling unit must live either in the primary dwelling or in the second dwelling unit in order for the conditional use permit to be valid.

(3) Only one (1) second dwelling unit may be allowed per lot. Driveway access shall be regulated by Section 66.0406 of the Code.

(4) The lot proposed for a second dwelling unit shall contain an existing primary dwelling unit, and must meet the minimum lot size for the respective zoning district.

(5) The square footage of a second dwelling unit shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or nine hundred (900) square feet, whichever is larger. The minimum size of the second dwelling unit shall be at least three hundred (300) square feet regardless of the thirty percent (30%) rule.

(6) All detached second dwelling units shall be limited to a maximum height as established by Section 66.0501(d) of the Code.

(7) All detached second dwelling units shall have a minimum building wall separation from the primary dwelling unit of ten (10) feet.

(8) All detached or attached second dwelling units shall comply with applicable setback requirements for principal dwelling structures in the respective zoning district. However, second detached dwelling units shall not be allowed in the front yard of a lot, except as allowed under Section 66.0501(b)(e)(2).

(9) All second dwelling units shall be served by the same electrical, water and gas meters, as applicable, that serve the primary dwelling unit. No separate meters shall be allowed.

(10) Off-street parking shall be provided for the second dwelling unit.

SEC. 66.0310 RSOD RESIDENTIAL SECOND DWELLING UNITS OVERLAY DISTRICT.

(11) Construction of all second dwelling units shall comply with applicable building codes.

(12) All second dwelling units shall be designed and built consistent with the building type, architectural style, and color of the primary dwelling unit.

(d) Covenants and Restrictions. Prior to the issuance of any building, occupancy, or conditional use permit for a second dwelling unit, the lot owner shall record against the deed to the subject property, restrictive covenants that shall run with the land, in a form approved by the Village Attorney, in favor of and for the benefit of the Village, which shall indicate that the occupancy and/ or use of the second dwelling unit is subject to and regulated by the Code of Ordinances. A copy of the signed conditional use permit for a second dwelling unit shall be recorded, and attached thereto and incorporated by reference, with the covenants. The covenants shall prohibit any sale or form of ownership transfer separate from the primary dwelling on the same lot. Nothing in this section is intended to modify, amend or alter the legal effect of any conditions, covenants and restrictions, or other independent or private deed restrictions that may be applicable to a lot for which a second dwelling unit is permitted under this section.

*(Amended Ordinance No. 250-121217)*

SEC. 66.0310 RSOD RESIDENTIAL SECOND DWELLING UNITS OVERLAY DISTRICT.

1

**Sec. 66.0311 R-1 Single-Family Residence District**

The Single-Family Residence district (R-1) is intended to provide a pleasant, safe and quiet residential environment of moderate density (minimum 20,000 square foot lots), free from traffic hazards or public annoyances. The district is only allowed in areas where public sewer and water services are available.

(a) Permitted Uses:
- (1) Single-family dwellings.
- (2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes.
- (3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes.
- (4) Public parks.
- (5) Essential services, municipal buildings and facilities.

(b) Permitted Accessory Uses:
- (1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 96]
- (2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (3) Home occupations and professional home offices. [See section 66.0501(d) page 96]
- (4) Private swimming pools.
- (5) Private tennis courts.
- (6) Solar collectors attached to the principal structure.
- (7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.

(c) Conditional Uses:
- (1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.
- (2) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.
- (3) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin Statutes.
- (4) Private parks and playgrounds.
- (5) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.
- (6) Solar energy collectors erected as an accessory structure.
- (7) Utilities requiring a building.
- (8) Parking of a semi-tractor or other large trucks in accordance with Subsection 66.0405(b) [See page 92] of this chapter.
- (9) Antennas over 35 feet tall.
- (10) Churches.
- (11) Accessory structures and garages (Amended 111715).

(d) Lot Area and Width:

Lots shall be a minimum of 20,000 square feet in area and shall have a lot width of not less than 75 feet. Corner lots shall have a lot width of at least 110 feet.

(e) Building Height, Area and Standards:
- (1) No principal residential building or part of a principal residential building shall exceed 35 feet in height. No accessory building shall exceed the height specified in section 66.0501 [See page 96].
- (2) The total minimum floor area of a principal residential building shall be 900 square feet for a one-bedroom dwelling, 1,000 square feet for a two-bedroom dwelling and 1,200 square feet for a three or more bedroom dwelling.
- (3) All principal residential buildings, excluding attached garages, shall have a minimum width of 24 feet for the main body of the house.
- (4) The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.
- (5) All principal residential buildings shall be placed on, and be

attached to, a permanently enclosed foundation in accordance with the standards set forth in section 70.043(1) Wisconsin Statutes and chapter ILHR 21, Wis. Admin. Code.

(6) The total of the area of the building footprint of the principal residential building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 80 percent of the lot area and the balance shall be left as open space. (Amended Ordinance 159-120809)

(f) Setbacks:

(1) There shall be two side setbacks for all principal residential buildings totaling at least 25 feet, with one being at least ten feet; and where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line.

(2) There shall be a minimum side setback of at least 100 feet for all churches.

(3) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in section section 66.0501 [See page 96] of this chapter. *(Amended Ordinance 207-100912)*

(4) There shall be a minimum front setback of at least 70 feet from the centerline of the street right-of-way.

(5) There shall be a minimum front setback of at least 40 feet from the edge of the easement or the edge of pavement for all buildings not on a public street.

(6) There shall be a minimum rear yard setback of at least 40 feet from the rear property line.

(g) Other Architectural Standards: (Amended Ordinance 137-021208)

(1) The Plan Commission shall approve the style and exterior design of dwellings in subdivisions. The developer shall designate specific lots for certain building designs to insure that no two adjacent dwelling units/buildings shall look identical.

(2) Any wall visible from a public street that exceeds 50 feet in length shall have a minimum of 20% of the length of the wall projecting or recessing at a minimum depth of 3% of the length of the wall and a change in the materials, texture, or a permanent architectural feature shall be provided.

(3) A detached garage shall be architecturally compatible with the residential building it serves. It shall be designed and oriented to minimize the visual effect of the scale or mass of the garage. Visual interest shall be created on all sides of the garage that are visible from a public street through the use of landscaping, berming, architectural features, building materials, and/or orientation.

(4) In the R-2 and R-4 districts, attached garages for multifamily developments shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. Attached garages shall not occupy more than 30% of the front facade of the building. Not more than six garage doors may appear on any multifamily building facade containing front doors, and the plane along such garage doors shall be broken by an offset of at least two feet if more than two garage doors are in a row.

(5) In the R-1, R-3 and CS-1 districts attached garages for single family homes shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. (Amended Ordinance 1141-070808)

(6) Sidewalks not less than three (3) feet in width shall be provided to all building entrances connecting

the building to the required parking areas or driveways.

(7) If a sidewalk exists along the public street(s) abutting the lot, then sidewalk(s) shall be provided connecting the all buildings to the public street.

(8) Street trees shall be provided along all existing and new public right-of-ways at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is longer than 100 feet, trees shall also be planted along at least one side of such driveway at the rate specified. All tree species shall be approved by the Plan Commission.

(9) All dwelling units must be served by public streets and not private roads. In the R-2 and R-4 districts, all driveways and parking spaces must be paved. In the R-1, R-3 and CS-1 districts all driveways must be paved from the edge of abutting street pavement to the edge of the right of way or easement.

 SEC. 66.0311 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

1

**Sec. 66.0312 R-2 Multiple-Family Residence District**

The Multiple-Family Residence district (R-2) is intended to provide a housing area less spacious than the R-1 district by allowing multiple-family residences to be mixed with single-family residences and certain forms of institutional housing arrangements. The district is only allowed in areas where public sewer and water services are available.

(a) Permitted Uses:
- (1) Single-family dwellings.
- (2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes.
- (3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes.
- (4) Public parks.
- (5) Essential services, municipal buildings and facilities.
- (6) Residential condominiums, and multiple family dwelling units excluding commercial transient lodging
- (7) Indoor institutional.
- (8) Boarding houses.
- (9) Licensed family day care homes subject to the regulations set forth in section §48.65 of the Wisconsin Statutes.

(b) Permitted Accessory Uses:
- (1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 96]
- (2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (3) Home occupations and professional home offices. [See section 66.0501(d) page 96]
- (4) Private swimming pools.
- (5) Private tennis courts.
- (6) Solar collectors attached to the principal structure.
- (7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.

(c) Conditional Uses:
- (1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.
- (2) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.
- (3) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin Statutes.
- (4) Private parks and playgrounds.
- (5) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.
- (6) Solar energy collectors erected as an accessory structure.
- (7) Utilities requiring a building.
- (8) Parking of a semi-tractor or other large trucks in accordance with Subsection 66.0405(b) [See page 92] of this chapter.
- (9) Antennas over 35 feet tall.
- (10) Rest homes, nursing homes, clinics and children's nurseries if all principal structures are at least 50 feet away from any side or rear lot line.
- (11) Golf courses.
- (12) Churches.

(d) Lot Area and Width:

Lots shall be a minimum of 20,000 square feet in area and shall have a lot width of at least 75 feet. Corner lots shall have a lot width of at least 110 feet.

(e) Building Height, Area and Standards:
- (1) No principal residential building or part of a principal residential building shall exceed 35 feet in height. No accessory building shall exceed the height specified in section 66.0501 [See page 96].
- (2) The total minimum floor area of a principal residential building shall be 900 square feet for a one-bedroom dwelling, 1,000 square feet for a two-bedroom dwelling and 1,200 square feet for a three or more bedroom dwelling.

(3) All principal residential buildings, excluding attached garages, shall have a minimum width of 24 feet for the main body of the building. (Amended Ordinance 203-091112)

(4) The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.

(5) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in section 70.043(1) Wisconsin Statutes and chapter ILHR 21, Wis. Admin. Code.

(6) The total of the floor area on all floors of the principal residential building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 40 percent of the lot area and the balance shall be left as open space. (Amended Ordinance 203-091112)

(f) Setbacks:

(1) There shall be two side setbacks for all principal residential buildings totaling at least 25 feet, with one being at least ten feet; and where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line.

(2) There shall be a minimum side setback of at least 100 feet for all churches.

(3) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in section 66.0501 [See page 96] of this chapter. *(Amended Ordinance 207-100912)*

(4) There shall be a minimum front setback of at least 60 feet from the centerline of the street right-of-way.

(5) There shall be a minimum front setback of at least 40 feet from the edge of the easement or the edge of pavement for all buildings not on a public street.

(6) There shall be a minimum rear yard setback of at least 30 feet from the rear property line.

(7) See Section 66.0307(d) for setbacks for multi-building R-2 housing projects. [See page 96] (Amended Ordinance 203-091112)

(g) Unit Densities:

The maximum dwelling unit density shall be six units per acre. The Plan Commission may modify the density standard by a ¾-majority vote of the Commissioners, but only if supplemental design elements or improvements are incorporated into the project, which compensate for the increased density. (Amended Ordinance 203-091112)

(h) Other Architectural Standards: (Amended Ordinance 137-021208)

(1) The Plan Commission shall approve the style and exterior design of all buildings in R-2 projects. The developer shall designate specific lots for certain building designs to insure that no two adjacent dwelling units/buildings shall look identical. (Amended Ordinance 203-091112)

(2) Any wall visible from a public street that exceeds 50 feet in length shall have a minimum of 20% of the length of the wall projecting or recessing at a minimum depth of 3% of the length of the wall and a change in the materials, texture, or a permanent architectural feature shall be provided.

(3) A detached garage shall be architecturally compatible with the residential building it serves. It shall be designed and oriented to minimize the visual effect of the scale or mass of the garage. Visual interest shall be created on all sides of the garage that are visible from a public street through the

use of landscaping, berming, architectural features, building materials, and/or orientation.

(4) In the R-2 district, attached garages for multifamily developments shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. Attached garages shall not occupy more than 30% of the front facade of the building. Not more than six garage doors may appear on any multifamily building facade containing front doors, and the plane along such garage doors shall be broken by an offset of at least two feet if more than two garage doors are in a row. (Amended Ordinance 203-091112)

(5) Sidewalks not less than three (3) feet in width shall be provided to all building entrances connecting the building to the required parking areas or driveways.

(6) If a sidewalk exists along the public street(s) abutting the lot, then sidewalk(s) shall be provided connecting the all buildings to the public street.

(7) Street trees shall be provided along all existing and new public right-of-ways at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is longer than 100 feet, trees shall also be planted along at least one side of such driveway at the rate specified. All tree species shall be approved by the Plan Commission.

(8) All dwelling units must be served by public streets and not private roads. In the R-2 district, all driveways and parking spaces must be paved. (Amended Ordinance 203-091112)

 SEC. 66.0312 R-2 MULTIPLE-FAMILY RESIDENCE DISTRICT

1

**Sec. 66.0313 R-3 Large Lot Residence District**

The large lot residence district (R-3) is intended to accommodate the development of residential uses in a manner, which protects the natural environment and reflects the open, country character of development found at the fringe of the community. This district is intended to be used in areas of the Village not served by public sewer and water and where future higher density residential and business development is not planned.

(a) Permitted Uses:

(1) Single-family dwellings.

(2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes.

(3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes.

(4) Public parks.

(5) Essential services, municipal buildings and facilities.

(b) Permitted Accessory Uses:

(1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 96]

(2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.

(3) Home occupations and professional home offices. [See section 66.0501(d) page 96]

(4) Private swimming pools.

(5) Private tennis courts.

(6) Solar collectors attached to the principal structure.

(7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.

(c) Conditional Uses:

*(Amended Ord. No. 251-121217)*
*(Amended Ord. No. 259-041718)*
*(Amended Ord. No. 265-061819)*

(1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.

(2) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.

(3) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin Statutes.

(4) Private parks and playgrounds.

(5) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.

(6) Solar energy collectors erected as an accessory structure.

(7) Utilities requiring a building.

(8) Parking of a semi-tractor or other large trucks in accordance with Subsection 66.0405(b) [See page 92] of this chapter.

(9) Antennas over 35 feet tall.

(10) Golf Courses.

(11) Keeping and raising of non-domestic animals incidental to the principal use of the premises may be permitted, on a non-commercial basis, subject to the following limitations: (Amended Ordinance 170-071310)

(12) No endangered species, exotic species or wild animals shall be permitted.

(13) No hoofed animals or roosters are permitted.

(14) No more than six poultry/fowl per five acres.

(15) No more than six fur bearing animals per five acres.

(16) The progeny of permitted non-domestic animals, which exceed the permitted number, may remain on the property for up to nine months.

(17) All non-domestic animals shall be housed or confined a minimum of at least 100 feet from all property lines.

(18) All structures, fences, coops or yards where non-domestic animals are kept shall be maintained in a clean and sanitary manner; devoid of rodents and vermin and free of objectionable odors.

(19) The Plan Commission may establish further restrictions on animals that create excessive noise.

(d) Lot Area and Width:

(1) Lots shall be a minimum of five acres in area and shall have a lot width of at least 300 feet. Corner lots shall have a lot width of at least 90 feet.

(2) Building Height, Area and Standards:

(3) No principal residential building or part of a principal residential building shall exceed 35 feet in height. No accessory building shall exceed 14 feet in height or the height of the principal building as specified in section 66.0501 [See page 96].

(4) The total minimum floor area of a principal residential building shall be 900 square feet for a one-bedroom dwelling, 1,000 square feet for a two-bedroom dwelling and 1,200 square feet for a three or more bedroom dwelling.

(5) All principal residential buildings, excluding attached garages, shall have a minimum width of 24 feet for the main body of the house.

(6) The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.

(7) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in section 70.043(1) Wisconsin Statutes and chapter ILHR 21, Wis. Admin. Code.

(8) The total of the floor area on all floors of the principal residential building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 20 percent of the lot area and the balance shall be left as open space. (Amended Ordinance 159-120809)

(e) Setbacks:

(1) There shall be two side setbacks for all principal residential buildings totaling at least 25 feet, with one being at least ten feet; and where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line.

(2) There shall be a minimum side setback of at least 100 feet for all churches.

(3) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in section 66.0501 [See page 96] of this chapter. *(Amended Ordinance 207-100912)*

(4) There shall be a minimum front setback of at least 80 feet from the centerline of the street right-of-way.

(5) There shall be a minimum front setback of at least 60 feet from the edge of the easement or the edge of pavement for all buildings not on a public street.

(6) There shall be a minimum rear yard setback of at least 50 feet from the rear property line.

(f) Other Architectural Standards: (Amended Ordinance 137-021208)

(1) The Plan Commission shall approve the style and exterior design of dwellings in subdivisions. The developer shall designate specific lots for certain building designs to insure that no two adjacent dwelling units/buildings shall look identical.

(2) Any wall visible from a public street that exceeds 50 feet in length shall have a minimum of 20% of the length of the wall projecting or recessing at a minimum depth of 3% of the length of the wall and a change in the materials, texture, or a

permanent architectural feature shall be provided.

(3) A detached garage shall be architecturally compatible with the residential building it serves. It shall be designed and oriented to minimize the visual effect of the scale or mass of the garage. Visual interest shall be created on all sides of the garage that are visible from a public street through the use of landscaping, berming, architectural features, building materials, and/or orientation.

(4) In the R-2 and R-4 districts, attached garages for multifamily developments shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. Attached garages shall not occupy more than 30% of the front facade of the building. Not more than six garage doors may appear on any multifamily building facade containing front doors, and the plane along such garage doors shall be broken by an offset of at least two feet if more than two garage doors are in a row.

(5) In the R-1, R-3 and CS-1 districts attached garages for single family homes shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. (Amended Ordinance 1141-070808)

(6) Sidewalks not less than three (3) feet in width shall be provided to all building entrances connecting the building to the required parking areas or driveways.

(7) If a sidewalk exists along the public street(s) abutting the lot, then sidewalk(s) shall be provided connecting the all buildings to the public street.

(8) Street trees shall be provided along all existing and new public right-of-ways at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is longer than 100 feet, trees shall also be planted along at least one side of such driveway at the rate specified. All tree species shall be approved by the Plan Commission.

(9) All dwelling units must be served by public streets and not private roads. In the R-2 and R-4 districts, all driveways and parking spaces must be paved. In the R-1, R-3 and CS-1 districts all driveways must be paved from the edge of abutting street pavement to the edge of the right of way or easement.

 SEC. 66.0313 R-3 LARGE LOT RESIDENCE DISTRICT

1

**Sec. 66.0314 R-4 Small Lot Residence District**

The small lot residence district (R-4) is intended to provide a pleasant, safe and quiet residential environment for workforce housing. This district is only allowed as a PUD where it is demonstrated that the development will provide housing for individuals working full time within the area served by the Gibraltar School District who meet the standards as established for Door County. The district is only allowed in areas where public sewer and water services are available. (Amended Ordinance 137-021208)

(a) Permitted Uses:

(1) Single-family dwellings.

(2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes.

(3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes.

(4) Public parks.

(5) Essential services, municipal buildings and facilities.

(6) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin statutes.

(7) The R-4 Zoning District shall consist of single family, duplex, townhouse and apartment dwelling units or any combination thereof at a percentage mix as permitted by Plan Commission. Transient housing is not permitted. (Amended Ordinance 137-021208)

(b) Permitted Accessory Uses:

(1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 96]

(2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.

(3) Home occupations and professional home offices. [See section 66.0501(d) page 96]

(4) Private swimming pools.

(5) Private tennis courts.

(6) Solar collectors attached to the principal structure.

(7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.

(c) Conditional Uses:

(1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.

(2) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.

(3) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin Statutes.

(4) Private parks and playgrounds.

(5) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.

(6) Solar energy collectors erected as an accessory structure.

(7) Utilities requiring a building.

(8) Parking of a semi-tractor or other large trucks in accordance with Subsection 66.0405(b) [See page 92] of this chapter.

(9) Antennas over 35 feet tall.

(d) Lot Area and Width:

(1) Lots shall be a minimum of 4,500 square feet in area and shall have a lot width of at least 45 feet. Corner lots shall have a lot width of at least 55 feet.

(e) Building Height, Area and Standards:

(1) No principal residential building or part of a principal residential building shall exceed 35 feet in height. No accessory building shall exceed the height specified in section 66.0501 [See page 96].

(2) The total minimum floor area of a principal residential building shall be 900 square feet for a one-bedroom dwelling, 1,000 square feet for a two-bedroom dwelling and 1,200 square feet for a three or more bedroom dwelling.

(3) All principal residential buildings, excluding attached garages, shall

have a minimum width of 24 feet for the main body of the house.

(4) The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.

(5) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in section 70.043(1) Wisconsin Statutes and chapter ILHR 21, Wis. Admin. Code.

(6) The total of the floor area on all floors of the principal residential building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 50 percent of the lot area and the balance shall be left as open space. (Amended Ordinance 159-120809)

(7) The total minimum floor area of a principal residential building shall be 850 square feet for a one-bedroom dwelling, 900 square feet for a two-bedroom dwelling and 1,100 square feet for a three or more bedroom dwelling. (Amended Ordinance 137-021208)

(f) Setbacks:

(1) There shall be two side setbacks for all principal residential buildings totaling at least 20 feet, with one being at least five feet; and where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line.

(2) There shall be a minimum front setback of at least 25 feet from the centerline of the street right-of-way.

(3) There shall be a minimum front setback of at least 40 feet from the edge of the easement or the edge of pavement for all buildings not on a public street.

(4) There shall be a minimum rear yard setback of at least 25 feet from the rear property line.

(5) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in section 66.0501 [See page 96] of this chapter. *(Amended Ordinance 207-100912)*

(g) Other Architectural Standards: (Amended Ordinance 137-021208)

(1) The Plan Commission shall approve the style and exterior design of dwellings in subdivisions. The developer shall designate specific lots for certain building designs to insure that no two adjacent dwelling units/buildings shall look identical.

(2) Any wall visible from a public street that exceeds 50 feet in length shall have a minimum of 20% of the length of the wall projecting or recessing at a minimum depth of 3% of the length of the wall and a change in the materials, texture, or a permanent architectural feature shall be provided.

(3) A detached garage shall be architecturally compatible with the residential building it serves. It shall be designed and oriented to minimize the visual effect of the scale or mass of the garage. Visual interest shall be created on all sides of the garage that are visible from a public street through the use of landscaping, berming, architectural features, building materials, and/or orientation.

(4) In the R-2 and R-4 districts, attached garages for multifamily developments shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. Attached garages shall not occupy more than 30% of the front facade of the building. Not more than six garage doors may

appear on any multifamily building facade containing front doors, and the plane along such garage doors shall be broken by an offset of at least two feet if more than two garage doors are in a row.

(5) In the R-1, R-3 and CS-1 districts attached garages for single family homes shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. (Amended Ordinance 1141-070808)

(6) Sidewalks not less than three (3) feet in width shall be provided to all building entrances connecting the building to the required parking areas or driveways.

(7) If a sidewalk exists along the public street(s) abutting the lot, then sidewalk(s) shall be provided connecting the all buildings to the public street.

(8) Street trees shall be provided along all existing and new public right-of-ways at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is longer than 100 feet, trees shall also be planted along at least one side of such driveway at the rate specified. All tree species shall be approved by the Plan Commission.

(9) All dwelling units must be served by public streets and not private roads. In the R-2 and R-4 districts, all driveways and parking spaces must be paved. In the R-1, R-3 and CS-1 districts all driveways must be paved from the edge of abutting street pavement to the edge of the right of way or easement.

 SEC. 66.0314 R-4 SMALL LOT RESIDENCE DISTRICT

1

**Sec. 66.0315 CS-1 Countryside District**

The Countryside district provides for the continuation of low-density residential housing and general, non-intensive, agricultural and related use in those areas suited to farming. The intent is to conserve areas with adequate soil types, drainage and topography for low-density residential use and to preserve the rural landscape from an uneconomical scattering of residential development in such areas.

(a) Permitted Uses:

(1) Single-family dwellings.

(2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes.

(3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes.

(4) Public parks.

(5) Essential services, municipal buildings and facilities.

(6) General farming including but not limited to apiculture, floriculture, forage crop production, forestry, grain production, grazing, orchards, vineyards and truck farming.

(7) Horse stables.

(8) Tree farms and woodlots.

(9) Existing dwellings not accessory to any farm operation or a dwelling remaining after farm consolidation.

(10) Indoor institutional uses.

(11) Churches.

(12) Keeping and raising of domestic stock for agribusiness, show, breeding, boarding, or other purposes incidental to the principal use of the premises shall be limited to no more than three non-domestic animals per acre.

(b) Permitted Accessory Uses:

(1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 96]

(2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.

(3) Home occupations and professional home offices. [See section 66.0501(d) page 96]

(4) Private swimming pools.

(5) Private tennis courts.

(6) Solar collectors attached to the principal structure.

(7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.

(8) One roadside stand, no larger than 200 square feet in area, for the sale of farm products produced on the premises. Any such stand shall conform to the farm stand setbacks set forth in section 66.0315(g)(1) of this chapter and to the sign, parking and other provisions of this chapter.

(c) Conditional Uses:

(1) Assembly Halls
*(Amended Ord. No. 251-121217)*

(2) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.

(3) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.

(4) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin Statutes.

(5) Private parks and playgrounds.

(6) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.

(7) Solar energy collectors erected as an accessory structure.

(8) Utilities requiring a building.

(9) Parking of a semi-tractor or other large trucks in accordance with Subsection 66.0405(b) [See page 92] of this chapter.

(10) Antennas over 35 feet tall.

(11) Private educational or non-animal nature study areas.

(12) Garden plots for rent.

(13) Permanent retail establishments selling fruits, vegetables and selected farm products in stands exceeding 200 square feet in area.

(14) Transmitting towers, receiving towers, and relay and microwave towers without broadcast facilities or studios.

(15) Cemeteries.

(16) Farm implement repair.

(17) Golf courses.

(18) Indoor and outdoor recreation.

(19) Kennels.

(20) Utilities requiring a building.

(21) One roadside stand, no larger than 200 square feet in area, for the sale of farm products. Any such stand shall conform to the farm stand setbacks set forth in section 66.0315(g)(1) of this chapter and to the sign, parking and other provisions of this chapter.

(22) Hotels/motels (Not to exceed eight separate rooms or units for rent) *(Amended Ordinance 188-071211)*

(d) Lot Area and Width:

(1) Lots shall have a minimum area of ten acres and shall have a lot width of at least 300 feet wide.

(e) Building Height, Area and Standards:

(1) No principal residential building or part of a principal residential building shall exceed 35 feet in height. No accessory building shall exceed the height as specified in section 66.0501 [See page 96].

(2) The total minimum floor area of a principal residential building shall be 900 square feet for a one-bedroom dwelling, 1,000 square feet for a two-bedroom dwelling and 1,200 square feet for a three or more bedroom dwelling.

(3) All principal residential buildings, excluding attached garages, shall have a minimum width of 24 feet for the main body of the house.

(4) The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.

(5) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in section 70.043(1) Wisconsin Statutes and chapter ILHR 21, Wis. Admin. Code.

(6) The total of the floor area on all floors of the principal residential building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 10 percent of the lot area and the balance shall be left as open space. (Amended Ordinance 159-120809)

(f) Setbacks:

(1) There shall be two side setbacks for all principal residential buildings totaling at least 25 feet, with one being at least ten feet; and where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line.

(2) There shall be a minimum side setback of at least 100 feet for all churches.

(3) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in section 66.0501 [See page 96] of this chapter. *(Amended Ordinance 207-100912)*

(4) There shall be a minimum front setback of at least 50 feet from the street right-of-way for farm dwellings and at least 80 feet from the street right-of-way for all other buildings.

(5) There shall be a minimum front setback of at least 60 feet from the edge of the easement or the edge of pavement for all buildings not on a public street.

(6) There shall be a minimum rear yard setback of at least 50 feet from the rear property line.

(g) Special Requirements.

(1) Farm stands shall be setback at least ten feet from all property lines.

(2) Buildings that house farm animals including horses shall be setback at least 100 feet from the nearest residence and from any navigable water.

(3) Indoor institutional use buildings shall be setback a minimum of at least 50 feet from residentially zoned property.

(4) All kennels shall be screened from all sides and shall be a minimum of at least 200 feet from the side and year yard. All animals shall be kept indoors from 9:00 p.m. to 7:00 a.m.

(5) The minimum lot size for a horse stable shall be five acres.

(h) Other Architectural Standards: (Amended Ordinance 137-021208)

(1) The Plan Commission shall approve the style and exterior design of dwellings in subdivisions. The developer shall designate specific lots for certain building designs to insure that no two adjacent dwelling units/buildings shall look identical.

(2) Any wall visible from a public street that exceeds 50 feet in length shall have a minimum of 20% of the length of the wall projecting or recessing at a minimum depth of 3% of the length of the wall and a change in the materials, texture, or a permanent architectural feature shall be provided.

(3) A detached garage shall be architecturally compatible with the residential building it serves. It shall be designed and oriented to minimize the visual effect of the scale or mass of the garage. Visual interest shall be created on all sides of the garage that are visible from a public street through the use of landscaping, berming, architectural features, building materials, and/or orientation.

(4) In the R-2 and R-4 districts, attached garages for multifamily developments shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. Attached garages shall not occupy more than 30% of the front facade of the building. Not more than six garage doors may appear on any multifamily building facade containing front doors, and the plane along such garage doors shall be broken by an offset of at least two feet if more than two garage doors are in a row.

(5) In the R-1, R-3 and CS-1 districts attached garages for single family homes shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. (Amended Ordinance 1141-070808)

(6) Sidewalks not less than three (3) feet in width shall be provided to all building entrances connecting the building to the required parking areas or driveways.

(7) If a sidewalk exists along the public street(s) abutting the lot, then sidewalk(s) shall be provided connecting the all buildings to the public street.

(8) Street trees shall be provided along all existing and new public right-of-ways at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is longer than 100 feet, trees shall also be planted along at least one side of such driveway at the rate specified. All tree species shall be approved by the Plan Commission.

(9) All dwelling units must be served by public streets and not private roads. In the R-2 and R-4 districts, all driveways and parking spaces must be paved. In the R-1, R-3 and CS-1 districts, all driveways must be paved from the edge of abutting street pavement to the edge of the right of way or easement.

1

**Business Districts**

**Sec. 66.0320 B-1 General Business District**

The General Business district (B-1) is intended to provide areas for attractive and accessible groupings of business, commercial, office and other general retail uses in convenient locations outside of the Downtown Business district (B-3). This section provides standards for the orderly improvement and development within the general business district based on the following principles:

- Development that is consistent with the natural environment.
- Development that maintains the Village's traditional small town appearance, in which its housing, shops, work places, parks and civic facilities co-exist in relative harmony.
- Development that balances the needs of a resort town and a residential village.
- Designs that meet the architectural standards and enhance the Village's historic architecture.

(a) Permitted Uses: *(Amended Ordinance 188-071211)*
*(Amended Ordinance No. 258-041718)*

(1) Antique and collectors stores
(2) Art galleries or studios for photography, painting, music, sculpture, dance, pottery and jewelry
(3) Auto sales and service
(4) Art supply stores
(5) Banks/financial institutions
(6) Barber shops, beauty salons and spas
(7) Bed and breakfasts
(8) Boat sales and service
(9) Book or stationery stores
(10) Camera and photographic supply stores
(11) Catering services
(12) Churches
(13) Cinema, theater or performance hall
(14) Clothing stores
(15) Commercial laundries
(16) Convenience store
(17) Craft stores
(18) Dance studio
(19) Florists
(20) Food stores
(21) Funeral homes
(22) Gasoline service stations
(23) Gift shops
(24) Group day care centers
(25) Hardware stores
(26) Hobby and craft shops
(27) Condominium Hotels/Motels and/or Hotel/Motel Condominiums
(28) Hotel/motel
(29) Indoor institutional
(30) Infrastructure essential services
(31) Information centers
(32) Insurance sales offices
(33) Interior decorators and furniture stores
(34) Jewelry stores
(35) Lawn and garden centers
(36) Licensed massage therapy and body work as certified by the State
(37) Light industrial food preparation, manufacturing, processing and assembly, packaging, storage and distribution. *(Amended Ordinance No. 263-021919)*
(38) Liquor stores
(39) Lumberyards
(40) Marinas
(41) Medical and dental clinics
(42) Municipal buildings
(43) Municipal utility facilities
(44) Music stores
(45) Newspaper and magazine stores
(46) Office supplies and business machine stores
(47) Optical stores
(48) Paint, glass and wallpaper stores
(49) Parks
(50) Pet stores and pet grooming
(51) Pharmacy or drug store
(52) Photography studios
(53) Physical fitness centers
(54) Plumbing and heating supplies
(55) Printing services
(56) Professional offices
(57) Public parking lots
(58) Real estate offices
(59) Radio and television studios
(60) Restaurant
(61) Retail electronic equipment sales
(62) Self-service laundry and dry-cleaning
(63) Shoe and leather goods stores
(64) Single family housing as of January 1, 2007
(65) Sporting goods stores

(66) Taverns or cocktail lounges
(67) Tobacco stores
(68) Trade and contractor shops
(69) Travel agencies
(70) Variety stores
(71) Video productions
(72) Video tape sales and rental

(b) Permitted Accessory Uses: *(Amended Ordinance 188-071211)*

(1) Accessory uses and structures. See section 66.0501 [See page 96]
(2) Outdoor Displays. See section 66.0506 [See page 107]
(3) Solar collectors attached to the principal structure.
(4) Accessory Residential Use. One single-family dwelling and a non-transient residential unit, located on the same property as the business provided that there shall be a minimum floor area as provided below. The on-site parking required for the accessory residential units must be available on site. (Amended Ordinance 128-061207)

| *Bedrooms* | *Minimum area* |
|---|---|
| Efficiency | 700 |
| 1 | 750 |
| 2 or more | 850 |

(c) Conditional Uses: *(Amended Ordinance 188-071211)*

(1) Apartments (Subject to 66.0320(g)(2))
(2) Assembly Halls *(Amended Ord. No. 251-121217)*
(3) Commercial recreation facilities (indoor and outdoor), such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, health clubs, miniature golf facilities, pool and billiard halls and indoor skating rinks.
(4) Congregate housing (Subject to 66.0320(g)(2))
(5) Flea markets
(6) Solar energy as accessory structure
(7) Motor home and recreational vehicle sales and service
(8) Non-village utility facilities
(9) Light assembly, light manufacturing and related activities
(10) Residential condominiums (Subject to 66.0320(g)(2))
(11) Seasonal employee housing (Subject to 66.0320(g)(2))
(12) Storage and related (Subject to 66.0320(g)(1))

(d) Lot Area and Width:

(1) Lots not served by public sewer shall be a minimum of 25,000 square feet in area and shall have a lot width of at least 100 feet. Corner lots shall have a lot width of at least 110 feet.
(2) Lots shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.
(3) Lots served by public sewer shall be a minimum of 20,000 square feet in area and shall have a lot width of at least 60 feet. Corner lots shall have a lot width of at least 110 feet.

(e) Building Height and Area:

(1) No principal building shall exceed 35 feet in height. No accessory building shall exceed 35 feet in height.
(2) The total of the floor area on all floors of the principal building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 80 percent of the lot area and the balance shall be left as open space. (Amended Ordinance 159-120809)

(f) Setbacks:

(1) There shall be a minimum building front setback of a least 45 feet from the centerline of the right-of-way of all streets.
(2) There shall be a minimum front setback of at least 40 feet from the edge of the easement or edge of pavement for all buildings not on a public street.
(3) There shall be a side setback on each side of all principal buildings of not less than ten feet. However, this may be increased upon the recommendation of the Village Engineer in order to accommodate

the required grading between properties.

(4) There shall be a rear setback of at least 20 feet.

(5) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in section 66.0501 [See page 96] of this chapter. *(Amended Ordinance 207-100912)*

(g) Special Standards.

This section supplements the standards contained in section 66.0320(d) through 66.0320(f). It provides standards for the following land uses in order to control the scale and compatibility of those uses within the B-1 district:

(1) The Plan Commission shall apply at a minimum the following standards when considering a conditional use permit for storage buildings. The minimum space for a storage unit would be 1500 square feet and the buildings containing the units will be constructed of non-metal materials other than doors and windows. A storage building shall not contain more than four storage units. Real or false windows will be installed on the exterior facing walls to reduce the long blank wall appearance. The buildings shall be set back a minimum of 250 feet from the centerline of State Highways 42 or 57 and screened from the highway by other buildings. The storage spaces may be for actual storage or to allow the owner or occupant to work within the storage building for the purposes of maintaining their belongings such as autos, boats and other belongings. The buildings shall have fire sprinklers upon occupancy. No overnight storage or parking of material, vehicle, etc. outside is permitted and none of the overhead doors shall be visible from an adjacent residential property. (Amended Ordinance 130-071007)

(2) New apartment, congregate housing, seasonal employee housing and residential condominium buildings shall comply with the building height and area standards as well as the unit density requirements in the R-2 district Section 66.0312 as well as the other requirements as exist including the requirement that the property is served by public sewer and water. The conversion of existing commercial buildings into apartments, congregate housing, seasonal employee or residential housing shall comply with the residential parking requirements. As part of the conversion of an existing commercial building to one of the listed uses above, if there is any building addition at that time or in the future, the building addition is subject to the building height and area standards as well as the unit density requirements in the R-2 district Section 66.0312 as well as the other requirements as exist. (Amended Ordinance 165-120809)

1

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

**Sec. 66.0322 B-2 Downtown Business Transition District**

The Downtown Business Transition district (B-2) is intended to complement the Village's downtown business district by providing a transition zone adjacent to the B-3 Downtown Business district. While the dominate uses in the B-2 district are residential, the area is in the process of changing to a mixture of business and residential uses. This transition area is typified by small lots, and buildings with minimal setbacks. The intent of the B-2 Downtown Transition district is to permit conversion of existing residential buildings to business uses and to permit the construction of new commercial buildings and to have North Bay Shore Drive remain the primary downtown shopping street. This section provides standards for the orderly improvement and development of the downtown district transition based on the following principles:

- Development that is consistent with the natural environment.
- Development that maintains the Village's traditional small town appearance, in which its housing, shops, work places, parks and civic facilities co-exist in relative harmony.
- Development that balances the needs of a resort town and a residential village.
- Efficient use of land and urban services.
- A mixture of land uses to encourage walking as an alternative to driving, provide more employment and housing options.
- Development, which serves as a buffer between residential neighborhoods and the downtown business district.
- Designs that meet the architectural standards and enhance the Village's historic architecture.

(a) Permitted Uses: *(Amended Ordinance 217-081313)*
*(Amended Ordinance No. 258-041718)*

(1) Antique and collectors stores
(2) Art galleries or studios for photography, painting, music, sculpture, dance, pottery and jewelry
(3) Art supply stores
(4) Barber shops, beauty salons and spas
(5) Bed and breakfasts
(6) Book or stationery stores
(7) Camera and photographic supply stores
(8) Cinema, theater or performance hall
(9) Clothing stores
(10) Convenience store
(11) Craft stores
(12) Dance studio
(13) Florists
(14) Food stores
(15) Gift shops
(16) Hobby and craft shops
(17) Condominium Hotels/Motels and/or Hotel/Motel Condominiums
(18) Hotel/motel
(19) Infrastructure essential services
(20) Information centers
(21) Jewelry stores
(22) Licensed massage therapy and body work as certified by the State
(23) Marinas
(24) Municipal utility facilities
(25) Music stores
(26) Newspaper and magazine stores
(27) Parks
(28) Photography studios
(29) Physical fitness centers
(30) Public parking lots
(31) Real estate offices
(32) Restaurant
(33) Retail electronic equipment sales
(34) Self-service laundry and dry-cleaning
(35) Shoe and leather goods stores
(36) Single family housing as of September 1, 2010
(37) Sporting goods stores
(38) Taverns or cocktail lounges
(39) Tobacco stores
(40) Travel agencies
(41) Variety stores
(42) Video tape sales and rental

(b) Conditional Uses: *(Amended Ordinance 217-081313)*

(1) Commercial recreation facilities (indoor and outdoor), such as arcades, bowling alleys, clubs, dance halls, driving ranges,

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

gymnasiums, health clubs, miniature golf facilities, pool and billiard halls and indoor skating rinks.

(2) Liquor stores

(3) Solar energy as accessory structure

(4) Non-village utility facilities

(c) Permitted Accessory Uses: *(Amended Ordinance 217-081313)*

(1) Accessory structures. See section 66.0501 [See page 96]

(2) Outdoor displays. See section 66.0506 [See page 107]

(3) Professional offices

(4) Accessory residential use. Residential units and commercial transient lodging located on a ground or non-ground level on the same property shall be allowed with the minimum floor area as provided below. The on-site parking required for the accessory residential units must be available on site and cannot be located elsewhere through the payment of a fee as allowed under section 66.0322(h)(4) and (5).

| *Bedrooms* | *Minimum area* |
|---|---|
| Efficiency | 700 |
| 1 | 750 |
| 2 or more | 850 |

(d) Building Setbacks:

The homes in the transition district are typically located on smaller irregularly shaped lots with minimal setbacks. In the transition district, homes and business buildings will operate in close proximity to one another. The setback standards are minimal to reflect the difficulty of dealing with small lots and narrow road right-of-way. Building setbacks are measured from the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed below, apply to primary structures as well as accessory structures.

(1) Front Yard Setbacks. The minimum front yard setback is at least 35 feet from the centerline of the street right-of-way or 15 feet from the property line whichever is greater, except where a parcel adjoins the side lot line of another parcel fronting on the same street with a lesser setback, in which case the minimum front yard setback shall be the average of the setback of the new building and the setback of the adjoining parcel with the least setback.

(2) Rear Yard Setbacks.

a. Minimum Setback. The minimum rear yard setback for all structures shall be at least 15 feet for street access lots, and at least eight feet for alley access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.

b. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in 66.0322(d)(1) shall apply.

(3) Side Yard Setbacks. The minimum side yard setback shall be at least ten feet. The Plan Commission may grant a waiver where the adjoining property owners enter into a written recordable agreement a agreeing to a lesser setback distance. (Amended Ordinance 161-120809)

(4) Lot Coverage. There shall be a minimum of 20 percent open space and the balance shall not include the required parking, driveways and sidewalks on the lot as required by section 66.1050(a)(23). (Amended Ordinance 159-120809).

(5) Lot Area and Width

a. Lot Area. Lots shall be a minimum of 4,500 square feet in area.

b. Lot Width. Lots shall have a lot width of at least 45 feet. Corner lots shall have a lot width of at least 55 feet.

(6) Building Standards

a. There shall be no minimum floor area for buildings used solely for business purposes.

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

b. The minimum floor area for a mixed-use residential and business building shall be at least 2,000 square feet.

c. The minimum floor area for residential buildings shall be the same as section 66.0314. [See page 25]

d. All principal residential dwellings, excluding attached garages, shall have a minimum width of at least 24 feet for the main body of the house.

e. The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood; wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry type veneer materials or other similar materials.

f. All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in section 70.043(1), Wisconsin Statutes and chapter ILHR 21, Wis. Admin. Code.

(7) If the size of the project includes parcels aggregating 20,000 square feet or more, the Plan Commission may impose the following standard:

a. Front Yard Setbacks. The minimum front yard setback is 40 feet from the centerline of the street right-of-way or 20 feet from the edge of pavement whichever is more, except where a parcel adjoins the side lot line of another parcel fronting on the same street with a lesser setback, in which case the minimum front yard setback shall be the average of the setback of the new building and the setback of the adjoining parcel with the least setback. The setback for a reconstructed non-conforming structure shall be no closer than eight feet from the right-of-way to provide for the installation of a five-foot public sidewalk. (Amended Ordinance 120-061306)

(e) <u>Block Layout and Building Orientation:</u> This section is intended to promote the walkable mixed-use residential and commercial district by forming short blocks and orienting (placing or locating) buildings closer to streets. Placing buildings close to the street also slows traffic down and provides more "eyes on the street," increasing the safety of public spaces. The standards, as listed on the following page compliment the front yard setback standards in section 66.0322(d).

(1) Applicability. This section applies to new land divisions and all of the following types of development (i.e., subject to Site Design Review) and compliance with all of the provisions of subsections (a) and (b), below, shall be required:

a. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

b. Business and mixed-use buildings subject to site design review.

(2) Block Layout Standard. New land divisions and developments, which are subject to Site Design Review, shall be configured to provide an alley or interior parking court, as shown above. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 400 feet, and a depth not exceeding 400 feet. Pedestrian pathways shall be provided from

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct and convenient access to building entrances and off-street parking.

(3) Building Orientation Standard. All of the developments listed in section 66.0322(e)(1) shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

a. The minimum and maximum setback standards in section 66.0322(d) are met;

b. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding ten feet in length is provided between the building entrance and the street right-of-way.

c. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street, which is used to comply with subsection 66.0322(e)(2), above. On corner lots, buildings and their entrances shall be oriented to the street corner; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

(f) Building Height:

(1) All buildings in the district shall comply with the following building height standards. The standards are intended to allow for development of buildings in accord with Section 66.1051. (Amended Ordinance 160-120809)

(2) Buildings shall be no more than 35 feet in height.

(3) If a parcel is larger than one acre and the proposed development is for a hotel/motel or hotel/condominium then the developer shall be able to increase the building height to 45 feet as follows: *(Amended Ordinance 217-081313)*

a. The floor area of the fourth story shall not exceed the floor area of the first floor retail or general restaurants, fast food restaurants, drive-in restaurants and take-out restaurants uses. The floor area used by the hotel/motel or hotel/condominium on the first floor shall not count as a retail type use. *(Amended Ordinance 217-081313)*

b. The fourth story shall be stepped back from the third story as approved by the Commission.

(g) Pedestrian Amenities.

(1) Purpose and Applicability. This section is intended to complement the building orientation standards in section 66.0322(e), and the street standards, by providing comfortable and inviting pedestrian spaces within the transition district. Pedestrian amenities contribute to a walkable district. This section applies to all of the following types of buildings:

a. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g.,

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

buildings used solely to house mechanical equipment, and similar uses); and

b. Business and mixed-use buildings subject to site design review.

c. One and two family dwellings.

(2) Guidelines and Standards. Every development shall provide and maintain a public sidewalk with a minimum width of six feet across the front of the parcel and side yard abutting a public street. *(Amended Ordinance 217-081313)*

(h) Special Standards Uses:

This section supplements the standards contained in section 66.0322(d) through 66.0322(g). It provides standards for the following land uses in order to control the scale and compatibility of those uses within the transition district:

(1) Mixed-use Development Allowed. Residential uses shall be permitted as an accessory use when part of a mixed-use development (residential with commercial use), but the residential use cannot occupy more than fifty percent (50%) of the total square footage of the building. Both "vertical" mixed-use (housing above the ground floor), and "horizontal" mixed-use (housing on the ground floor) developments are allowed. *(Amended Ordinance No. 258-041718)*

(2) Parking, Garage and Driveway Orientation. All off-street vehicle parking, including surface lots and garages, loading docks and overhead doors shall be oriented to alleys, or located in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front building elevation by a minimum of four to six feet. On corner lots, garage entrances shall be oriented to a side street when access cannot be provided from an alley.

(3) Parking Spaces Required. The Village recognizes the challenges of providing the necessary parking spaces in the transition district and thereby establishes the following standard for the district. The detailed requirements for parking lots and spaces are covered in section 66.0403. [See page 84] The Plan Commission may allow a landowner to meet the parking requirement by providing the required parking spaces either on site, on another privately owned site as required under section 66.0404 Adjustments to Required Parking [See page 90]. No development shall avoid the need to provide parking spaces by claiming credit for on street parking spaces or public parking lots. The parking spaces required for motels, hotels, all types of condominiums, accessory residential uses must be provided on site, and no fee in lieu of creating spaces in subsection (6) will be allowed.

(4) Fee In Lieu of Creating Parking Spaces. Please refer to Section 66.0404(b) [See page 90] (Amended Ordinance 120-061306)

(5) Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by an association or the owner. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the Village prior to zoning permit approval.

(6) Exemption. When the application of the off-street parking regulations specified above result in a requirement of not more than three spaces on a single lot in the transition district, such parking spaces need not be provided. However, where two or more

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

businesses are located on a single lot, only one of these uses shall be eligible for this exemption. This exemption shall not apply to dwelling units.

(7) Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below shall conform to all of the following standards in the transition district. The standards are intended to slow traffic down and encourage walking.

(8) Parking, Garages and Driveways. All off-street vehicle parking, including surface lots and garages, loading docks and overhead doors shall be accessed from alleys, or located in parking areas located behind or to the side of a building; except that side yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front elevation by a minimum of six feet. On corner lots, garage entrances shall be oriented to a side street when vehicle access cannot be provided from an alley.

(10) Other Garages and Accessory Buildings. *(Amended Ordinance 186-061411)*

a. The Plan Commission may approve as a conditional use detached garages in the B-2 district for adjacent residential uses under the following conditions:

1. The only occupants of the garage(s) spaces or accessory buildings shall be the occupants or property owners of parcels as approved by the Plan Commission, which shall be established by deed restriction.

2. The detached garages or accessory structures shall be covered by a development agreement, which shall include a maintenance agreement, in addition to the requirements of the district.

b. Any wall of the detached garages visible from a public street that exceeds 50 feet in length shall have a minimum of 20% of the length of the wall projecting or recessing at a minimum depth of 3% of the length of the wall and a change in the materials, texture, or a permanent architectural feature shall be provided.

c. The detached garage(s) shall be architecturally compatible with the residential building it serves. It shall be designed and oriented to minimize the visual effect of the scale or mass of the garage. Visual interest shall be created on all sides of the garage that are visible from a public street through the use of landscaping, berming, architectural features, building materials, and/or orientation.

d. Not more than six adjacent garage doors may appear unless the plane along such garage doors shall be broken by an offset of at least two feet.

e. If a sidewalk exists along the public street(s) abutting the lot, then sidewalk(s) shall be provided connecting the all buildings to the public street.

f. Street trees shall be provided along all existing and new public right-of-ways at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is longer than

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

100 feet, trees shall also be planted along at least one side of such driveway at the rate specified. All tree species shall be approved by the Plan Commission.

g. The detached garage(s) shall comply with the district standards and all other standards of the Zoning Code.

(i) Automobile-Oriented Uses.

"Automobile-oriented use" means automobiles and or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses shall comply with the following standards:

(1) Drive-up, drive-in, and drive-through facilities (e.g., associated with banks, car washes, and similar uses) are permitted only when accessory to a primary commercial "walk-in" use, and shall conform to all of the following standards. Drive-up, drive-in, and drive-through facilities for general restaurants, fast food restaurants, drive-in restaurants and take-out restaurants are regulated in Section 66.0350. (Amended Ordinance 172-081010):

a. The facility receives access from an alley or driveway, and not a street.

b. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop boxes and similar facilities) is located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a corner).

c. The facility is subordinate to a primary permitted use. "Subordinate" means all components of the facility, in total, occupy less street frontage than the primary commercial or public institutional building.

d. No more than one drive-up, drive-in or drive-through facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

1

**Sec. 66.0323 B-3 Downtown Business District**

The Downtown Business district (B-3) is intended to apply to the Village's downtown business district and Village center. This area is typified by small lots, and buildings with minimal setbacks. The downtown business district is intended to offer greater flexibility in area requirements and setback requirements than other districts in order to promote the reuse of buildings and lots and the construction of new developments in the downtown business district consistent with the existing scale of development. The character, appearance and operation of any business in the downtown district should be compatible with any surrounding areas. The goal of the Village is to strengthen the downtown district as the "heart" of the community and as the logical place for people to gather and create a business center. The downtown district is intended to support this goal through elements of design and appropriate mixed-use development. This section provides standards for the orderly improvement and expansion of the downtown district based on the following principles:

- Development that is consistent with the natural environment.
- Development that maintains the Village's traditional small town appearance, in which its housing, shops, work places, parks and civic facilities co-exist in relative harmony.
- Development that balances the needs of a resort town and a residential village.
- Efficient use of land and urban services.
- A mixture of land uses to encourage walking as an alternative to driving, provide more employment and housing options.
- Downtown provides both formal and informal community gathering places.
- The downtown district is connected to neighborhoods and other employment areas.
- Designs that meet the architectural standards and enhance the Village's historic architecture.

(a) Permitted Uses: *(Amended Ordinance 217-081313)*

*(Amended Ordinance No. 258-041718)*

(1) Antique and collectors stores
(2) Art galleries or studios for photography, painting, music, sculpture, dance, pottery and jewelry
(3) Art supply stores
(4) Barber shops, beauty salons and spas
(5) Bed and breakfasts
(6) Boat sales
(7) Book or stationery stores
(8) Camera and photographic supply stores
(9) Cinema, theater or performance hall
(10) Clothing stores
(11) Convenience store
(12) Craft stores
(13) Dance studio
(14) Florists
(15) Food stores
(16) Gasoline service stations as of September 1, 2010
(17) Gift shops
(18) Hardware stores
(19) Hobby and craft shops
(20) Hotel/motel
(21) Condominium Hotels/Motels and/or Hotel/Motel Condominiums
(22) Infrastructure essential services
(23) Information centers
(24) Jewelry stores
(25) Licensed massage therapy and body work as certified by the State
(26) Marinas
(27) Municipal utility facilities
(28) Music stores
(29) Newspaper and magazine stores
(30) Parks
(31) Photography studios
(32) Physical fitness centers
(33) Public parking lots
(34) Real estate offices
(35) Restaurants
(36) Retail electronic equipment sales
(37) Self-service laundry and dry-cleaning
(38) Shoe and leather goods stores
(39) Single family housing as of January 1, 2004
(40) Sporting goods stores
(41) Taverns or cocktail lounges
(42) Tobacco stores
(43) Travel agencies

(44) Variety stores
(45) Video tape sales and rental

(b) Conditional Uses: *(Amended Ordinance 217-081313)*
(1) Commercial recreation facilities (indoor and outdoor), such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, health clubs, miniature golf facilities, pool and billiard halls and indoor skating rinks.
(2) Liquor stores
(3) Solar energy as accessory structure
(4) Non-village utility facilities
(5) Gasoline stations or automobile repair

(c) Permitted Accessory Uses: *(Amended Ordinance 217-081313)*
(1) Accessory uses and structures. See section 66.0501 [See page 96]
(2) Outdoor displays. See section 66.0506 [See page 107]
(3) Professional offices
(4) Accessory residential use. Residential units and commercial transient lodging located on a ground or non-ground level on the same property shall be allowed with the minimum floor area as provided below. The on-site parking required for the accessory residential units must be available on site and cannot be located elsewhere through the payment of a fee as allowed under section 66.0322(h)(4) and (5).

| *Bedrooms* | *Minimum area* |
|---|---|
| Efficiency | 700 |
| 1 | 750 |
| 2 or more | 850 |

(d) <u>Building Setbacks:</u>
In the downtown district, buildings are placed closer to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable downtown. Building setbacks are measured from the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed below, apply to primary structures as well as accessory structures.

(1) Front Yard Setbacks. The minimum front yard setback is 40 feet from the centerline of the street right-of-way or 20 feet from the face of the curb, whichever is more, except where a parcel adjoins the side lot line of another parcel fronting on the same street with a lesser setback, in which case the minimum front yard setback shall be the average of the setback of the new building and the setback of the adjoining parcel with the least setback. The setback for a reconstructed non-conforming structure shall be no closer than eight feet from the right-of-way to provide for the installation of an six foot public sidewalk.

(2) Rear Yard Setbacks.
a. Minimum Setback. The minimum rear yard setback for all structures shall be six feet for street access lots, and eight feet for alley access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.
b. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in 66.0323(d)(1) shall apply.

(3) Side Yard Setbacks. The minimum side yard setback shall be at least six feet. The Plan Commission may grant a waiver where the adjoining property owners enter into a written recordable agreement adjusting the minimum side yard setback with the following options: (Amended Ordinance 161-120809)
a. Both parties can agree to a zero foot side setback if the

building designs are compatible.

b. If only one of the buildings has a zero foot side setback then the other building must have a six-foot side setback.

c. Both parties can agree to three-foot side setbacks for a total of six feet side setback between the buildings.

(4) Lot Coverage

a. Lot Coverage. There shall be a minimum of 10 percent open space and the balance shall not include the required parking, driveways and sidewalks on the lot as required by section 66.1050(a)(23). (Amended Ordinance 159-120809)

(5) Lot Area and Width

a. Lot Area. The minimum lot area shall be 4,500 square feet.

b. Lot Width. The minimum lot width shall be 45 feet.

(6) PUD Allowed. The Plan Commission and Board of Trustees may vary the Building Setback requirements subject to the provisions of the Planned Unit Development requirements in section 66.0341.

(e) <u>Block Layout and Building Orientation:</u> This section is intended to promote the walkable, storefront character of downtown by forming short blocks and orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more "eyes on the street," increasing the safety of public spaces. The standards, as listed below compliment the front yard setback standards in section 66.0323(d).

(1) Applicability. This section applies to new land divisions and all of the following types of development (i.e., subject to site design review) and compliance with all of the provisions of subsections (a) and (b), below, shall be required:

a. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

b. Business and mixed-use buildings subject to site design review.

(2) Block Layout Standard. New land divisions and developments, which are subject to site design review, shall be configured to provide an alley or interior parking court. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 400 feet, and a depth not exceeding 400 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct and convenient access to building entrances and off-street parking.

(3) Building Orientation Standard. All of the developments listed in section 66.0323(e)(1) shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

a. The minimum and maximum setback standards in section 66.0323(d) are met;

b. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance

facing a side yard when a direct pedestrian walkway not exceeding 50 feet in length is provided between the building entrance and the street right-of-way.

c. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street, which is used to comply with subsection 66.0323(e)(2), above. On corner lots, buildings and their entrances shall be oriented to the street corner, parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

(f) Building Height:

(1) All buildings in the downtown district shall comply with the following building height standards. The standards are intended to allow for development of buildings in accord with Section 66.1050 with a storefront character. *(Amended Ordinance 160-120809)*

(2) Buildings shall be no more than 35 feet in height.

(3) Accessory residential housing shall comply with section 66.0323(c)(4) and section 66.0323(h)

(4) If a parcel is larger than one acre and the proposed development is for a hotel/motel or hotel/condominium then the developer shall be able to increase the building height to 45 feet as follows: *(Amended Ordinance 217-081313)*

a. The floor area of the fourth story shall not exceed the floor area of the first floor retail or general restaurants, fast food restaurants, drive-in restaurants and take-out restaurants uses. The floor area used by the hotel/motel or hotel/condominium on the first floor shall not count as a retail type use. *(Amended Ordinance 217-081313)*

b. The fourth story shall be stepped back from the third story as approved by the Commission.

(g) Pedestrian Amenities

(1) Purpose and Applicability. This section is intended to complement the building orientation standards in section 66.0323(e), and the street standards, by providing comfortable and inviting pedestrian spaces within the downtown district. Pedestrian amenities serve as informal gathering places for socializing, resting and enjoyment of the Village's downtown, and contribute to a walkable district. This section applies to all of the following types of buildings:

a. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

b. Business and mixed-use buildings subject to site design review.

(2) Guidelines and Standards. Every development shall provide and maintain a public sidewalk with a minimum width of six feet across the front of the parcel and side yard abutting a public street, an additional 14 feet of landscaping and one or more of the "pedestrian amenities" listed in (a)-(d) below. Other types of amenities and designs may be used. Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.*(Amended Ordinance 217-081313)*

a. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance

(minimum width of eight feet);

b. Sitting space (i.e., dining area, benches, gazebos or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);

c. Building canopy, awning, pergola or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space).

d. Streetscape, which incorporates landscaping, seating, fountain, sculpture etc.

(h) Special Standards Uses:

This section supplements the standards contained in section 66.0322(d) through 66.0322(g). It provides standards for the following land uses in order to control the scale and compatibility of those uses within the district: *(Amended Ordinance 217-081313)*

(1) Mixed-use Development Allowed. Residential uses shall be permitted as an accessory use when part of a mixed-use development (residential with commercial use), but the residential use cannot occupy more than fifty percent (50%) of the total square footage of the building. Both "vertical" mixed-use (housing above the ground floor), and "horizontal" mixed-use (housing on the ground floor) developments are allowed. *(Amended Ordinance No. 258-041718)*

(2) Parking, Garage and Driveway Orientation. All off-street vehicle parking, including surface lots and garages, loading docks and overhead doors shall be oriented to alleys, or located in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front building elevation by a minimum of four to six feet. On corner lots, garage entrances shall be oriented to a side street when access cannot be provided from an alley.

(3) Parking Spaces Required. The Village recognizes the challenges of providing the necessary parking spaces in the district and thereby establishes the following standard for the district. The detailed requirements for parking lots and spaces are covered in section 66.0403. [See page 84] The Plan Commission may allow a landowner to meet the parking requirement by providing the required parking spaces either on site, on another privately owned site as required under section 66.0404 Adjustments to Required Parking [See page 90]. No development shall avoid the need to provide parking spaces by claiming credit for on street parking spaces or public parking lots. The parking spaces required for motels, hotels, all types of condominiums, accessory residential uses must be provided on site, and no fee in lieu of creating spaces in subsection (6) will be allowed. *(Amended Ordinance 217-081313)*

(4) Fee In Lieu of Creating Parking Spaces. Please refer to Section 66.0404(b) [See page 90] (Amended Ordinance 120-061306)

(5) Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by an association or the owner. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the Village prior to zoning permit approval.

(6) Exemption. When the application of the off-street parking regulations specified above result in a requirement of not more than three spaces on a single lot in the district, such parking spaces need

not be provided. However, where two or more businesses are located on a single lot, only one of these uses shall be eligible for this exemption. This exemption shall not apply to dwelling units. *(Amended Ordinance 217-081313)*

(7) Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below shall conform to all of the following standards in the district. The standards are intended to slow traffic down and encourage walking. *(Amended Ordinance 217-081313)*

(8) Parking, Garages and Driveways. All off-street vehicle parking, including surface lots and garages, loading docks and overhead doors shall be accessed from alleys, or located in parking areas located behind or to the side of a building; except that side yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front elevation by a minimum of six feet. On corner lots, garage entrances shall be oriented to a side street when vehicle access cannot be provided from an alley.

(9) Lots shall count rights of way to center line for purposes of calculating area, setbacks and open space.

 SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

1

## Other Districts

### Sec. 66.0330 I-1 Institutional District

The I-1 Institutional district is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas that are under public, public related or private ownership and where the use for public purpose is anticipated to be permanent. Uses permitted shall generally serve the public benefit.

(a) Permitted Uses:

(1) Public or private primary and secondary schools.

(2) Colleges, and universities, excluding fraternity and sorority houses.

(3) Churches.

(4) Hospitals, sanatoriums and nursing homes.

(5) Libraries, community centers, museums and public art galleries.

(6) Public administrative offices and public service buildings, including fire and police stations; but excluding firing ranges and outdoor "burn buildings" used for fire-fighting instruction.

(7) Public utility offices.

(b) Permitted Accessory Uses:

(1) Residential quarters for caretakers, clergy or institutional staff.

(2) Garages for storage of vehicles used in conjunction with the operation of a permitted use.

(3) Service buildings and facilities normally accessory to the permitted use.

(4) Ground-mounted and building-mounted earth station dish and terrestrial antennas.

(5) Roof-mounted solar collectors.

(6) Municipally owned wells, pumping stations, water towers and reservoirs and municipally owned telecommunications towers and antennas, provided they are located at least 50 feet away from any lot line.

(7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.

(c) Conditional Uses:

(1) All permitted uses allowed in the B-1 district.

(2) Cemeteries and crematories.

(3) Firing ranges and outdoor "burn buildings" associated with a fire station, police station or college.

(4) Utility substations, municipal wells, pumping stations and towers if the use is not less than 50 feet from any lot line.

(5) Transmitting towers, receiving towers, and relay and microwave towers, and broadcast studios.

(6) Public utility treatment facilities.

(7) Solar energy collectors erected as an accessory structure.

(d) Lot Area and Width:

(1) Lots in the I-1 district shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.

(e) Building Height and Area:

(1) No principal building or part of a principal building shall exceed 35 feet in height.

(2) Residential uses permitted in the I-1 district shall comply with the building area requirements of the R-2 Multiple Family Residential district. All other uses in the I-1 district shall comply with the building area requirements of the B-1 General Business district. (Amended Ordinance 159-120809)

(f) Setbacks:

(Amended Ordinance 200-091112)

(1) There shall be a minimum building front setback of a least 45 feet from the centerline of the right-of-way of all streets.

(2) There shall be a minimum front setback of at least 40 feet from the edge of the easement or edge of pavement for all buildings not on a public street.

(3) There shall be a side setback of at least 20 feet and rear setback of at least 50 feet for all principle buildings.

(4) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in section 66.0501 [See page 96] of this chapter.

*(Amended Ordinance 207-100912)*

SEC. 66.0330 I-1 INSTITUTIONAL DISTRICT

1

**Sec. 66.0331 P-1 Park District**

The P-1 Park district is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Village can be met without undue disturbance of natural resources and adjacent uses.

(a) Permitted Uses:
- (1) Public botanical gardens and arboretums.
- (2) Public historic monuments or sites.
- (3) Public hiking, biking, jogging and nature trails.
- (4) Public parks, beaches, playgrounds and parkways.
- (5) Farm markets. No items shall be sold which were purchased for resale. (Amended Ordinance 150-050409)

(b) Permitted Accessory Uses:
- (1) Buildings accessory to the permitted use.
- (2) Ground-mounted and building-mounted earth station dishes and terrestrial antennas.
- (3) Solar collectors attached to the principal structure.
- (4) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.
- (5) Garden plots. (Amended Ordinance 150-050409)

(c) Conditional Uses:
- (1) Public or private archery ranges.
- (2) Private botanical gardens and arboretums.
- (3) Private beaches.
- (4) Public or private boat moorings and rentals.
- (5) Private or public campgrounds.
- (6) Private driving ranges.
- (7) Public or private golf courses.
- (8) Private gymnasiums.
- (9) Private historic monuments or sites.
- (10) Private hiking, biking, jogging and nature trails.
- (11) Private or public marinas.
- (12) Private miniature golf courses.
- (13) Private parks, playgrounds and parkways.
- (14) Private riding academies.
- (15) Private stadiums.
- (16) Private trampoline centers.
- (17) Utility substations, municipal wells, pumping stations and towers if the use is not less than 50 feet from any lot line.
- (18) Solar energy collectors erected as an accessory structure.
- (19) All the conditional uses allowed in the CS-1 district.
- (20) All the permitted and conditional uses allowed in the I-1 district.

(d) Building Height and Area:
- (1) No building or part of a building shall exceed 35 feet in height.
- (2) The total of the floor area on all floors of the principal building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 20 percent of the lot area, which shall be left as open space. (Amended Ordinance 159-120809)

(e) Setbacks:
- (1) There shall be a minimum building front setback of a least 50 feet from the centerline of the right-of-way of all streets.
- (2) There shall be a minimum front setback of at least 40 feet from the edge of the easement or edge of pavement for all buildings not on a public street.
- (3) There shall be a side setback of at least 50 feet and rear setback of at least 50 feet for all principle buildings.
- (4) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in section 66.0501 [See page 96] of this chapter. *(Amended Ordinance 207-100912)*

 SEC. 66.0331 P-1 PARK DISTRICT

1

**Overlay Districts**

Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force.

**Sec. 66.0340 W-1 Wetland Overlay District**

The purpose of the Wetland Overlay district (W-1) is to maintain safe and healthful conditions, to prevent water pollution, to protect fishing spawning grounds and aquatic life, to preserve shore cover and natural beauty, and to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs and other wetlands in the Village. The proper regulation of these areas will serve to maintain and improve groundwater and surface water quality; prevent flood damage, protect fish and wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water based recreation and open space resources of the Village. The W-1 district recognizes that undisturbed wetlands serve as natural purifier's of surface waters and as protective buffers at the land water interface. Development in wetlands should be limited and when development is permitted in a wetland, it should occur in a manner that minimizes the adverse impacts upon the wetlands.

Boundaries of the W-1 district were based on the wetlands that were identified on the Wisconsin Wetland Inventory Map for the Village of Sister Bay, dated July 1, 1992. The wetlands included as W-1 are those wetlands that are two acres or more in area and lie within 300 feet of a navigable stream, 1,000 feet from a lake or pond or to the landward side of a floodplain, whichever is greater.

(a) Permitted Uses.

(1) Hiking, fishing, swimming and boating, unless prohibited by other laws and ordinances.

(2) 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, and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating.

(3) Silviculture (forest maintenance), including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected.

(4) Construction and maintenance of fences.

(5) Existing agricultural uses provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna (animals), flora (plants), topography, or water regimen.

(6) Aquaculture (the growing of plants and animals in water), provided it does not disturb or impair the natural biota (plants and animals).

(7) The maintenance, repair, replacement and reconstruction of existing public streets, roads, bridges and drainageways.

(b) Conditional Uses.

(1) The construction of streets which are necessary for the continuity of the Village street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses, provided that:

a. The street cannot as a practical matter be located outside the W-1 district;

b. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in section 66.1708(b) [See page 171] of this chapter;

c. The street is designed and constructed with the minimum cross section practical to serve the intended use;

d. The street construction activities are carried out in the immediate area of the roadbed only; and

e. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is done must be necessary for the construction or maintenance of the street.

(2) The construction and maintenance of non-residential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with natural resource preservation, provided that:

a. The building cannot as a practical matter be located outside the conservancy district;

b. The building is not designed for human habitation and does not exceed 500 square feet in area; and

c. Only limited filling or excavating necessary to provide structural support is conducted.

(3) The establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas, provided that:

a. Parks shall be limited to passive activities. No ball diamonds, tennis courts, playfields, playgrounds or other active recreation areas shall be constructed in a wetland;

b. Any private recreation or wildlife habitat area must be exclusively for that purpose;

c. No filling is to be done; and

d. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but only for improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.

(4) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to members and customers located outside of the W-1 district, provided that:

a. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and

b. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(5) Ditching, tiling, dredging, excavating or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

(6) The construction and maintenance of piers, docks and walkways, including those built on pilings.

(c) <u>Prohibited Uses.</u>

(1) Any use not listed as a permitted use or a conditional use is

 SEC. 66.0340 W-1 WETLAND OVERLAY DISTRICT

prohibited unless the W-1 district lands concerned are first rezoned into another district.

(2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable water is prohibited.

(d) Wetlands Used for Density Calculation. Where a lot is located partially within a W-1 district and partially within an adjoining use district, that area of the parcel in the W-1 district may be used to meet the minimum lot area requirements; provided that adequate adjacent upland space is available for the structure and related grading.

 SEC. 66.0340 W-1 WETLAND OVERLAY DISTRICT

1

SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

**Sec. 66.0341 PUD Planned Unit Development Overlay District**

The PUD Planned Unit Development Overlay district is intended to permit developments that will, over a period, be enhanced by coordinated area site planning, diversified location of structures, diversified building types and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD overlay district under this chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district.

(a) Permitted uses.

Uses permitted in a PUD district shall conform to uses permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one or more locations within the development.

(b) Minimum area requirements.

(1) Areas designated as PUD districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

| *Principal Uses* | *Minimum Area of PUD* |
|---|---|
| Residential PUD | 1.0 acres |
| Business PUD | 1.5 acres |
| Mixed Compatible Use | 1.5 acres |

(c) Procedural requirements.

(1) Pre-Application Conference. Prior to the official submission of the application for the approval of a PUD district, the owner or agent making such application shall meet with the Zoning Administrator to discuss the scope and proposed nature of the contemplated development.

(2) Application. Following the pre-application conference, the owner or his/her agent may file an application with the Zoning Administrator for approval of a PUD district. Such application shall be accompanied by a filing fee, as required by the Municipal Code of the Village, and the following information:

a. A statement which sets forth the relationship of the proposed PUD to the Village's adopted master plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including, but not limited to, the following information:

1. Total area to be included in the PUD, area of open space, residential density computations, the amount of business space by type of use, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.

2. A general summary of the estimated value of structures and site improvement costs,

SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

including landscaping and special features.

3. A general outline of the organizational structure of a property owners' or management association, which may be proposed to be established for providing any necessary private services.

4. Any proposed departures from the standards of development as set forth in the Village zoning regulations, other Village regulations or administrative rules, or other universal guidelines.

5. The expected dates of commencement and completion of physical development as set forth in the proposal. If the PUD is to be developed in phases, a phasing plan setting forth the starting and completion dates of each phase shall be submitted. If applicable, a statement indicating the type of Federal or State program being used to provide a subsidy or less-than-market rents for the units proposed.

b. A general development plan including, but not limited to:

1. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.

2. The location of public and private roads, driveways and parking facilities.

3. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.

4. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.

5. The type, size and location of all structures.

6. General landscape treatment.

7. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.

8. The existing and proposed location of public sanitary sewer and water supply facilities.

9. The existing and proposed location of all private utilities or other easements.

10. Characteristics of soils related to contemplated specific uses.

11. Existing topography on the site with contours at no

SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

greater than two-foot intervals.

12. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.

13. Anticipated phasing of the development, if applicable.

(3) Referral to Plan Commission. The application for a PUD district shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions, which it may deem necessary or appropriate. For such an application, property owners within 300 feet of the subject property will be sent a notice of the meeting at which it will be discussed. In addition to the notice, a copy of the Plan Commission report will be sent; which will provide an explanation of the proposal, as well as the Zoning Administrator's recommendation. As soon as is practicable following the meeting, the Plan Commission, through the Zoning Administrator, shall report its findings and recommendations to the Village Board; which may be a recommendation for approval, approval with conditions or denial of the application.

(4) Village Board Public Hearing. Following the Plan Commission public hearing and the formulation of the Plan Commission recommendation, the Village Board shall hold a public hearing pursuant to the requirements of section 66.1705 [See page 171] and section 66.1801 [See page 172] of this chapter. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested PUD district. Following the public hearing, the Village Board shall decide whether the PUD district application is to be granted or denied.

(d) <u>Basis for approval of the application.</u>

(1) The Plan Commission in making its recommendation and the Village Board in makings its determination shall consider:

a. That the applicants for the proposed PUD district have indicated that they intend to begin and complete the physical development of the PUD within a time frame approved by the Village Board, after recommendation by the Plan Commission.

b. That the proposed PUD district is consistent in all respects to the purpose of this section and to the spirit and intent of this chapter; is in conformity with the adopted master plan or any adopted component thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.

c. The constraint or burden that will be imposed on public services, public utilities and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.

d. All property to be included in a PUD district shall be held in single ownership. However, if there is more than one owner, the applicants shall create a property owners association; whose responsibility it shall be to agree upon any plan prior to it being presented to the

SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Plan Commission for approval and, thereafter, shall be the responsible entity for the maintenance of the exterior of all buildings, as well as all common areas within its PUD district. The bylaws of this association, which contain its duties and responsibilities, shall first be approved by the Plan Commission and shall be written so that all subsequent amendments shall also have to be approved by the Plan Commission before they can take effect.

e. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.

f. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.

g. The streets and driveways on the site of the proposed development shall be adequate to serve the residents and or customers of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Village.

h. Public water and sewer facilities shall be provided.

i. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

j. The relative economic benefit to the Village shall be greater than the underlying zoning would allow.

(2) That in the case of a proposed residential PUD district:

a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.

b. The total net residential density within the PUD district will be consistent with development permitted in the underlying basic use district. The district area, width and yard requirements of the underlying basic use district may be modified; however, in no case shall the average density in the district exceed the number of dwelling units that would have been permitted on that amount of land if the PUD district regulations had not been utilized. This allows for transfer of density within a site, but not an increase in density.

c. Each residential planned unit development, having more than one property owner involved and featuring common open space or other common improvements, shall be managed by a Property Owners' Association, or other appropriate management mechanism, to assure that any common facilities are properly maintained. A copy of the bylaws of the management association shall be included with the PUD

SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

application; which shall initially be approved by the Plan Commission as well as any subsequent amendments.

(3) That in the case of a proposed business PUD district:

a. The proposed development will be adequately served by off-street parking and truck service facilities.

b. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.

c. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with the surrounding neighborhood.

d. Each business planned unit development featuring common open space or other common improvements shall be managed by a Property Owner's Association, or other appropriate management mechanism, to assure that any common facilities are properly maintained. A copy of the bylaws of the management association shall be included with the PUD application.

(4) That in the case of a proposed mixed use PUD district:

a. The proposed development shall include the standards in (2), (3), and result in a higher quality development than if the project were done separately.

(e) Determination.

The Village Board, after due consideration, may deny the application, approve the application as submitted, or approve the application subject to additional conditions and restrictions; including but not limited to, beginning and completing the physical development of the PUD within a time frame approved by the Village Board, after recommendation by the Plan Commission and that the Village shall be a part of the approval process for any amendment to the bylaws of the Property Owners' Association. The approval of a PUD district shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Village Board. The approval of a planned unit development, and the attendant conditions of approval, shall be applicable to the developer, his/her heirs, successors or assigns.

(f) Existing planned developments.

All properties with planned development zoning, on the effective date of this chapter, which remain planned developments after the effective date of this chapter, are hereby declared conforming planned developments. Such planned developments shall be subject to the regulations contained in the resolution or ordinance, which authorized and approved the planned development.

(g) Changes and additions prior to final PUD approval.

Any change or addition to the plans or uses prior to the issuance of an occupancy permit shall first be submitted for approval to the Plan Commission and if in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of section 66.1801 [See page 172] of this chapter, and said proposed alterations shall be submitted to the Village Board for approval after a public hearing.

(h) Subsequent land division.

SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

The division of any land or lands within a PUD district for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Village and when such division is contemplated, a subdivision plat or certified survey map, as may be appropriate, of the lands to be divided shall accompany the application for PUD approval.

(1) Changes and Additions to the PUD after Final Approval.

a. Any change in occupancy within an approved PUD project shall be administered in the same manner as a change in occupancy in a basic use district as set forth in section 66.1532 [See page 161] of this chapter. A certificate of compliance shall not be issued to a use that is not consistent with conditions placed on approval in any PUD district.

b. Any addition to a planned unit development in years subsequent to construction and occupancy shall be considered a new and separate proposal, and shall be required to comply with all of the review and approval requirements of this district, including the requirement for submittal of development plans and the conduct of public hearings required by this section.

(i) <u>Adjustments to minimum area requirements.</u>

The purpose of this section is to allow adjustments to the minimum area requirements for the creation of a PUD district. Reducing the minimum area requirements, where justified, will allow for the more efficient development of certain properties that are less likely to develop under a conventional zoning district due to such limiting factors as shape, size and accessibility. The Plan Commission may recommend approval to the Village Board of a request for a PUD district on a property, that does not meet the minimum area requirements as set forth in section 66.0341(b), by at least a ¾ majority vote of the Commissioners, but only if supplemental design elements, reduced density or other improvements, requested by the Plan Commission, are incorporated into the project, which compensate for the modification of this minimum area.

SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

1

SEC. 66.0342 HL HIGHWAY 42 AND 57 LANDSCAPE SETBACK OVERLAY DISTRICT

**Sec. 66.0342 HL Highway 42 and 57 Landscape Setback Overlay District**

The intent of the Highway 42 and 57 landscape setback overlay (HL) district is to establish special setback requirements for parking and structures along portions of Highway 42 and 57 to accommodate traffic flows safely, maintain the character of business development, and provide an aesthetically pleasing entrance to the Village.

(a) Location of requirements.
The following Highway Landscape Setback Overlay requirements shall be applied to those portions of State Trunk Highway 42 and Highway 57 located from their intersection to the south Village limits.

(b) Effect on setback and frontage requirements of abutting zoning districts.
These requirements shall be observed by all development within the Highway 42 and Highway 57 Landscape Setback Overlay and shall supersede any conflicting requirements contained in underlying districts.

(c) Building setback.
All buildings within this area shall be setback from Highway 42 and Highway 57 at least 90 feet as measured from the centerline of the right-of-way.

(d) Planting strip adjacent to highways.
Except to allow access to lots abutting Highway 42 or Highway 57 or access to any frontage road established by the Village to serve those lots, all lots abutting Highway 42 or Highway 57 must maintain the first 35 feet from the edge of the highway pavement as a non-impervious landscape strip. This landscape strip shall be maintained in grass or ground cover approved by the Village and shall contain shade trees of the type specified by the Plan Commission planted at a spacing of one tree per 40 feet lineal distance along the road, located ten feet from the edge of the street pavement or bike lane. (Amended Ordinance 120-061306)

(e) Access controls.
Vehicular access point from Highway 42 or Highway 57 shall be determined with the Wisconsin Department of Transportation.

SEC. 66.0342 HL HIGHWAY 42 AND 57 LANDSCAPE SETBACK OVERLAY DISTRICT

1

**Sec. 66.0344 BP Bluff Protection Overlay District**

The Bluff Protection Overlay district (BP) is hereby established as a district, which overlaps, and overlays existing base zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the Village. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force.

(a) Intent:
- (1) Promote safe conditions by preventing placement of roads on highly inclined surfaces.
- (2) Preserve escarpments as landmark features that contribute to the scenic diversity and attractiveness of the Village.
- (3) Preserve flora and fauna habitats.

(b) Location of requirements:
The Bluff Protection Overlay district shall be identified on the Official Zoning map of the Village. The location of the bluff on a parcel shall be determined by a trained expert or geologist acceptable to the Plan Commission.

(c) Permitted uses:
Principal Uses shall be those permitted in the underlying zoning district. Uses prohibited in the underlying zoning district are also prohibited in the Bluff Overlay district.

(d) Conditional uses:
Conditional Uses shall be those permitted in the underlying zoning district.

(e) Site plan required:
A site plan prepared in accordance with section 66.1050 [See page 142] of this chapter is required for all uses.

(f) Setbacks:
There shall be at least a 25-foot setback from the crest of the bluff. The crest shall be established by means of a site inspection by the Village, the location of which will be plotted by the applicant on the site plan based upon the zoning map.

(g) Special requirements:
- (1) No roads or driveways shall be placed on slopes of 30-39 percent unless the roads or driveways are placed parallel to the bluff face. No roads or driveways shall be placed on slopes of 40 percent or greater.
- (2) The clearing of trees, shrubbery, undergrowth, and other ground cover located within bluff protection areas shall be permitted for:
  - a. Building footprints.
  - b. Sites for wastewater disposal systems.
  - c. Driveways, not to exceed 20 feet in width.
  - d. The area on a lot, excluding the bluff crest and face, extending not more than 15 feet from the exterior walls of principal buildings and ten feet from accessory buildings.
- (3) Tree topping. Tree topping which is defined as tree cutting or sculpturing where only a portion of the tree is removed to improve the view is prohibited within the bluff protection overlay district.
- (4) In the area on the balance of the lot, selective removal of trees, shrubbery, under growth and other ground cover is permitted provided that:
  - a. No more than 30 percent of this area on the lot shall be cleared.
  - b. The clearing of the 30 percent described above shall not result in strips of cleared openings of more than 30 feet in any 100-foot wide strip nor create a cleared opening strip greater than 30 feet wide.
  - c. In the remaining 70 percent of this area, cutting and pruning shall leave sufficient cover to screen vehicles, dwellings, and other structures. Even though vegetation removal is permitted by this Code, the Village strongly recommends that the existing vegetation, including trees, shrubbery, undergrowth and ground cover, be preserved to the

greatest extent possible to protect the ecosystem of the bluff.

(5) Pruning of trees is not permitted, except for the removal of dead, diseased or dying trees.

(6) Special cutting plan. A special cutting plan allowing greater cutting may be permitted by the Plan Commission by issuance of a conditional use permit. In applying for such a permit, the commission may require the lot owner to submit a drawing of his/her lot including the following information: location of all structures, location of parking, and gradient of the land, existing vegetation, proposed cutting and proposed replanting. The commission may grant such a permit only if it finds that such special cutting plans:

a. Will not cause undue erosion or destruction of scenic beauty.

b. Will provide substantial shielding from the water of dwellings, accessory structures and parking area. The commission may condition such a permit upon a guarantee of tree planting by the lot owner. Such an agreement shall be enforceable in court.

c. Is consistent with established forest management practices.

 SEC. 66.0344 BP BLUFF PROTECTION OVERLAY DISTRICT

1

**Sec. 66.0345 WHP Wellhead Protection District**

The Wellhead Protection district (WHP) is intended to insure the provision of a safe and sanitary drinking water supply for the Village by establishment of a Wellhead Protection Area surrounding the wellheads for all wells which are the supply sources for the Village water system and by the designation and regulation of property uses and conditions which may be maintained within such zones to minimize public and private losses due to contamination of the public water supply. These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1994), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety, and welfare.

(a) Establishment of wellhead protection area.

There is hereby established a use district to be known as the Wellhead Protection Area, identified and described as all the areas including those of the cone of depression due to the average pumping capacity of the wells, the areas encompassing the zone of contribution for a five year time of travel to the wells, and the recharge areas influencing the wells.

(1) The area(s) designated as the Zone of Influence for the well(s) is hereby known as the Primary Protection Zone(s). It begins at the wellhead and extends radially outward a distance of 500 feet from the well. Additional protection beyond the Primary Protection Zone shall be accomplished by the establishment of Management Zones.

(b) Boundaries. The boundaries of the Primary Management Zone shall begin at a point or points along the outer perimeter of the Primary Protection Zone and extend outward to all points within and including the designated Zone of Contribution for the five-year time of travel to each of the wells. Furthermore, as the annual average pumping capacity of the wells is changed, the Primary Management Zone boundaries shall be changed in like manner.

(1) The boundaries of the Secondary Management Zone shall include all the area extending between the Primary Management Zone outer perimeter and a minimum of one mile radially or the Village limits boundaries (whichever is less) from any well supplying water to the aforementioned community water system.

(2) Subsequent and additional Management Zones may be established whenever it is found that the Wellhead Protection Zone needs to be expanded to provide adequate protection for the groundwater within and/or adjacent to the Wellhead Protection Area.

(3) Location of requirements. The following protection requirements shall be based upon the location of the Village wells located at the following:

a. Well Number 1: Scandia Road at Bay Shore Drive;

b. Well Number 2: Smith Drive at Highway 57;

c. Well Number 3: Hill Road at North Spring Road.

(4) A detailed map of the different zones shall be maintained by the Zoning Administrator and shall be incorporated on the Official Zoning Map of the Village.

(c) Substances regulated.

The materials regulated by this chapter shall consist of the following:

(1) Petroleum products as defined in 66.2100 [See page 178].

(2) Substances listed in the Federal Hazardous Waste List.

(3) Substances other than those listed on the Federal Hazardous Waste List that are determined by State or Federal agencies to pose a significant threat to any community water supply well or well field.

(d) Restrictions within the wellhead protection area.

Restrictions within each Zone of the Wellhead Protection Area shall be determined by the Village Board or their

appointee. The Board or their appointee shall conduct a survey of the Wellhead Area and identify the potential sources of contamination therein. After assessing the local groundwater protection needs, the method or combination of management methods shall be submitted for approval. The restrictions within each Zone may be modified periodically to provide additional protection or to prevent future contamination.

(1) The following uses or conditions shall be and are hereby prohibited within the Primary Protection Zone. Existing uses or conditions that are prohibited under this section that desire to continue shall comply with the requirements of section 66.0345(f). (Amended Ordinance No. 176-091410)

a. Agricultural activities.
b. Feedlots or other concentrated animal facilities.
c. Gas Stations.
d. Vehicle repair establishments, including auto body repair.
e. Junk yards or auto salvage yards.
f. Bus or truck terminals.
g. Impervious surfaces other than roofs of buildings, and streets, parking lots, driveways and sidewalks.
h. Dry cleaning businesses.
i. Any manufacturing or industrial business.
j. Electroplating facilities.
k. Exterminating businesses.
l. Sanitary landfills.
m. Sanitary sewer lines within 100 feet of a wellhead.
n. Animal waste spreading.
o. Septic tanks or drain fields appurtenant thereto.
p. Storm water infiltration basins.
q. Hazardous waste disposal sites.
r. Surface use or storage of hazardous material, including commercial use of agricultural pesticides.
s. Underground storage.
t. Salt storage.
u. Bulk herbicide and/or pesticide storage and use.

(2) The following uses or conditions shall be and are hereby prohibited within Management Zone 1.

a. Junk yards and auto salvage yards.
b. Sanitary landfills.
c. Hazardous waste disposal sites.
d. Storm water infiltration basins.

(3) The following uses or conditions are permitted within Management Zone One only as a special exception. A conditional use permit may be granted to an individual and/or facility to allow a special exception use. In order to receive a conditional use permit, an individual and/or facility must demonstrate compliance with applicable Federal, State and County requirements.

a. Feedlots or other concentrated animal activities.
b. Gas stations.
c. Vehicle repair establishments, including auto body repair.
d. Bus or truck terminals.
e. Dry cleaning businesses.
f. Any manufacturing or individual business.
g. Electroplating facilities.
h. Exterminating businesses.
i. Animal waste spreading.
j. Septic tanks or drain fields.
k. Bulk salt storage.
l. Surface use or storage of hazardous materials.

(4) The area within Management Zone Two shall be managed by conducting a public education program to inform the property owners of the need for and methods of wellhead protection. If additional management methods are necessary, the appropriate governing bodies with jurisdiction over the area within the Management Zone Two shall be notified.

(e) <u>Exemptions.</u>

Individuals and/or facilities may request the Village to issue a conditional use permit for a special exception use in the Wellhead Protection Area. All requests shall be in writing either on or in substantial compliance with forms to be provided by the Village and shall include an environmental assessment report prepared by a licensed environmental engineer. The report shall be forwarded to the Village Engineer and/or designee(s) for recommendation and final decision by the Village Board. The individual/facility shall reimburse the Village for all consultant fees associated with this review at invoiced amount plus administrative costs. Any uses shall be conditional and may include required environmental and safety monitoring consistent with local, state, and federal requirements, and/or bonds and/or sureties satisfactory to the Village.

(1) The following activities or uses are exempt from the provision of this chapter.

a. The transportation of any hazardous substance through the wellhead protection area provided the transporting vehicle provides adequate primary and secondary containment and is in-transit.

b. The use of herbicides and pesticides is allowed within the Management Zones, provided best management practices are used or it is determined that the use of such herbicides and pesticides does not pose a serious threat to the groundwater.

c. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as a lubricant in a vehicle.

d. Fire, police, emergency medical services, emergency management center facilities or public utility transmission facilities.

e. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.

f. Consumer products limited to use at a facility solely for janitorial or minor maintenance purposes.

g. Consumer products located in the home, which are used for personal, family or household purposes.

h. The storage and use of hazardous substances as fuel or lubricant to provide auxiliary power for emergency use to the well field provided an enclosed secondary containment system be provided for the substance.

i. Any water treatment chemicals connected with the operation of the wells.

j. Storm water retention ponds constructed in a manner approved by the Village and/or Village Engineer may be placed in the management zone. The soil beneath the retention pond shall have a low rate of water transmission, less than 0.15 inches per hour.

(f) <u>Requirements for existing facilities.</u>

The following requirements are to be met by existing facilities wishing to continue with activities prohibited under section 66.0345(c).

(1) Facilities shall provide copies of all federal, state and county operation approvals or certificates and ongoing environmental monitoring results to the Village.

(2) Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include but are not limited to storm water runoff management and monitoring.

(3) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(4) Facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification to Village officials in the event of an emergency.

(g) Penalties.

In the event of the release of any contaminants, which endanger the Wellhead Protection Area, the activity causing said release shall cease immediately and a cleanup satisfactory to the Village shall occur. The individual/facility participating in such activity shall be responsible for all costs of cleanup, Village consultant fees at the invoice amount plus administrative costs for oversight review, and documentation. These costs may include but are not limited to:

(1) The cost of Village employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Villages cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

(2) The cost of Village equipment employed.

(3) The cost of mileage reimbursed to Village employees attributed to the cleanup.

(4) The costs recoverable as provided herein shall be in addition to the penalty for this section.

 SEC. 66.0345 WHP WELLHEAD PROTECTION DISTRICT

1

**Sec. 66.0346 RS Ridges and Swales**

The purpose of the Ridges and Swales Overlay district (RS-1) is to recognize and protect landforms that owe their existence to the dynamic forces of water acting upon the land during various periods of rising and falling lake levels. The events that produced these landforms apparently occurred during approximately the last 4,000 years. These geologic features and the wild plant and animal life supported on them are of significant scientific interest. The ridges and swales complexes also contribute to the special aggregate landscape of the Village.

(a) Determination.
The location of ridges and swales complexes shall be determined by a trained expert or geologist acceptable to the Plan Commission.

(b) Requirements.

(1) Buildings and structures shall be placed, to the greatest practical extent, on the uppermost ground surfaces of ridges.

(2) No buildings and structures, except roads constructed in accordance with subsection (5), shall be placed in swales.

(3) The ridges ground surfaces shall not be reshaped by excavation, except for customary excavation necessary to construct roads and foundations of buildings and structures; by grading; or by filling, except for customary backfilling around foundation walls of buildings and structures, construction of roads in accordance with subsection (5), and construction of parking areas.

(4) The swales ground surfaces shall not be reshaped by excavating, grading or filling, except as necessary for road construction in accordance with subsection (5).

(5) Road construction in ridges and swales complexes shall occur in accordance with the following:

a. Roads shall be placed, to the greatest practical extent, on the uppermost ground surfaces of the ridges.

b. Roads shall not be placed in swales, except for that portion which is the minimum necessary to continue a road from one ridge to the adjacent ridge. The road portion in the swale shall be constructed to allow free and continuous movement of surface water through the road by means of culverts and/or bridges.

c. The road shall be constructed with the minimum cross-sectional area necessary to serve the intended use.

d. Road construction activities shall be carried out in the immediate area of the road only.

SEC. 66.0346 RS RIDGES AND SWALES

1

 SEC. 66.0350 RO RESTAURANT OVERLAY DISTRICT RO-1

**Sec. 66.0350 RO Restaurant Overlay District RO-1**

Note: This entire section was added by Ordinance No. 172-081010.

Purpose. The purpose of the standards in this Section is to regulate the number, location and operation of various types of restaurants in order to maintain the Village's unique character, the vitality of the commercial districts, and the quality of life of Sister Bay residents.

(a) Definitions.

General Restaurant means an eating-place, whether a principal use or accessory use, selling a full line of prepared food and drinks using non-disposable plates, glasses and utensils for immediate consumption on the site. The business provides tables and chairs, table service, and is available to persons of all ages. The use shall not exhibit the characteristics of a drive-in, formula or fast food establishment. Customers shall be provided with individual menus while seated at a table or counter. Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all house-brand labeled food store goods such as vinegars, oils and salad dressings shall be prepackaged and sealed.

Drive-In Restaurant means an eating place, whether a principal use or accessory use, which sells: (a) prepares food intended for consumption in vehicles that may or may not be parked on the site; or (b) provides for the ordering of food while the customers are seated in vehicles.

Formula Restaurant means an eating-place, whether a principal use or accessory use, that is one of a chain or group of three or more establishments and which satisfies at least two of the following three descriptions:

(1) It has the same or similar name, brand, trade name, or trademark as others in the chain or group;

(2) It offers any of the following characteristics in a style which is distinctive to and standardized among the chain or group: (a) Exterior design or architecture; (b) Uniforms, except that a personal identification or simple logo will not render the clothing a uniform; (c) Standardized menus, ingredients, food preparation or food presentation format which causes it to be substantially identical to another restaurant regardless of ownership or location.

(3) It is a fast food restaurant.

Fast Food Restaurant means an eating-place, whether a principal use or accessory use, selling food to be consumed on or off the site and (a) food is quickly made upon the customer's order or pre-made and wrapped before customers place orders, and/or (b) food is served with disposable tableware for on-site food consumption. A Fast Food restaurant also exhibits two or more of the following characteristics: food is ordered from a wall menu at a service counter; food consumed on the premises is ordered while customers are standing; payment is made by customers before food is consumed; the service counter is closer to an entry/exit than is the seating/dining area; the business interior is brightly illuminated (greater than 8 candle foot power as measured in a horizontal plane three feet above the floor).

Take-Out Restaurant means an eating place, whether a principal use or accessory use, selling ready-to- eat, prepared snack food and full meals for immediate consumption off the site while patrons are walking or standing in the public right-of-way or are seated in vehicles.

Drive-up Window - Restaurant in this section means a window opening to the outdoors designed to furnish food or beverages to motorists.

Walk-up Window - Restaurant means a window opening to the outdoors designed to furnish food or beverages to pedestrians.

Drive-through - Restaurant in this section means a paved area serving as a queuing or staging area for motorist to receive food that they have ordered.

 SEC. 66.0350 RO RESTAURANT OVERLAY DISTRICT RO-1

(b) Applicability.

The regulations in this section shall apply as an overlay district for the B-1 General Business, B-2 Downtown Transition District, B-3 Downtown Business District and I-1 Institutional Districts.

(c) Permitted Uses.

A general restaurant whether a principal use or accessory use, shall be permitted subject to the following requirements.

(1) Underlying district lot area and width; building height and area; setbacks; special standards and parking.

(2) Site plan and architectural review and such others as apply.

(d) Conditional Uses.

A fast food, drive-in or take-out restaurant whether a principal use or accessory use may be granted a conditional use permit subject to the following requirements.

(1) Underlying district lot area and width; building height and area; setbacks; special standards and parking.

(2) Site plan and architectural review.

(3) Approval of the fast food, drive-in or take-out restaurant with or without a walk-up window – restaurant will contribute to a diverse and appropriate blend of businesses in the Village;

(4) Approval of the fast food, drive-in or take-out restaurant will complement those businesses already in the Village and help promote and foster the local economic base as a whole.

(5) The fast food, drive-in or take-out restaurant will be compatible with existing surrounding uses; has been designed and will be operated in a non-obtrusive manner to preserve the community's character and ambiance; and the proposed intensity of uses on the site is appropriate given the uses permitted on the site and on adjoining sites, including but not limited to the following:

a. The size of any individual fast food, drive-in or take-out restaurant shall not to exceed two thousand five hundred (2,500) square feet of gross floor area.

b. The street frontage of any individual fast food, drive-in or take-out restaurant shall not exceed sixty-five feet (65') in width.

c. So long as the Planning Commission finds that establishing or relocating the fast food, drive-in or take-out restaurant will not increase the intensity of use on the site to a level that will adversely impact:

1. Land uses in the area;
2. Pedestrian or motor vehicle traffic; or
3. The public welfare.

d. There shall not be a substantial impact to the public safety from increased traffic. At the discretion of the Plan Commission, the applicant may be required to submit a traffic study, prepared by a Wisconsin Registered Professional Engineer, approved by the Plan Commission.

e. There shall not be any impacts to the roadway or abutting properties from the loading area.

f. Approval of the fast food, drive-in or take-out restaurant will be consistent with the policies and standards of the Comprehensive Plan as approved and amended.

(e) Excluded Uses.

The following uses are excluded from the overlay district.

(1) Formula restaurants, drive-up windows - restaurants and drive-through - restaurants are prohibited;

(2) Reserved.

(f) Change of occupancy or intensity of use.

A change of occupancy, change of intensity of use, or a change in type of restaurant shall require Plan Commission review and approval. A change of

 SEC. 66.0350 RO RESTAURANT OVERLAY DISTRICT RO-1

business model shall not require Plan Commission review and approval unless the change is deemed significant by the Zoning Administrator. Change of ownership shall not, by itself, require Plan Commission approval unless there is a change of occupancy, change of intensity of use, change of business model or a change in type of restaurant. The regulations in this Section shall be used by the Planning Commission in reviewing an application or an application for occupancy.

(g) Existing Restaurants.

All formula restaurants with their respective business models as of July 1, 2010, fast food restaurants, drive-in restaurants and take-out restaurants shall be grandfathered non-conforming uses if they do not meet any of the regulations in this Section.

 SEC. 66.0350 RO RESTAURANT OVERLAY DISTRICT RO-1

1

# SECTION 400 -TRAFFIC, LOADING, PARKING AND ACCESS

**Sec. 66.0401 Traffic Visibility**

No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half feet and ten feet above the plane through the mean curb grades (See Illustration No. 1) within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection. (See Illustration No. 2). In the case of arterial streets intersecting with other streets, the corner cut-off distances establishing the vision triangle clearance space shall be increased to 50 feet. (See Illustration No. 2).

**Sec. 66.0402 Loading Requirements**

On every lot on which a business use is hereafter established, space with access to a public street or alley shall be provided as specified below for the loading and unloading of vehicles off the public right-of-way.

(a) Number of loading and unloading spaces required:

| *Gross Floor Area of Building* | |
|---|---|
| *In Square Feet* | *Number of Spaces* |
| Under 5,000 | 1 |
| 5,000-24,999 | 2 |
| 25,000-49,999 | 3 |
| 50,000-99,999 | 4 |

(b) For each additional 25,000 square feet (or fraction thereof) of gross floor area, one additional loading and unloading space shall be provided.

(c) Each loading and unloading space shall have access to a public dedicated street or alley.

(d) The minimum area for each loading and unloading space, excluding the area needed to maneuver, shall be 250 square feet.

(e) At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

**Sec. 66.0403 Parking Requirements**

In all districts and in connection with every use, there shall be provided at the time any use is erected, enlarged, extended or increased, off-street parking spaces and lots for all vehicles in accordance with the following:

(a) Access.
Adequate access to a public street shall be provided for a parking space, and driveways shall be at least ten feet wide for one and two-family dwellings, and a minimum of 24 feet wide at the property line for all other uses. [See section 66.0406 Highway Access page 93, for more detailed restrictions.]

(b) Parking space size.
The minimum dimensions of each parking space shall be nine feet by 20 feet, except for spaces provided for use by physically disabled persons.

(c) Parking spaces for use by physically disabled persons.
All open off-street parking areas providing more than 20 parking spaces, except for parking areas restricted to use by employees only, shall provide parking spaces for use by motor vehicles, which transport physically disabled persons in accordance with the requirements of section 346.503 of the Wisconsin Statutes.

(d) Parking lot geometrics.
The minimum length of parking stalls shall be modified in parking lots based on the aisle width and the angle of parking. Parking stalls shall conform to the following minimum dimensions:

| *Parking Angle* | *Minimum Stall Width* | *Minimum Perpendicular Stall Width* | *Minimum Aisle Width* |
|---|---|---|---|
| 90° | 9 ft. | 20 ft. | 22 ft. |
| 75° | 9 ft. | 20 ft. | 19 ft. |
| 60° | 9 ft. | 19 ft. 6 in. | 16 ft. |
| 45° | 9 ft. | 19 ft. 6 in. | 13 ft. |
| 30° | 9 ft. | 66 ft. | 10 ft. |

(e) Location.
Location of parking spaces is to be on the same lot as the principal use except as provided in section 66.0405 [See page 92] of this chapter. (NOTE: Residential parking shall be located in a garage or carport or on a driveway that does not exceed 24 feet in width, except for a spur that is a maximum of ten feet by 20 feet or

the flare to access a parking area in the side or rear yard.)

(NOTE: Business parking lots and driveways adjacent to a residential zoning district line shall, at a minimum, provide buffer yards as required by section 66.0303 [See page 6 of the Municipal Code.])

(NOTE: Business and institutional parking lots and driveways shall be located no closer than 15 feet to a residential zoning district line.)

(f) Surfacing.

(1) Parking Lots and other areas. In all zoning districts other than P-1, R-1, R-3, R-4 and CS-1 all off-street parking lots, driveways, service roads, storage areas and such other areas determined by the Plan Commission shall be surfaced with an asphaltic concrete or Portland cement pavement; to provide a durable and dust-free surface and shall be so graded and drained as to dispose of all surface water in accordance with the requirements of the Municipal Code of the Village. Brick, block or open block or other materials designed to be permeable and designed to carry the load of the vehicles shall be allowed with the approval of the Plan Commission. The required off-street parking lots, driveways, service roads, storage areas and such other areas shall be completely paved prior to the issuance of the occupancy permit for all new buildings and prior to the final inspection of all building additions. However if the new building or building addition is completed during the November to March period, the pavement shall be completed by July 1 of the following year. (Amended Ordinance 154-071409)

(2) All driveways serving single-family residences in all zoning districts shall be surfaced with asphaltic concrete or Portland cement pavement from the edge of the pavement to edge of the right-of-way within one year of the issuance of the initial occupancy permit. (Amended Ordinance 154-071409)

(3) All Driveway Approaches shall be installed in accord with the provisions of the Municipal Code.

(g) Landscape area.

All off-street parking lots, which serve four vehicles or more and are created or extended subsequent to the adoption of this chapter, shall provide accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five percent of the surfaced area. For parking lots designed for 20 parking spaces or more, at least one-half of the minimum five percent landscaped area shall be within the parking lot. When parking lots are extended, these regulations shall apply only to the extended portion of the parking lot. Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Plan Commission. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. All plans for such proposed parking areas shall include a topographic survey or grading plan, which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. (See Illustrations No. 3 and No. 4)

(h) Parking lot screening.

Those parking areas for four or more vehicles, if adjoining a residential zoning district line or public right-of-way, shall be screened from casual view by an earth berm, a stonewall, fence, evergreen planting of equivalent visual density or other effective means approved by the Plan Commission. Such fence or berm and landscaping together shall be an average of three feet in height between the parking and the street right-of-way and six feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three feet. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers and large equipment.

(i) Residential parking.

Single-family and two-family residential parking shall be limited to parking within garages and upon residential driveways. Paving beyond driveways to cover all or substantial portions of a residential front yard shall be prohibited.

(j) Parking space requirements.

The following guide specifies the minimum number of parking spaces required. In the case of structures or uses not specified herein, the number of spaces specified as the general standard for the use class or the number of spaces specified for similar use shall apply. In developments involving the establishment or addition of two or more uses on one lot or parcel, the cumulative number of spaces required for each use shall determine the total number of spaces required. (Amended Ordinance 128-061207)

In the B-1, B-2 and B-3 districts, the number of parking spaces required by this section shall be reduced by a credit of three spaces. In granting the credit, the Plan Commission will take into account, all of the proposed required parking for all of the businesses or uses on the parcel(s) or building(s) that comprise the development. If a single development, building or parcel contains multiple businesses, the three parking space credit shall only be provided once. The credit shall be applicable to future business additions to existing businesses. (Amended Ordinance 128-061207)

In the B-3 district, the number of residential parking spaces required by this section shall be reduced by a credit of one space. In granting the credit, the Plan Commission will take into account, all of the proposed required parking for all of the residential uses on the parcel(s) or building(s) that comprise the development. If a single development, building or parcel contains multiple residential units, the one parking space credit shall only be provided once. The credit shall be applicable to future residential unit additions to existing businesses. (Amended Ordinance 128-061207)

(1) Residential Uses (including garage spaces):

a. Single-family dwellings, two spaces per dwelling unit.

b. Multiple-family dwellings:

1. In the R-2 district, one and one-half spaces per efficiency and one-bedroom dwelling unit, two spaces per two-bedroom dwelling unit, and two and one-half spaces per three-bedroom or larger dwelling unit.

2. In the B-2 and B-3 districts, one space per bedroom. (Amended Ordinance 120-061306)

c. Condominiums, Residential: One space per one bedroom unit, one and a half space per two-bedroom unit and two spaces per three-bedroom unit.

(2) Retail sales and customer service uses, and places of entertainment, except as specifically set forth below, one space per 150 square feet of gross floor area of customer sales and service, plus one space per employee for the work shift with the largest number of employees. In the B-3 district the requirement shall be one space per 300 square feet of gross floor area of customer sales and service, plus one space per employee for the work shift with the largest number of employees:

a. Financial Institutions, one space for each 150 square feet of gross floor area of customer service, plus one space per employee for the work shift with the largest number of employees. Financial institutions with drive-in facilities shall provide sufficient space for at least four waiting vehicles at each drive-in service device and no queuing spaces shall preclude the use of any parking spaces, nor

shall any queuing take place in the public right-of-way.

b. Funeral Homes, one space for each four patrons at maximum capacity, whichever is greater, plus one space per employee for the work shift with the largest number of employees.

c. Grocery Stores, Food Stores or Supermarkets, one space per 150 square feet of gross floor area of customer sales and service area, plus one space per employee for the work shift with the largest number of employees.

d. Convenience Grocery Stores, one space per 150 square feet of gross floor area of customer sales and service, plus one space per employee for the work shift with the largest number of employees. (Amended Ordinance 120-061306)

e. Condominiums Hotels, one space per one bedroom unit, one and a half spaces per two bedroom unit and two spaces per three bedroom unit, plus one space per employee for the work shift with the largest number of employees, plus one space per three persons, based on maximum capacity for each public meeting room and/or banquet room.

f. Motels and Hotels, one space per room or suite, plus one space per employee for the work shift with the largest number of employees, plus one space per three persons, based on maximum capacity, for each public meeting room and/or banquet room.

g. Lodges and Clubs, one space per three persons, based on the maximum capacity of the facility, plus one space per employee for the work shift with the largest number of employees.

h. Restaurants – General, one space per 150 square feet of gross dining space or one space per four seats whichever is greater, plus one space per employee for the work shift with the largest number of employees. In the B-2 and B-3, districts when the general restaurant is an accessory use to the retail use on the property the Plan Commission may waive the non-employee parking upon request. (Amended Ordinance 172-081010).

i. Restaurants, Fast Food, Drive-in and Take-out, one space per 50 square feet of gross dining area, plus one space per employee for the work shift with the largest number of employees. (Amended Ordinance 172-081010)

j. Repair Services, one space per 300 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.

k. Theaters, Auditoriums and Other Places of Public Assembly, one space per three patrons based on the maximum capacity of the facility plus one space per employee for the work shift with the largest number of employees.

l. Personal Services, one space per employee for the work shift with the largest number of employees and one and a half space for every chair or customer service location in a barbershop, nail salon, tanning salon, hair salon or beauty parlor. (Amended Ordinance 061306)

m. Taverns, Dance Halls, Night Clubs and Lounges, one space per 100 square feet of

gross dining area or one space per three seats, whichever is greater, plus one space per employee for the work shift with the largest number of employees.

n. Motor Vehicle Sales Establishments, two customer parking spaces per salesperson, plus one space per employee for the work shift with the largest number of employees.

o. Motor Vehicle Repair, Maintenance, and Service Stations, four spaces per indoor service bay, plus one space per employee for the work shift with the largest number of employees, plus parking for all vehicles used directly in the conduct of the business.

p. Car Washes, one space per employee for the work shift with the largest number of employees. Car washes shall provide sufficient space for at least four waiting vehicles at each washing stall and sufficient space for drying two vehicles after each washing stall so as not to allow any queuing of vehicles to take place in the public right-of-way.

q. Animal Hospitals, three patron parking spaces per doctor, plus one space per employee for the work shift with the largest number of employees.

r. Plant Nurseries, Lawn and Garden Supply Stores and Lumberyards, one space per 200 square feet of gross indoor sales and display area, plus one space per 500 square feet of gross outdoor sales and display area, plus one space per employee for the work shift with the largest number of employees.

s. Shopping Centers (Gross Leasable Area of Less Than 50,000 Square Feet), seven spaces per 1,000 square feet of gross leasable area plus one space per employee for the work shift with the largest number of employees in the B-1 district only.

t. Shopping Centers (Gross Leasable Area of 50,000 Square Feet or More), five and one-half spaces per 1,000 square feet of gross leasable area, plus one space per employee for the work shift with the largest number of employees in the B-1 district only.

(3) Offices:

a. Medical, Dental and Similar Professional Health Service Offices, five patron spaces per doctor, plus one space per employee for the work shift with the largest number of employees.

b. Government, Professional and Business Offices, one space per 200 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees, plus one space for every three meeting room seats.

(4) Business/Recreational Uses, except as specifically set forth below, one space per four patrons, plus one space per employee for the work shift with the largest number of employees.

a. Bowling Alleys, five spaces for each lane, plus one space per employee for the work shift with the largest number of employees.

b. Golf Courses, 90 spaces per nine holes plus one space per employee for the work shift with the largest number of employees.

c. Golf Driving Ranges, one space per tee, plus one space per employee for the

work shift with the largest number of employees.

d. Marinas, one space per five boat berths, plus 15 spaces per boat launching ramp, plus one space per 500 square feet of dry boat storage area, plus one space per employee for the work shift with the largest number of employees. At least 20 percent of the spaces required for boat launching ramps shall be at least nine feet by 35 feet to accommodate cars with boat trailers.

e. Miniature Golf Course, one and one-half (1½) spaces per hole, plus one space per employee for the work shift with the largest number of employees.

f. Racquetball and Handball Courts, three spaces per court, plus one space per employee for the work shift with the largest number of employees, plus parking for other uses.

g. Skating Rinks, Ice or Roller, one space per 200 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.

h. Tennis Courts, four spaces per court, plus one space per employee for the work shift with the largest number of employees.

i. Volleyball Courts, 15 spaces per court, plus one space per employee for the work shift with the largest number of employees.

(5) Institutional and Related Uses:

a. Churches, one space per two seats in the main worship area.

b. Libraries, one space per 250 square feet of gross floor area or one space per four seats based on maximum capacity, whichever is greater plus one space per employee for the work shift with the largest number of employees.

c. Museums, one space per 250 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees.

d. Rooming and Boarding Houses, Bed and Breakfasts, one space per bedroom plus two spaces per owner.

e. Convents, Rectories and Monasteries, one space per three residents plus one space per employee for the work shift with the largest number of employees, plus one space per five chapel seats if the public may attend.

f. Nursing Homes, one space per five patient beds, plus one-half space per employee for the work shift with the largest number of employees, plus one per living unit.

g. Hospitals, two spaces per three patient beds, plus one space per staff doctor, plus one space per employee, excluding doctors, for the work shift with the largest number of employees.

h. Children's Nursery Schools and Day-Care Centers, one space per employee for the work shift with the largest number of employees, and one space for every seven students allowed under the State license.

(6) Light Assembly and Light Manufacturing Uses.

a. Light Assembly and manufacturing, one space per employee for the work shift with the largest number of employees plus one space for every 500 square feet of gross office space.

(Amended Ordinance 128-061207).

**Sec. 66.0404 Adjustments to Required Parking**

The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of excess off-street parking facilities is intended to provide for more cost-efficient site development, to eliminate constructing more impervious surface than necessary, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on business sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this section.

(a) Adjustments.

In the R-2, B-1, B-2, B-3, P-1 and I-1 districts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Commission that adequate parking will be provided for customers, clients, visitors and employees. The following provisions and factors shall be used as a basis to adjust parking requirements: (Amended Ordinance 120-061306)

(1) Evidence that actual parking demands will be less than chapter requirements. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the operation will require less parking than the chapter requires. (Amended Ordinance 120-061306)

(2) Availability of shared parking.

The petitioner shall submit written documentation to the satisfaction of the Plan Commission that off-site shared parking spaces are available within 400 feet of the lot line and within the same block to satisfy the parking demand. When a reduction of parking spaces attributable to shared parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements, purchase agreements and other such documentation to show that such shared parking can be accomplished. All such agreements shall be recorded with the Door County Register of Deeds, at the applicant's expense, and a copy of the recorded agreement shall be filed with the Village Clerk. The off-site shared parking spaces shall be clearly posted for the joint use of employees, and/or tenants, or customers of each respective use sharing those spaces. (Amended Ordinance 120-061306)

(3) Use of optional modes of transportation.

Upon demonstration to the Plan Commission that effective alternative transportation to the automobile will occur within 12 months following the issuance of the certificate of compliance, the Plan Commission may reduce parking requirements. Optional modes of transportation may include, but are not limited to, bus transit, vanpool operations, car pool/ride sharing, moped, scooters and bicycles. (Amended Ordinance 120-061306)

(b) Fee In Lieu of Creating Parking Spaces.

A developer who chooses to not construct the required parking spaces on the parcel may be allowed to pay to the Village a one-time fee into a fund established by the Village to construct and maintain common transition parking spaces. A developer who cannot construct the required spaces on the parcel shall as a condition of approval pay to the Village a one-time fee into a fund established by the Village to construct and maintain common transition parking spaces. The payment of the fee to the Village in either instance shall absolve the developer from constructing the required number of spaces on their property. The fee shall be established annually by the Village Board of Trustees and reflect the cost of constructing and maintaining public parking lots. (Amended Ordinance 120-061306)

(c) Large vehicles.
All businesses that cater to customers, who drive vehicles larger than what can be accommodated in a 9′ X 20′ parking space, shall provide the appropriate number of parking spaces and access aisles to accommodate these vehicles. (Amended Ordinance 120-061306)

(d) Space to be set aside for reduced parking.
The site plan for the business use in the R-2, B-1, P-1 and I-1 districts shall be designed to provide sufficient open space on the subject site to accommodate the additional parking spaces otherwise required by this chapter. Such open space shall be in addition to required yards, setbacks, driveways, private streets, loading and service areas. Sufficient open space shall be provided which, if converted to parking spaces, would provide off-street parking to meet the full requirements of this chapter at the time of application. (Amended Ordinance 120-061306)

(e) Changes in occupancy or use.
When the use of a building, structure, or land is changed to another use or occupancy that requires more parking spaces than required for the use existing immediately prior to such change, additional parking spaces shall be constructed for the new use or occupancy in the amount necessary to conform to this chapter prior to the issuance of a Certificate of Occupancy for the new use. [See section 66.1532(a) page 161] (Amended Ordinance 120-061306)

(f) Changes in intensity of use.
When the intensity of use of a building, structure or land is increased by an addition of employees, gross floor area, seating capacity, or other unit of measurement, additional parking spaces shall be constructed for such additions in the amount necessary to conform to this chapter. [See section 66.1532(b) page 161] (Amended Ordinance 120-061306)

(g) Plan Commission review and verification.
The Plan Commission shall review the adequacy of parking where an adjustment to parking requirements has been granted within one year following such parking modification grant and periodically thereafter to determine that the conditions justifying the parking requirement still exist. If the parking is found to be inadequate, the Plan Commission shall order the use of the property to comply with the parking requirements set forth in section 66.0403 [See page 84] of this chapter. (Amended Ordinance 120-061306)

(h) B-3 District Exemption.
The exemption from certain parking requirements granted by this section shall automatically expire 48 months from the date of the adoption of the enabling ordinance. The parking exemption and related requirements shall only apply to the B-3 district. (Amended Ordinance 201-091112)

(1) Subject to the requirements of site and zoning approval all proposed new uses, new buildings, expansions of existing buildings, expanded uses, changes in intensity of use or changes in occupancy shall be evaluated for the required number of customer and employee parking spaces.

(2) A calculation would be done to determine the amount of parking required to achieve compliance with the open space and related requirements.

(3) The business shall be given the option of installing the required parking or leaving the equivalent area as landscaped open space except for:

a. All required parking for residential dwelling units or motel/hotel spaces must be constructed.

b. All required parking spaces for more than four employees must be constructed.

c. All required parking in excess of forty (40) spaces must be constructed.

(4) Other credits and adjustments related to parking spaces provided for in the Code would also apply.

(i) B-2 District Exemption.
If a development project includes contiguous parcels zoned both B-3 and B-2 the exemption from certain parking requirements granted by section (h) shall apply to that portion of the project in the

SEC. 66.0405 PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS

B-2 district in the same manner. (Amended Ordinance 157-120809)

**Sec. 66.0405 Parking of Vehicles in Residential Districts**

(a) General restrictions.

No car, truck, construction equipment or commercial truck shall be parked regularly upon a driveway or front yard in any residential zoning district except as provided herein. Properties currently zoned residential and still used for agricultural purposes shall be exempt from the provisions of this section.

(1) Vehicles that do not exceed 12,000 lb. manufacturer's gross vehicle weight may be parked on a driveway. Parking on lots that are used as a one or two-family residence shall be limited to parking within garages, carports and upon residential driveways consisting of crushed stone, asphalt, concrete, brick or other similar hard surface material.

(2) Additional vehicles may be parked or stored on the lot within a fully enclosed building.

(3) Vehicles shall be located outside of all ultimate right-of-ways, vision clearance triangles and drainage and utility easement areas.

(4) A semi-tractor or vehicles over 12,000 lb. manufacturer's gross vehicle weight may be parked in a residential district if it is parked on the owner's developed property and the property is located along and having access to a Class A highway.

a. Vehicles over 12,000 lb. manufacturer's gross vehicle weight which were parked prior to the adoption of this chapter or prior to the change in the class designation of the highway on property fronting a road that had been changed from a Class A Highway to a Class B Highway or is changed in the future from a Class A Highway to a Class B Highway, may be parked on the owner's property, subject to the regulations in this section.

(b) Boat and trailer parking.

No boat, boat trailer, mobile home, motor home, motor coaches, truck campers, camping trailers, travel trailers, fifth-wheel trailers, large utility trailers, race cars and their trailers, sport aircraft and their trailer, canoes or kayaks and their trailers, all-terrain vehicles and their trailers, tent campers, folding campers, snow mobiles and their trailers, cases or boxes used to transport recreational vehicles or their equipment, yard maintenance equipment and similar equipment or vehicles shall be parked or stored outside on a residentially zoned lot for more than 24 hours, except as provided herein:

(1) They shall be located in the rear or side yard and not closer than ten feet to a side or rear lot line.

(2) Front yard location shall only be allowed on a driveway or turnaround, parked as close to the home as possible except for the following which are prohibited in the front yard past the 24-hour limit: mobile homes, motor homes, motor coaches, truck campers and large utility trailers.

(3) They shall be located outside of all ultimate right-of-ways, vision clearance triangles and drainage and utility easement areas.

(4) The recreational vehicle shall be maintained in operable condition.

(5) Recreational vehicles that require registration shall be properly registered.

(6) No recreational vehicles or equipment shall be stored in any open space outside a building unless such equipment is owned by the property owner or children of the property owner or resident at the property in question. If the property is rented, such storage shall be permitted for the tenant only if such equipment is owned by the tenant.

(7) All equipment shall be parked or stored as inconspicuously as possible on the property. The area around the equipment or vehicle must be kept weed-free and free of

accumulation of other stored material.

(c) Recreation vehicle parking.
One major recreational vehicle may be stored outside in the rear or side yard of an occupied residential or agricultural lot of 20,000 square feet or more provided it shall not exceed 8.5 feet in width, 13 feet in height and 32 feet in overall length.

(d) Living in trailers.
Except within an approved campground or mobile home park, no recreational vehicle shall be used for the purpose of permanent habitation, living or housekeeping purposes in the Village. Permanent habitation is defined as living in one place for more than ten consecutive days.

(e) Private parking restrictions.
This chapter is not intended to allow parking and storage of recreational vehicles or equipment where they may be otherwise prohibited by deed restriction, covenant, prior orders, developer's agreement, or otherwise limited to topography or environmental restrictions.

(f) Semi-trailer parking.
No semi-trailers or tractors are allowed to be parked in any residential zoning district.

**Sec. 66.0406 Highway Access**

No direct private access (driveway) shall be permitted to the existing or proposed rights-of-way of any controlled access arterial street without permission of the Plan Commission and the highway agency that has access control jurisdiction. In addition, direct public or private access (driveway) to streets and highways shall be permitted in accordance with the following:

(a) Driveways on arterial streets.
Driveways on arterial streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet, in which case the Plan Commission shall determine the driveway location. The setback shall be measured from the intersection of the right-of-way on the two streets.

(b) Driveways on collector or local streets.
Driveways on collector or local streets shall be located a minimum of 50 feet from a street intersection. The setback shall be measured from the intersection of the right-of-way on the two streets.

(c) Driveways on corner lots .
Driveways on corner lots shall be located on the less traveled street based on the local, collector or arterial designation of the streets. (Amended Ordinance 202-091112)

(d) Driveway widths.
Driveways shall not exceed 24 feet in width on residential lots and 35 feet in width on business lots. Driveways on thru lots shall be no less than 15 feet if they are one way and not exceed 24 feet if they are two way. (Amended Ordinance 202-091112)

(e) Driveway locations. (Amended Ordinance 202-091112)

(1) Driveways for R-1, R-3, R-4 and CS-1 parcels must be at least ten feet away from the side lot line. Vehicle parking on those parcels must be at least ten feet away from the side lot line.

(2) Driveways for all other zoned parcels must be at least five feet away from the side lot line. Parking on those parcels is not allowed within the area defined as the side, rear or front yard area on the lot, except as specifically authorized.

(f) Numbers of driveways allowed.
Lots in the R-1, R-3, R-4, B-2 and B-3 districts shall be limited to one driveway unless a second one is approved by the Plan Commission. Lots in all other districts shall be limited to two driveways.

(g) Access barriers.
Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be placed to prevent unauthorized vehicular ingress or egress along the segments of street frontage corresponding to the minimum distances from street intersections as specified above in items (a), (b) and (c).

(h) Temporary access.
Temporary access to the above rights-of-way may be granted by the Zoning Administrator and Village Engineer after review and recommendation by the other highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required.

**Sec. 66.0407 Other Parking Restrictions**

(a) Vehicle and implements.

No visible unlicensed vehicle or unserviceable implements or equipment is permitted within the Village limits.

(b) Business districts.

In the B-1, B-2, B-3, P-1 and I-1 districts no part of the front yard and side yards shall be used for the temporary or permanent storage of boats, vehicles, equipment or materials, except for the parking of licensed motor vehicles in permitted parking lots. (Amended Ordinance 202-091112)

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# SECTION 500 - ACCESSORY USES, HOME OCCUPATIONS, FENCES, AND ANTENNAS

**Sec. 66.0501 Accessory Uses and Structures**

Accessory uses and structures are those that are usually and customarily incidental to the principal use that is located on the same property as the accessory use or structure. Accessory uses shall be permitted in any district as may be specified in the appropriate district regulations or herein.

(a) General regulations.
Accessory structures shall be subject to the following regulations:

(1) Permit required. Accessory structures shall require a regular zoning permit except: minor structures such as birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), tree houses, noncommercial fuel storage tanks and pumps, clothesline poles, lawn ornaments, flag poles, mailboxes, garbage containers, ice fishing shanties, school bus waiting shelters, and farm livestock hutches. Accessory buildings greater than 120 square feet in area shall also require the issuance of a building permit.

(2) Living quarters prohibited. Accessory structures shall not contain living quarters.

(3) Accessory structures shall be located on the same lot as the principal use to which it is accessory.

(4) Accessory structures shall not be permitted until its associated principal structure is present or under construction, except that one accessory building may be permitted prior to the erection of a principal structure only in the CS-1, R-1, R-3 and R-4 districts. (Amended Ordinance 117-041806).

(5) No pole or block buildings with smooth faced block or standing rib metal siding will be permitted in any district.

(6) Design guidelines. All accessory structures except on residential parcels shall comply with the architectural standards, as provided in section 66.1055. [See page 142]

(7) The installation of sanitary sewer service and water service to an accessory building shall be permitted for a toilet and sink(s), upon the issuance of a zoning permit, subject to the following requirements: (Amended Ordinance 144-081208)

a. The installation shall be subject to building code permitting and inspection under Chapter 14 Building Code.

b. The installation shall be subject to standards, policies, fees and charges in Chapter 62 Utilities.

c. The accessory building shall not contain living quarters.

d. The violation of the provisions of this subsection shall:

1. Result in a fine of $5,000 per month retroactive to date the living quarters were found to have been created in the building; and

2. The removal of the water and sanitary sewer service from the building; and

3. The removal of the living quarters found in the building; and

4. In addition, the payment of all fees and penalties associated with impact fees, zoning permits, building permits and other applicable fees if not paid at the time the installation occurred.

e. If the violation of this subsection does not involve living quarters (7)(c) then the following shall apply:

1. Result in a fine of $500 per month retroactive to date the improperly installed installation was found to have been created in the building; and
2. The inspection of the installation under the then current building code; and
3. In addition, the payment of all fees and penalties associated with impact fees, zoning permits, building permits and other applicable fees if not paid at the time the installation occurred.

(b) Setback requirements.

(1) All accessory structures except the minor structures in subsection (a)(1) shall comply with all setback and yard requirements for accessory structures. *(Amended Ordinance 207-100912)*

(2) If the Plan Commission establishes a large project setback as specified in Section 66.0307(d) that setback shall also apply to all accessory buildings. *(Amended Ordinance 207-100912)*

(3) All accessory buildings for all zoning districts, shall comply with the following setback requirements. *(Amended Ordinance 207-100912)* (Entire subsection amended Ordinance 146-110408)

a. Setback from easements.

1. No accessory building shall be placed over an easement that prohibits such placement. No accessory building shall encroach into the public right-of-way. No accessory building shall encroach upon the street yard of a corner lot.

b. Setback from principal buildings.

1. An accessory building of 120 square feet or less may be erected, altered or moved to a location that is not less than five (5) feet from the nearest wall of a principal building; if it is constructed with a one-hour fire rating per ILHR 21.08. Without the one-hour fire rating, the mini-mum separation shall be ten (10) feet.
2. An accessory building over 120 square feet may be erected, altered or moved to a location within ten (10) feet of the nearest wall of the principal building.

c. Side yard setback.

1. See district requirement for primary structures. *(Amended Ordinance 207-100912)*

d. Rear yard setback.

1. See district requirement for primary structures. *(Amended Ordinance 207-100912)*

e. Front yard setback.

1. No accessory building shall be placed in a front yard setback area, except as part of a conditional use

permit issued by the Plan Commission (Amendede 111715)

2. Existing single-family homes as of July 1, 2008, in the R-1 district located within one hundred (100) feet of the ordinary high water mark may be permitted to have one accessory building located in the front yard area setback area. The accessory building may not be located any closer than forty (40) feet from the edge of the pavement and fifteen (15) feet from the side lot line. Any modifications to non-conforming accessory buildings subject to this exemption shall comply with §66.0903. If an existing home is demolished and rebuilt then Section §66.0501 (b)(2)(e)(1) shall apply.

(4) Structures not buildings.

The following accessory structures that are not buildings shall be constructed on a property as follows:

a. Patios, constructed at or below yard grade, may be installed in the rear or side yard adjacent to a principal structure without the issuance of a zoning permit; and shall not be located closer than five feet to a lot line.

b. Decks located adjacent to or attached to a principal structure shall not be closer to the lot line than the required front, side and rear setbacks for principal structures for the district in which they are located. Freestanding decks surrounding private swimming pools shall be located at least ten feet from the principal structure and shall be located at least ten feet from a side or rear lot line. All decks shall require the issuance of a zoning permit.

c. Air conditioning condensers may be located adjacent to a principal structure in the rear yard and side yard, without the issuance of a zoning permit; provided, that all condensers shall be located at least five feet from a side or rear lot line. Air conditioning condensers shall not be located in the front yard.

d. Propane tanks may be located adjacent to a principal structure in the rear yard and side yard, provided, that all tanks shall be located at least five feet from a side or rear lot line. Propane tanks shall not be located in the front yard. Propane tanks shall be buried unless blasting in rock is required in which case the tank shall be screened. (Amended 134-121107)

e. Private swimming pools are permitted as accessory uses in the rear yard in any district; except the W-1 district; however the swimming pool shall be located at least 20 feet from any side or rear lot line, and be installed in accordance with the Village building, plumbing, and electrical codes, including the issuance of all required permits including a zoning permit.

f. Private tennis courts are permitted as accessory uses

in the rear yard in any district; except the W-1 district. A zoning permit is required for all tennis courts and:

1. All tennis courts shall be surrounded by a fence not less than ten feet in height.
2. No lighting installed around a tennis court shall project onto adjacent properties; and
3. No private tennis court shall be located closer than ten feet to a lot line.

g. Firewood shall not be stored in the front yard.

h. Flagpoles are permitted as accessory uses in all yards of any zoning district.

(c) Floor area requirements. *(Amended Ordinance 207-100912)*

The permitted area of an accessory buildings listed below is also subject to the respective zoning district open space requirements.

(1) The combined maximum building footprint of accessory buildings on R-1 and R-4 residential lots shall not exceed the area of the building footprint of the principal building.

(2) The combined maximum building footprint of accessory buildings on R-3 and CS-1 lots shall not exceed 3,000 square feet without Plan Commission permit approval.

(3) The combined maximum building footprint of accessory buildings on R-2, B-1, B-2, B-3, I-1 and P-1 lots shall not exceed the total footprint of the principal building(s) without Plan Commission permit approval.

(4) Buildings accessory to general agricultural uses on farms or orchards shall not be restricted in floor area. Golf courses consisting of at least 9 holes and 2,500 playable yards, the total floor area of all accessory buildings on the lot shall not exceed 3,000 square feet.

(d) Height, Architectural and Site Plan Requirements. *(Amended Ordinance 207-100912)*

(1) The maximum height of an accessory building shall not exceed the height of the principal building to which it is accessory, without Plan Commission permit approval, up to a maximum height of 35 feet.

(2) Accessory buildings on R-2, B-1, B-2, B-3, I-1 and P-1 lots shall conform to the established architectural appearance, which exists for the primary structure(s).

(3) Accessory buildings on R-2, B-1, B-2, B-3, I-1 and P-1 lots, which do not appear on an approved site plan, in excess of 120 square feet, require an amendment to the approved site plan by the Plan Commission, before a zoning permit can be issued.

(e) Home occupations.

Home occupations are permitted accessory uses in any residential district and shall be approved by the Plan Commission. Home occupations and professional home offices shall be permitted when incidental to the principal residential use, situated upon the same premise (inside and/or outside) and carried on by the residential occupant, subject to the following conditions, provided that:

(1) The primary use of the structure shall be a dwelling unit.

(2) The following standards shall be complied with in full at all times:

a. No more than one full time equivalent person who is not a resident of the dwelling unit shall be engaged or employed in the home occupation on the premises.

b. No mechanical equipment shall be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes.

c. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other

restricted materials shall be used or stored on the site except those, which are necessarily, customarily, or ordinarily used for household or leisure purposes.

d. There shall be no outside operations, storage, or display of materials or products.

e. The home occupation shall not occupy more than 20 percent of the square footage of the primary residence. The 20 percent can be utilized inside and/or outside. The space, either inside or outside, cannot exceed 20 percent of the square footage of the primary residence.

f. No alteration of the residential appearance of the premises shall occur, including the creation of a separate entrance for the home occupation.

g. No process shall be used which is hazardous to public health, safety, or welfare or would create a nuisance or be otherwise incompatible to the surrounding residential area; nor the removal of sand, gravel, stone, topsoil or peat moss for commercial purposes.

h. The home occupation shall not displace or impede use of required parking spaces, including any business storage in required garage parking areas.

i. All signage shall comply with section 66.0730(c). [See page 112].

j. Any off-street parking area provided shall be maintained reasonably dustless and adequately screened from adjoining residential properties. One off-street parking space shall be provided per 150 square feet of floor area used for the household occupation.

k. The home occupation shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products produced by the home occupation.

(3) The following uses are examples of permitted home occupations:

a. Architectural services.
b. Art restoration.
c. Art studios.
d. Babysitting.
e. Cake decorating.
f. Consulting services.
g. Contracting, except carpentry, masonry services, electrical services, plumbing, and painting;
h. Data processing.
i. Direct sales representative.
j. Drafting and graphic services.
k. Dressmaking, sewing, tailoring, contract sewing (no more than one type of any machine).
l. Engineering services.
m. Financial planning and investment services.
n. Flower arranging.
o. Gardening and grass cutting.
p. Home crafts (including ceramics with a kiln up to six cubic feet).
q. House cleaning services.
r. Interior design.
s. Jeweler and jewelry making.
t. Laundry and ironing services.
u. Locksmith.
v. Millinery.
w. Private educational, musical or artistic lessons.
x. Professional home offices.
y. Sales representative (office only).
z. Tutoring.
aa. Typing and word processing services.
bb. Wallpapering.

cc. Watch repair;
dd. Writing and computer programming.
ee. Home occupations shall not be considered a non-conforming use should the regulations of this chapter be revised or amended.

(f) Rummage Sales.
Rummage sales shall not exceed three days in length nor occur more than six times per year and may be conducted in any residential, institutional or the B-2 district.

**Sec. 66.0502 Fences**

Fences are a permitted accessory use in any district and may be erected provided, that fences comply with the following requirements:

(a) Fencing in general.
All fencing shall be placed on the property or properties being screened and shall not project into a public right-of-way, shall not obstruct the vision clearance triangle, and shall not extend over side or rear property lines. Planted fences shall be located away from the property line in locations where natural growth will not extend beyond the property lines, or the plantings shall be maintained at these lines.

(b) Fencing locations.
Fences are permitted up to the lot line in the side and rear yards of all districts. Fences along the side and rear lot lines shall not exceed a height of six feet and shall not extend into the street yard. Fences paralleling any street shall not exceed four feet in height, except they may be constructed to a maximum height of six feet if they are constructed within the building envelope, excluding the front yard.

(c) Fence permits.
No fence, except an ornamental fence, snow fence or fence constructed by utilities, shall be constructed in the Village without first obtaining a zoning permit from the Zoning Administrator.

(d) Front yard and street yard fences.
No fence requiring a permit shall be constructed beyond the front of any building or in the street yard, except an ornamental fence; or where aesthetic considerations may require a fence or wall to screen a parking lot; or to screen the impact of a State highway; or other unattractive area, or to generally improve the aesthetics of a development. Such fence or wall may be erected by approval of the Plan Commission, which approval may include design or other architectural requirements.

(e) Signs on fences.
Signs on fences shall be permitted according to section 66.0700-66.0791. [See page 111]

(f) Fencing orientation.
Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property owner or public street. Fence posts shall be on the side of the fence facing the permit applicant's property.

(g) Fencing materials.
All fences shall be constructed in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. All fences shall be maintained in good and aesthetic condition so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. Chain link fences are not allowed in residential districts. No fence may be constructed or maintained in such a manner, which is detrimental to human life or safety or causes a traffic hazard.

(h) Electric fences.
Electric fences are permitted in the CS-1 district only. Electric fences are permitted adjacent to the lot line and shall not exceed four feet in height in the street yard or six feet in height in the side and rear yard. Underground electric fences are allowed in all districts.

(i) Security fences.
Security fences are permitted, upon the issuance of a zoning permit, adjacent to the property lines in all districts except residential districts, and shall not exceed ten feet in height. The Plan Commission shall determine, before the issuance of a zoning permit, on a case-by-case basis the opacity of security fences, based upon consideration of the need to screen materials and upon safety considerations. Security fences shall comply with the traffic visibility requirements set forth in

section 66.0401 [See page 84] of this chapter.

(j) Snow fences.
Snow fences are permitted without a permit provided that such snow fence shall not be installed prior to November 1 and shall be removed no later than April 1 of the following year.

(k) Corner lot fences.
All fences on corner lots shall comply with the other requirements of this section; however, the location of corner lot fences shall be allowed at the discretion of the Zoning Administrator, in conformity with reasonable interpretation of this chapter or at variance there from after considering the location and layout of the residence, garage, driveways and/or other buildings on the lot; general architecture and location of buildings on the subject lot as well as on surrounding properties; visibility to nearby pedestrian and vehicular traffic; and such other additional considerations as may be peculiar to the subject property and general area. Any person aggrieved by a decision of the Zoning Administrator may appeal for reconsideration by the Plan Commission, which is hereby empowered to hear such appeals. The appeals process shall follow the same process as set out for appeals to the Board of Appeals under section 66.1601, [See page 167] however, publication of notice and appeal fees shall be discretionary with the Plan Commission.

**Sec. 66.0503 Antennas**

Antennas, including earth station dish antennas, are permitted as accessory uses. Terrestrial antennas may be located in the rear yard or on the roof of the principal structure in all residential districts. Earth station dish antennas may be located in the rear yard in any residential district. Terrestrial antennas and earth station dish antennas may be located in the side or rear yard or on the roof of the principal structure in all agricultural, business, institutional or park districts. In addition:

(a) All antennas, including earth station dish antennas, shall be manufactured and installed in compliance with Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations and applicable Village building and electrical codes.

(b) Not more than one terrestrial and one earth station dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.

(c) Earth station dish antennas shall be located and designed to reduce their visual impact on surrounding properties.

(d) No form of advertising or identification may be displayed on the dish or framework of an earth station dish other than the customary manufacturer's identification plates.

(e) Portable or trailer-mounted antennas are not permitted; with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed two days at any one location.

(f) Communication structures, such as radio and television transmission and relay towers, aerials, and radio and television receiving and transmitting antennas, not including ground and building-mounted earth station dish antennas, shall not exceed a height of three times their distance from the nearest lot line. Ground-mounted earth station dish antennas shall not exceed a height of 15 feet. Building-mounted earth station dish antennas shall not exceed the maximum height regulation of the district in which they are located.

**Sec. 66.0504 Wireless Telecommunication Sites**

The intent of this regulation is to provide for the establishment and or expansion of wireless telecommunication services within the Village while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, sitting and screening. More specifically this regulation has been developed in order to:

- Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community.
- Encourage providers to co-locate their facilities on a single tower.
- Minimize the location of facilities in visually sensitive areas.

- Encourage creative design measures to camouflage facilities.
- Protect residential areas from potential adverse impacts of communication towers.
- Avoid potential damage to adjacent properties from tower failure through engineering and careful sitting of tower structures.

(a) Location preferences.

The locations for sitting the equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in the following order of preference.

(1) On existing, towers that otherwise meet local, State and Federal regulations.

(2) On existing structures such as buildings, water towers and utility poles.

(3) On new towers less than 100 feet in height located in institutional zones.

(4) On new towers 100 feet or greater in height located in institutional zones.

(5) On new towers less than 100 feet in height located in a business zone.

(6) On new towers 100 feet or greater in height located in business zones.

(7) On new towers less than 100 feet in height located in residential zones.

(8) On new towers 100 feet or greater in height located in residential zones.

(b) Permitted uses.

The following uses which, generally pose minimum adverse visual effect, shall be permitted without review by the Plan Commission. Such permitted uses must obtain a zoning and building permit, and are subject to the submittal requirements established in sections 66.1530 and 66.0504(e) of the Municipal Code.

(1) Wireless telecommunications sites where the antenna is mounted to existing buildings, towers, utility poles, water towers, light standards or other structures provided the following standards are met:

a. No changes are made to the height of such structure.

b. No panel antenna shall exceed 72 inches in height and 24 inches in width.

c. No dish antenna shall exceed three feet in diameter.

(c) Uses allowed only by conditional use permit.

Wireless telecommunications sites not otherwise permitted in subsection (c) shall be considered conditional uses in all zoning districts. All accompanying equipment buildings or boxes shall be screened and fenced as approved by the Village as part of the site plan review. In addition to specific requirements listed in subsections (f) and (g), the standards provided in section 66.1535 [See page 161] shall also apply to applications submitted under this section.

(d) Site Plan Requirements.

All proposals to develop a wireless telecommunication site shall be subject to the site plan requirements listed in section 66.1050 of these regulations. In addition, the following information shall be submitted:

(1) Permitted Use:

a. A plan showing where and how the proposed antenna will be affixed to a building or structure.

b. Details of all proposed antenna and mounting equipment including size and color.

c. An elevation of all proposed equipment buildings or boxes and details of all proposed fencing and screening.

d. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between

antennas. Where a monopole is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.

e. A report from a licensed engineer indicating that the proposed wireless telecommunication site will comply with the emission standards found in this regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications.

f. An analysis of the fall zone for the proposed tower prepared by a licensed engineer.

g. Proof that either the applicant or co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunications services that the proposed tower is designed to support.

h. A report or letter from the Federal Aviation Administration (FAA) that the proposed tower complies with all airport safety requirements of and for Ephraim-Gibraltar Airport.

i. A map depicting the extent of the provider has planned coverage within the Village of Sister Bay and the service area of the proposed wireless telecommunications site.

j. A map indicating the search radius for the proposed wireless telecommunication site.

(2) Conditional Use Permit.

a. All of the plans and information required for Permitted Uses in the previous subsection.

b. Upon request of the Plan Commission, the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Plan Commission ascertain the visual impacts associated with such proposal.

c. For towers located in a residential zoning district or within 1,000 feet of a residential zoning district, the applicant shall provide a view shed analysis showing all areas from which the tower would be visible.

(e) <u>Height and setback requirements.</u>

(1) Height.

a. The maximum height of a tower proposed under section 66.0504 shall be 200 feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances.

b. The maximum height of any rooftop mounted equipment building or box shall be 15 feet above the roof surface.

(2) Setbacks.

a. All freestanding monopole towers shall comply with the following minimum property line setbacks:

1. Front yard or street yard – A distance equal to ¾ of the height of the tower or the setback required for the underlying zone, whichever is greater.

2. Side or rear yards in residential zones, 50

feet for towers less than 60 feet in height and 100 feet for towers equal to or greater than 60 feet.

3. Side or rear yards in nonresidential zones, 25 feet for towers less than 60 feet in height and 50 feet for towers equal to or greater than 60 feet. Where a side or rear lot line is contiguous to a residential zone, the setback for that particular yard shall be as required for such a tower in a residential zone.

b. All other towers in residential zones shall provide a setback from any property line that is equal to 125 percent of the proposed tower height or 200 feet, whichever is greater.

c. All other towers in nonresidential zones shall provide a setback from any property line equal to the height of the tower.

d. All equipment buildings/boxes or equipment areas, which are each 50 square feet or greater in area, shall comply with the minimum property line setbacks for a principal building in the underlying zone.

e. All equipment buildings/boxes or equipment areas which are each less than 50 square feet in area shall comply with the following minimum property line setbacks:

1. Front yard or street yard – Same as for a principal building in the underlying zone.

2. Rear and side yards – five feet.

(f) General requirements.

(1) No wireless telecommunication site shall be located within 200 feet of an existing or proposed residence.

(2) No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting, except for municipal purposes, shall be avoided if possible.

(3) Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue or gray.

(4) Towers may not be used to exhibit any signage or other advertising.

(5) Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is between 50 and 100 feet in height. The Plan Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.

(6) Antennas or equipment buildings/boxes mounted to or on buildings or structures shall, to the greatest degree possible, blend with the color and design of such building or structure.

(7) No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.

(8) The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for emissions.

(9) All utilities proposed to serve new wireless telecommunication sites shall be installed underground

unless otherwise approved by the Plan Commission.

(10) All generators installed in conjunction with any wireless telecommunication site shall comply with all Village noise regulations.

(g) Factors upon which conditional use permit decisions of the Plan Commission shall be based.

In considering applications for wireless telecommunication sites, the Plan Commission shall also find:

(1) In the case where an application for the proposed location of a wireless telecommunication facility is not a preferred site as identified in section 66.0504(b)(1) through (8), that the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically, legally or economically feasible. The supplied documentation should evaluate the following factors:

a. The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost as determined by the Plan Commission.

b. The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated at a reasonable cost as determined by the Plan Commission.

c. The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost as determined by the Plan Commission.

d. Any restriction or limitation imposed by the FCC.

(h) Abandonment.

A wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area. If the service facility owner fails to remove their facilities within this period, after receiving prior written notice from the Village, the Village shall remove said facilities and shall charge the cost of such removal to the property involved, pursuant to Wisconsin Statutes Section 66.0413.

(i) Expiration of permit.

The approval of an application for conditional use permit shall be void and of no effect unless construction of the project commences within one year and is completed within two years from the date of the approval granted by the Village Board. For purposes of this regulation, start of construction shall be defined as the installation of a permanent building foundation or slab. The Village Board may grant up to two six-month extensions of the time to start construction upon written request by the applicant. The Village Board shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the extended time period sought. The Village Board may, as a condition of approval of a conditional use permit, establish a time that such

conditional use permit shall remain in effect.

**Sec. 66.0505 Wind Power Generating Towers**

Wind power generation shall be permitted in any district in the Village, in conformance with Wisconsin 2009 Act 40, PSC 128, and shall it be permitted on the waters of Green Bay within the jurisdiction of the Village.

**Sec. 66.0506 Outdoor Displays**

(a) Outdoor displays which are allowed on a regular basis in the B-1 District and do not require a permit.

No permit will be required if the owner of a business in the B-1 District wishes to display merchandise which is for sale outdoors, excluding the items included in (d). The display must satisfy the following requirements:

(1) The outdoor display of merchandise shall not extend more than 50 percent from the building into the required front setback area.

(2) Signs, screening, enclosures, landscaping or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including pedestrian traffic.

(3) The display area shall not inhibit the use of or number of required parking stalls.

(4) Display areas shall be separated from any vehicular parking or circulation area and the separation shall be clearly indicated.

(5) If goods are removed from the display area, all support fixtures shall also be removed.

(b) Outdoor displays which are allowed on a regular basis in the B-2 and B-3 Districts and do not require a permit.

No permit will be required if the owner of a business in the B-2 District or the B-3 District wishes to display a small amount of merchandise which is offered for sale outdoors, excluding the items included in (d). The display must satisfy the following requirements:

(1) The appearance of the display must be proportionate to the size of the building in which the store is located.

(2) The items to be displayed outdoors must be placed at least twenty feet from the face of the curb. If it will be impossible for a business owner to satisfy the twenty-foot regulation a small display will be allowed by the building entrance.

(c) Number of sidewalk sales allowed per calendar year.

(1) No permit will be required for sidewalk sales in any of the business districts, but no more than twelve (12) of such sales will be allowed in a calendar year.

(2) The appearance of the merchandise displayed during a sidewalk sale must also be proportionate to the size of the building in which the store is located.

(d) Outdoor displays which do require a permit in all business districts.

(1) If the owner of a business in any business district within the Village limits wishes to display larger items such as automobiles, trucks, motorcycles, RV's, campers, ATV's, boats and the like, a permit which delineates the area where the large item display will be allowed is required, but the display must meet the following requirements:

(2) The display shall not extend more than 20 percent from the building into the front yard area, and may not extend into the required side or rear setbacks.

(3) Automobiles, trucks, motorcycles and boats shall only be displayed or placed on a surface as specified in Section 66.0403(f)(1) of the Zoning Code.

(4) The display area shall not inhibit the use of or number of required parking stalls.

(5) Display areas shall be separated from any vehicular parking or circulation area and the separation shall be clearly indicated.

(6) If goods are removed from the display area, all support fixtures shall also be removed.

 SEC. 66.0506 OUTDOOR DISPLAYS

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# SECTION 600 - MODIFICATIONS

**Sec. 66.0601 Height Modifications**

The district height limitations included elsewhere in this chapter may be exceeded, but shall be in accord with the following:

(a) Architectural projections.
Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter, but may be regulated by FCC or FAA regulations where applicable. The cupolas shall not exceed 64 square feet in floor area including stairwells and shall not be higher than eight feet above the adjacent roof ridge and not contain any living quarters.

(b) Special structures.
Special structures, such as elevator penthouses, grain elevators, necessary mechanical appurtenances, cooling towers, fire towers, solar collectors, substations and smoke stacks, are exempt from the height limitations of this chapter.

(c) Essential services.
Essential services, utilities, water towers and electric power and communication transmission lines are exempt from the height limitations of this chapter.

(d) Observation towers.
Observation towers shall not exceed in height two times their distance from the nearest lot line.

(e) Agricultural structures.
Agricultural structures, such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.

**Sec. 66.0602 Setback Modifications**

The setback requirements included elsewhere in this chapter may be modified as follows:

(a) Architectural projections.
Architectural projection, such as eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies and similar architectural features may encroach into setbacks by no more than four feet, subject to compliance with applicable standards of the Building Code and Fire Code. Eaves, overhangs, cornices, awnings, canopies and similar architectural features may encroach into the right-of-way subject to conditional use approval by the Plan Commission. Walls and fences may be placed on the property line, subject to the requirements of standards on Landscaping and Fences and Walls.

(b) Essential services.
Essential Services, utilities and electric power and communication transmission lines are exempt from the setback requirements of this chapter.

 SEC. 66.0602 SETBACK MODIFICATIONS

1

# SECTION 700 - SIGNS

*Please Note: This entire section was revised by Ordinance 185-041211, but in accord with the ruling of the Supreme Court in the case entitled, "Reed v. Town of Gilbert", Ordinance 244-100416 further amended and recreated it in the following fashion:*

**Sec. 66.0700 Purpose and Intent**

(a) The purpose of this Sign Section is to provide the legal framework and minimum standards to safeguard life, property, public welfare by regulating and controlling the number, size, quality of materials, construction, location, illumination, installation and maintenance of all signs as compatible with zoning regulations.

(b) This chapter recognizes the need for well-maintained and attractive sign displays within the Village and the need for adequate business identification, advertising and communication. Because of the unique qualities of the Village of Sister Bay, which need to be protected and enhanced, a high degree of control over the construction materials of signs is deemed to be an important public purpose.

(c) This chapter authorizes the use of signs on public and private property, provided the signs are:

(1) Compatible with the Zoning District regulations.

(2) Compatible with the approved Architectural Design Manual and other approved guides and manuals.

(3) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.

(4) Legible, readable, visible and well designed for the circumstances in which they are used.

(5) Respectful of the reasonable rights of other advertisers.

(6) Not covering any major architectural detail.

**Sec. 66.0701 Design Guidelines**

(a) The Village recognizes the decision of the United States Supreme Court, as outlined in Reed v. Gilbert. As such, section 66.0701 is intended to act as a set of suggestions to sign producers and property owners on what types of signs the Village would prefer to see in order to preserve the small town charm of the community.

(b) Signs are one of the most prominent visual elements of a street. Well-designed signs add interest and variety to building facades and help to attract customers. In general, the sign is the best representation of the business to the passing pedestrian or motorist. The design guidelines shall be used as an important part of sign review and approval.

(c) Before starting to design a sign, take a careful look at the building. Is there an obvious space on the building where the sign would look appropriate without covering architectural details? Some of the Village's older buildings were designed with a horizontal "sign space" stretching across the top of the storefront which should be used. If this "sign space" does not exist perhaps, there is adequate wall area for a wall sign with appropriate space for a projecting sign.

(d) Take a look at neighboring buildings. Is there a predominant type of sign or a size precedent? In designing a sign, it is important to have an understanding not only of the building but also of the compatibility within the neighborhood. The basis for decisions on sign type, size and location should come from architectural concerns. The specific definitions and regulations governing the various types of signs in this section should be studied before actual design begins.

(e) To achieve the objective of these guidelines for sign details include the following:

(1) Simplicity.
An effectively designed sign with bold, easily recognized symbols and clear crisp lettering will identify a business or activity efficiently and attractively, enhance the area in which it is located and complement the general appearance of the street and Village.

(2) Color.
Restraint should be exercised when selecting colors. On most signs, no more than three colors should be used: one for background, a

contrasting color for lettering, and a third for perhaps emphasis (such as for borders, motifs, or shading of letters to give it a three-dimensional look). Colors should be chosen which complement each other as well as the general tone of the building.

(3) Messages.
Messages should be simple for rapid comprehension by the public. Pictures, symbols, and logos can add individuality and character to signs, in addition to making them easier to read.

(4) Materials.
Sign materials shall be compatible with the surrounding area. Sign materials shall be consistent with or at least complement the original construction materials and architectural style of the building façade on which they are to be displayed.

(5) Lettering.
Lettering styles should complement the style and period of the building on which they appear. Traditional block and curvilinear styles, which are easy to read, are preferred. Generally, different type styles should not be used on the same sign to avoid a cluttered appearance.

**Sec. 66.0710 Business District Signage with Permit**

(a) <u>In General.</u>
Signs are permitted in all business districts subject to the requirements in this Chapter.

(b) <u>Determination of allowable signage.</u>
The area of each building's signage shall be the lineal feet of the front of the building multiplied by the story factor below. A basement shall not count as a story. See Section 66.0753(g) on the manner to determine the linear front footage. No single projecting or ground sign may exceed 24 square feet in area per side.

The following table shall be used to calculate the area of allowable signage. Measure the width of the building and use the proper multiplier for the building width range to determine the allowable square feet of signage permitted.

| ***Building Width Range in Feet*** | ***Multiplier*** | | |
|---|---|---|---|
| | ***One Story*** | ***Two Story*** | ***Three Story*** |
| 0 | 0.750 | 0.830 | 0.900 |
| 5 | 0.750 | 0.830 | 0.900 |
| 10 | 0.750 | 0.830 | 0.900 |
| 15 | 0.750 | 0.830 | 0.900 |
| 20 | .750 | .830 | .900 |
| 25 | .750 | .830 | .900 |
| 30 | .750 | .830 | .900 |
| 35 | 0.721 | 0.798 | 0.865 |
| 40 | 0.711 | 0.787 | 0.853 |
| 45 | 0.701 | 0.776 | 0.842 |
| 50 | 0.692 | 0.765 | 0.830 |
| 55 | 0.682 | 0.754 | 0.818 |
| 60 | 0.672 | 0.743 | 0.807 |
| 65 | 0.663 | 0.733 | 0.795 |
| 70 | 0.653 | 0.722 | 0.783 |
| 75 | 0.643 | 0.711 | 0.772 |
| 80 | 0.633 | 0.700 | 0.760 |
| 85 | 0.624 | 0.689 | 0.748 |
| 90 | 0.614 | 0.678 | 0.737 |
| 95 | 0.604 | 0.668 | 0.725 |
| 100 | 0.594 | 0.657 | 0.713 |
| 105 | 0.585 | 0.646 | 0.702 |
| 110 | 0.575 | 0.635 | 0.690 |
| 115 | 0.565 | 0.624 | 0.678 |
| 120 | 0.556 | 0.613 | 0.667 |
| 125 | 0.546 | 0.602 | 0.655 |
| 130 | 0.536 | 0.592 | 0.643 |
| 135 | 0.526 | 0.581 | 0.632 |
| 140 | 0.517 | 0.570 | 0.620 |
| 145 | 0.507 | 0.559 | 0.608 |
| 150 | 0.497 | 0.548 | 0.597 |
| 155 | 0.488 | 0.537 | 0.585 |
| 160 | 0.478 | 0.527 | 0.573 |
| 165 | 0.468 | 0.516 | 0.562 |
| 170 | 0.458 | 0.505 | 0.550 |
| 175 | 0.449 | 0.494 | 0.538 |
| 180 | 0.439 | 0.483 | 0.527 |
| 185 | 0.429 | 0.472 | 0.515 |
| 190 | 0.419 | 0.462 | 0.503 |
| 195 | 0.410 | 0.451 | 0.492 |
| 200 | 0.400 | 0.440 | 0.480 |
| Over 200 | 0.390 | 0.429 | 0.468 |

(c) Window Signs.
All businesses are allowed window signs, which may be placed only on the inside of buildings and shall not exceed 25 percent of the glass area of the windows fronting on a public street.. Window signs as specified above shall not require a permit.

(d) Awning Signage.
All businesses are allowed signage on awnings subject to permit. Awning signage may include logos, business names, symbols and wording placed only on the flap. Awning/canopy covering pedestrian or vehicle access areas signs shall provide no less than eight feet vertical clearance between the bottom of the sign and the ground, (finished surface), directly beneath the awning/canopy. Signage on awnings shall not count towards total signage.

(e) Signage at the Entrance of Tenant Spaces.
One sign placed at the entrance of the space for each separate tenant space in multi-tenant buildings may be placed on the building and each directory sign shall not exceed two square feet per side. In lieu of one entrance directory sign for each separate tenant space, a single wall sign may be permitted. The area of the wall sign shall be no larger than the cumulative amount of the permitted separate entrance directory signs. The in lieu of sign shall be in addition to the sign areas allowed in (b) above and shall conform to all of the requirements of this section.

(f) Certain Sandwich Board Signs.
See Section 66.0713.

(g) Permitted Types of Signs.
A business may divide the total permitted signage into any combination of the four types listed below, not to exceed the total permitted area limits set forth in (b) above.

(1) Wall signs placed flat against the exterior walls of a building shall not extend above the roofline. Wall signs shall not extend beyond the ends of the wall to which they are attached.

(2) Projecting signs fastened to, suspended from or supported by structures, shall not extend more than six feet into the required yard area, shall not extend into any public right-of-way, shall not extend over any driveway and, shall be at least ten feet from all side lot lines. Except in areas where there are public sidewalks which are cleared of snow by the Village, the projecting sign shall not be located at a point higher than 75% of the wall measured from the top of the foundation where it is located. In those areas where the sidewalks are cleared of snow by the Village, there shall be a minimum clearance of 92" from the bottom of projecting signs to the sidewalk.
*(Amended Ordinance No. 260-082118.)*

(3) Ground signs shall not exceed eight feet in height. Ground signs shall be located at least ten feet from any street right-of-way and at least ten feet away from any side or rear lot line except as specified in (a) below. Ground signs shall comply with the traffic visibility requirements set forth in section 66.0401 [See page 84]. All ground signs shall include landscaping at the base of the sign.

a. In the B-3 Downtown Business District ground signs may be located no closer than ten feet from the face of the curb, if the existing building and/or terrain is not suitable for the setback as specified above.

b. All parcels shall be limited to one ground sign, regardless of the number of businesses, buildings on the site or the number of street frontages abutting the property.

(4) Vending machines.
Only vending machines without internal illumination are permitted in all business districts.

**Sec. 66.0711 Commercial Center Signage with Permit** *(Amended Ord. 234-122914)*
A commercial center is defined as a multi-tenant, multi-building commercial and retail development under common ownership or management and located in the B-1 zoning district. The shopping center may be permitted the following signage in addition to the approved building signage as specified in Section 66.0710.

(a) Signs used for Commercial Centers shall be allowed as follows:
  (1) Two (2) marque ground signs may be provided. Two (2) marque ground signs may be permitted along the State Highway abutting a commercial center.
  (2) The marque signs shall not exceed 72 square feet per side in total area and not exceed 12 feet in height. The location shall be approved by the Plan Commission prior to the issuance of a sign permit.

(b) Business or Tenant Signage.
Signage specified in Section 66.0710(g)(1) and (2) may be provided for each individual tenant business in a commercial center. In a multi-tenant building, each business shall be permitted signage up to twelve (12) square feet per side. In a single tenant building the business shall be permitted signage up to sixteen (16) square feet per side on the interior of the shopping center.

(c) Additional On Premise Signage
*(Amended Ord. 193-050812)*
One additional ground sign on the shopping center property may be permitted subject to the following restrictions:
  (1) The maximum size of the sign shall not exceed 36 square feet per side.
  (2) The location shall be approved by the Plan Commission prior to the issuance of a Sign Permit.

**Sec. 66.0712 Off-Premise Signage with Permit**

This section shall only apply to businesses not located on a State highway. Off-premise directional signs shall only be allowed for entities located within the Village limits. All off-premise signs shall require a sign permit and shall be restricted to the following uses:

(a) Off-premise directional signs on Highway 42 or 57.
  (1) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.
  (2) Off-premise signs on either state highway require a permit.
  (3) The basis of approval shall be as follows:
    a. Plan Commission shall approve of sign locations.
    b. There shall be only one sign on the highway for each entity requesting such signage

**Sec. 66.0713 Sandwich Board Signage with Permit**

Sandwich board signs are permitted subject to the following conditions:

(a) Entities may use sandwich board signs on their property in front of their properties in the B-1, B-2, B-3, I-1 and P-1 districts as permitted provided that the sandwich board signs will not be located on any sidewalk or bikeway if one is present or in any public right-of-way.

(b) Sandwich board sign impact on total permitted signage.
  (1) A sandwich board where the messages and content change on a weekly basis shall not count towards the total signage allowed under Section 77.0710..
  (2) A sandwich board where the wording or image is unchanging shall count towards the total signage allowed under Section 77.0710. Any sandwich board permitted under this subsection shall also comply with (c)—(g) below.

(c) The sandwich board sign must be located in front of the property, and will not cause a hazard to traffic or adjoining properties. These signs shall require a permit and shall not exceed six (6) square feet in area on one side or 12 square feet on all sides..

(d) The sandwich board sign must be removed from its display location whenever the permit holder is not open to the public. Festivals, non-profits, organizations and businesses under contract with the Village may use sandwich board signs on Village owned property or other property in any district as permitted provided that the sandwich board signs will not be located on any sidewalk or bikeway if one is present or in any public right-of-way.

(e) The Plan Commission shall establish a Sandwich Board Design, Guide which will reflect various preferred designs and

colors. The Guide shall be updated periodically.

(f) After May 1, 2011, the cost for a temporary sandwich board sign permit shall be $20.00 except for existing sandwich board permit holders.

**Sec. 66.0720 On-Premise Signs without Permit**

Except as prohibited in section 66.0770 of this chapter, the following signs are permitted in all zoning districts without a permit, subject to the following regulations:

(a) Temporary Signs.
These signs are not to exceed six square feet in area on one side and 12 square feet in area on all sides. These signs shall be located no closer than ten feet to any street right-of-way, nor closer than ten feet to a side or rear lot line. Temporary signs shall be displayed for no longer than 30 days, and shall be permitted no more than 6 times per year.

(a)(1) Construction Area Signage
Temporary signs on a property during a period of construction may be placed on a construction site without a permit, provided that there shall be no more than one such sign located on the premises; no sign shall exceed 18 square feet in area on one side or 36 square feet on all sides; and the sign shall be removed within 72 hours following the issuance of an occupancy permit. Temporary signs issued as part of a development agreement shall be removed as specified in that agreement.

(b) Bulletin boards.
Bulletin boards are not to exceed four square feet in area on one side located on the building.

(c) Signs Cut Into Buildings.
Signs and tablets when cut into any masonry surface or when constructed of metal and affixed flat against a structure will count towards total allowable signage, and be reviewed by the Plan Commission as an Architectural Feature and approved or denied based on total allowable signage.

Official signs.
Official signs, such as traffic control, parking restrictions, Village welcome signs and related entrance signs, and public notices when approved by the Zoning Administrator.

(d) Illuminated Signs.

(e) When fluorescent tubes are used for the interior illumination of a sign, such illumination shall not exceed: two square feet.

(f) Lot signs.
On-premise signs located at the entrance and exit of a driveway or street shall not exceed two square feet.

(g) Parking signs.
Signs in the parking lot shall be mounted no less than four feet from the ground and shall not exceed 24 inches high by 30 inches wide.

(h) Flags.
Property owners shall be permitted up to three flags of no more than 15 square feet each.

(i) Signs on external walls.
One sign on an external wall is allowed per commercially zoned unit. The maximum allowable size for such sign is four square feet. If it is over four square feet in size the sign's area shall be included in the total signage calculation. All signs must be mounted on the building. Erasable blackboards or glass-enclosed cases are acceptable.

**Sec. 66.0721 On/Off-Premise Signs without Permit**

(a) Temporary signs- Designated Events.
During the 30 day period leading up to a designated festival or event (including the day/days of the event) by the Village Parks Committee a property owner may be allowed:
(1) Only one additional sign per lot.
(2) The sign shall be set back a minimum of 10 feet from all lot lines.
(3) The sign area shall not exceed 24 square feet.
(4) The sign shall not exceed six feet in height.

(b) Temporary Signs- Other Events.
The temporary use of banners, balloons, streamers, pennants, and other similar signage in any district may be allowed provided that the media will not be located on any sidewalk or bikeway if one is present or in any public right-of-way. The signs cannot be erected more than 14 days before the event and must be removed within 2 days after the event. The property owner must grant permission in

writing for the placement of the sign/media. The sign/media, will not be located closer than ten feet to an adjacent property; driveway, and will not cause a hazard to traffic or adjoining properties. These sign/media shall not require a permit and shall not exceed 24 square feet in area on one side or 48 square feet on all sides.

(c) Failure to Comply with Standards.
Any entity utilizing (a) or (b) above that fails to follow the standards shall be notified in writing that all future seasonal, special event and fund raising signage shall require a regular sign permit and shall be issued a fine in the amount of $50.00 at the discretion of the Village Administrator.

**Sec. 66.0722 Other On/Off-Premise Signs with Permit**

(a) Reserved.

(b) Changeable copy signs.
Changeable copy signs, fixed or moveable, may be permitted If approved by the Plan Commission. Price signs will be considered permitted additional signage.

**Sec. 66.0730 Residential Districts Signage with Permit**

The following signs are permitted in any residential district and are subject to the following regulations:

(a) Signs.
Signs authorized on a property are not to exceed six feet in height and 24 square feet in area on one side and 48 square feet in area on all sides, placed at the entrance to a subdivision or development. The sign shall be located no closer than ten feet to any street right-of-way, nor closer than ten feet to any side or rear lot line.

(b) Temporary signs.
Temporary signs for the purpose of designating a new building or development may be permitted for a limited period of time provided that the sign shall not exceed 18 square feet in area on one side and 36 square feet in area on all sides and shall be located not closer than ten feet from any street right-of-way, nor closer than ten feet to any side or rear lot line. The Developer may use such signage to market the development provided that the sign shall not be in place for more than 60 days of the issuance of an occupancy permit. Projects covered by a development agreement may specify the date for the removal of the sign.

(c) Other signs.
Signs over show windows or doors or a non-conforming business establishment not to exceed eight square feet in area.

**Sec. 66.0731 Countryside District Signage with Permit**

The following on-premise signs are permitted in the CS-1 district:

(a) All signs permitted in the residential districts.

(b) On-premise signs which do not exceed 24 square feet in area. There shall be no more than one such sign for each highway upon which the property faces. If attached to the building, such signs shall be no higher than the roofline. If located on the ground, such signs shall not be higher than eight feet above the ground.

(c) Ground signs which do not exceed 24 square feet in area on one side or 48 square feet on all sides.

**Sec. 66.0732 Institutional and Park Districts Signage with Permit**

The following signs are permitted in the Institutional and Park districts and are subject to the following regulation:

(a) Private and public institutional when approved by the Plan Commission.

(b) Signs on publicly owned land shall meet the following criteria:

(1) Such signs shall be securely fastened, constructed and continuously maintained in such a manner as to prevent damage from the natural elements.

(2) Such signs shall be located in such a manner to minimize visual impacts to areas located outside of the park facilities.

(3) Such signs shall be permitted for the sole purpose of generating funds for Village authorized programs and facilities. In all cases, the overall aesthetics of the park and the surrounding area shall be significant consideration in the placement and design of the signs.

(4) An agreement between the Village and the sign sponsor shall be

executed specifying annual fees and a maintenance schedule.

(5) Such signs shall be permitted subject to Plan Commission discretion.

**Sec. 66.0750 Sign Permit**

Application for a sign permit shall be made on forms provided by the Zoning Administrator and shall contain or have attached thereto at least the following information:

(a) Name, address and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.

(b) Name of person, firm, corporation, or association erecting the sign.

(c) In cases where more than one business occupies a single building, the assignment of on-building sign area to the various businesses shall be at the discretion of the property owner. This allocation shall be specified in the Sign Application.

(d) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.

(e) A scale drawing of such sign indicating the dimensions, the materials to be used, the colors on the sign, the type of illumination, if any, and the method of construction and attachment. The drawing shall be drawn at a scale no smaller than one-eighth inch equals one foot and shall be prepared, signed and sealed by a registered professional engineer when required by the Zoning Administrator.

(f) A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures. The drawing shall be at a scale no smaller than one inch equals 50 feet.

(g) Copies of any other permits required.

(h) Signs requiring state approval shall provide a copy of such approval with the sign permit application.

(i) Additional information may be required by the Zoning Administrator or Plan Commission.

(j) Sign permit applications shall be filed with the Zoning Administrator who may approve or deny the application, in writing, within 20 working days after submittal. A sign permit shall become invalid, if work authorized under the permit has not been completed within six months of the date of issuance.

(k) At the time of the filing of the application for a permit, the applicant shall furnish to the Zoning Administrator the fee for the permit in accordance with the current fee schedule set by the Village Board.

(l) Waiver of some requirements.
The Zoning Administrator may waive the requirements for certain plans, specification, data, or drawings when the application is to execute minor alterations or repairs to a sign, provided that the proposed construction, alteration, or repair is sufficiently described in the application for the permit.

(m) The sign permit fee shall be established annually by the Village.

**Sec. 66.0751 Construction Standards**

(a) <u>Sign Materials.</u>
Signs should be constructed predominantly of natural materials, such as rough cedar, pine or other types of wood. Stained glass may also be used. Manufactured materials that give the appearance of natural materials are also permitted. Signs with relief are encouraged. Supporting members or braces of all signs shall be constructed of approved materials.

(b) <u>Covering Architectural Details.</u>
Signs shall not cover architectural details such as, but not limited to arches, sills, moldings, cornices and transom windows. It may be required that existing signboards or sign bands be used for placement of signs.

(c) <u>Construction Standards.</u>
The applicant shall be responsible for obtaining the necessary permits to comply with Village and State building, electric and WisDOT codes.

(d) <u>Protection of the public.</u>
The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off or otherwise isolated. The Zoning Administrator shall be notified at least 24 hours in advance of such proposed obstruction.

(e) <u>Sign Location Affecting Egress</u>
No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or

any anchor, brace or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department, as necessity may require.

**Sec. 66.0752 Color and Lighting**

(a) Colors that are of the Neon of Fluorescent families may not be used as they do not promote the historic preservation of the Village.

(b) Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices. Signs may be illuminated, but non-flashing.

(c) Signs in residential districts shall not be illuminated.

(d) No sign shall be illuminated except as follows:

(1) Natural illumination or background illumination from street lighting or parking lot lighting.

(2) Shielded spotlights designed to focus the light only on the sign.

(3) The maximum permitted illumination on the face shall not exceed five foot-candles.

(e) Searchlights may not be used in the Village without a permit. The Plan Commission may permit the temporary use of a searchlight for advertising purposes in business districts, provided that the searchlight will not be located in any public right-of-way, will not be located closer than twenty feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five days in any six-month period. If, however, representatives of federal, state or local government agencies wish to operate a searchlight in the Village for official business, no permit will be required.

**Sec. 66.0753 Measuring Signs**

(a) Area of Sign.

Measurement of sign area shall be calculated as the sum of the area within the smallest regular rectangle that will encompass all elements of the actual sign face, including any writing, logos, representations, emblems, or any figures or similar characters, together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed.

(b) Wall Sign.

For a sign painted on or applied to a building or to a freestanding wall, the area shall be considered to include all lettering, wording, and accompanying designs or symbols, together with any background of a different color than the natural color, or finish material of the building or architectural wall. The architectural wall shall be subject to Plan Commission approval of the site and landscaping plan. The main supporting sign structure (i.e., brackets, posts, foundation, etc.) shall not be included in the area measurement.

(c) Letter Signs.

The gross surface area of a skeleton letter wall sign consisting of individual letters and/or symbols shall be determined by calculating the horizontal length of the combined areas of the smallest rectangles, which encompass each word, letter, figure and emblem on the sign by the vertical height of the outside dimensions of the whole sign.

(d) Two-sided Sign.

When a sign has two or more faces, the area of all faces shall be included in determining the area, except that where two faces are placed back to back and the angle between the faces measures 45 degrees or less, the total sign area shall be computed by measuring the square footage of a single face. When the angle between sign faces measures greater than 45 degrees, the total sign area shall be computed by adding the square footage of each face.

(e) Sign height.

Maximum or minimum sign height shall be measured from the ground surface adjacent to the center of the bottom of the structure supporting the sign to the top of the sign surface being regulated.

(f) Length of Lineal Building Front Foot.

The length of the front wall of the building adjacent and parallel or closely parallel to any abutting street or public right-of-way. If the building is located on a corner lot then the side of the building used for addressing purposes shall be deemed the front of the building. If the front of the building is uneven then that portion of the

building that is adjacent and parallel to the abutting street that is within 25 feet of the primary front wall shall be included in the total length of the lineal building front foot.

**Sec. 66.0754 Maintenance of Signs**

(a) Maintenance and repair.
Every sign, including, but not limited to those signs for which permits are required, shall be maintained in 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 such sign.

(b) Compliance standards.
The Zoning Administrator shall require compliance with all standards of this section. If the sign is not modified to comply with the standards outlined in this section, the Zoning Administrator shall require its removal in accordance with subsection (d) of this section.

(c) Abandoned signs.
All signs or messages shall be removed by the owner or lessee of the premises upon which an on-premise sign is located when the business it advertises is no longer conducted or, for an off-premise sign, when the lease payment and rental income are no longer provided, unless there is evidence that the owner or agent is marketing the property for sale or lease. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 30 days written notice to remove such sign. Upon failure of the owner or lessee to comply with this notice, the Village may cause the sign to be removed and all costs of such removal shall be collected as a special assessment on the next succeeding tax roll.

(d) Deteriorated or dilapidated signs.
The Zoning Administrator shall give the owner or lessee of any premises on which a deteriorated or dilapidated sign is located, 60 days written notice to repair any deteriorated or dilapidated signs and remove such condition, without enlarging or structurally altering such signs.

(1) If it is determined that such deteriorated or dilapidated signs cannot be repaired without structurally altering or changing the sign, then the owner or lessee of such sign shall obtain a permit from the Zoning Administrator for such changes or alterations.

(2) Upon failure of the owner or lessee to comply with the notice set forth in subsection (c) of this section, or in the event of the failure of the owner or lessee to obtain a permit as set forth in section 66.0750, [See page 117] the Village may cause the sign to be removed and all costs of such removal shall be collected as a special assessment on the next succeeding tax roll.

**Sec. 66.0770 Prohibited Signs**

The following signs are prohibited in all districts:

(a) Abandoned signs.
Any sign advertising or identifying a business or organization, which is either defunct or no longer located on the premises. Exceptions are granted to landmark signs, which may be preserved and maintained even if they no longer pertain to the present use of the premises.

(b) Flashing, alternating, rotating or swinging signs or devices, whether illuminated or not, visible from the right-of-way.

(c) Floodlighted or reflection illuminated signs of which the light source is positioned so that its light sources is visible from a public right-of-way by the vehicular traffic or which the light source is visible from adjoining property.

(d) Internally illuminated signs, neon and back lighted signs other than OPEN signs.

(e) Flashing signs, signs with an intermittent or flashing light source, signs containing moving parts, and signs containing reflective elements, which sparkle or twinkle in the sunlight.

(f) Electronic message centers, variable message signs that utilize computer generated messages or some other electronic means of changing copy, including displays using incandescent lamps, LED's, LCD's or a flipper matrix.

(g) Unclassified signs:

(1) That is a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property.

(2) No sign shall resemble, imitate or approximate the shape, size, form or color of a traffic sign, signal or device.

(3) No sign shall be located to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at the access point of any intersection.

(4) No sign shall be erected, relocated or maintained to prevent free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe, fire escape or utility pole.

(5) No sign shall contain, include or be illuminated by flashing light or by any light directed toward a neighboring residence, roads or highways.

(6) No sign shall contain, include or be composed of any conspicuous animated part.

(7) No sign shall be painted on rocks.

(h) Inflatable advertising devices or signs.

(i) Murals shall be a conditional use and shall be reviewed and approved by the Plan Commission for location, size and material only without regard to artistic content and shall be limited to no more than 24 square feet.

(j) Billboard signs larger than the maximum permitted square footage per face.

(k) Signs taller than eight feet in height.

(l) A "V" sign shall be prohibited unless the backs of both signs display no letters or symbols and are landscaped to screen their backsides.

(m) Reflective lights.

(n) Mobile signs unless permitted as a temporary use.

(o) No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered in the Wetland W-1 district.

**Sec. 66.0780 Legal Non-conforming Signs**

(a) Notification of non-conformance.

Upon determination that a sign is non-conforming, the sign administrator shall use reasonable efforts to so notify, in writing, the user or owner of the property on which the sign is located of the following:

(1) The sign's non-conformity.

(2) Whether the sign is eligible for characterization as a legal non-conforming sign or is unlawful.

(b) Signs eligible for characterization as legal non-conforming.

Any sign located within the Village limits or located in an area annexed to the Village hereafter, which does not conform to the provisions of this chapter, is eligible for characterization as a legal non-conforming sign and is permitted, providing it also meets the following requirements:

(1) The sign was covered by a sign permit prior to the date of adoption of the prior zoning ordinance, this ordinance or amendment.

(2) If no permit was required by the Village at the time, the sign was erected, and the sign was not changed or altered after the effective date of this ordinance or a prior zoning ordinance in a manner that under this chapter would have caused a loss of non-conforming status.

(3) An existing sign located closer than ten feet to the street right-of-way in the B-3 district shall not be deemed non-conforming solely on that basis.

(c) Loss of legal non-conforming status.

A sign loses its legal non-conforming status when any one of the following occurs:

(1) 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 the requirements of this section then it was before alteration.

(2) The sign is damaged to such an extent that the cost to repair or reconstruct such sign exceeds 50 percent of the assessed value of the sign.

(3) The design, logo or wording of the sign is altered.

(4) The replacement of a non-conforming sign with an identical sign may be allowed, subject to obtaining a permit. The new sign must utilize permitted materials.

(d) Legal non-conforming sign maintenance and repair.

Nothing in this section shall relieve the owner or user of a legal non-conforming sign, or the owner of the property in which the sign is located, from the provisions of this section regarding safety, maintenance

and repair of the sign. All work, including repainting, requires a permit.

**Sec. 66.0790 Historic Signs**

(a) Signs of historic significance which make a contribution to the cultural, or historic quality of the Village because of their unique construction materials or unique design, unusual age, prominent location within the Village, or unique craftsmanship from another period of time may be exempted from any or all size, height, animation, lighting, or setback requirements of the section, when the Plan Commission finds the following conditions exist:

(1) The sign is of exemplary technology, craftsmanship, or design of the period in which it was constructed; uses historic sign materials (wood, metal, or paint applied directly to a building) and means of illumination (neon or incandescent fixtures); and is not significantly altered from its historic period. If the sign has been altered, it must be restored to its historic function and appearance.

(2) The sign is integrated into the architecture of a period building.

(3) A sign not meeting the criteria listed above may be considered if it demonstrates extraordinary aesthetic quality, creativity or innovation in design.

(b) Historic signs are exempt from the requirements of section 66.0780 "Legal Non-conforming Signs." [See page 120]

**Sec. 66.0791 Compliance**

Except as otherwise authorized, no sign visible from a state or county road, from any Village street, from a private street, from a public parking lot, from a private parking lot, from the water or from any adjacent property shall be located, erected, moved, repainted with different colors, reconstructed, extended, enlarged or structurally altered, including the placement of various components of the sign, until a permit has been reviewed and approved by the Plan Commission or designated representative and a permit has been issued to the property owner or building occupant by the Zoning Administrator. Signs located on a property or location with multiple buildings or businesses under common or separate ownership shall not be exempt from the requirements of this Code. Additions to and alterations of existing signs and support structures require a new permit.

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# SECTION 800 - PERFORMANCE STANDARDS

**Sec. 66.0801 Compliance**

This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. All structures, land, air and waters shall, hereafter, in addition to their use and site regulations, comply with the following performance standards.

**Sec. 66.0802 Air Pollution**

No person or activity shall emit any fly ash, dust, particulate matter, fumes, vapors, mists or gases in such quantities that would constitute a nuisance to surrounding property owners. Dust and other types of pollution borne by the wind from such sources as storage areas, yards and roads within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, fencing or other acceptable means. The release of materials intrinsically odorous or capable of being odorous, by either bacterial decomposition or chemical reaction, which renders it perceptible from beyond the lot, shall be prohibited.

**Sec. 66.0803 Fire and Explosive Hazards**

(a) All activities involving the utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry and approved by the Sister Bay Liberty Grove Fire Chief or designee.

(b) All materials that range from active to intense burning shall be utilized, processed or stored only within completely enclosed buildings, which have incombustible exterior walls and an automatic fire extinguishing systems as required by Section §14.61. Storage of flammable and explosive material, except as prohibited by subsection (c), shall be in accordance with the requirement of chapter COMM. 10 of the Wisconsin Administrative Code and the requirements of chapter NFPA 30 of the National Fire Protection Association.

(c) Notwithstanding the requirements of subsection (b) the storage or sale of fireworks as regulated by Wisconsin State Statutes Section §167.10 shall not be permitted in the B-1, B-2 or B-3 zoning districts except as listed below:

(d) An agent of the Village of Sister Bay with the appropriate Village issued permit for a fireworks display done in conjunction with a Village festival or Village event may store fireworks for not more than 96 hours consistent with the storage requirements in §167.10.

**Sec. 66.0804 Heat**

No activity shall emit heat that is measurable outside its premises except activities, which may emit direct or sky reflected heat, which shall not be felt outside their district. All operations producing intense heat shall be conducted within a completely enclosed building.

**Sec. 66.0805 Water Quality Protection**

(a) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

(b) In addition, no activity shall withdraw water or discharge any liquid or solid materials to exceed, or contribute toward the exceeding of, the minimum standards set forth in chapter NR 102 of the Wisconsin Administrative Code. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, welfare or cause injury or damage to any property or business. No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid material except in accordance with the

regulations of the state department of natural resources.

**Sec. 66.0806 Radioactivity and Electrical Disturbances**

No activity shall emit radioactivity or electrical disturbances outside its premises that affect the use of neighboring premises.

**Sec. 66.0807 Vibration**

No activity in any district shall emit vibrations, which are discernible by the Zoning Administrator without instruments outside its premises. Any construction or utility installation activity that requires blasting of rock shall require a notification plan for neighboring properties and the issuance of a permit by the Zoning Administrator.

**Sec. 66.0808 Noise**

Any activity or operation of any use producing noise, other than ordinary vehicular noise, shall be conducted so that no noise from the activity or operation shall exceed the following limits at the lot line on which the noise is emanating for a duration of thirty (30) seconds or longer: All districts except (P-1), variable noises at or above 85 decibels.

**Sec. 66.0809 Outdoor Lighting**

(a) Purpose. Purpose and intent:
This section regulates all outdoor lighting installed on residential, business and institutional sites, both publicly and privately owned within the Village, with the exception of outdoor lighting on public streets, public bikeways and public walkways. The purpose of this section is to create standards for outdoor lighting that do not interfere with the reasonable use of residential, business and institutional sites, that prevent light trespass and conserve energy yet maintain night time safety. If outdoor lighting is installed, it shall be in conformance with the provisions of this section of the Municipal Code, the building code and all other codes and regulations as applicable and under appropriate permit and inspection.

(b) General requirements:

(1) All outdoor lighting fixtures installed November 13, 2004 and thereafter maintained upon private or public residential, business, and institutional property shall comply with the following:

a. The maximum allowable light trespass shall be 0.5 horizontal foot-candles four feet above ground. The point of measurement of this offending light shall be at the property line for residential, commercial, institutional or public use. The measurement shall not include any ambient natural light.

b. Light sources shall be shielded or installed so that there is not a direct line of sight between the light source and its reflection and at a point five feet or higher above the ground of adjacent property and public streets. The light source shall not be of such intensity to cause discomfort or annoyance.

c. Any outdoor lighting fixture installed on a parking lot shall use metal halide lamps.

d. The lighting system shall be extinguished or reduced to fifty percent no later than thirty minutes after the close of business for the day. The fifty percent reduction shall be applied to the entire lot or structure.

e. All lamp types utilized for search lighting shall not be allowed. Outdoor lighting fixtures used to illuminate sports fields and tennis courts shall be reduced by 50% past 10:00 PM.

f. Flashing, flickering, and other distracting lighting, which may distract motorists is prohibited.

g. Light fixtures shall not be permitted within required buffer yards.

(2) All outdoor fixtures installed prior to November 13, 2004 shall be exempt from this section except as follows:

a. If any modifications, construction or changes to an existing outdoor lighting fixture system is proposed to affect fifty percent or more of the total number of fixtures, then all fixtures shall comply with the provisions of this section.

b. All outdoor lighting fixtures installed on R-2 residential projects or sites shall conform to subsection (c)(3) herein.

(3) All outdoor lighting fixtures shall be maintained according to materials initially submitted to the Plan Commission.

(4) Trees and shrubbery shall not be located where they significantly reduce or block parking lot or roadway lighting.

(5) Outdoor lighting fixtures maybe used to illuminate buildings and structures; recreational areas, sports fields and tennis courts, parking lots, parking structures, garages, landscape areas, product display areas, building overheads and open canopies. Outdoor lighting fixtures may be installed to provide building and parking lot security.

(c) Specific design requirements

(1) A lighting system for parking facilities and outdoor merchandising areas in commercial, institutional, agricultural, and recreational areas shall be designed to provide the lighting intensities and uniformities described as follows:

a. Open Parking Facilities. The illumination requirements of an open parking facility depend on the amount of usage the facility receives. Three levels of activity shall be established as High, Medium and Low, reflecting both traffic and pedestrian activity. The following examples are nonexclusive and include:

b. High Activity Facilities: for athletic events or major cultural or civic events.

c. Medium Activity: shopping centers, retail parking areas, hospital and clinic parking, cultural civic or recreational events and fast food facilities.

d. Low Activity: employee parking, educational facility, office buildings and church parking.

Horizontal Illumination for Parking Facilities

Open Parking Facilities

| *General Parking & Pedestrian Area* | | | | *Vehicle Use Area (Driveway)* | | | |
|---|---|---|---|---|---|---|---|
| *Level of Activity* | *Minimum Foot-candle* (FC) on pavement* | *Maximum Average. F-C on pavement* | *Maximum Uniformity Ratio* (Ave.-Min)* | *Maximum Watts/Sq. Foot Light Load*** | *Min. Foot-candles * on pavement* | *Max. Ave. Foot-candles on pavement* | *Maximum Uniformity Ratio* (Ave-Min)* |
| High | 0.6fc | 3.75fc | 5:1 | 0.12 | .67fc | 2.5fc | 5:1 |
| Med | 0.4fc | 2.5fc | 5:1 | 0.1 | .33fc | 1.5fc | 5:1 |
| Low | 0.2fc | 1.5fc | 5:1 | 0.08 | .125fc | 1.0fc | 5:1 |

Covered Parking Facilities

| *Areas* | *Minimum. Foot-candles Average on Pavement* | *Minimum Foot-candles on Pavement* | *Maximum Average Foot-candles on Pavement* | *Maximum Uniformity Ratio (Ave.-Min.)* | *Maximum Watts/Sq. Ft. Lighting Load* |
|---|---|---|---|---|---|
| General Parking and Pedestrian Area | 5fc | 1.25fc | 9fc | 4:1 | 0.2 |
| Private Controlled Entry Parking | 3fc | .75fc | 6fc | 4:1 | 0.2 |

*Not mandatory within four feet of the pavement edge

**Not mandatory for driveways

Watts shall mean lamp wattage and ballast consumption

(2) An outdoor lighting system for illuminating buildings and structures shall have a maximum connected lighting load of five watts per lineal foot. Watts shall mean lamp wattage and ballast consumption.

(3) An R-2 residential site shall be lighted to provide at least .25 foot-candle on any surface in the lot with an average illumination level of at least .75 foot-candles.

(4) Outdoor light fixtures shall be designed and installed to minimize light trespass. The uniformity ratio between the average illumination and minimum illumination shall be no greater than 4:1.

(5) For an outdoor merchandising area, the maximum level in 75% of the lot shall not exceed 20 foot-candles. A contiguous area not to exceed 25% of the lot may be illuminated to a level, which shall not exceed 40 foot-candles.

(6) The maximum illumination level under an outdoor canopy shall not exceed 20 foot-candles at any point.

(7) Lighting systems that project light upwards such as architectural and sign lighting shall be designed to minimize the amount of light that does not illuminate the target area.

(d) Approval procedures.

Any person desiring to install outdoor lighting fixtures shall submit to the Zoning Administrator and Village Engineer for review the following material:

(1) A catalog page, cut sheet or photograph of the lighting fixtures, including the mounting method.

(2) A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture.

(3) A plot plan showing the location of all outdoor lighting fixtures proposed, the mounting or installation height, the overall illumination levels and uniformities and the point where 0.5 horizontal foot-candles occurs on the property or adjacent property at a distance four feet above the ground. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.

(4) A graphic depiction of the lighting fixture's lamp concealment and light cutoff angles.

(5) Upon review of the material described above, the Zoning Administrator and Village Engineer may authorize the installation of outdoor lighting fixtures.

(e) Supplemental Information

The following table provides a reference point for visualizing low-level foot-candles. A 4-watt night lamp was used to determine the listed values. The used light meter's lowest measurable reading is 0.1 fc (with +/- 5% accuracy). Readings were taken 8-inches below the 4-watt lamp.

| *Table Of Foot-Candle Readings* | |
|---|---|
| *Reading Location* | *Foot-Candle (Fc)* |
| At Lamp | 1.5 fc |
| 1-Foot | 0.9 fc |
| 2-Foot | 0.2 fc |
| 3-Foot | > 0.1 fc < 0.2 fc |
| 46-inch | 0.1 fc |
| > 46-inch | >0.0 fc < 0.1 fc |

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# SECTION 900 - NON-CONFORMING USES, STRUCTURES AND LOTS

Note: This entire section was revised by Ordinance 171-071310.

**Sec. 66.0900 Non-Conforming Use Definitions**

The following definitions and categories shall apply to non-conforming uses and structures.

(a) Detrimental non-conformities are those that have a negative impact on the health and safety of the public. Detrimental non-conformities have the potential for harm.

(b) Benign non-conformities are those that do not have a negative impact on the health and safety of the public, but may have a negative impact on public welfare.

(c) Health and Safety of the Public is the protection from injury, illness, danger and other harm.

(d) Public welfare is the protection from nuisances, economic interest, convenience, community character and the vision expressed in the Village's Smart Growth Plan.

(e) Detrimental Non-conforming Uses.
Detrimental non-conforming uses are those non-conforming uses, which are not compatible with permitted uses in the zoning district and which, if permitted to continue or expand, would have a detrimental effect on those uses permitted in the zone. Detrimental non-conforming uses shall include the following:

(1) Commercial and industrial uses in residential and institutional zones.

(2) Industrial uses in commercial zones.

(3) In commercial zones, residential uses not specifically permitted in the zone

(f) Benign Non-conforming Uses:
Benign non-conforming uses are those uses other than detrimental non-conforming uses, which are generally not detrimental in the zone where they are located and include the following:

(1) In residential zones those non-conforming residential uses, which do not conform to the population density standards for the zone in which, they are located.

(2) In commercial zones those non-conforming uses, which are of the same general type as those uses permitted in the zone and are determined by the Plan Commission to be not incompatible with permitted uses.

**Sec. 66.0901 Existing Non-Conforming Uses**

The lawful non-conforming use of land, or water; or a lawful non-conforming use on a conforming or non-conforming lot which existed at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter; however,

(a) Expansion prohibited.
Only that portion of the land or water in actual use may be so continued and the use may not be extended, enlarged, substituted or moved; except when required to do so by law or order or so as to comply with the provisions of this chapter. The expansion of parking or loading space to conform to the code is permitted.

(b) Discontinuance.
If such non-conforming use is discontinued or terminated for a period of 12 consecutive months, any future use of the land or water shall conform to the provisions of this chapter. When a portion of a non-conforming use ceases on a portion of the land or water that portion of the non-conforming use shall be terminated.

(c) Burden of proof.
The owners of property claiming to have a legal non-conforming use or a lawful conditional use, have the burden to prove that such use is in fact a non-conforming use or lawful conditional use in accordance with section 66.0922 [See page 131] of this chapter.

(d) Changes and substitutions.

(1) A non-conforming use of land may be changed to a less intense non-conforming use with the approval of a conditional use permit by the Plan Commission when it can be demonstrated that the new use is in fact less detrimental to the other uses in the area.

(2) Once a non-conforming use has been changed to conform, it shall not revert to a non-conforming use.

(3) Once the Plan Commission has permitted the substitution of a less restrictive non-conforming use for an existing non-conforming use, the substituted use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the Plan Commission.

**Sec. 66.0902 Conforming Structures on Non-Conforming Lots**

(a) Continued use allowed.
The use of a conforming structure existing at the time of the adoption or amendment of this chapter may be continued although the lot area or lot width does not conform to the requirements of this chapter.

(b) Additions and enlargements.
Additions and enlargements to the conforming structures are permitted and shall conform to the established building setback, height, parking, loading and access provisions of this chapter.

(c) Existing structures on non-conforming lots.
Existing conforming structures on non-conforming lots, which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall conform to the established building setback, height, parking, loading, and access provisions of this chapter.

**Sec. 66.0910 Non-Conforming Structure Definitions**

The following definitions and categories shall apply to non-conforming structures.

(a) Detrimental non-conformities are those that have a negative impact on the health and safety of the public. Detrimental non-conformities have the potential for harm.

(b) Benign non-conformities are those that do not have a negative impact on the health and safety of the public, but may have a negative impact on public welfare.

(c) Health and Safety of the Public is the protection from injury, illness, danger and other harm.

(d) Public welfare is the protection from nuisances, economic interest, convenience, community character and the vision expressed in the Village's Smart Growth Plan.

(e) Detrimental Non-conforming Structures.
Detrimental non-conforming structures are those designed for detrimental uses not permitted in the zone and cannot be reasonably structurally altered to house a conforming use. Such structures include the following:

(1) In residential and institutional zones, commercial and industrial buildings.

(2) In commercial zones, industrial buildings.

(3) In commercial zones, residential buildings not specifically permitted in the zone

(f) Benign Non-conforming Structures:
Benign non-conforming structures are those structures other than detrimental non-conforming structures, which are generally not detrimental in the zone where they are located and include the following:

(1) In residential zones, buildings non-conforming by reason of being designed for residential uses which are not permitted in the zone in which they are located.

(2) Any building other than a detrimental non-conforming building, which does not conform to the height, yard, setback, parking loading, open space requirements of the zone where it is located.

**Sec. 66.0911 Non-Conforming Structures**

The use of a structure existing at the time of the adoption or amendment of this chapter may be continued although the structure's size or location does not conform to the established building setback, height, parking, loading and/or access provisions of this chapter.

(a) Discontinuance.
If such use of a non-conforming structure is discontinued or terminated for a period of 12 consecutive months, any future use of the structure shall conform to the provisions of this chapter. When the use of a portion of a non-conforming structure ceases that portion of the non-conforming use shall be terminated.

(b) Burden of proof.
The owners of property claiming to have a legal non-conforming structure or a lawful conditional use, have the burden to prove that such use is in fact a non-conforming structure or lawful conditional use in

accordance with section 66.0922 [See page 131] of this chapter.

(c) Additions and enlargements to existing detrimental non-conforming structures.
Detrimental non-conforming structures shall not be moved, enlarged, remodeled or modified except for the purpose of making them suitable for a conforming use. A detrimental non-conforming structure may be modified to permit a less intense non-conforming use with the approval of a conditional use permit by the Plan Commission when it can be demonstrated that the new use is in fact less detrimental to the other uses in the area.

(d) Additions and enlargements to existing benign non-conforming structures.
Benign non-conforming structures shall not be moved, enlarged or modified unless the structure(s) including the additions and enlargements is made to conform in every respect to the requirements of the zone where the structure is located. However, the Plan Commission may approve conditional use permits for the expansion or redevelopment of properties, which have been previously developed and do not conform to the requirements in this Code, provided that the expansion or redevelopment is designed for a permitted use. The conditional use permits may permit deviation from the regulations, including parking requirements, when it can be found that:

(1) Strict conformance to the Zoning Code requirements would preclude viable expansion or redevelopment of the site.
(2) Strict conformance to the Zoning Code would result in disorderly or illogical transitions between existing and expanded areas of the site.
(3) Deviation from the Zoning Code regulations would not jeopardize the public health, safety and welfare and would produce a quality built environment.
(4) De-minimis deviations from a dimensional requirement or standard would not have a negative impact on neighborhood character.

(e) Damage to existing non-conforming structures.
Existing benign non-conforming structures which are damaged by fire, explosion, flood, or other calamity may be reconstructed and insofar as is practicable shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter. Existing detrimental non-conforming structures which are damaged by fire, explosion, flood, or other calamity to the extent that such damage is more than 50 percent of the current equalized assessed value of the structure shall not be reconstructed. *(Amended Ordinance 206-100912)*

(f) Remodeling existing non-conforming structures.
Existing benign non-conforming structures, which are remodeled or reconstructed shall conform to the established building setbacks, height, parking, loading, and access provisions of this chapter. *(Amended Ordinance 206-100912)*

**Sec. 66.0920 Existing Non-Conforming Lots**

A lot which is located in the B-1 business and R-1, R-2 and R-3 residential zoning districts which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 65 feet in width at the building line and 65 feet in width at the ordinary high-water mark or rear lot line, and which is 10,000 square feet in area, may be used as a building site providing that the use is permitted in the zoning district, providing the lot is on record in the county register of deeds office prior to November 16, 1973, and providing the lot is in separate ownership from abutting lands.

**Sec. 66.0921 Wetland Non-Conforming Uses**

Notwithstanding section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling, or expansion of a legal non-conforming structure, or any environmental control facility related to a legal non-conforming structure, located in the W-1 district and in existence at the time of adoption or subsequent amendment of this chapter, or of an environmental control facility in existence on November 13, 2004, related to that structure is permitted pursuant to section 62.231(5) of the Wisconsin Statutes section 62.23(7)(h), however, applies to any environmental control facility that was not in existence on November 13, 2004, but was in existence on the effective date of this chapter or amendment.

**Sec. 66.0922 Interpretation and Proof of Uses**

The owners of property who want to alter their use that they claim is either a legal non-conforming use or a lawful conditional use should apply for the alteration of the use, or the building in which it is located, with the Zoning Administrator. The Zoning Administrator, after a review of Village records, may require documentation of the applicant to prove his/her claim. Based upon a review of the submitted documentation, the Zoning Administrator may approve or deny the applicant's claim. If denied, the applicant may seek an interpretation of the matter from the Plan Commission.

Note: This entire section was revised by Ordinance 171-071310.

 SEC. 66.0922 INTERPRETATION AND PROOF OF USES

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# SECTION 1000 – OTHER PERMITS AND REGULATIONS

**Sec. 66.1000 Tree Cutting Regulations**

(a) Tree cutting regulations:

Outside of the area delineated as the Bluff Overlay district, the purpose of tree cutting regulations applicable to the shorelands area are to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shore land.

(1) Tree cutting. Tree cutting in a strip paralleling the shoreline and extending 350 feet inland from all points along the normal high-water mark of the shoreline shall be limited in accordance with the following:

a. No more than 30 percent of the length of this strip (as measured along the ordinary high-water mark) shall be clear-cut to the depth of the strip.

b. Provided, further, that cutting of this 30 percent shall not create a clear-cut opening in this strip greater than 30 feet wide for every 100 feet of shoreline measured along the ordinary high-water mark.

c. In the remaining 70 percent length of this strip (distance measured along the ordinary high-water mark), cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, except boathouses, as seen from the water and to control erosion.

(2) Special cutting plan. A special cutting plan allowing greater cutting may be permitted by the Plan Commission by issuance of a conditional use permit. In applying for such a permit, the commission may require the lot owner to submit a drawing of his/her lot including the following information: location of all structures, location of parking, and gradient of the land, existing vegetation, proposed cutting and proposed replanting. The commission may grant such a permit only if it finds that such special cutting plans:

a. Will not cause undue erosion or destruction of scenic beauty.

b. Will provide substantial shielding from the water of dwellings, accessory structures and parking area. The commission may condition such a permit upon a guarantee of tree planting by the lot owner. Such an agreement shall be enforceable in court.

c. Is consistent with accepted forest management practices.

(3) Tree topping. Tree topping which is defined as tree cutting or sculpturing where only a portion of the tree is removed to improve the view is prohibited within the shoreland area of the Village.

(b) Tree cutting regulations beyond the shore land area.

(1) Purpose. The purpose of these regulations is to provide for the protection and preservation of the trees and woodlands of the Village beyond the shoreland area. The Village recognizes in the Village Comprehensive Plan that woodlands, wetlands and open space areas serve as wildlife habitat, flood storage areas and provide natural settings for the Village and that they should be protected. In addition, woodlands are an integral and important part of the Village's attractiveness as a residential, recreational and resort community and as such provide an important economic asset to the Village.

(2) Applicability. These tree-cutting regulations shall apply to that area of the Village in all zoning districts outside of the shore land area and Bluff Overlay district. These regulations shall apply to trees or similar woody vegetation having at least one well-defined stem at least three inches in diameter measured at a height of 4 1/2 feet above the

ground. These regulations shall not apply to the removal of dead, diseased or dying trees when removed using accepted forest management practices and sound soil conservation practices or the management of an orchard.

(3) Tree cutting provisions. Trees or similar woody vegetation shall only be removed if one or more of the following conditions are present:

a. Necessity to remove trees, which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption of public services.

b. Necessity to remove trees which pose a safety hazard to buildings.

c. Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury.

d. Necessity to observe good forestry practices, i.e., the number of healthy trees that a given parcel of land will support.

e. Necessity to remove trees in order to construct permitted structures and because of the need for: access around the proposed structure for construction equipment; access to the building site for construction equipment; essential grade changes, surface water drainage and utility installations. Only those areas approved for the placement of a physical improvement may be cleared of trees.

f. Necessity for compliance with other ordinances.

g. Necessity to provide access to sunlight for solar collectors.

(4) Cutting plan. As an alternative to subsection (b) of this section, a special cutting plan allowing greater cutting may be permitted by the Plan Commission by issuance of a conditional use permit. In applying for such a permit, the commission shall require the lot owner to submit a drawing of his/her lot, including the following information: location of parking, location of improvements, gradient of the land, existing vegetation, proposed cutting and proposed replanting. The commission may grant such a permit only if it finds that such special cutting plans:

(5) Will not cause undue erosion or destruction of scenic beauty; and

(6) Shall be accomplished using accepted forest management practices and sound soil conservation practices.

(c) Compliance with land use disturbance provisions.

Tree cutting shall comply with section 66.1015 of this section, land disturbance use or activity.

**Sec. 66.1015 Land Disturbance Regulations.**

(a) General design principles.

Control measures shall apply to all aspects of the proposed land disturbance use or activity and shall be in operation during all stages of the disturbance activity. The following principles shall apply to soil erosion and sediment control:

(1) Stripping of vegetation, grading or other soil disturbance shall be done in a manner, which will minimize soil erosion.

(2) No site shall be cleared of top soil, trees and other natural features before the zoning and building permits are issued. Whenever feasible, natural vegetation shall be retained and protected. Only those areas approved for the placement of physical improvements may be cleared. The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.

(3) Temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance.

(4) Drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions during and after development or disturbance. Water from the land disturbing activity

shall not create a hazard by exceeding the safe capacity of the receiving water body in the area; shall not cause undue channel erosion or an undue increase in water pollution by increased scour and transport of particles; shall not otherwise endanger the downstream property owners or their property; and shall not cause property damage, nuisance or erosion on adjacent properties. Safe capacity is defined as the rate of flow that can be handled without flooding. Such provisions shall be in addition to all existing requirements. The Village Engineer shall review and approve all storm water and drainage plans for the project.

(5) Water runoff shall be minimized and retained on the site whenever possible to facilitate groundwater recharge.

(6) Sediment shall be retained on the site.

(7) Diversions, sediment basins and similar required structures shall be installed prior to any on-site grading or disturbance.

(b) Maintenance.

All necessary soil erosion and sediment control measures installed under this chapter shall be adequately maintained until such measures are permanently stabilized, as determined by the Zoning Administrator. The Zoning Administrator shall give the applicant, upon request, a certificate indicating the date on which the measures called for in the approved plans were completed.

(c) Filling and dumping regulations.

In order to promote the health and safety of the Village, to protect life and property from flooding, to preserve stormwater retention areas, and to ensure consistency with the comprehensive plan, filling and dumping activity shall require a conditional zoning permit in the case where a building permit is not required, when the filling and dumping increases the original base elevation more than six inches.

(d) Exemptions.

Agricultural activities are specifically exempt from this section.

**Sec. 66.1020 Pier Permits**

(a) Definitions. The definitions contained within Wisconsin Statutes Section 30.01 are incorporated in and adopted as part of this section (Amended Ordinance 112-102505).

(1) Pier. Means any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter, which is removed seasonally. Such a structure may include a boat hoist or boatlift, and the hoist or lift may be permanent or may be removed seasonally. The term "dock" shall also mean pier.

(2) Pre-existing Pier. A pier that has been placed in the riparian zone in the same general location and with the same general size and configuration during any of the three years prior to the enactment of this section is considered a pre-existing pier if it is not extended or expanded after the adoption of this section dated October 25, 2005. The seasonal removal of a pier does not affect its status as a permissible pre-existing pier if it is re-established in substantially the same form and same general location.

(3) Riparian Zone. The area of water adjacent to a parcel of riparian land within which the riparian owner may place structures. The riparian zone is bounded by the land and the line of navigation. The side boundaries of the riparian zone are to be determined consistent with Wisconsin Administrative Code Section NR 326.07.

(b) Permit Required.

(1) No riparian shall construct any pier in the Village without first having secured a permit therefore from the Village. A permit is valid for the life of the pier, whether a permanent or portable pier, as long as its location and construction remain substantially unchanged and the

pier and its use comply with the provisions of this section.

(2) Any required U.S. Army Corps of Engineers or Department of Natural Resources permit required for the proposed pier shall be obtained prior to issuance of a pier permit from the Village of Sister Bay.

(3) The applicant for any pier used for commercial purposes, to generate revenue, or in riparian zones abutting multiple-family residential housing shall make application to the Plan Commission of the Village of Sister Bay for a pier permit and must meet all standards of this section.

(4) A pre-existing pier, which fails to conform to the requirements of this section, is permissible as a non-conforming structure. Owners of nonconforming structures may perform repairs and maintenance upon the nonconforming structure without expanding the structure. A permit shall be required for any modification of a pre-existing pier.

(c) Application for Permit.

All applications for a permit shall be in writing on forms provided by the Village Administrator. The application shall include a copy of any permit required by the U.S. Army Corps of Engineers and/or Department of Natural Resources. The application shall include the fee as established by resolution of the Board of Trustees to be the same as a standard zoning permit.

(d) Determination of Applicability.

The Village may determine that the opinion of a consultant is necessary to determine whether the pier proposed by the applicant meets the standards of this ordinance or may have an environmental impact. In such event, the applicant shall be required to reimburse the Village for all consulting fees and expenses incurred in such review.

(e) Standards for Pier Construction

(1) No solid pier or pier that uses rock-filled cribs as a foundation shall be allowed unless a permit for such pier has been issued by the Department of Natural Resources.

(2) No pier shall totally enclose any portion of navigable waters.

(3) No pier shall be placed less than 25 feet from the side boundaries of the owner's riparian zone.

(4) No pier may include attached lighting in excess of that required in aid to navigation, or signs unless they are specifically authorized in permits issued by the Department of Natural Resources, Wisconsin Department of Transportation or U.S. Army Corps of Engineers. Low-level pedestrian lighting shall be permitted consistent with the requirements of Section 66.0809 [See page 124].

(5) All pier materials shall be of neutral colors so that they blend in with surroundings.

(6) No roofs, canopies, decks, water slides or other construction not essential for mooring watercraft shall be permitted.

(7) No pier shall unreasonably obstruct navigation or otherwise interfere with public rights in navigable waters.

(8) No pier shall unreasonably interfere with the rights of other riparian's.

(9) No pier shall be constructed or maintained with a screen or in any other manner, which would trap or accumulate aquatic plants.

(10) Unless they are pre-existing, the total number of piers shall not exceed one (1) for riparian zones abutting parcels with single-family dwellings and shall not exceed two (2) for riparian zones abutting parcels with two-family dwellings. The total number of piers for riparian zones abutting multiple-family residential developments, or common areas for condominiums or residential subdivisions, shall be determined by the Plan Commission, but shall not exceed the total number of dwelling units.

(11) No parcel of land shall have more than one pier. The pier shall be sized so as to accommodate no more than a total of three boats or watercraft.

(f) Removal of Unlawful Construction.

Any pier that is not in compliance with the requirements of this section shall

constitute an unlawful obstruction to navigable waters, and the procedures for removal of such unlawful structures shall be as provided in Wisconsin Statutes Section 30.13. Any pier that is not in compliance with the provisions of this section shall constitute a public nuisance and may be subject to abatement procedures as provided by law.

(g) Enforcement; Forfeiture.

Any person or entity in violation of this section may be subject to a forfeiture of up to $100, plus costs, for each violation, with each day that the unlawful structure remains in place constituting a separate offense. In addition, the Village may seek an order to abate the public nuisance, seek removal of the unlawful structure under applicable law and may be awarded the costs of prosecution, including reasonable attorney fees, for any proceeding filed hereunder.

(h) Conditional Use Permit.

(1) An applicant for a pier permit may request a conditional use permit to vary from the terms of this section as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship, so that the spirit shall be observed, public safety and welfare secured, and substantial justice done. The request shall be handled in the same manner as a conditional use permit as specified in Section 66.1535 [See page 161].

(2) A request for a conditional use permit from the terms of this section shall be submitted in writing to the Zoning Administrator with payment to the Village of Sister Bay of the conditional use fee.

(3) A request of a conditional use permit shall be forwarded to the Village Marina Committee who shall submit a recommendation to the Plan Commission within 30 days. Upon receipt of the recommendation of the Marina Committee, the conditional use permit shall be considered by the Plan Commission with a conditional use permit to be granted only upon the vote of a majority of the Plan Commission members present. In considering the request for variance the Plan Commission shall consider the factors set forth in Section (h)(1) hereof, as well as other relevant information.

(4) The Plan Commission shall conduct a public hearing on the conditional use permit as required under Section 66. 66. 1801 [See page 172] including notice to adjoining riparian property owners within 300 hundred feet of the subject property. The recommendation of the Plan Commission shall be forwarded to the Board of Trustees as required in Section 66.1535 [See page 161].

(i) Appeals.

(1) The applicant or any party aggrieved by a decision of the Village Administrator upon a pier permit application may appeal such decision by filing a written request for appeal within 30 days after the determination to issue or deny the application to the Plan Commission of the Village of Sister Bay, with the appeal request to be filed with the Village Clerk.

(2) The applicant or any party aggrieved by a decision of the Plan Commission upon a pier permit application may appeal such decision by filing a written request for appeal within 30 days after the determination to issue or deny the application to the Board of Appeals of the Village of Sister Bay, with the appeal request to be filed with the Village Clerk.

**Sec. 66.1025 Impact on Housing Stock**

(a) Purpose.

The purpose of these regulations is to insure that commercial projects that create employment opportunities for area residents also address the shortage of employee housing and create housing opportunities given the seasonal nature of employment in the Sister Bay area.

(b) Definition.

For the purposes of this section:

(1) The term "housing" shall include dwelling units or rooms in hotels,

motels, inns, single-family housing and apartments that are in compliance with the zoning code and if applicable, properly licensed by the State of Wisconsin.

(c) Applicability.
The following standards apply to:
(1) All new developments in the B-1, B-2 and B-3 districts.
(2) Projects in the B-1, B-2 or B-3 district that require a Certificate of Compliance.

(d) Requirement.
As a condition of site plan and zoning approval, the Plan Commission shall review the employment being created by the project. The Plan Commission may give consideration to offsetting some of the required employee parking if employee housing dwelling units are created on site. The Plan Commission may give consideration to offsetting some of the required open space to a maximum credit of 5% if employee housing dwelling units are created on site. (Amended Ordinance 163-030910)

**Sec. 66.1030 Impact on Workforce Housing**

(a) Purpose.
The purpose of these regulations is to insure that residential projects address the need for workforce housing.

(b) Applicability.
The following standards apply to new developments in the R-2 district.

(c) Requirements.
As a condition of site plan and zoning approval, the Plan Commission shall review the number of housing units being created for the project. If the Plan Commission determines that the need for workforce housing remains as outlined in Chapter 3 and 4 of the 2003 Comprehensive Plan and as defined in Section 66.0314, then the Plan commission may make certain adjustments to the density requirements in Section 66.0312 of the code. The Plan Commission may increase the overall project unit density by 0.2 units for each dwelling unit that meets the requirements of workforce housing. (Amended Ordinance 163-030910)

**Sec. 66.1035 Property Addressing**

(a) Purpose.
The purpose is to establish the procedures used to implement and administer a uniform addressing system in Village of Sister Bay that utilizes address numbers determined by the Door County Planning Department. The basis for the assignment of property address numbers shall be the Door County baseline system. (Sections 66.1035-1025) (Amended Ordinance 126-051407)

(b) Responsibilities.
The Door County Planning Department shall be responsible for assigning all property addresses upon submission of the necessary information from the Village Administrator.

(c) Fees and Charges.
The Village Board shall establish such fees for the issuance of property addresses.

(d) Progression and Spacing of Number Lines.
The property addressing in the Village shall comply with a system that assigns numbers based upon the following formula:
(1) 150 even numbers per mile (~35.2-foot intervals) on the east and north sides of roads.
(2) 150 odd numbers per mile (~35.2-foot intervals) on the west and south sides of roads.

(e) Measurement of Number Line.
Number lines indicating grid location with regard to the appropriate baseline shall be measured to the point where the principal driveway intersects with the road. Possible exceptions may be made for corner lots and double frontage lots. Adjustments may be made at time of number assignment so as to maintain consistent sequencing of address numbers.

(f) Property Address Application.
All requests for property addresses shall be completed on Building Address Permit form provided by the Village Administrator.

**Sec. 66.1036 Criteria for Address Number Assignment.**

(a) New Development.
Addresses are assigned prior to the issuance of a zoning permit for a principal use. Address numbers shall be assigned when the principal use of a property or a driveway location has been determined. Issuance of an address number may also be triggered by:

(1) Driveway permit.
(2) Requests from builders or public utilities.
(3) Field inspection.
(4) Requests from property owners.

(b) Accessory Building Addressing.
New numbers will generally not be assigned to new buildings accessory to the principal use (i.e., a new house will be assigned a number, but a detached garage or storage building will not be assigned a number). Accessory buildings may be assigned a separate address if accessed by a separate driveway or if accessed by the principal driveway, but housing a separate use.

(c) Accessory Uses.
An accessory use with no other accompanying principal use may also require an address.

(d) Driveways.
(1) Address numbers are generally required when there is a driveway (existing or proposed) that serves or will serve a principal use or accessory use, as described above in 66.1036(a). Address numbers shall not be assigned until a driveway location has been determined.
(2) Driveways that do not serve a principal use may not require address numbers. Door County will maintain discretion in this matter.
(3) Each development or lot on a shared driveway shall be assigned an address. A summary sign displaying the road name and each address shall be placed at the intersection of the driveway and the road. The cost of such sign shall be paid for by the affected property owners.

(e) Condominiums and Apartments.
(1) Each building shall be assigned one address number with each unit further identified by additional numbers or letters.
(2) Townhouse and duplex units with individual driveways and entrances may be assigned unique address numbers.

(f) Meandering Roads.
(1) Assignment of numbers shall be based on predominate road direction with the numbers per mile spacing maintained (see Section 66.1035(d). Number assignment may be adjusted to accommodate additional road length.
(2) Where the road makes a 90° directional change for more than one-half mile, that road segment may be numbered consistent with the directional change.

(g) Looping Roads.
(1) For roads that begin and end on a single road, resulting in two parallel sides, the loop road shall be split in half and appropriate side designations shall be given to the name of the road. For example, a loop road named Circle Road might be split into North Circle Road and South Circle Road. Therefore, two developments on Circle Road might have the same address number, but different road names.
(2) The number range on the two sides shall be similar. An even and odd number shall abut at the change of direction.
(3) Short loop roads may be addressed based on primary direction if number density allows.

(h) Cul-de-Sacs.
An even and an odd number will abut at some point on the turning circle of a cul-de-sac.

**Sec. 66.1037 Address Sign Criteria and Placement**

(a) Residential Buildings.
All single family and two family residential buildings and all institutional buildings shall have street numbers at least three inches high, placed on the exterior wall of the principal building, or immediate proximity to the principal building that faces the street providing access to the building. All such residential units shall also have street numbers, not less than two inches high, placed on their respective mailbox if one exists.

(b) Multifamily Buildings.
All multifamily buildings shall have street numbers at least three inches high, placed on the exterior wall of the principal building that faces the street and located adjacent to the individual unit entrances to the buildings.

(c) Business Buildings.
All business buildings shall have street numbers at least six inches high, placed on the exterior wall of the principal building facing the street, service drive or parking lot providing access to that building and located adjacent to any primary entrance door.

(d) Other Buildings.
All business structures, which have a rear service door, shall identify the occupant and the street address conspicuously on the rear door in contrasting and reflective letters and numbers at least six inches in height, and shall be continually maintained.

(e) Address Sign Placement for Buildings with Excessive Setback from the Street.
Buildings that are setback more than eighty (80) feet from the centerline of the street shall be required to place an address sign as required below, unless a mailbox is placed where the address sign would be placed. The criteria for address signs is a follows:

(1) Address signs shall be securely fastened. No metal fence posts are to be used for posting address numbers. Alternate methods may be used where ground conditions prohibit placement of a post. The Door County standard green number sign is prohibited.

(2) Signs shall be placed to the right side of driveways, when viewed from the road, if practical. Signs may be placed to the left side of the driveway if number visibility is better accomplished or if right side installation is not practical. Exceptions may be possible for corner lots or double frontage lots. The sign face shall be toward the road.

(3) Signs shall be located not greater than twenty feet from the edge of the driveway. Variation may be allowed at the Village's discretion, such as for, but not limited to, corner lots and double frontage lots.

(4) Signs shall not be set back further than ten feet from the road right-of-way. The sign shall be in a horizontal position at approximately 4.5 to 5 feet above the road level.

(5) The address sign numbers shall be at least three inches high.

(f) Sign Standardization.
Property owners are permitted to use any color, material, size (meeting or exceeding the minimums), shape, or style of sign for the addressing as required in (a) – (e) above as long as no prohibited types are used.

**Sec. 66.1038 Street and Road Naming**

(a) Administration.
The Plan Commission shall approve all public and private street and road names. The Plan Commission may name and or rename roads when deemed appropriate. Requests for new road names may come from the Village Board, land developers, or private citizens.

(b) Official Street Map.
There is hereby established an Official Street Map of the Village of Sister Bay. The Plan Commission shall designate all public and private streets on an Official Street Map. [Note Refer to Section 54.050 for the requirements of the Official Map, which is a different type of mapping.]

(c) Street Naming Criteria.
All public and private roads serving four or more principal uses or intended principal uses shall be named and addressed using the following criteria:

(1) New road names shall be easy to pronounce and easily recognizable in emergency situations. Each road name shall be unique in spelling and sound. The Plan Commission shall base acceptance of a proposed road name on whether or not the proposed name is already in use within the Village and seek to avoid duplicate names already in existence in the County, including incorporated areas.

(2) Road names shall not contain hyphens.

(3) 1st, 2nd, etc. shall not be used.

(4) Alphabetical characters shall not be allowed as road names.

(5) New road names shall not include compass directions or abbreviated directions.

(6) New road names shall not exceed 18 characters in length including the road type.

(7) New roads that are an extension of existing roads shall maintain the same road name.

(d) Road Types.
Road type designations (Road, Lane, Circle, etc.) shall adhere to the Urban and Regional Information Systems Association's (URISA) policies and procedures.

(e) Street Name Sign Standards.
The Plan Commission shall establish a standard type of sign for street names. The standard shall include the sign location and type of post. No other signage shall be allowed on street name signposts. All material and labor costs associated with the purchase and installation of street name signs for private developments and private streets shall be borne by the property owner or developer.

**Sec. 66.1039 County Administration of Village Numbering**

The Door County Planning Department shall maintain a record of all assigned addresses and of all road names and their locations. The Door County Planning Department may adopt policies and practices as necessary to manage the County addressing system and to insure fulfillment of the purpose of the Uniform Addressing System Ordinance.

**Sec. 66.1040 Property Address Reassignment Implementation**

(a) Any new building addresses assigned after the effective date of this ordinance shall be based upon the County numbering system.

(b) Existing properties with addresses assigned to buildings shall be converted to the County numbering system no later than April 1, 2008. Door County shall provide the Village with electronic data file incorporating the existing property address, proposed property address and mailing address for each property in the Village with an existing property address no later than August 1, 2007. Door County will be responsible for all notifications to businesses and agencies affected by the wholesale conversion of Village Addresses.

**Sec. 66.1050 Site Plan and Architectural Review**

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure without first obtaining the approval of detailed site and architectural plans, as set forth in this section and Section 66.1050, prior to the issuance of a zoning permit. The Plan Commission shall review architectural plans and site plans showing existing and proposed structures, neighboring uses, parking areas, driveway locations, loading and unloading areas, highway access, traffic generation and circulation, drainage, the utilization of landscaping, existing natural resources and the proposed operation in all districts. However, this process shall not be required in the CS-1 district, unless the development site contains wetlands as shown on either the July 1, 1992, Final Wetlands Inventory Map issued by the Wisconsin Department of Natural Resources or wet areas as shown on the Village's latest topographic maps or woodlands as shown on the most recent aerial photos of the Village. Single-family and two-family dwellings shall not be subject to site plan and architectural review by the Plan Commission, however, if in the opinion of the Zoning Administrator, such residential plans exhibit design or appearance characteristics to require architectural review, the Zoning Administrator shall refer the application and such written opinion to the Plan Commission for review. (Amended Ordinance 162-011210)

(a) Principles.

To implement and define criteria for the purposes set forth above, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

(1) (9) Reserved for future use.

(10) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions for the Village.

(11) Buildings and uses shall maintain existing topography, drainage patterns and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.

(12) Appropriate buffers shall be provided between dissimilar uses as set forth in section 66.0303(d) [See page 6] of the Municipal Code.

(13) Buildings and uses shall provide for safe and efficient traffic circulation and driveway locations as set forth in section 66.0406 (Highway Access) [See page 93] of the Municipal Code.

(14) Fire protection and hydrants. The intent of this section is to insure adequate water supply for fire-fighting purposes to structures and buildings. The Village Engineer and Fire Chief shall certify in writing that sufficient water flow and pressure exists to serve the project for fire protection. For the purpose of placing hydrants, normal access routes are defined as pavement, sidewalks, streets, driveways and paths leading to the building that are clear and maintained year round. The normal access route does not include grass, parking stalls, ditches, hills, shrub beds, fences, walls or any other area not typically used for ingress or regress to a building. (Amended Ordinance 134-121107)

a. Buildings Where Required. Any building, except single- and two-family dwellings, hereafter erected, shall provide, at the owner's expense, approved water hydrants. Hydrants shall be located so that no part of a building is more than 300 feet from an approved hydrant by normal access routes. This requirement may be modified upon written request by the owner to both the Fire Chief and Utility Manager who must both concur in writing why the modification should be permitted. The request may be approved only if the fire protection provided to the building is not reduced by the modification. Required hydrants shall be free standing and shall be installed not more than 50

feet or less than 25 feet from the building exterior wall. No hydrant shall be placed closer than 50 feet to any other hydrant. The Fire Department Fire Inspector and Utility Manager will approve the actual location of all fire hydrants. Two copies of the building plans including site plan, shall be provided to the Zoning Administrator for Fire Department use, in addition to any copies of building plans required by the Zoning Administrator. (Amended Ordinance 134-121107)

b. Accessibility. All developments in districts other than R-1, R-3, R-4 and CS-1, the buildings, grading and landscaping shall be constructed, installed and maintained in such a fashion that the Fire Department can have access around the entire building(s) during the entire year. The Fire Chief shall provide written confirmation of such access to the Plan Commission prior to site plan approval. (Amended Ordinance 120-061306)

(15) Buildings and uses shall be provided with adequate access to the Village's street and highway system as set forth in the Municipal Code. Adequate street cross-sections appropriate to the permitted use shall be provided by the developer.

a. Access onto major streets should be held to the minimum necessary to provide safe and efficient traffic flow as determined by the Plan Commission.

b. Provisions shall be made for cross access between compatible business developments.

c. Primary access to business developments shall not be through residentially zoned areas.

d. The Plan Commission may require that dedications of right-of-way be executed for the public streets serving the property.

(16) Buildings and uses shall provide adequate parking and loading areas.

a. No loading dock or overhead doors shall face upon a street right-of-way in business districts unless no practical alternative exists.

b. Uninterrupted parking lots along the full street frontage of business developments abut-ting a public right-of-way are inappropriate, and will not be permitted, except where the physical orientation of the lot makes it necessary. Parking should be directed to the side or rear of the lot, where it is less visually intrusive. In the B-2 and B-3 districts, none of the off-street parking for business developments directly abutting a public right-of-way shall be located between the front of the building and the primary abutting street. (Amended Ordinance 128-061207).

(17) Each retail or service building in excess of 15,000 square feet gross floor area must contribute to the establishment or enhancement of community and public spaces by providing a community amenity on the premises such as a patio/seating area, water feature, clock tower, or pedestrian plaza with benches. Retail buildings in excess of 30,000 square feet gross floor area must provide at least two of these amenities.

(18) Sidewalks shall be provided along all sides of the lot that abut a public street, and a continuous internal pedestrian walkway must be provided from the perimeter public sidewalk to the principal customer entrance. The internal pedestrian

walkways must be distinguished from driving surfaces with contrasting materials to enhance pedestrian safety. Examples of acceptable materials include, but are not limited to special pavers, bricks, or scored concrete. A bikeway shall be provided along the side of a lot designated as a bikeway route by the Village or Door County. The Plan Commission may require that easements be executed for the public sidewalk and bikeway on the property.

(19) All signs must be designed and constructed in accordance with section 66.0700 [See page 112] of the Municipal Code.

(20) Buildings and uses shall be provided with adequate public sanitary sewer and water services as approved by the appropriate utility. Storm water drainage facilities may be required. The Plan Commission may require that easements be executed for water and sanitary lines on the property.

(21) Buildings and uses shall be provided with adequate lighting installed in a manner that does not interfere with users of adjacent properties.

(22) Buildings and uses shall be provided with dumpsters and trash receptacles in a number and location appropriate for the use as determined by the Plan Commission. All dumpsters shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.

(23) The required open space shall be designed as an integral part of the site, and may not include those areas required for parking, loading or other impervious surfaces. This requirement does not apply to the redevelopment of sites, including, but not limited to, the construction of a new building, additional building, building addition or expanded parking lot, which do not meet this minimum requirement at the time of the adoption of this ordinance. In those cases, the minimum amount of open space may not be reduced beyond that which exists on the property at the time of the adoption of this ordinance. (Amended Ordinance 159-120809)

(24) Wetlands shall not be cleared, filled or drained if the development will result in significant adverse impacts to the functional values of the affected wetlands, significant adverse impacts to water quality or other environmental consequences. They shall be protected within an overall development plan for the property. In order to make this determination, the owner or developer of any property or properties that are involved with any of the following shall have any wetland on the property, as outlined on the 1992 Final Wetland Inventory Map or as subsequently identified, staked and legally described:

a. Rezoning
b. Subdivision Plat
c. Conditional Use
d. Official Map Amendment
e. Certified Survey Map
f. Building Permit

(25) Woodlands shall, to the greatest practical extent possible, be protected within an overall development plan for the property. In order to make this determination, the owner or developer of any property or properties that are involved with any of the following shall have any woodland on the property, as shown on the most recent aerial photo of the Village, staked, inventoried and legally described:

a. Rezoning
b. Subdivision Plat
c. Conditional Use
d. Official Map Amendment
e. Certified Survey Map
f. Building Permit

(26) From a practical standpoint, development may occur on a cleared or restored site, with appropriate governmental permits, of up to 20,000 square feet in area; if the wetland and woodland

property is at least five acres in area and is at least 150 feet in width.

(27) Wetlands may be used in the density calculation of a development, but in no case shall they constitute more than 25 percent of the minimum lot area required.

(b) Sureties.

The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

(c) Appeals.

Any person or persons aggrieved by any decisions of the Plan Commission related to plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Village Clerk within 30 days after filing of the decision with the Zoning Administrator.

(d) Modification of Standards.

The Plan Commission may modify any of the above standards by a ¾-majority vote of the Commissioners, but only if supplemental design elements or improvements are incorporated into the project, which compensate for the modifications of the particular standard.

**Sec. 66.1055 Architectural Review Criteria.**

(Amended Ordinance 162-011210)

(a) Purpose and intent.

Section 66.1050 was adopted by the Village, for all zoning districts, to promote the health, safety, aesthetics, and general welfare in and of the Village, by:

(1) Protecting the general appearance of buildings, structures, and open areas; and

(2) Ensuring adequate light, air and privacy for property; and

(3) Encouraging architectural standards that promote high quality design and use of quality materials, and composition of materials, that are attractive and compatible with existing buildings, and to maintain property values.

(b) Architectural Review Board

(1) The Village shall appoint an Architectural Review Board to assist and provide recommendation to the Village plan commission based on the conditions of the Village Architectural Standards.

(2) The Village Plan Commission members shall serve as the Architectural Review Board unless the Board of Trustees appoints five residents with one-year terms to serve as the Architectural Review Board. Unless the Board of Trustees appoints an Architectural Review Board all references in this section shall be to the Village Plan Commission.

(c) Architectural review process.

The Village Plan Commission shall be responsible and have authority to hear, review and act upon proposed commercial, multi-family residential and mixed-use architectural plans for new construction, renovation, remodeling and restoration work, based on the provided recommendation of the Architectural Review Board.

(1) Plans for architectural review shall be submitted in accordance with this section and administered by the Zoning Administrator.

(2) The Village Plan Commission shall not permit the design or exterior appearance, which is of such unorthodox or abnormal character in relation to the surroundings as to be unsightly or offensive to generally accepted taste. Additionally, the Village Plan Commission shall not permit the design or exterior appearance, which is so identical with those adjoining to create excessive monotony and drabness.

(d) Design criteria.

In making its findings and determination concerning each proposed project, the Architectural Review Board shall review each plan based on the conditions of the Village Architectural Standards, including but not limited to the following to create:

(1) A high-quality design, composition/usage of materials, colors, and construction; and

(2) A diversity of architectural styles, building scale and massing, building roof lines and shape; and

(3) A compatibility with surrounding land uses and geographic location.

(e) Manual of Design.

The Architectural Review Board shall establish a Manual of Design that includes photographs, drawings and color samples that represent preferred designs. The Manual of Design shall be updated periodically.

(f) Architectural Standards.

The purpose of these standards is to assist the Village Plan Commission, Architectural Review Board, and the public with a standard to achieve quality in architectural design and to create a sense of place through appropriate use and composition of materials, architectural styles, and land use planning and design.

(1) Exterior Architectural Treatment. The image of the Village is influenced to a large degree by the design, character and architectural aesthetics of its buildings. Architectural treatment must be addressed by the following standards:

a. Massing/Scale. The massing of a building refers to the overall size, bulk or volume of space, which a building encloses. Scale is conveyed by elements or parts of the building facade where doorways, windows, and details enable people to gauge its relative size and character in relationship to the size of the human form.

1. The scale of the buildings must be compatible with the overall massing and the individual parts of adjacent buildings, especially adjacent to residential areas.

2. Building heights of new construction must not exceed the maximum building height of each zoning district.

a. A gradual transition to the maximum building height is permitted.

b. The relationship between façade height and width must be maintained.

3. Transitions between adjacent residential structures and new non-residential structures to be constructed must also be achieved by the incorporation of horizontal human-scale features in rooflines and building elevations.

4. Avoid vast blank building walls in areas visible from the street or adjacent residential areas. Design facades must convey human-scale through fenestration, building articulation, or detailing.

b. Form/Proportion. The form and proportion of a building's elevation and roof are basic form-giving characteristics that are important in relating a new building to other buildings and to its setting.

1. Elements of a building must be emphasized to clearly show the division of roof and walls. Color, materials and/or details must be utilized to express this division.

2. Building components and appurtenances, including doors, windows, canopies and trim, must

maintain this proportion to each other and to the building as a whole.

c. Fenestration/Entrances. The fenestration of building facades is the orderly arrangement of openings within the elevations of the building.

1. Design openings must form a unified composition in proportion to the building elevation.
2. Large blank walls, which are exposed to view, must be avoided by creating horizontal and vertical interest. Utilize fenestration, related detailing, and articulation to provide scale and relief to the building façade. These architectural characteristics shall be easily identified by the viewer.
3. Oversized fenestration elements, which tend to create a monumental scale, shall be avoided unless specifically required by the type of building or relationship to its surroundings.
4. Building entrances must be designed to be clearly identifiable and easily recognizable from parking lots and pedestrian circulation routes.
5. Design, quality of material, scale and character of a building, especially the location of the entryway, must help identify its importance and be compatible with entrances of adjacent buildings.
6. Hierarchy of entrances through scale, detailing, and design features must be clearly expressed.
7. Entrances of freestanding buildings must be located and be clearly identifiable from the adjacent street or service drive.

d. Material/Details. Achieve a cohesive and consistent architectural character in new construction through the use of exterior building materials and details that are similar to or compatible with adjacent buildings.

1. Materials must be selected to adequately suit the type of building and style in which it is intended to serve.
2. Buildings must have the same materials, or those, which are architecturally harmonious, used for all building elevations and other exterior building components such as dumpster facilities or other accessory structures, such as signage.
3. In any building in which the structural frame is exposed to public view, the structural materials must also meet these standards.
4. A primary facade material must be used consistently on all building elevations to limit the number of compatible

secondary facade materials.

5. The sides and rear of buildings shall be as visually attractive as the front through the design of roof lines, use of similar architectural detailing, and building materials.

e. Permitted Primary Façade Materials. Exterior building materials and features for new buildings or additions:

1. Examples of appropriate façade materials:
   a. Brick
   b. Non-reflective glass
   c. Wood
   d. Stucco
   e. Decorative architectural tile
   f. Integrally colored textured concrete
   g. Natural or Cultured Stone
   h. Architectural Block

2. Examples of prohibited primary façade materials:
   a. Particleboard
   b. Shingle siding (roof applications only), except for cedar shake siding
   c. Wood siding, i.e., plywood paneling and T-111
   d. Highly reflective or glare-producing glass with a 0.25 or greater reflective factor
   e. Industrial metal panels with or without exposed fasteners
   f. Concrete masonry units
   g. Exposed aggregate pre-cast concrete
   h. Soft Coat Exterior insulation finish systems
   i. Metal

f. Exemptions.

1. Additions to existing buildings that are presently made of the prohibited building materials must comply with the provisions of this section for the addition. The applicant may request an exemption to allow the addition to consist of the same material as the existing building. The exemption must be approved by a 3/4 majority vote of the Architectural Review Board and the Plan Commission present at the respective meeting and would be subject to the Architectural Review Board requiring enhancements to the façade, additional landscaping, or other means to improve the aesthetics of the building. The exemption will be based on examination of the following criteria:
   a. The prevailing material(s) used on

buildings in the same area.

b. Visibility. The building should be well screened. The Architectural Review Board may require the façade of the highly visible areas be improved or screened with landscaping or other means.

(2) An exemption to the prohibited materials may be obtained from the Architectural Review Board for exceptional designs.

(3) Architectural Requirements. Building materials are critical in establishing the character and aesthetic for the area. Buildings require appropriate and respectful attention in the materials selected for facades. The following uses shall be consistent with the following standards for all buildings and building complexes:

a. Building designs shall minimize the effects of size and scale by highlighting individual dwelling units using separate entrances and integrating garages (for multi-family buildings), use of variable roof lines, door and window openings, façade protrusions or recesses, and use of porticos, overhangs, arcades, arches and outdoor patios.

b. Accessory structures must be compatible with the primary building in terms of its character, roof shapes, building materials, colors and architectural details.

c. Building facades must incorporate unified and complimentary finished materials, and to promote longevity and durability. Materials that are appropriate or prohibited are stated in Section (e)(1)f.

d. Colors shall be compatible, coherent and harmonious with existing materials in the immediate area. Color schemes shall be used consistently throughout the property, including on both the upper and lower portions of the buildings, and on all facades of a building or structure. The following provisions must be adhered to unless the review of the Plan Commission states otherwise:

1. Primary building facade colors on all four sides, including building accents, fixtures and signage, must be non-reflective and subtle.

2. Fluorescent, day-glow and/or neon colors shall not be permitted.

3. Colors must be selected relative to the chosen exterior building materials since it is a critical design element relating to adjacent buildings and to create a compatible visual environment within an area. In general, colors must be integral to a selected material rather than applied on (painted) exterior building materials.

4. Colors for secondary facade materials shall be compatible with the predominant colors, including accent colors. When such contrasting colors are utilized, the colors must not dominate the visual

character of the setting.

e. Variation in architectural detail, mass and proportion of individual buildings may be used to provide visual interest where more than one building is located on a single parcel or multiple buildings, which are part of a development.

f. Roofs are elements of buildings, which significantly affect the architectural character. The roof is vital to the overall design theme of a building since it is related to its mass, scale, form, and proportion.

1. For all visible roofs, roofing materials and construction must be high quality, such as but not limited to, standing-seam metal, slate, cedar, or architectural shingles. Roofing materials and shape must be compatible with the architectural style of the building and with surrounding buildings and roofs.

g. Corner Lot Buildings. Building on large corner lots have a tendency to create the appearance of a single massive building in conflict with the goals of (f)(1)(a) Massing/Scale. The building shall:

1. Incorporate design factors in the building footprint to step back or change the angle of the building to reduce the appearance of a long wall and

2. Incorporate architectural features in that portion of the building to create the appearance of a different building.

h. Service and Utility Areas. Buildings require mechanical equipment and service areas, which are normally unsightly and noisy. These areas include, but are not limited to, loading docks, exterior storage areas, dumpsters and mechanical equipment such as plumbing vent stacks, transformers, fans and cooling towers. The following standards address the treatment of service and utility areas in order to reduce the negative visual impact of such areas:

1. All service and utility areas shall be located away from the street and concealed from building entrances, pedestrian areas, and adjacent residential buildings.

2. Service areas and related mechanical equipment shall be screened (100%) with materials to match the primary exterior materials. Trash compactors and dumpsters shall be located adjacent to truck loading areas and screened hundred percent (100%) with the primary exterior materials.

3. Where dumpsters are not fully screened by the overall building envelope, the following standards must be applied:

a. Dumpsters must be screened on all sides.

b. Dumpster enclosures must be compatible in

design with the architectural style of the primary building in terms of its scale, exterior materials used and color.

c. Dumpster enclosures must not violate the building setback and parking requirements of the zoning district in which the enclosure is located.

4. All above grade utility connections, vents, and other projections must be located along exterior walls away from high visibility areas, such as front facades or pedestrian areas. These vents also include, but are not limited to, air conditioning units, air exchangers and underground utility vaults.

5. Rooftop mechanical equipment shall not be mounted on buildings unless the roof parapet (cornice) screens such equipment 100% from public view, as measured from grade elevation, from a minimum distance of 500 feet from the building.

a. The roof parapet shall be integrated as part of the building's overall design.

b. Each plan (including remodeling existing buildings) must be reviewed individually based on location, finished grade elevation and the surrounding terrain to determine the view of rooftop mechanical equipment.

i. Building vistas. All buildings, or groupings or nodes of buildings and structures, shall be designed to be sensitive to existing views, or view corridors, and the contexts of the surrounding natural and built environment.

(g) Amendments.

The Village Plan Commission or Architectural Review Board may adopt and amend, from time to time, as appropriate and to be consistent with the contents of this section, the written design guidelines and design manual of the Village of Sister Bay Architectural Standards.

**Sec. 66.1060 Landscaping**

The Plan Commission shall review landscaping plans for all new structures, uses and changes or additions to existing structures and uses in all zoning districts except for single-family homes in the CS-1, R-1, R-3 and R-4 districts. Landscape standards are established to ensure that landscaping becomes an integral part of development in the business and residential districts. When buildings or parking lots are extended, these regulations shall apply to the extended portion of the building or parking lot. Location of landscape areas, plant materials, and protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Plan Commission. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. (Amended Ordinance 159-120809)

(a) Street tree plantings in right-of-way.
All projects, developments and subdivisions shall provide street trees planted every 35 feet along the right-of-way. The trees shall be of a species suitable for the location. This provision may be waived by the Plan Commission if in its opinion the parcel or lot is already wooded.

(b) Parking Lot Screening.
Those parking areas for four or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the Plan Commission. Such fence or berm and landscaping together shall be an average of three feet in height between the parking and the street right-of-way and six feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three feet. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers and large equipment.

(1) At least one ornamental deciduous tree, no less than 2.5″ caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.

(2) At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contributes to ground coverage. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

| *Area of Coverage* |
|---|
| Plant Type Provided |
| Evergreen Tree (>8′ Dia. 75 sq. ft. |
| Large Shrub (6-8′ Dia. 38 sq. ft. |
| Medium Shrub (4-6′ Dia. 20 sq. ft. |
| Small Shrub (2-4′ Dia. 12 sq. ft. |
| Perennial (4.5″ Pot 6 sq. ft. |

*Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

(3) To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of minimum 25% evergreens, but no more than 70%.

(c) Interior landscape area.
All public off-street parking lots, which serve five vehicles or more and are created or extended after November 13, 2004, shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five percent of the surfaced area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking areas. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping. For parking lots designed for 25 parking spaces or more, interior parking lot landscaping shall be provided at the following rates:

Percentage of Parking Lot to be Covered by Interior Plantings

| *Total paved area of lot* | *Percent of total paved area which must be interior planting area* |
|---|---|
| 0-49,999 sq. ft. | 5% |
| 50,000 sq. ft. or larger | 10% |

(d) Perimeter landscape area.
In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum five feet in width. A minimum of one tree and five shrubs are required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.

(e) Landscaping adjacent to buildings.
There shall be at least a three-foot landscape area provided between the edge of pavement and the entrance elevation of the building. In the B-3 district, the front yard setback area shall be landscaped.

(f) Screening of trash.
Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.

(g) Screening of ground mounted mechanical equipment.
Ground mounted mechanical equipment shall not be located within the front or street yard, shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.

(h) Screening of roof mounted mechanical equipment.
Roof mounted mechanical equipment shall be screened from casual view.

(i) Retaining walls.
No retaining wall shall exceed four feet in height unless it has been designed and its construction supervised by a Professional Engineer or registered landscape architect. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four feet in height. A four-foot high retaining wall shall be set back a minimum of three feet from the previous step. Retaining walls less than four feet tall shall be stepped back at least the same distance as the wall's height. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties or concrete. If the retaining wall is constructed of concrete, landscaping must accompany the design of the retaining wall.

(j) Berms.
Side slopes of berms shall not exceed a gradient of one foot vertical to three foot horizontal unless approved by the Village Engineer.

(k) Buffer yards.
Appropriate buffers shall be provided between dissimilar uses as set forth in section 66.0303(d) [See page 6] of the Municipal Code.

(l) Submittal requirements.
A landscape plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, rights-of-way and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:

(1) A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and common names of all landscape materials used.

(2) The location and type of existing trees over four inches in diameter (measured six inches above the ground) within the area to be developed.

(3) The location and percent of slope of all proposed berms using one-foot contours.

(4) Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.

(5) The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as

the approved protection of the identified wetlands and woodlands on the approved plan.

(m) Modification of standards.
The Plan Commission may modify any of the above standards by a ¾-majority vote of the Commissioners, but only if supplemental design elements or improvements are incorporated into the project, which compensate for the modification of the particular standard.

(n) Compliance.
Landscaping shall be completed within 12 months of a certificate of occupancy in accordance with the approved landscaping and site plan. All landscaped and open space areas shall be continually maintained in accordance with the approved landscaping and site plan. It is the responsibility of the owner to ensure that the premises are properly maintained. Mature vegetative screens shall be maintained by the property owner to retain the required spacing and height characteristics. However, trees may be thinned provided an opaque screening is still maintained.

**Sec. 66.1065 Utilities in Rights of Way**

The Village finds compelling public interest in protecting the public health, safety and welfare of its residents and properties in ensuring that all utilities are buried or located so as to mitigate damage to nearby buildings, structures, vehicles, as well as to reduce risks posed by storms which threaten service interruption, traffic disruption, and unsafe street conditions by being located in the Village Right of Way, regardless of any utility easement located thereon.

No Public or Private Utility or other person may locate any pole, tower, or other equipment on the Village Right of Way without first seeking a permit from the Village of Sister Bay Zoning Administrator. Location of Public Utilities shall be restricted under the police powers reserved by the Village.

(a) Poles placed after April 1, 2016:

All Utility Poles located in the Village Right of Way require a permit, for which a fee of $50 shall apply for each pole. Poles must not exceed a height of 35 feet.

Poles exceeding 35 feet may be allowed by conditional use permit. Plan Commission must hold a public hearing for each proposed pole, with a Class II notice being inserted into the paper of record. All property owners within 1000 feet shall also be mailed notice of the proposed conditional use. The conditional use must be approved with a 3/4 vote of the Plan Commission.

To be considered for a conditional use permit, Poles exceeding 35 feet in height must have a setback of twice their height from any driveway, fire hydrant, building or structure, mailbox, flowerbed, flagpole, public or private parking space, public or private public parking lot, drainage culvert, or catch basin.

The requester of the conditional use permit must submit plans and specifications indicating to the satisfaction of the Village's engineers that the proposed pole can manage the load of wires, equipment, or attachments proposed. No pole shall be granted approval until after a review and approval by the Village's engineers. No review of a permit will begin until the requester has submitted all required documentation, and paid a plan review fee of $250.00, a Conditional Use Application fee of $400.00 plus a deposit of $5000.00 to cover the cost of engineering review.

No poles are permitted in the area depicted on TID No. 1's boundary area. No poles are allowed on any public or private streets created and initially improved after April 1, 2016.

The Village shall charge an inventory and safety inspection fee of $5.00 on every pole within its incorporated boundaries in order to ensure their safety, and to ensure that no non-permitted poles are located in the Village Right of Way. This inspection will occur in even numbered years, and companies shall be invoiced for the inspection at their office of record. Poles will be marked with a nailed metal placard with the Village's markings to ensure that no new poles are installed without a permit (Amended June 21, 2016).

1

# SECTION 1500 - ADMINISTRATION

**Sec. 66.1500 Plan Commission**

(a) Composition.
The Village Plan Commission shall consist of three Trustees, four citizens and one citizen with recognized experience who shall serve as an ex-officio member of the Plan Commission. The Village President will appoint the Plan Commission Chairperson, subject to Board approval. The citizen and Trustee members of the Plan Commission shall be appointed by the President, subject to confirmation by the Board of Trustees, for staggered terms of three (3) years commencing on May 1st of each year. (Amended Ordinance 111-051005) (247-032117)

(b) Powers and Duties.
The Plan Commission shall perform such duties as are prescribed by Section 62.23, Wisconsin Statutes, and has such further powers as may be delegated to it by the Wisconsin Statutes and Village ordinances. The Plan Commission shall have the duties of making reports and recommendations related to the planning and development of the Village to public officials, agencies, public utility companies, civic, educational, and professional and other organizations, and citizens. The Plan Commission may employ consultants, to the extent that the Village budget allows, who may prepare surveys and studies, prepare plans and recommendations, and perform other duties assigned by the Plan Commission. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning.

**Sec. 66.1505 Public Information**

To the fullest extent possible, the Plan Commission and Zoning Administrator shall make available to the public, all reports and documents concerning the Village Comprehensive Plan and any component thereof. In addition:

(a) All available information in the form of reports, bulletins, maps and engineering data shall be readily available and widely distributed.

(b) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the 100-year recurrence interval floodplain at appropriate locations within the floodplain.

(c) Where useful, wetland boundaries may be staked in the field and said boundaries may be identified on a plat of survey.

(d) Information regarding the location of flood lands and wetlands shall be provided to realtors, lenders, and the public. All legal descriptions of property containing flood lands or wetlands should include information designating the flood land or wetland areas when property is transferred.

(e) Fees necessary to recover the costs of providing information to the public may be established by the Village.

**Sec. 66.1510 Zoning Administrator Designated**

The Village Zoning Administrator, or designee, is hereby designated as the administrative and enforcement officer for the provisions of this chapter. The duty of the Zoning Administrator, or designee, shall be to interpret and administer this chapter and to:

(a) Maintain permanent and current records of all approvals and other actions, including, but not limited to, all maps, zoning ordinance amendments, zoning permits, conditional use permits, planned unit development approvals, temporary use approvals, sign permits, site plans, certificates of compliance, variances, appeals, interpretations, and applications therefore.

(b) Determine that all zoning permit applications and their constituent plans, certificate of occupancy applications, sign permit applications and their constituent plans, and site plans comply with all the provisions of this chapter.

(c) Make interpretations regarding the provisions of this chapter.

(d) Receive, file and forward (to the appropriate person, committee or agency) all applications for any permit or procedure provided for in this chapter.

(e) Inspect all structures, lands and waters as often as necessary, to assure compliance with this chapter.

(f) Issue permits as required by this chapter.

(g) Record the lowest floor elevations of all structures erected, moved, altered or improved in the flood land districts.

(h) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this chapter to the owner, resident, agent, or occupant of the premises.

(i) Is permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by the Zoning Administrator to ensure compliance with this chapter. If, however, he/she is refused entry after presentation of his/her identification, he/she may procure a special inspection warrant in accordance with section 66.122 of the Wisconsin Statutes.

(j) Prohibit the use or erection of any structure until he/she has inspected and approved such use or erection.

(k) Institute, in the name of the Village, any appropriate action or proceeding against a chapter violator, as provided by law.

(l) Request Assistance and cooperation from the Door County Sheriff's Department and Village Attorney as deemed necessary.

(m) Attend all meetings of the Plan Commission and the Village Zoning Board of Appeals.

**Sec. 66.1520 Development Agreement Required.**

(Amended Ordinance 137-021208)

(a) The Applicant shall enter into a Development Agreement with the Village at the time of submission of an application for a Zoning Permit for all projects and developments listed below:

(1) All new construction other than individual single-family homes, which are not part of an active subdivision.

(2) All projects that require a conditional use permit.

(3) Commercial projects in existing buildings involving a change of use or occupancy where the building is non-conforming for setback, height or parking.

(b) Applicants shall agree to reimburse the Village for all costs incurred by the Village for engineering, inspection, planning, legal and administrative expenses in:

(1) Processing, reviewing, revising, and approving conceptual, preliminary or final development plans, including meeting time, regardless of whether the developer attended or participated in the meeting;

(2) Processing, reviewing, revising, drafting and approving any agreements, easements, deed restrictions or other documents associated with the proposed use; and,

(3) Inspection and approval of construction and installation of all improvements provided for in the development, including but not limited to, consultation reasonably required to address issues and problems encountered during the course of design and construction of the development. Such costs shall include the costs of Village consultants, including engineers, attorneys, inspectors, planners, ecologists, agents, sub-contractors and the Village's own employees. Such costs shall also include those for attendance at meetings. The cost for outside services shall be the direct costs incurred by the Village. The cost for Village employees' time shall be based upon the classification of the employee and the rates established by the Village Board, from time to time, for each such classification.

(c) At the time of filing of the application, the Applicant shall deposit with the Village Treasurer the sum of Two Thousand Dollars ($2,000.00) in the form of cash. The Village shall apply such funds toward payment of the above costs. If at any time the deposit becomes insufficient to pay expenses incurred by the Village for the above costs, the Applicant shall deposit required additional amounts within fifteen (15) days of written demand by the Village Administrator. Until the required funds are received, no additional work or review will be performed by the Village as to the plan under consideration. Within 60 days after any final action by the Village and execution of any documents by all parties, or upon abandonment of the plan, the Village shall furnish the Applicant with a statement of all such costs incurred by it with respect to such plan. Any excess funds shall be remitted to Applicant, and any costs in excess of such deposit shall

be paid by the Applicant. Any interest earned on the deposit shall re-main the property of the Village to partially offset administrative expenses associated with planning and development.

**Sec. 66.1525 Terms of Development Agreement.**

The Development Agreement shall also include the following terms and conditions: (Amended Ordinance 137-021208)

(a) The site plan, grading plan, lighting plan, stormwater management plan, landscaping plan, building architectural plans, phasing plan and such other requirements as established by the Plan Commission.

(b) Any necessary streets and appurtenances thereto, shall be constructed at the expense of the Applicant in accordance with the provisions of Chapter 54 of the Code of Ordinances, which are in effect at the time of such construction.

(c) Sanitary and water mains and laterals, and storm water drainage facilities, and any related off-site improvements shall be paid for, constructed and installed by Applicant as required by the Village, the provisions of Chapter 62 of the Code of Ordinances at applicant's expense.

(d) Assignment of landscape maintenance responsibilities to the owner(s) of the property in accordance with the submitted landscape plan and the ability of the Village to conduct such work and charge all costs incurred by the Village as a special charge against the real estate upon owner's failure to maintain.

(e) Applicant shall agree to indemnify and hold the Village and its agents harmless from and against claims related to the performance of work at or for the site.

(f) Applicant's principals shall be personally responsible for reimbursement of costs to the Village in the event the Applicant does not proceed with the actual installation as approved by the Village.

(g) Applicant shall be responsible for payment of the Village's costs, disbursements and attorney's fees in the event the Village brings legal action to enforce compliance with this agreement and a final determination is made in favor of the Village.

(h) The terms and conditions of the agreement shall extend to the heirs, administrators, successors in title and assigns of the applicant, including personal liability. However, Applicant may not assign its rights, duties and responsibilities under this Agreement to any other third party without first obtaining the prior written consent of the Village.

(i) The Applicant shall convey all necessary easements to the Village.

(j) As a condition precedent to the execution of the Development Agreement, the Applicant shall post a cash deposit or file a letter of credit with the Village guaranteeing compliance with the Village Ordinances and provisions of the Development Agreement. The security shall be such amount as to cover 100% of the estimated costs of storm water drainage, lot grading, landscaping, and any street construction work as provided for under the Development Agreement. The estimated costs shall be provided by the Applicant or his engineer and shall be subject to the approval of the Village.

(k) Other terms that the Village and Applicant shall deem appropriate.

**Sec. 66.1530 Zoning Permit Required**

All zoning permits for new construction, reconstruction and remodeling are issued under the condition that such construction shall comply with all applicable state and federal standards and local building codes. No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his/her agent has secured a zoning permit, if required, from the Zoning Administrator, or his/her designee, unless otherwise exempted pursuant to section 66.0501 [See page 96] of this chapter. Applications for zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

(a) Name and address.
Name and addresses of the applicant, owner of the site, architect, professional engineer and contractor.

(b) Lot description.
Description of the subject site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(c) Plat of survey.

Plat of survey prepared by a registered land surveyor showing the following information:

(1) Location of the lot referenced to the U.S. Public Land Survey.

(2) North arrow and graphic scale.

(3) Dimensions of the lot.

(4) Street names of abutting streets and the name of the nearest intersecting street.

(5) The distance from the corner of the lot to the nearest intersecting street.

(6) The widths of abutting streets, sidewalks and alleys.

(7) Location of easements; their purpose and their width.

(8) Location and dimensions of all structures on the lot, both existing and proposed.

(9) Existing lot grade and street grade, referenced to Village of Sister Bay datum.

(10) Proposed lot grades and structure grades, referenced to Village of Sister Bay datum.

(11) A pre-construction grade elevation shall be submitted for all principal buildings and structures. Existing elevations, obtained by field observation, shall be provided to adequately portray drainage patterns on and adjacent to the parcel for which the grading plan is submitted. Such existing elevations shall include, at a minimum, a sufficiently tight grid pattern of elevations, existing grades at lot corners, at grade breaks, adjacent top of curbs, ground elevations at on-site and adjacent structure foundations, elevations at least 25 feet outside the parcel alongside and rear lot lines, ditch flow lines and culverts where applicable, and all storm runoff receiving structures and drainage ways. In addition, cross-sections of the principal building or structure shall be submitted indicating the preconstruction grade elevation, and the highest and lowest finished grade elevations. (Amended Ordinance 164-120809)

(12) Setbacks of structures on adjacent lots.

(13) Existing and proposed driveway locations and widths.

(14) Existing and proposed street and highway access restrictions.

(15) Location of existing and proposed parking and loading areas.

(16) Type of monument at each corner of the lot.

(17) Watercourses or existing drainage ditches.

(18) The extent and elevation of floodplains and wetlands on the lot and within 40 feet of the lot.

(19) Location of hydrants, streetlights and street trees.

(20) If the property is in an area with a master grading plan, the existing and proposed grades of all corners of the lot and the grade of the structure controlled by such master drainage plan.

(21) The seal and signature of the surveyor.

(d) Compliance with building codes.

All construction and remodeling activity that requires building permits and inspection shall comply with the Village and State building codes. All utilities including electric, telephone, cable television, water and sanitary sewers shall be buried for all new structures. Utilities shall also be buried for remodeling projects where the value of the project is in excess of 50% of the equalized value. (Amended Ordinance 134-121107)

(e) Setback and footing inspection and permit.

The owner, tenant, contractor or agent shall notify the Zoning Administrator in writing or on forms provided by the Zoning Administrator 48 hours (excluding Saturdays, Sundays and legal holidays) prior to the pouring of footings so that the Zoning Administrator may inspect the location of the footings for compliance with the setback provisions of this chapter and zoning permit. No footings shall be poured or otherwise made permanent until such inspection and approval of the footings for compliance with this chapter has been given by the Zoning Administrator. The Zoning Administrator shall conduct the setback and footing inspection within 48 hours of being notified. However, if it is shown for good cause that the inspection cannot be made

within the 48 hours, the inspection may be delayed by the Zoning Administrator an additional 48 hours (excluding Saturdays, Sundays and legal holidays) upon verbal or written notification of the owner, tenant, contractor or agent by the Zoning Administrator. Failure to provide the required notice to the Zoning Administrator or pouring of footings or otherwise making them permanent without the approval of the Zoning Administrator shall result in an immediate penalty of $500.00 in addition to the provisions of section 66.1550. [See page 164]

(f) Waiver of some requirements.
In the sole discretion of the Zoning Administrator he/she may waive the requirements for certain plans, specification, data, or the plat of survey when the application is to execute minor alterations or repairs to a building or structure, provided that the proposed construction, alteration, or repair is sufficiently described in the application for the permit.

(g) Proposed sewage disposal plan if municipal sewerage service is not available.
This plan shall include a copy of the permit issued by the appropriate regulatory agency for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.

(h) Proposed water supply plans if municipal water service is not available.
This plan shall be in accordance with chapter NR 112 of the Wisconsin Administrative Code and shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.

(i) Condominium declaration.
Any developer of land in the Village who elects to create a condominium pursuant to chapter 703 of the Wisconsin Statutes shall submit a copy of the Condominium Declaration, and any amendment thereto, to the Zoning Administrator to be attached to the file copy of the Zoning Permit application.

(j) Estimate of the cost of completing the site plan improvements including, but not limited to, landscaping, paving, drainage facilities, sign installation, and lighting.

(k) Environmental Assessment.
The developer shall provide an evaluation of the site for wetlands, woodlands, ridges or swales, natural landforms or other natural areas if so directed by the Zoning Administrator.

(l) Additional information as may be required by the Plan Commission, Village Engineer, Zoning Administrator, Wastewater Superintendent, or Fire Inspector.

(m) No zoning permit shall be issued for the erection or construction of any building or structure on platted or unplatted land along a public or private street with roadside ditches, unless the owner or agent has arranged, with the Village Engineer, for the installation of a culvert of such size and length to preserve the capacity and grade of any drainage ditch laid alongside the public street or public service drive abutting the property. The Village shall determine the size and length of the culvert required, but in no case shall the culvert be less than 18 inches in diameter and less than 15 feet longer than the width of the driveway on which it is installed. *(Amended Ord. No. 267-082019)*

(n) No zoning permit shall be issued until the Village has investigated the fact that all outstanding connection and development fees and special assessments levied against the property have been fully paid or an agreement for payment to the Village by the property owner has been executed.

(o) Zoning permit for use expiration.
Regular zoning permits to establish a use shall expire 24 months from the date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this chapter.

(p) Zoning permit for construction expiration.
Regular zoning permits for construction of a structure shall expire 24 months from the date of issuance or at the same time as the building permit. Any exterior construction after the expiration of a zoning permit shall be considered a violation of this chapter.

(q) A zoning permit shall be granted or denied in writing by the Zoning Administrator or designee.

(r) Grading Plan Review.
A grading plan is an important element in preventing property damage, flooding and

view vistas. A grading plan takes into account the existing topography of the development and its relationship with adjacent properties. Proper grading avoids the need for retaining walls, storm drainage systems, swales on the development and adjacent properties. (Amended Ordinance 164-120809)

(1) Building construction projects that have less than a two-foot change in elevation between the preconstruction grade and finished grade are not required to have engineering review of the grading plan.

(2) Building construction projects that are not otherwise exempt shall have a grading plan prepared by a qualified professional engineer. The proposed project shall comply with the Village's Grading Standards as developed by the Village Engineer. A zoning permit shall not be issued for a project requiring a grading plan until it is approved by the Village Engineer.

**Sec. 66.1531 Zoning Permit Not Required**

No zoning permit shall be required for any of the following activities; provided that any work that does qualify for an exemption under this section shall be required to comply with the applicable setback, height, and other requirements set forth in this chapter:

(a) Accessory structures shall require a regular zoning permit except: minor structures such as birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), tree houses, children's play apparatus, home heating oil storage tanks, clothesline poles, lawn ornaments, flag poles, mailboxes, garbage containers and ice fishing shanties. Accessory buildings greater than 120 square feet in area shall also require the issuance of a building permit. (Amended Ordinance 120-061306)

(b) For repairs that do not alter the size or position of an existing structure on a lot. (Amended Ordinance 120-061306)

**Sec. 66.1532 Certificates of Occupancy and Compliance Required**

(a) Certificate of occupancy.

No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or create a change in use; and no non-conforming use shall be changed, or extended until a certificate of occupancy has been issued by the Zoning Administrator or designee. Such certificate shall show that the building, premises or part thereof complies with the provisions of this chapter. Such certificate shall be applied for prior to the time of occupancy of any land and/or building.

(b) Certificate of compliance.

No building located in a business district and used for business purposes shall have the use changed without the issuance of a new certificate of compliance by the Zoning Administrator or designee. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of the Zoning Code, Building Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the Village and State of Wisconsin. Application for a certificate of compliance shall be made in the same manner as for a zoning permit pursuant to section 66.1530 [See page 158] of this chapter.

**Sec. 66.1535 Conditional Use Permit**

Note: This section was amended in its entirety by Ordinance 173-081010)

The Village Board may authorize the Zoning Administrator to issue a conditional use permit for a conditional use after a review and recommendation by the Plan Commission. The request for a permit for a conditional use shall be filed with the Zoning Administrator on an official application form and shall be accompanied by the required fee and detailed written and graphic materials fully explaining the proposed development. The applicant shall explain in writing why a conditional use permit should be issued addressing the criteria in subsection (i) below. A public hearing shall be conducted by the Plan Commission.

(a) Applicant.

Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.

(b) Project Description.

Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject

site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.

(c) Plat of Survey.

Plat of survey prepared by a registered land surveyor showing all of the information required under section 66.1530(c) for a zoning permit and, in addition, the ordinary high water mark, and existing and proposed landscaping.

(d) Additional Information Required.

Additional information as may be required by the Plan Commission, Village Engineer, Zoning Administrator, Utility Manager or Fire Inspector.

(e) Conditional Uses Will be Reviewed as to Intent.

A conditional use is development, which would not generally be appropriate within a district, but might be allowed in certain locations within the district, if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require the imposing of conditions before the use, development or occupancy is permitted. The intent is to allow a reasonable degree of discretion to the Plan Commission in determining the suitability of a particular use or development at a specific location.

(f) Plan Commission Action.

The Plan Commission is empowered to recommend a development agreement for a conditional use if the following requirements are met. Uses, which require such a permit, are identified in the respective district regulations. The Plan Commission may make such recommendation as it deems appropriate regarding approval of the request. The Board of Trustees shall approve or deny all conditional use permits and related development agreements as submitted.

(g) Conditions.

Conditions related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, setbacks and yards, sewerage disposal, water supply, storm water management and parking requirements may be required by the Village Plan Commission upon its finding that such conditions are necessary to fulfill the purposes and intent of this chapter.

(h) Issuance and Safeguards.

If a development agreement is required, the permit for a conditional use shall be part of the development agreement, and shall be attached thereto. In recommending any conditional use, the Plan Commission may prescribe appropriate conditions and safeguards in conformity with this chapter. The Plan Commission may request that the Village be provided with either a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to issuance of the conditional use permit. The security shall be used to guarantee compliance with the conditions of the permit and shall be returned to the developer when an occupancy permit is issued.

(i) Decision Criteria.

In making a determination on an application for a conditional use, the Plan Commission shall consider all relevant factors specified in other sections of this chapter including standards for specific requirements for certain land uses and activities. The Plan Commission shall consider the following criteria:

(1) Compatibility.

The compatibility of the proposed use with existing development within 300 feet of the proposed use and within 500 feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions, which would make the use more compatible. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

(2) Consistency with the Comprehensive Plan.

The relationship of the proposed use to the objectives of the Village of Sister Bay comprehensive plan. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding

property for uses permitted in the district.

(3) Importance of Services to the Community.

The importance of the services provided by the proposed use to the community, if any, and the requirements of the use for certain locations, if any, and without undue inconvenience to the developer and the availability of alternative locations equally suitable.

(4) Neighborhood Protections.

The sufficiency of the terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the surrounding area.

(5) Conformance with other Requirements of the Chapter.

The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and the Plan Commission shall find that there is a public necessity for the conditional use.

(j) Other Factors.

Other factors pertinent to the proposed use, site conditions or surrounding area considerations, which the Plan Commission feels, are necessary for review in order to make an informed and just decision.

(k) Public Hearing.

Whenever a conditional use permit is requested and the required public hearing is scheduled and noticed by the Village as a Class 2 notice, the Village shall give notice, by regular mail, of the proposed conditional use to all property owners whose property lies within 300 feet measured in a straight line from the exterior boundary of the property subject to the proposed conditional use permit. The notice shall be mailed at least ten days prior to the hearing; however, failure of a neighboring property owner to receive such mailed notice shall not invalidate a public hearing. If action is delayed more than 120 days from the date of public hearing, a new public hearing shall take place. In addition to the notification requirements listed above, applicant shall post signage visible to every facing street at least ten days prior to the hearing. The signage shall identify the property as being the subject of a public hearing and identify the appropriate Village office that may be contacted for information.

(l) Resubmissions.

A conditional use permit application that has been heard and denied shall be eligible to be resubmitted only if the applicant submits an affidavit to the Plan Commission identifying how the new application materially differs from the previous application or identifying substantial new evidence that will be offered. The Plan Commission shall review the affidavit and then vote by simple majority of the members present on the question of whether the changes or new evidence would be of such significance that the Plan Commission may consider changing the previous decision. If the resubmission is accepted, the Plan Commission shall schedule a hearing on the entire resubmitted application. If the Plan Commission rejects the resubmitted application, a new application shall not be submitted during the following 12 months.

(m) Notice to DNR.

The Plan Commission shall transmit a copy of each application for a wetland conditional use in the W-1 district to the Wisconsin Department of Natural Resources (DNR) by certified mail at least ten days prior to the public hearing. Final action on the application by the Village Board shall not be taken for 30 days from the date the DNR receives notice of public hearing by certified mail or until the DNR has made its recommendation, whichever comes first. A copy of all wetland conditional use decisions shall be transmitted to the DNR within ten days following the decision.

(n) Conditional Use for Use Expiration.

Conditional use permits to establish a use shall expire 12 months from the date of issuance if no action has commenced to establish the use, unless a different time is established as a condition of granting the

conditional use permit. Any change of land use after the expiration of a conditional use permit shall be considered a violation of this chapter.

(o) Conditional Use for Construction Expiration

Conditional use permits for construction of a structure shall expire 12 months from the date of issuance, unless a different time period is established as a condition of granting the conditional use permit. Any exterior construction after the expiration of a conditional use permit shall be considered a violation of this chapter and shall warrant consideration for revocation of the Conditional Use permit in accordance with section 66.1535(l) of this chapter.

(p) Amendments.

Changes subsequent to the initial issuance of a conditional use permit, which would substantially affect the conditions listed in section 66.1535(e) of this chapter, shall require an amendment to the conditional use permit. The process for amending a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this section.

(q) Revocation of Conditional Use Permit.

Should a permit applicant, his/her heirs or assigns, fail to comply with the conditions of the permit issued by the Zoning Administrator or should the use or characteristics of the use be changed without prior approval by the Village Board, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this section.

(r) Existing Conditional Uses.

All uses existing on the effective date of this chapter, which would be classified as conditional uses in the particular districts concerned, if they were to be established after the effective date of this chapter, are hereby declared conforming conditional uses. Any proposed change or expansion, including signage and parking, of the existing operation shall be subject to the conditional use procedures and regulations in this section, as if such use was being newly established.

**Sec. 66.1540 Other Permits**

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or county agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes, a water quality certification pursuant to Chapter NR 103 of the Wisconsin Administrative Code, or a wetland fill permit pursuant to section 404 of the Federal Water Pollution Act.

**Sec. 66.1545 Permit Fees**

All persons, firms, or corporations performing work, which by this chapter requires the issuance of a permit, shall pay a fee for such permit to the Village Clerk to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits for which a fee is required are the Building Permit, Certificate of Occupancy, Conditional Use Permit and Sign Permit. A fee shall also be required for a zoning text or map amendment, and zoning appeal or variance. The fees shall be set forth in the Municipal Code of the Village, or by resolution as amended from time to time.

**Sec. 66.1550 Violations**

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin or abate a violation of this chapter.

**Sec. 66.1560 Remedial Action**

Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Village Board, the Plan Commission, the Zoning Administrator, or the Village Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water; and to cause to remove such structure or use.

**Sec. 66.1570 Penalties**

Penalties for violation of the provisions of this chapter shall be in accordance with the provisions of the Municipal Code.

**Sec. 66.1575 Renewal of Permits**

If construction has commenced prior to the expiration of a regular zoning permit, but is not completed prior to such expiration, a 12-month renewal regular zoning permit shall be issued by the zoning administrator upon submittal of a renewal application and fee. Additional renewals shall be granted by the zoning administrator upon a finding that substantial progress had been made during the previous year toward completion of the structure. If a 12-month period passes without evidence of substantial progress towards completion, the zoning administrator shall advise the Plan Commission of such fact and the Plan Commission may call a public hearing on the matter and may impose a completion schedule. A structure shall be deemed completed when the roof, exterior walls, doors, windows and sub-floors are in place and finished and utility connections have been made and required landscaping and site improvements have been made.

 SEC. 66.1575 RENEWAL OF PERMITS

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# 1600 - ZONING BOARD OF APPEALS

**Sec. 66.1601 Establishment**

There is hereby established a Zoning Board Appeals for the Village for the purpose of hearing appeals and applications, and for granting variances and exceptions to the provisions of this Zoning Code. The Zoning Board of Appeals shall consist of five members plus two alternates appointed by the Village President and confirmed by the Village Board.

**Sec. 66.1602 Organization**

The Zoning Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of the Municipal Code of the Village and this chapter.

(a) Meetings.
Meetings shall be held at the call of the chairperson and shall be open to the public.

(b) Minutes.
Written minutes of the proceedings and a record of all actions shall be kept by the Zoning Administrator, or other designated person, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Village Clerk and shall be a public record.

(c) Voting.
The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official; grant a variance; or make an interpretation.

**Sec. 66.1603 Powers**

The Zoning Board of Appeals shall have the following powers:

(a) Errors:
To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by any administrative official in the enforcement of this chapter.

(b) Variances:
To hear and grant appeals for area variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety and welfare secured and substantial justice done. Use variances shall not be granted.

(c) Permits:
The Board may reverse, affirm wholly or partly, or may modify the order, requirements, or decision or determination appealed from, and may issue or direct the issuance of a permit.

(d) Assistance:
The Board may request assistance from other Village officials, departments, commissions and boards.

(e) Oaths:
The chairperson or vice-chairman may administer oaths and compel the attendance of witnesses.

**Sec. 66.1604 Appeals and Applications**

Appeals of the decision of the Zoning Administrator or any administrative official concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department or board of the Village. Such appeals shall be filed with the Village Clerk within 30 days after the filing of the decision or order of the Zoning Administrator or any administrative official. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the Village Clerk. Such appeals and applications shall include the following:

(a) Name and address of the appellant or applicant and all abutting and opposite property owners of record.

(b) Plat of survey prepared by a registered land surveyor showing all of the information required under section 66.1530(c) [See page 158] for a Zoning Permit when required by the Zoning Administrator or a firm/individual designated by the Village or a sketch drawn to a recognized map scale may be submitted.

(c) Additional information required by the Plan Commission, Village Engineer, Zoning Board of Appeals, or Zoning Administrator.

(d) A filing fee, as set forth in the Municipal Code, shall be submitted with the application.

**Sec. 66.1605 Hearings**

The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, shall give public notice thereof as specified in section 66.1301(a) [See page 172] of this chapter, and shall give due notice to the parties in interest, and the Zoning Administrator. At the hearing, the appellant may appear in person, by agent, or by attorney.

**Sec. 66.1606 Notice to DNR**

The Zoning Board of Appeals shall transmit a copy of each application for an area variance to regulations of the W-1 district to the Wisconsin Department of Natural Resources (DNR) by certified mail at least ten day prior to the public hearing. Copies of appeals in the W-1 district shall also be submitted to the DNR by certified mail at least ten days prior to any public hearing. Final action on the variance application or appeal shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to conservancy district regulations or to floodland regulations, and a copy of all decisions to conservancy district and floodland district appeals, shall be transmitted to the DNR within ten days following the date of such decision.

**Sec. 66.1607 Findings**

No area variance to the provisions of this chapter shall be granted by the Board unless it finds by a preponderance of the evidence that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

(a) Preservation of intent.
No area variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located.

(b) Exceptional circumstances.
There must be unique circumstances or conditions applying to the lot or parcel or structure that do not apply generally to other properties or uses in the same zoning classification within 1,000 feet of the subject property and the granting of the area variance should not be of so general or recurrent nature as to suggest that the zoning chapter should be changed.

(c) Hardship.
Economic hardship and self-imposed hardship are not grounds for an area variance: No area variance shall be granted solely based on economic gain or loss. The hardship must be based upon conditions unique to the property rather than considerations personal to the owner.

(d) Preservation of property rights.
The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and same vicinity.

(e) Absence of detriment.
No area variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

(f) Additional requirements in wetland district.
No variance shall be granted where:
(1) Filling and development contrary to the purpose and intent of the W-1 district would result.
(2) A change in the boundaries of the any wetland district would result.
(3) Any action contrary to the provisions of chapter NR 116 or chapter NR 166 of the Wisconsin Administrative Code would result.

**Sec. 66.1608 Wetland Mapping Disputes**

Whenever the Board of Appeals is asked to interpret a W-1 district boundary where an apparent discrepancy exists between the Village's Final Wetland Inventory Map and actual field conditions, the Village shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the Board of Appeals shall direct the Plan Commission to initiate appropriate action to rezone the property within a reasonable amount of time. If the DNR staff does not concur that the particular area is incorrectly mapped, the Zoning Board of Appeals shall affirm the Zoning Administrator's interpretation.

**Sec. 66.1609 Decision**

The Zoning Board of Appeals shall decide all appeals and applications within a reasonable period of time after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Plan Commission.

(a) Modifications or additions to any condition attached to a permit may be made by the Zoning Board of Appeals,

which shall be enforced by the Zoning Administrator.

(b) Variances granted by the Board, relating to the commencement of construction of a building or structure, shall expire within a period of time established by the Board, but in no case shall such period exceed 12 months unless substantial work has commenced pursuant to such variance as determined by the Zoning Administrator. If the variance expires, it is invalid and the applicant must reapply for a variance.

**Sec. 66.1610 Review by Court of Record**

Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any taxpayer, or any officer, department, or board of the Village may, within 30 days after the filing of the decision in the office of the Zoning Board of Appeals, commence an action seeking the remedy available by certiorari.

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## SECTION 1700 - CHANGES AND AMENDMENTS

**Sec. 66.1701 Authority**

The Village Board may, by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this chapter or amendments thereto.

**Sec. 66.1702 Initiation**

A change or amendment may be initiated by the Village Board or Plan Commission or by an application of one or more of the owners, lessees or contract purchasers of the property subject to the proposed change.

**Sec. 66.1703 Applications**

Applications for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Administrator, and shall contain a legal description of the premises to be rezoned or the regulations to be amended. If the application is submitted by a contract purchaser, a copy of the offer to purchase shall be included with the application. The application shall list the reasons, which justify the application, and specify the proposed use, or provide the proposed amended wording in the regulation.

**Sec. 66.1704 Review and Recommendations**

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied.

**Sec. 66.1705 Hearings**

The Plan Commission shall hold a public hearing upon each application giving public notice thereof as specified in section 66.1801 [See page 172] of this chapter, listing the time, place and the changes of amendments proposed. The Plan Commission shall also give at least ten days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment. (Amended Ordinance 117-041806).

**Sec. 66.1706 Village Board's Action**

As soon as possible after such public hearing, and after careful consideration of the Plan Commission's recommendations, the Village Board shall act on the application approving, either modifying and approving, or disapproving of the same.

**Sec. 66.1708 Wetland Amendments**

(a) Notice to DNR.

The Village shall transmit a notice of any proposed change (text or map) in the W-1 district to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:

(1) A copy of every application for a text or map change shall be mailed within five days of filing with the Zoning Administrator.

(2) At least ten days prior notice of any public hearing on a wetland zoning amendment shall be provided.

(3) Notice of a Plan Commission recommendation no later than ten days following the recommendation shall be provided.

(4) Notice of a Village Board decision no later than ten days following the decision shall be provided.

(b) Review standards.

No wetland in the W-1 district shall be rezoned if the rezoning results in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season stream flow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.

(c) DNR objections.

If the DNR has notified the Plan Commission that an amendment to the W-1 district may have a significant adverse impact upon any of the criteria listed in subsection (b) above, that amendment, if approved by the Village Board, shall not take effect until more than 30 days have elapsed since written notice of the Village Board's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the

Department of Natural Resources may notify the Village Board that it will adopt a superseding shoreland ordinance for the Village pursuant to section 62.231 of the Wisconsin Statutes. If the Department does so notify the Village Board, the effect of this amendment shall be stayed until the section 62.231 adoption procedure is completed or otherwise terminated.

**Sec. 66.1709 Protest**

In the event of a protest against a district change duly signed and acknowledged by the owners of 20 percent or more, either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the Village Board membership of the proposed change.

**Sec. 66.1710 Map and Text Amendments**

This section contains a chronological record of changes to the Zoning District map, Official Map or the text of the Zoning Code. It also contains a chronological listing of all conditional use permits.

July 13, 2004: Ordinance 102 changing the composition of the Plan Commission to five members, Superseded by later revisions.

November 9, 2004: Ordinance 102 adopted the revised Zoning Code as a major update.

May 10, 2005: Ordinance 111 changed the composition of the Plan Commission back to seven members. 66.1500.(a).

October 25, 2005: Ordinance 112 added pier permits and dock construction standards 66.1020.

April 18, 2006: Ordinance 116 changing the zoning on three parcels of land from R-1 to R-2.

April 18, 2006: Ordinance 117 amending seven different sections of the code. 66.0323(a)(25, 66.0323(a)(38), 66.0322(a)(37), 66.0501(b)(5), 66.0501(a)(4), 66.0710(b), 66.1205.

June 13, 2006: Ordinance 120 amending 18 different sections of the code 66.0307-.0310, 66.0322(e)(7), 66.0322(i)(6), 66.0404, 66.0331(a)(5), 66.0331(a)(5), 66.0342(d), 66.0403(j)(2)(d), 66.0403(j)(2)(l), 66.0406(d), 66.0706(b), 66.1530(d), 66.1531, 66.1050(a)(14), 66.2100, 66.0716(c)(5), 66.0704(f), 66.0403(j)((1)(b)(2), 66.0708(c).

October 10, 2006: Ordinance 122 changing the zoning for a parcel on North Woods Road from R-1 to B-1.

May 14, 2007: Ordinance 126 creating 66.1035 establishing street names and repealing 66.0704(c)

June 12, 2007: Ordinance 128 amending sections 66.1050(a)(16(b), 66.0403(j), 66.0320(b)(3), 66.0320(a)(76), 66.0320(c)(24), 66.0403(j)(6)(a)

July 10, 2007: Ordinance 130 amending sections 66.0404(g), 66.0320(c)(25, 66.0320(g)(6)

July 10, 2007: Ordinance 131 amending the entire sign chapter 66.0701-.0718

December 11, 2007: Ordinance 134 amending sections 66.1050, 66.0702, 66.1530 and 66.0501 regarding propane tanks and fire hydrant placement.

February 12, 2008: Ordinance 137 amending R-4 Standards and development agreements 66.0310(E)(2), 66.0310(G), 66.0314, 66.1510.1, 66.1510.2

August 12, 2008: Ordinance 141 Amending Chapter 66 of the Municipal Code Regarding Architectural Standards 66.0310(G)(5)

August 12, 2008: Ordinance 143 Amending Section 66.0302(b)(8) the Zoning Code regarding business activities during festivals.

August 12, 2008: Ordinance 144 Amending Section 66.0501(a)(7) the Zoning Code permitting utility service to accessory buildings.

November 4, 2008: Ordinance 146 Amending Chapter 66 regarding accessory building setbacks and sandwich board special event signage sections 66.0501(b) and 66.0710.

May 04, 2009: Ordinance 150 Amending Section 66.0331(a)(b) Chapter 66 regarding farm markets, garden plots and the definition of farm market.

July 14, 2009: Ordinance 154 amending chapter 66 of the municipal code regarding on premise signs §66.0704, adjustments to required parking §660404, parking requirements §66.0403, fire and explosive hazards fireworks §66.0803 and rezoning the

former Helms Four Season resort property to P-1.

July 14, 2009: Ordinance 154 rezoning the former Helms Four Season resort property to P-1.

December 8, 2009: Ordinance 157 Amending Chapter 66 of the Municipal Code Regarding Section 66.0404 Regarding Parking Exemptions.

December 8, 2009: Ordinance 158 Amending Chapter 66 of the Municipal Code Regarding Section 66.0323 Regarding B-3 Professional Offices.

December 8, 2009: Ordinance 159 Amending Chapter 66 of the Municipal Code Regarding Open Space.

December 8, 2009: Ordinance 160 Amending Chapter 66 of the Municipal Code Regarding Section 66.0322 B-2 and 66.0323 B-3 Districts Regarding Building Heights.

December 8, 2009: Ordinance 161 Amending Chapter 66 of the Municipal Code Regarding Sections 66.0322 and 66.00323 Regarding Building Side Setbacks in the B-2 and B-3 Districts.

December 8, 2009: Ordinance 164 Amending Chapter 66 of the Municipal Code Regarding Section 66.1530 Regarding Zoning Permits and Grading Plan Approval.

December 8, 2009: Ordinance 165 Amending Chapter 66 of the Municipal Code Regarding Sections 66.0320 Regarding Housing in the B-1 District.

December 8, 2009: Ordinance 166-Amending Chapter 66 of the Municipal Code Regarding Section 66.0323 Regarding Gas Stations in B-3.

January 12, 2010: Ordinance 162-Amending Chapter 66 of the Municipal Code Establishing Section 66.1055 creating architectural review criteria.

March 09, 2010: Ordinance 163-Amending Chapter 66.1025 of the Municipal Code regarding the impact on housing stock by commercial projects and establishing Section 66.1030 creating incentives for workforce housing for R-2 district projects.

April 13, 2010: Ordinance 168 Amending the Zoning Map to permit a B-1 conditional use for the parcel located at 10578 Applewood Road.

April 13, 2010: Ordinance 169 established a zoning permit moratorium on certain types of restaurants.

July 13, 2010: Ordinance 170 Amending Chapter 66.0313 of the Municipal Code permitting the keeping of non-domestic animals in the R-3 district.

July 13, 2010: Ordinance 171 Amending Chapter 66.0900-.0922 of the Municipal Code recreating the entire section on non-conforming uses and structures.

August 10, 2010: Ordinance 172 Amending Chapter 66.350 of the Code and multiple other sections to create a Restaurant Overlay District RO-1.

August 10, 2010: Ordinance 173 Amending Chapter 66.1535 of the Municipal Code recreating the entire section on conditional uses.

August 10, 2010: Ordinance 174 Amending Chapter 66.0706 if the Municipal Code permitted ground signs in the B-3 to be closer to the curb.

September 14, 2010: Ordinance 176 Amending Chapter 66 Section 66.0345(d)(1) regarding wellhead protection overlay districts.

October 12, 2010: Ordinance 178 Amending the Zoning Map for the Village of Sister Bay for the Parcel Located at 10674 North Bay Shore Drive to Include Certain Wetlands Areas as W-1.

December 14, 2010: Ordinance 180 Amending Chapter 66 of the Zoning Code regarding Section 66.0710(c) Sandwich Boards and Section 66.0705(c) Home Occupation Signs.

December 14, 2010: Ordinance 181 Approving the Frisoni Door County Ice Cream Factory conditional use permit.

December 14, 2010: Ordinance 182 Amending the Zoning Map for the Village of Sister Bay for the Parcel Located at 10674 North Bay Shore Drive to Include Certain Wetlands Areas as W-1.

April 12, 2011: Ordinance 185 Amending Section 700 Regarding Signage of Chapter 66 Zoning Code and Repealing Section 58.4 of the Municipal Code

June 14, 2011: Ordinance 186 Amending Section 66.0322(i)(11) Regarding Special Standards for Garages in the B-2 District

July 12, 2011: Ordinance 187 Amending Sections 66.0320 —66.0323 the B-1, B-2 and B-3 Districts permitted, accessory and conditional uses and Section 66.0315(c) CS-1 Countryside District Conditional Uses for hotels and motels

September 13, 2011: Ordinance 191 Amending the Zoning map for a parcel located at 2399 maple drive to grant a conditional use permit as a garage — Hubertz

March 13, 2012: Ordinance 192 amending the Zoning map for certain parcels located on Fieldcrest Road to include certain wetlands areas as W-1 — Schuyler

May 8, 2012: Ordinance 193 creating Section 66.0711(c) establishing standards for additional shopping center identification signs.

September 9, 2012: Ordinance 200 amending Section 66.0330(f) setbacks for the Institutional District I-1.

September 9, 2012: Ordinance 201 amending Section 66.0405(h) amending the time period for the Downtown Business District B-3 parking exemption

September 9, 2012: Ordinance 202 amending Section 66.0405 and 66.0406 amending highway access and other parking restrictions

September 9, 2012: Ordinance 203 amending certain requirements for the Multifamily District R-2

September 9, 2012: Ordinance 204 amending various sections of the code, which was renumbered

October 09, 2012: Ordinance 205 changing the zoning for the parcel located at 10547 Koessl Lane from I-1 to B-1

October 09, 2012: Ordinance 206 amending Section 66.0911 removing the 50% valuation requirement

October 09, 2012: Ordinance 207 amending Section 66.0501 Accessory Uses and the accessory use requirements in the following sections: 66.0310(f), 66.0311(f), 66.0312(f), 66.0313(f), 66.0314(f), 66.0315(f), 66.0320(f), 66.0330(f), AND 66.0331(f).

October 09, 2012: Ordinance 208 amending Section 66.0506 Outdoor Displays

May 14, 2013: Ordinance 210 Amending the Official Map in the area bounded by Maple Drive, Highway 57, Flint Ridge Road and Woodcrest Road

May 14, 2013: Ordinance 211 recreating Section 66.0310 Creating a Residential Second Dwelling Overlay District

May 14, 2013: Ordinance 212 Amending the Zoning Map for a Parcel Located at 10621 N. Highland Road to Grant a Conditional Use Permit as an Outdoor Recreation Facility and a Fast Food Restaurant

August 13, 2013: Ordinance 215 Amending the Zoning Map for Parcel No. 181-42-30001 located at 10604 STH 57, and Parcel Nos. 181-42-30008, 181-42-30006A and 181-42-30005 to R-2 Multifamily.

August 13, 2013: Ordinance 216 Amending the Zoning Map for Parcel No. 181-00-05312833D Located at 10625 N. Highland Road to R-2 Multifamily.

August 13, 2013: Ordinance 217 Repealing and Recreating Sections 66.0322 and 66.0323 Regarding B-2 Downtown Business Transition District and B-3 Downtown Business Transition District Regulations Permitting Hotel Condominiums.

Break in Numerical Sequence, all Ordinances are listed in a number-6 digit date format.

Example: 200-010115 would be read as Ordinance 200, Adopted on January 1, 2015.

218-100813 Amending the Official Map In The Area West of Fieldcrest Road and North of Country Lane.

221-021114 Amending the portion of the Official Map for the Village of Sister Bay which relates to the area east of Orchard Dr. and North of Flint Ridge Rd.

235-022415 Amending the Zoning Map for Parcel No. 181-00-05312833D Located at 10625 N. Highland Road.

225-041414 Amending and Recreating section 66.0722 of the Village of Sister Bay Zoning Code: Other On/Off Premise Signs with Permit; Sunset for Bayshore Project.

230-082614 Amending the Official Map; Officially Mapped Streets

231-091614 Amending the Sister Bay Zoning Code, Section 66.0501(e)(2)(h).

232-091614 Amending the Sister Bay Zoning Code, Section 66.0505; Wind Energy Towers.

233-111814 Amending the Sister Bay Zoning Code, Section 66.0323, calculations in the B-3 zoning district.

234-122914 Amending the Sister Bay Zoning Code, Sections 66.0711, Shopping Center Signage.

235a-122914 Amend the Sister Bay Zoning Code 66.0808-Noise Performance Standards

235-022415 Amending the Zoning Map for Parcel No. 181-00-05312833D Located at 10625 N. Highland Road.

241-111715 Amending Ch 66.0501(b)(3)(e) of the Sister Bay Zoning Code, Accessory buildings in Front Yard Setback Area and 66.0311(c)(1) Conditional uses in the R-1 Zoning District

244-100416 Amending Chapter 66.0700 "Signs" of the Sister Bay Zoning Code

245-111616 Adopting a Planned Unit Development (PUD) for the Sister Bay Market Place

246-122716 Changing Zoning from B-1 to R-3 on a portion of Parcel 1810008312833F for Ron and Barb Sense at 2454 Flint Ridge Rd. (CSM approved RESO 341-122716, no parcel number issued at time of this writing for new parcel)

December 12, 2017: Ordinance No. 250-121217 Repealing Section 66.0310(e) of the Village of Sister Bay Zoning Code.

December 12, 2017: Ordinance No. 251-121217 Amending Section 66.0313(c), Section 66.0315(c), and Section 66.0320(c) of the Village of Sister Bay Zoning Code in such fashion that assembly halls are allowed as a conditional use on Parcel Nos. 181-00-08312832B, 181-00-08312832A2, 181-00-08312832C, and 181-00-08312832D1 in the R-3 District, and the entire CS-1 and B-1 Districts.

April 17, 2018: Ordinance No. 258-041718 Amending Section 66.0320(a)(27), Section 66.0322(a)(17), Section 66.0323(a)(21), Section 66.2100, Section 66.0322(h)(1) and Section 66.0323(h)(1) of the Sister Bay Zoning Code, and Deleting Section 66.0322(h)(2) and Section 66.0323(h)(2) of that Code.

April 17, 2018: Ordinance No. 259-041718 Amending Section 66.0313(c)(1) of the Sister Bay Zoning Code in such fashion that assembly halls are allowed as a conditional use in the entire R-3 Zoning District.

August 21, 2018: Ordinance No. 260-082118 amending Section 66.2100 of the Sister Bay Zoning Code in such fashion that a definition is provided for the term "Assembly Hall", and amending Section 66.0711(g)(2) of the Sister Bay Zoning Code in such fashion that it states that the bottom of projecting signs installed over sidewalks which are cleared of snow by the Village must have a minimum clearance of 92".

February 19, 2019: Ordinance No. 263-021919, amending Section 66.0320(a) of the Sister Bay Zoning Code in such fashion that (37) states that light industrial food preparation, manufacturing, processing and assembly, packaging, storage and distribution are permitted uses in the B-1 District, and providing definitions for the terms "Brewing", "Commercial Kitchen", "Food", "Light Industrial Food Preparation, Manufacturing, Processing and Assembly, Packaging, Storage and Distribution" and "Duplex".

June 18, 2019: Ordinance No. 265-061819 amending §66.0313(c)(1) of the Sister Bay Zoning Code in such fashion that it states that Assembly Halls are no longer allowed as a conditional use in the R-3 District.

August 20, 2019: Ordinance No. 267-082019 amending §66.1530(m) of the Sister Bay Zoning Code in such fashion that it states that the Village Engineer shall determine the size and length of any required culverts, but, in no case shall a culvert be less than 18" in diameter and less than 15 feet longer than the width of the driveway on which it is installed.

November 19, 2019: Ordinance No. 269-111919 which changes the zoning designation for a portion of Parcel No. 181-00-08312834B, which has been assigned an address of 10315 Orchard Drive, from CS-1 to R-3. (The related CSM is the subject of Resolution No. 409-111919)

## SECTION 1800 – PUBLIC HEARINGS

**Sec. 66.1801 Public Hearings**

Notice of any public hearing which the Village Board, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this chapter shall specify the date, time and place of hearing, and the matter to be presented at the hearing. Pursuant to chapter 985 of the Wisconsin Statutes, the notice may be published as a Class 1 notice or Class 2 notice, to-wit:

(a) Zoning Board of Appeals hearings.
The notice of public hearing for a variance or appeal before the Zoning Board of Appeals shall be published in a newspaper of general circulation in the Village as a Class 1 notice that is, published once at least one week before the public hearing. Notice of the public hearings shall be mailed to all parties-in-interest at least ten days before the hearing. Parties-in-interest shall be defined as the applicant, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the application and the owners of all lands included in the application and all lands lying within 300 feet of lands included in the application. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

(b) Zoning related hearings.
The notice of public hearing for a Zoning Amendment (text or map) or a conditional use permit shall be published in a newspaper of general circulation in the Village as a Class 2 notice that is at least once each week for two consecutive weeks, the last publication of which shall be at least one week before the public hearing. Notice of the public hearings shall be mailed to all parties-in-interest at least ten days before the hearing. Parties-in-interest shall be defined as the applicant, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the application and the owners of all lands included in the application and all lands lying within 300 feet of lands included in the application. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

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## SECTION 2000 - DEFINITIONS

### Sec. 66.2001 General Definitions

For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this chapter include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she." The word "shall" is mandatory, the word "should" is advisory and the word "may" is permissive. Any words not defined in this section shall be presumed to have their customary dictionary definitions.

### Sec. 66.2100 Specific Words and Phrases

Abutting. Having common border with, or being separated from such common border by an alley or easement other than publicly dedicated and approved rights-of-way.

Accessory Structure. Building or other structure which is customary, incidental and subordinate to a permitted principal use of a lot and located on the same lot as the principal use and does not meet the definition of a principal structure. (Amended Ordinance 120-061306)

Accessory Use. A use or detached structure subordinate to the principal use of a structure, land, water, or air and located on the same lot or parcel, and serving a purpose customarily incidental to the principal use or the principal structure.

Adult Family Home. A private residence to which all of the following apply: : (a) care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in Wisconsin Statutes §51.01(5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings; and (b) the private residence was licensed under Wisconsin Statutes § 48.62 as a foster home for the care of the adults specified in sub(a) at least 12 months before any of the adults attained 18 years of age.

Aggrieved Person. One whose application for a permit is denied, one whose permit is revoked, and in some instances, taxpayers. An adjacent property owner is not an aggrieved person unless suffering some specific ascertainable damage or is specifically injured by the actions of a neighbor.

Alley. A public right-of-way affording only secondary access to abutting properties and not intended for general traffic circulation.

Amusement Park. A commercially operated facility with various devices for entertainment, which are located primarily outdoors, including miniature golf.

Animals, domestic shall refer to animals kept primarily in the home, such as dogs, cats, snakes, small rodents, rabbits, pigmy goats, pot-bellied pigs. (Amended Ordinance 170-071310)

Animals, non-domestic shall include, but not be limited to horses, mules, alpacas, llamas, swine, cows, goats, donkeys, chickens, ducks and any endangered or exotic species of animal, including wild animals. (Amended Ordinance 170-071310)

Animals, wild shall include, but not be limited to monkeys, non-human primates, raccoons, skunks, fox, wolf, poisonous snakes, leopard, panther, tiger, lynx, and any warm blooded animal found normally in a wild state. (Amended Ordinance 170-071310)

Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Antenna, Earth Station Dish. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites (Also see section 66.0203).

Antenna, Terrestrial. Any antenna designed to receive television and radio signals relayed from one ground location to another ground location. Such antennas are typically mounted on a tower or support on the rooftop of a structure, or on freestanding towers.

Antenna. A specific device the surface of which is used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from or to be received by other antennas, including, but not limited to the following: (a) Directional (or "panel") antennas, designed to receive and/or transmit signals in a directional pattern which is less than 360 degrees, typically an arc of approximately 120 degrees; (b) Parabolic (or "dish") antennas, generally bowl-shaped devices that are designed to receive and/or transmit signals in an approximate specific direction; (1) Microwave parabolic antennas are designed to transmit and/or receive microwave signals to or from other microwave parabolic antennas; (2) Satellite parabolic antennas are designed to transmit and/or receive audio and/or video or data signals from satellites orbiting the earth; (3) Other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communication technologies.

Aquifer. A geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield significant quantities of water to wells and springs.

Art Gallery. An institution or business exhibiting or dealing with works of art.

Art Studio. An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macramé, knitted goods, stitchery or pottery. Art studios are also engaged in the creations of such art works and often offer instruction in their creation.

Art. The conscious use of skill, taste and creative imagination in the production of objects whose primary or sole value is intended to be aesthetic. Art is distinct from other forms of production by its application of personal, un-analyzable creative power, not merely expertness in workmanship.

Arterial Highway. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways include freeways and expressways, state trunk and county trunk highways, and other heavily traveled streets.

Assembly Hall. A facility designed and/or operated for the gathering of fifty (50) or more people for private or commercial functions. For example, an event conducted for the purpose of hosting a party, banquet, wedding, reception or other social event. *(Amended Ordinance No. 260-082118)*

Attainable Housing. Attainable housing shall be defined as housing for individuals actively working within the boundaries of the Gibraltar School District, who meet the incomes levels for individuals and families, which do not exceed the average median earned income level for Door County.

Audio/Video Production. An activity, not in conjunction with adult-oriented facilities, involving the production, including scripting, recording, editing and postproduction of audio and visual taped media for educational, entertainment or promotional purposes.

Automotive Body Repair. Activities involving the repair, painting or undercoating of the body or frame of vehicles with a gross vehicle weight of 10,000 pounds or less. Body and frame repair does not include mechanical engine or power train repair.

Automotive Mechanical Repair. Activities involving the maintenance, servicing or repair of automotive engines, power train, suspension and exhaust system on vehicles with a gross vehicle weight of 10,000 pounds or less. Mechanical repair does not include body and frame repair, painting or undercoating.

Automotive Sales and Service. Any building, land area, or other premises for the display and sale of new or used automobiles, pickup trucks or vans, lawn and garden implements, trailers, boats, or other recreational vehicles and including

any warranty repair work and other repair service conducted as an accessory use.

Awning. See "Marquee."

Baby Sitting. The act of providing care and supervision for fewer than four children. This definition does not apply when the baby sitter is related to the child, or when more than four children in one household are related.

Basement. That portion of any structure, which is below grade, or which is partly below and partly above grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

Bed and Breakfast. Any place of lodging that provides four or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner during the time of rental, and in which the only meal served to guests is breakfast.

Bedroom. A private room, 100 square feet or more in area, planned for sleeping and separable from other rooms by a door.

Benign non-conformities are those that do not have a negative impact on the health and safety of the public, but may have a negative impact on public welfare. (Amended Ordinance 171-071310)

Billboard. See "Sign, Off-Premise."

Boardinghouse. A place in which lodging, with or without meals, is offered for compensation to non-transient guests, that provides four or less rooms for rent, is the owner's personal residence, and is occupied by the owner during the time of rental.

Boathouse. An accessory structure, which is accessible by boats from navigable water, is designed, constructed and used solely for the purpose of protecting or the storing of boats used for noncommercial purposes in conjunction with a residence.

Brewing. Preparing the ingredients of a consumable beverage by soaking, boiling, fermenting, infusing or steeping. (*Amended Ordinance No. 263-021919)*

Buffer Yard. An area of land containing sufficient area and width, landscape plantings, earth berms, fencing, walls, or other visual and/or sound barriers intended to eliminate or minimize land use conflicts between adjacent land uses.

Buildable Area. The area of the lot remaining after the minimum front setback, side setbacks, rear setback, and other open space requirements, such as wetlands, have been met. (See Illustration No. 5)

Building Footprint. The ground area covered by and including the exterior dimensions of a building, including enclosed porches, attached garages and carports.

Building Height. The vertical distance above the finished lot grade at the front of the building measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height between the eaves and the ridge of the highest gable, hip or gambrel roof. The finished lot grade shall be the average grade across the front of the building measured five feet away. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are chimneys, bell towers, steeples, roof equipment, flagpoles and similar features, which are not for human occupancy.

Building Separation. The narrowest distance between two buildings.

Building Setback Line. A line within a lot or parcel of land designated, pursuant to Village Zoning Code requirements, on a plat of a proposed subdivision within which, and the adjacent boundary of the street upon which the lot abuts, the erection of an enclosed structure or portion thereof is prohibited.

Building, Accessory. Any building except the principal building on a lot, and located on the same lot as the principal building. In the case of a house and detached garage on a lot, the accessory building is the garage.

Building, Principal. The main building or structure as distinguished from a secondary or accessory building. This includes a house in a residential district,

a store in a business district, or farm buildings in an agricultural district.

Building, Temporary. Any building not designed to be permanently located in the place where it is currently located, or where it is intended to be located.

Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, vehicles or materials.

Bulletin Board. See "Sign, Bulletin."

Camping Unit. Any single shelter, except sleeping bags, bedrolls and hammocks, used for camping by a camping party.

Camping. The placement of a temporary shelter used as, or designed to be used for sleeping purposes. Examples of shelters used for camping include tents, trailers, motor homes, recreational vehicles, tarpaulins, bedrolls and sleeping bags.

Candela. A measure of light intensity. A candela is equal to 1/60 of the luminous intensity per square centimeter of a blackbody radiating at the temperature of solidification of platinum (2,046° K.) By comparison, a "foot-candle" is the illumination of a surface one-foot distant from a source of one candela, or one lumen per foot.

Canopy. See "Marquee."

Car or Truck Wash. Any facility used for the washing of vehicles requiring the installation of special equipment.

Casual non-commercial use. Transient rental of property for periods of 30 days or less, not to exceed 16 weeks per calendar year. One day of rental in a period of a week shall count as a full week of rental.

Channel. Those flood lands normally occupied by a stream, lakebed, or other body of water under average annual high-water flow conditions while confined within generally well established banks.

Clearing. The act of removing trees or brush from any part of a wooded lot for the purpose of building development or the creation of non-wooded areas.

Co-Location. Locating wireless communication facilities from more than one provider on a single site.

Business Site. A tract consisting of one or more contiguous lots or parts of lots which are used for inter-dependent ingress and egress of vehicles and containing one or more off-street loading or parking facilities; or any business site having five or more parking stalls.

Commercial Kitchen. An establishment where space is utilized to process food grown or produced primarily for the purposes of selling or distributing off-site. (*Amended Ordinance No. 263-021919)*

Commercial Transient Lodging. The provision of furnished lodging on a transient basis as defined for state sales tax purposes, that is, occupancy for periods of 30 days or less. Rental on a casual, non-commercial basis of residential dwelling units is not considered commercial transient lodging.

Commercial Vehicle Sales and Service. Any building, land area, or other premises for the display and sale of large trucks and equipment, typically used in commercial operations, and including any warranty repair work and other repair service conducted as an accessory use. For the purpose of this chapter, commercial trucks are trucks with a gross vehicle weight in excess of 10,000 pounds.

Community Living Arrangement. Means any of the following facilities: child welfare agencies group home for children and community-based residential facilities; but does not include adult family homes, day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

Community Water System. A public water system that serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year round residents.

Community-based Residential Facility. A place where three or more unrelated adults reside in which care, treatment or services above the level of room and board but not including nursing care are provided to persons residing in the

facility as a primary function of the facility.

Conditional Uses. Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses have been used in zoning ordinances as flexible devices, which are designed to cover situations where a particular use, although not inherently inconsistent with the use classification of a particular zoning district, may create special problems and hazards if allowed to develop and locate as a matter of right in a particular zoning district. Conditional uses are issued to properties, not individuals, and their continued use runs with the property, not with the owner.

Condominium Hotels/Motels. A condominium ownership property where more than eighty percent (80%) of the units are available for rent for more than 300 days per year. *(Amended Ordinance No. 258-041718)*

Condominium, Residential. A condominium ownership property where more than 75 percent of the units are owner occupied and the casual non-commercial use does not exceed 30 days per year per unit.

Cone of Depression. A depression in the water table that occurs when a pumping well withdraws water as a rate faster than the aquifer can supply water to the well.

Convenience Food Store. A retail establishment of less than 3,000 square feet in area where food products and related household products are sold.

Corner Lot. A lot abutting on two streets at their intersection, where the angle of intersection is not more than 135 degrees.

Covenant. A contract or other written agreement between two parties, which constitutes a restriction on a particular parcel of land.

Curb Elevation. The elevation of the established curb in front of a building or structure generally used as a reference point in establishing yard grades. Where curb has not been installed, the mean centerline elevation of the street in front of the building or structure shall be used as the reference point.

Cutting plan. A plan for the removal of vegetation including any proposed replanting of vegetation.

Day Care Center. See "Family Day Care Home" and "Group Day Care Center."

Deck. An unenclosed, unroofed exterior platform structure, with or without railings, which is elevated above preconstruction grade, is typically of wood construction, either attached to a building or freestanding. A deck shall be considered a structure not building.

Density. A number expressing the relationship of the number of dwelling units to land area.

Detrimental non-conformities are those that have a negative impact on the health and safety of the public. Detrimental non-conformities have the potential for harm. (Amended Ordinance 171-071310)

Development Project: Any residential, commercial, business or mixed-use subdivision plan or development plan submitted to the Village for approval.

Development. Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

Diffuse: To spread or scatter widely, or thinly.

Direct Illumination: Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building facades.

Display Lot or Area: Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a Display Lot, one of the following specific uses must occur: Automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, swap meets. Uses not on this list must be approved as display lot uses by the municipality.

District, Basic. A part or parts of the Village for which the regulations of this chapter governing the use and location of land and buildings are uniform (such as the residential and business district classifications).

District, Overlay. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district.

Driveway: Every way or area used for vehicular travel back of the street right-of-way.

Dryland Access. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land, which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

Dune. A mound, hill or ridge of sand piled by wind.

Duplex. A single structure consisting of two dwelling units with a common wall(s). (Amended Ordinance No. 263-021919)

Dwelling Unit, Efficiency. A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette facilities and sanitary facilities.

Dwelling Unit. A group of rooms including at least a kitchen or kitchenette, sanitary facilities, and a bedroom; and providing, or intended to provide, living quarters for not more than one family.

Dwelling, Bi-Level. A two-level dwelling with one level above grade, and the other level partially above grade and partially below grade. The lowest level may or may not have exterior access. For the purpose of measuring living area, the Zoning Administrator will determine functional areas as set forth in the definition of "living area" and the first floor area will be considered the first level that is entirely above grade.

Dwelling, Detached. A dwelling, which is entirely surrounded by open space on the same lot.

Dwelling, Multiple-Family. A residential building designed for or occupied by three or more families, with the number of families in a residence not to exceed the number of dwelling units provided.

Dwelling, Single-Family. A building designed for or occupied exclusively by one family.

Dwelling, Tri-Level. A three-level dwelling with two levels above grade, and a third level partially above grade and partially below grade. The lowest level may or may not have exterior access. For the purpose of measuring living area, the Zoning Administrator will determine functional areas as set forth in the definition of "living area" and the first floor area will be considered the first level that is entirely above grade.

Dwelling, Two-Family. A building, also called a duplex, containing two separate dwelling (or living) units, designed for occupancy by not more than two families, and having separate entrances and kitchen facilities.

Dwelling. A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or travel trailers.

Election Campaign Period. In the case of an election for office, the period beginning on the first day of circulation of nomination papers by candidates or the first day that candidates would circulate nomination papers were papers to be required, and ending the day of the election. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

Enclosed Structure. A structure consisting of a solid roof, a permanent foundation, a floor and solid walls extending from the floor to the roof. Solid doors, windows or other glazing are allowed in the walls. Open breezeways or screen walls do not qualify as enclosed structures.

Environmental Contractor. Offices, laboratories and support facilities for the testing or evaluation of soil, air or water, not including any on-site storage or remediation of materials.

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 or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead facilities such as gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, detention basins, drainage channels, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Facility. A building or buildings, appurtenant structures, and surrounding land used by a single business, private entity, or governmental unit or sub-unit at a single location or site.

Family Day Care Home. A dwelling licensed as a day care center by the State of Wisconsin pursuant to section 48.65 of the Wisconsin Statutes, where care is provided for not more than eight children under the age of 7 years for less than 24 hours per day. All structures shall be located a minimum of 100 feet from any residentially zoned property.

Family. The group of persons related by blood, marriage or adoption, or not more than four unrelated persons who live together in one dwelling unit as a single housekeeping entity.

Farm. A parcel of land used for agricultural activities including, but not limited to, the raising and harvesting of field crops; the raising of livestock; and the raising and harvesting of trees, orchards, or vineyards.

Farmers' or Growers' Market is defined as a public market place where fresh foods are sold by the residents of Door County who have grown, gathered, raised or produced them. Markets where crafts and other items are sold can be eligible as farmers' markets, as long as the total number of craft vendors does not exceed the total number of farmers. (Amended Ordinance 150-050409)

Fence, Ornamental. A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway or planting bed. Ornamental fences are often of the rail, or wrought iron type. A chain link fence is not considered an ornamental fence.

Fence, Residential. A fence intended to identify residential property lines, provide for privacy, and/or to protect members of a household, especially children. A residential fence may also secure a private swimming pool against unauthorized entry. Residential fences are usually four to six feet in height. Residential fences are often of the picket, rail, stockade, board-on-board, board and batten, basket weave, or louvered type, and do not include chain link fences.

Fence, Security. A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed six feet in height, are often made of wrought iron or chain link, and may incorporate additional security features such as barbed wire.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, decorate, or screen areas of land. A fence shall also be defined to include rock walls and plantings of bushes or trees.

Five-Year Time of Travel (TOT). The five-year time of travel is the recharge area up gradient of the cone of depression, the outer boundary of which it is determined

or estimated that groundwater and potential contaminants will take five years to reach a pumping well.

Flea Market. Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered flea markets.

Flood Lamp: A specific lamp form designed to direct its output in a specific direction (a beam) but with a diffusing glass envelope. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Floor. A floor (synonymous with a story) in a multi-story building is defined as a horizontal open and occupiable space divided from other such spaces within the building by horizontal plates. The floor count shall be defined by determining the highest and lowest above ground floors and counting all stories from one to the other. Each floor level must be at least seven feet in height. Floor levels may be classified as above ground or below ground. An above ground floor is a level whose ceiling is at least seven feet above the ground. If a building is set on sloping ground, then the first level flush with or higher than the lowest immediately, surrounding ground level shall be considered the first above ground floor. Floors, which are above the soil line, but below an elevated street, which passes or approaches the main entrance, shall be considered underground; likewise floors which open to the outside only through a sunken plaza shall be considered below ground. If the floor levels within a building do not match at all points, then aside from counting all legitimately independent mezzanines, only one vertical set of levels shall count in determining the floor count. In this case, the set, which yields the highest number, shall be used.

Floor Area Ratio. The gross floor area of all buildings on the lot divided by the lot area. This is often expressed as a percentage of the lot. Floor area ratio differs from lot coverage in that the floor area of all floors of each building is used in making the calculation.

Floor Area, Gross. The sum of the gross horizontal areas of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, attics, unfinished basement rooms, garages, breezeways and unenclosed porches or terraces or any space where the floor-to-ceiling height is less than six feet.

Floor Area, Net. The total of all floors areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading space; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. Very often, for ease of administration, net floor area is expressed as gross floor area minus a certain percentage. Empirically, stairwells, elevator shafts, equipment rooms and utility rooms generally average out to about 15 percent of the gross floor area.

Food. Any and all edible substances, including drink, condiments or confections, whether simple, mixed or compound. *(Amended Ordinance No. 263-021919)*

Foot-Candle (fc): A unit of illuminance equal to 1 lumen/ft$^2$, the illumination of a surface one-foot distant from a point source having a uniform luminous intensity of 1 candela (cd). One- (1) foot-candle equals approximately 0.1 (0.093) lux (metric). Full Cutoff Luminaire: A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candelas per 1000 lamp lumens.

Foster Home. Any facility operated by a person required to be licensed by section 48.62 that provides care and maintenance for no more than four children unless all children are siblings.

Freeboard. A flood protection elevation requirement designed as a safety factor, which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of a watershed, loss of flood storage areas due to development and aggregation of the river or stream bed. (See Illustration No. 7)

Front Setback. A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the front property line and the nearest foundation wall of a principal or accessory building, excluding overhangs, uncovered steps and stoops, gutters and awnings. Where the street line is an arc, the setback shall be measured from the arc. (See Illustration No. 9)

Front Yard. A regulated area on a developed parcel of land. The yard area bounded by the front lot line, the side lot lines and the front foundation wall of a principal building , excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 10)

Frontage. The dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the dimension measured along the shoreline.

Fully Shielded Luminaires: Outdoor luminaire utilizing flat, clear lenses with no refractorizing elements and which operates in a horizontal position with nonadjustable mounting hardware or brackets. Light is distributed by means of internal reflector. The light source is totally concealed by the luminaire housing when the observation position is at an angle less than fifteen degrees (15º) above horizontal. Light is not permitted at an angle less than four degrees (4º) above horizontal.

Garage Attached. A garage that is connected to the principal structure by a doorway leading directly into the interior of the principal structure. The connection must have walls and a roof and shall not be exposed to the outdoors. A covered breezeway is not a permitted connection. (Amended Ordinance 120-061306)

Garage Sale. See “Rummage Sale.”

Garage, Private. A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the family’s resident upon the premises.

Garage, Public or Commercial. A structure or portion thereof, other than a private garage, used primarily for the parking and storage of motor vehicles and available to the public. A public garage may or may not charge a fee for such use.

Garage, Repair. See “Automobile Body Repair” and “Automobile Mechanical Repair.”

Gasoline Service Stations. Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing and sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories. Contemporary service stations may specialize in a singular service such as providing fast oil changes. Contemporary services may also be associated with another principal use such as a convenience food store. In such instance, the facility is to comply with both the service station and food store requirements of this chapter.

Glare: A light ray emanating directly from a lamp, reflector or lens that falls directly on the observer’s eye.

Grade, Established. The elevation of the finished street at the centerline or curb as fixed by such authority as shall be designated by law to determine such an elevation.

Grocery Store. A retail establishment of at least 25,000 square feet in area, where food products and related household products are sold.

Groundwater Divide. A ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. Line of highest

hydraulic head in the water table or potentiometric surface.

Groundwater. The water in a saturated zone or stratum beneath the surface of land or water, whether or not it is flowing through known and definite channels.

Group Day Care Center. An establishment providing care and supervision for four or more persons under the age of seven and licensed by the State of Wisconsin pursuant to section 48.65 of the Wisconsin Statutes.

Group Home. Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to section 48.62 of the Wisconsin Statutes for the care and maintenance of five to eight children.

Hazardous Substance. Any waste or material which because of its quantity, concentration or physical chemical or infectious characteristics may: cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Health and Safety of the Public is the protection from injury, illness, danger and other harm. (Amended Ordinance 171-071310)

Height of Tower. The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

Home Occupation. Any occupation for financial gain or support conducted entirely within the premises by resident occupants; which is customarily incidental to the principal use of the premises. [See also section 66.0501(D) of this chapter]

Hotel. An establishment, licensed pursuant to Chapter 50 of the Wisconsin Statutes, wherein sleeping accommodations are offered for pay to transients, in five or more rooms, and all places used in connection therewith. The terms "Hotel," "Motel," and "Inn" are synonymous.

Hotel/Motel Condominiums. A condominium ownership property where more than eighty percent (80%) of the units are available for rent for more than 300 days per year. *(Amended Ordinance No. 258-041718)*

IESNA: Illuminating Engineering Society of North America, an organization that establishes updated standards and illumination guidelines for the lighting industry.

Impervious Surface. Surfaces which do not absorb precipitation including buildings, structures, parking lots, driveways, roads, sidewalks and any areas in concrete, asphalt or packed stone.

Inoperative Vehicle. Any motor vehicle, which lacks a current registration, two or more wheels, or any other component part, which renders the vehicle illegal for use on highways.

Installation. Shall mean the attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device.

Installation: The assembly or attachment, whether or not connected to a power source, of an outdoor luminaire affixed to the ground, a building, a pole, or other supporting structure or device.

Jump Balcony. A horizontal platform affixed to the exterior wall of a structure, which is readily accessible from an upper story door or window and which serves as a place from which rescue can be achieved in the event of fire or similar hazard.

Junk or Salvage Yard. An area consisting of buildings, structures, or premises where junk, waste, and discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards and house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of

used furniture and household equipment or used cars in operable condition.

Kennel, Private. A place where no more than two dogs are housed for personal use.

Kennel. Any establishment wherein or whereon eight or more dogs over the age of five months are kept for breeding, sale, sporting purposes or where boarding care is provided for compensation. All structures associated with kennels shall be a minimum of 100 feet from side and rear property lines.

L(v): Veiling luminance, expressed in cd/ft$^2$, is reflected glare - the reflection of incident light that partially or totally obscures the details to be seen on a surface due to contrast reduction.

Land Disturbance Use or Activity. Any land alterations or disturbances which may result in soil erosion, sedimentation and/or the increase in runoff, including but not limited to tilling, removal of ground cover, grading, excavating and filling of land, except that the term shall not include such minor land disturbing activities as home gardens. Additionally, this term does not include agricultural land uses.

Landscaping. Alteration of the natural terrain and cover, including the planting of trees, grass, shrubs and ground cover.

Legal Non-conforming Structure. A building or structure lawfully existing at the time of adoption of the Zoning Ordinance which houses a use which is permitted in the district, but does not comply with all the applicable area, height, yard, and/or parking requirements of the district in which it is located.

Legal Non-conforming Use. Any use of land, or land and buildings in combination, lawfully existing at the time of adoption of the Zoning Ordinance, which does not comply with the use regulations for the district in which it is located.

Light Industrial Food Preparation, Manufacturing, Processing and Assembly, Packaging, Storage and Distribution. Typical uses include commercial kitchens; on site production; brewing; the dry, cold and frozen storage of food products; and/or an establishment primarly engaged in the delivery of goods from the wholesaler to retailers and/or consumers. (*Amended Ordinance No. 263-021919)*

Light Pollution: Light directed upward to the sky or reflected from surfaces, interfering with astronomical observations or night sky appreciation.

Light Trespass: Unwanted light that falls beyond the adjacent property line or the area intended to be illuminated. Light trespass falls into two categories: Unwanted light received in adjacent properties (high illuminance levels), and excessive brightness occurring in the normal field of vision (nuisance glare).

Lighting Source: Lamp or manufactured device emitting energy that is capable of exciting the retina and producing a visual sensation. Emitted energy falls within the electromagnetic spectrum having a length of between 380 and 770 nanometers. Such devices include, but are not limited to incandescent, fluorescent, LED, carbon arc, quartz-iodine/tungsten halogen, low-pressure sodium, high-pressure sodium, metal halide and mercury vapor lamps.

Lineal Building Front Foot. The length of the front wall of the building adjacent and parallel or closely parallel to any abutting street or public right-of-way.

Living Area. The total area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, porches, breezeways, and unfinished attics.

Loading Area. A completely off-street space or berth on the same lot as the principal use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Loading Space. That portion of a lot or space accessible from a street, alley or way, in or outside of a building, designed to serve the purpose of loading or unloading for all types of vehicles.

Lot Area, Gross. The total area within the lot lines of a lot, including any street rights-of-way.

Lot Area, Net. The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot Coverage. That portion of the lot that is covered by buildings, structures, and paved surfaces. This is often expressed as a percentage of the lot. Lot coverage differs from floor area ratio in that only the ground floor of each building is used in making the calculation.

Lot Line, Front. The lot line nearest to the centerline of the public or private road from which the lot takes access. In the case of a double frontage lot, each lot line along the public or private road shall be considered a front lot line.

Lot Line, Rear. In the case of rectangular or mostly trapezoidal shaped lots, that lot line which is in general parallel to and most distance from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front lot line shall be considered the rear lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot Line. A line dividing one lot from another or from a street or alley.

Lot of Record Any lot, the description of which is properly recorded with the county register of deeds, which at the time of its recordation complied with all applicable laws, ordinances and regulations.

Lot Width. The horizontal distance between side lot lines of a lot measured at right angles to its depth along a straight line and parallel to the front lot line, or its chord if on a curve. Lot widths may vary in width, especially on cul-de-sac lots and lots on curved streets, from the front of the lot to the back of the lot. A lot is not considered buildable unless the minimum lot width required for the district in which the lot is located is maintained at the front setback line and for a distance of 30 feet immediately behind the front setback line.

Lot, Corner. A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees. (See Illustration No. 11)

Lot, Double Frontage. A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. (See Illustration No. 11)

Lot, Interior. A lot abutting a single street and which is bounded by adjacent lots along its side and rear lot lines. (See Illustration No. 11)

Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon.

Lumen: Unit of luminous flux – used to measure the actual amount of light produced by the lamp(s).

Luminaire: Lighting unit consisting of a lamp or lamps and ballast(s) when applicable, together with the parts designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the power supply, less the support assembly. Consider lighting assembles that includes multiple unshielded or partially shielded lamps on a single pole or standard as a single unit.

Lux: Unit of illuminance equal to one- (1) lumen per square foot. One-(1) lux equals approximately 10 (10.8) foot-candles.

Machine Shops. Establishments where various types of materials are subjected to drilling, boring, turning, milling, grinding or EDMs to create a component or end product.

Major Recreational Equipment. Means and includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, snowmobiles and snowmobile trailers and the like.

Management Zones. A zone or zones established to provide protection to the area surrounding a well or well field from potential contaminant sources. Management options may include limits on certain activities, more stringent design and operating standards, strict monitoring of potential pollution sources, promoting best management

practices, and/or implementing education programs. Multiple protection zones may be established for different management strategies based on proximity to the well field.

Manufactured Dwelling. Any structure or component thereof which is intended for use as a dwelling and (1) is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation on the building site; or (2) 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 for which certification is sought by the manufacturer pursuant to the Wisconsin Uniform Dwelling Code. A single or double width manufactured (mobile) home is not considered a manufactured dwelling.

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. A manufactured home may also be known as a mobile home. A recreational vehicle or travel trailer is not a manufactured home.

Manufactured/Mobile Home means the same as defined in Wisconsin Statutes § 101.91(2), (10).

Manufacturing. Activities involving the mechanical or chemical transformation of materials or substances into new products.

Marquee. A roof-like structure of a permanent nature, which projects from the wall of a building and may overhang the street right-of-way. A marquee may also be called a canopy or an awning.

Material Shipment Center. An establishment primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire transportation route, and in turn, making use of services of other transportation establishments.

Mobile Home Park. A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.

Mobile Home. A vehicle 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 un-collapsible construction. A mobile home exceeding statutory size limits under section 348.07(2) of the Wisconsin Statutes shall be considered a primary housing unit. A mobile home not exceeding the statutory size under section 348.07(2) shall be considered a touring or recreational vehicle. [SOURCE: section 340.01(29), Wis. Stat.]

Modification. A departure from the rules and regulations set forth in this chapter where a particular use is not required to meet the stated requirements of the chapter. Examples would include not requiring steeples and antenna to comply with the stated building height requirements for principal buildings; or not requiring roof overhangs, fences or accessory buildings to comply with side or rear setback requirements for principal buildings. The chapter may limit the amount of modification from the stated requirements for given structures or uses.

Modular Unit. A factory fabricated transportable building unit designed to be used by it or to be incorporated with similar units at a building site into a modular structure to be used for residential, business or educational purposes.

Motor Home. A vehicle designed to be operated upon a highway or as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Multi-Class or Multi-Use Lighting: Outdoor lighting used for more than one purpose, such as security and decoration.

Natural Feature. A geologic formation, vegetative area or other feature of the landscape, which is protected by this chapter or state statute.

Navigable Water. Lake Michigan, Green Bay and all natural inland lakes within Wisconsin, and all rivers, 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.

Neighborhood Food Store. A retail establishment of at least 3,000 square feet in area, but less than 25,000 square feet in area, where food products and related household products are sold.

Non-conforming Lot. A lot, which does not contain sufficient area and/or width to meet the requirements of the zoning district in which it is located.

Non-conforming Uses or Structures. Any structure, land or water lawfully used, occupied or erected before November 15, 1973 which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a non-conforming structure and not a non-conforming use.

Non-Shielded or Non-Cutoff Lighting Fixtures. Shall mean all types of outdoor lighting fixtures other than shielded or cutoff lighting fixtures and includes any lighting fixture that employs an adjustable bracket, refractorizing glassware or lenses, non-shielding lamp or light source and distributes light at any angle less than four degrees above horizontal.

Non-Shielded or Non-Cutoff Luminaire: Outdoor luminaire, other than shielded or shutoff type, that employs an adjustable bracket, a refractorizing glassware or lenses, a non-shielded lamp or light source, and distributes light at any angle less than four degrees above horizontal.

Nuisance. Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Nursing Home. Any facility which provides 24 hour services, including room and board, to three or more unrelated residents; who because of their mental or physical condition require nursing care or personal care in excess of seven hours a week.

Obstruction to Flow. Any development, which physically blocks the conveyance of floodwaters such that this development by itself or in connection with any future similar development will cause an increase in regional flood height.

Opaque: Material that does not transmit light from an internal illumination source. Applied to sign backgrounds, it is the area surrounding the letters or symbols on the sign that is either not lighted from within, or it does not allow light from an internal source to shine through it.

Open Parking Facilities. Shall mean a parking facility without an overhead covering and shall include the roof level of a multilevel parking structure or ramp.

Open Space. A permanently dedicated area of open, undeveloped land consisting of lawns, shrubs, trees or other natural vegetation capable of absorbing storm water. Rain gardens, vegetated wet and dry detention basins and related vegetated drainage swales shall be considered open space. (Amended Ordinance 159-120809)

Ordinary High-water Mark. The point on the bank or shore of a body of water 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. The ordinary high-water mark shall be established by a surveyor.

Outdoor Canopy. Shall mean a freestanding roof structure without side walls which may or may not be attached to the roof of an adjacent building and shall include but not be limited to canopies over gas stations or canopies at convenience stores.

Outdoor Light Output, Total: The maximum total amount of light, measured in lumens, from all outdoor luminaires. For lamp types that have their outputs vary with age (high-pressure sodium, metal halide, fluorescent), use the initial

output, as defined by the lamp manufacturer, for calculations.

Outdoor Lighting Fixtures. Shall mean lighting sources, which are electrically powered illuminating devices, lighted or reflective surface lamps and similar devices permanently installed or portable used for illumination or for advertisement. Such device shall include, but not be limited to searchlights, spotlights, floodlights, streetlights, sign lights, security lights, wall lights, and porch lights, area lights, parking lights and sign panels.

Outdoor Luminaire: Lighting source which is an electrically powered illuminating device, lighted or reflective surface, lamp(s) and similar devices, permanently installed or portable used for illumination or for advertisement. Such devices include, but not limited to searchlights, spotlights, floodlights, streetlights, product display area lights, security lights, wall lights, porch lights, area lights, parking lot lights, and billboards and other signs.

Outdoor Merchandising. Shall mean car sales lots, equipment sales lot, retail gasoline stations, garden centers and other similar areas where products are permanently displayed or dispensed outdoors.

Parking Lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. Parking lots includes rows of parking spaces, the aisles from which motor vehicles enter and leave the spaces. Ingress and egress drives from the parking lot to the public street are not part of the parking lot.

Parking Space. An all-weather area not in a street or alley right-of-way, exclusive of driveways, permanently reserved for the temporary storage of one motor vehicle, and connected with a street or alley by a driveway which provides ingress and egress for a motor vehicle without requiring another vehicle to be moved.

Pier. Means any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter, which is removed seasonally. Such a structure may include a boat hoist or boatlift, and the hoist or lift may be permanent or may be removed seasonally. The term "dock" shall also mean pier.

Pier - Pre-existing. Means a pier that has been placed in the riparian zone in the same general location and with the same general size and configuration during any of the three years prior to the enactment of this section is considered a pre-existing pier if it is not extended or expanded after the adoption of this section dated October 25, 2005. The seasonal removal of a pier does not affect its status as a permissible pre-existing pier if it is re-established in substantially the same form and same general location.

Performance Standard. A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare or heat, and lighting intensity or spill-over generated by or inherent in uses of land and buildings.

Person. Shall mean any individual, tenant, lessee, owner operator or any public, private, nonprofit or commercial entity including, but not limited to, a firm, business, partnership, joint venture, association, corporation, municipality, agency or governmental agency.

Personal service. Exclusively indoor uses of which their primary function is the provision of nonprofessional services directly to an individual on a walk-in or on-appointment basis. Examples include barbershops, beauty shops, tanning salons and the like.

Petroleum Product. Any fuels (gasoline, diesel fuel, kerosene and mixtures of these products), lubricating oils, motor oils, hydraulic fluids and other similar products.

Planned Residential Unit Development. A form of development characterized by a united site design for a number of housing units, clustering buildings and providing common open space, density increases and a mix of residential building types and residential uses, having a minimum size of ten acres.

Potable Water. Any water that is satisfactory for drinking, culinary and domestic purposes meeting current State and Federal drinking water standards.

Premises. A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Primary Containment. The first level of product tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

Primary Protection Zone. An area calculated as the zone of influence characteristic to each individual well supplying potable water to any community water system.

Principal Use. See "Use, Principal."

Professional Home Offices. Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office use is incidental to the residential use of the premises.

Public Utility. Any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.

Public welfare is the protection from nuisances, economic interest, convenience, community character and the vision expressed in the Village's Smart Growth Plan. (Amended Ordinance 171-071310)

Publishing House. A facility where books, magazines, periodicals, maps, etc. are printed and issued.

Rear Setback. A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the rear internal lot line and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 12)

Rear Yard. A regulated area on a developed parcel of land. The yard area bounded by the rear lot line, the side lot lines and the rear foundation wall of the principal structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 13)

Recharge Area. An area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

Recreational Vehicle. A vehicular, portable structure built on a chassis which can be self-transported or by any motor vehicle and is designated to be used as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of a manufactured/mobile home.

Regulatory Agency. Any governmental agency with jurisdiction over hazardous waste as defined herein.

Residential Site: A single parcel in a residential zone containing a residential structure with one or more dwelling units with parking areas for one or more cars.

Restaurant - General means an eating-place, whether a principal use or accessory use, selling a full line of prepared food and drinks using non-disposable plates, glasses and utensils for immediate consumption on the site. The business provides tables and chairs, table service, and is available to persons of all ages. The use shall not exhibit the characteristics of a drive-in, formula or fast food establishment. Customers shall be provided with individual menus while seated at a table or counter. Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all house-brand labeled food store goods such as vinegars, oils and salad dressings shall be prepackaged and sealed.

Restaurant - Drive-In means an eating place, whether a principal use or accessory use, which sells: (a) prepares food intended for consumption in vehicles that may or may not be parked on the site; or (b)

provides for the ordering of food while the customers are seated in vehicles.

Restaurant - Formula means an eating-place, whether a principal use or accessory use, that is one of a chain or group of three or more establishments and which satisfies at least two of the following three descriptions:

(1) It has the same or similar name, brand, trade name, or trademark as others in the chain or group;

(2) It offers any of the following characteristics in a style which is distinctive to and standardized among the chain or group: (a) Exterior design or architecture; (b) Uniforms, except that a personal identification or simple logo will not render the clothing a uniform; (c) Standardized menus, ingredients, food preparation or food presentation format which causes it to be substantially identical to another restaurant regardless of ownership or location.

(3) It is a fast food restaurant.

Restaurant - Fast Food means an eating-place, whether a principal use or accessory use, selling food to be consumed on or off the site and (a) food is quickly made upon the customer's or-der or pre-made and wrapped before customers place orders, and/or (b) food is served with disposable tableware for on-site food consumption. A Fast Food restaurant also exhibits two or more of the following characteristics: food is ordered from a wall menu at a service counter; food consumed on the premises is ordered while customers are standing; payment is made by customers before food is consumed; the service counter is closer to an entry/exit than is the seating/dining area; the business interior is brightly illuminated (greater than 8 candle foot power as measured in a horizontal plane three feet above the floor).

Restaurant - Take-Out means an eating place, whether a principal use or accessory use, selling ready-to- eat, prepared snack food and full meals for immediate consumption off the site while patrons are walking or standing in the public right-of-way or are seated in vehicles.

Restaurant - Drive-up Window means a window opening to the outdoors designed to furnish food or beverages to motorists.

Restaurant - Walk-up Window means a window opening to the outdoors designed to furnish food or beverages to pedestrians.

Restaurant - Drive-through means a paved area serving as a queuing or staging area for motorist to receive food that they have ordered.

Right-of-way. A strip of land acquired by a public entity and intended to accommodate a specific public purpose or use.

Riparian Zone. Means the area of water adjacent to a parcel of riparian land within which the riparian owner may place structures. The riparian zone is bounded by the land and the line of navigation. The side boundaries of the riparian zone are to be determined consistent with Wisconsin Administrative Code Section NR 326.07.

Roadside Stand. A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of farm products raised on such farm.

Rummage Sale. The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this section, are not rummage sales.

Sanitary Landfill. A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

Seat and Seating. Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.

Secondary Containment. The level of product tight containment external to and separate from the primary containment. Secondary containment shall consist of leak-proof trays under containers, floor curbing or other containment systems and shall be an adequate state-approved size and design to handle all spills, leaks, overflows, specific design and election of

materials shall be sufficient to preclude any substance loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented.

Setback. The minimum required horizontal distance between an internal lot line or the street right-of-way and the regulated structure or item. (See also front setback, side setback, and rear setback)

Setbacks from a Street. The minimum horizontal distance from the centerline of a street or private road to the nearest part of a structure, measured at right angles to the centerline or right-of-way line.

Shielded or Cutoff Lighting Fixtures. Shall mean outdoor lighting fixtures that utilize flat, clear lenses with no refractorizing elements and which operate in a horizontal position with nonadjustable elements, which operate in a horizontal position with nonadjustable mounting hardware or brackets. Such fixtures distribute light by means of an internal reflector only. The light source is totally concealed by fixture housing of an internal reflector only. The light source is totally concealed by the fixture housing when the position of observation is at an angle less than fifteen degrees above horizontal. No light is permitted at an angle less than four degrees above horizontal.

Shopping Center. A group of business establishments planned, constructed and managed as a total entity with ample customer and employee parking provided on-site, with provision for goods delivery separated from customer access, and with aesthetic considerations and protection from the elements.

Shorelands. Those lands lying 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. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were non- navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use. (See Illustration No. 14)

Side Setback. A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the side internal lot line and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 15)

Side Yard. A regulated area on a developed parcel of land. The yard area bounded by the side lot line, the side foundation wall of the principal structure, excluding uncovered steps and stoops, gutters and awnings, the front yard and the rear yard. (See Illustration No. 16)

Sign Copy. The message or advertisement, and any other symbols on the face of a sign.

Sign Face. The area or display surface used for the message.

Sign, Abandoned. Any sign, which has been discontinued for a period of 12 consecutive months, which sign, advertises or identifies an activity that has been discontinued for 12 consecutive months, shall be considered abandoned.

Sign, Awning. A sign that is mounted or painted on, or attached to an awning, canopy or marquee. (See Illustration No. 66)

Sign, Bulletin. A sign which directs attention to municipal, civic, educational, religious or other nonprofit organizational buildings or activities; that is located or to be located upon the premises where the sign is located or is located upon a premises other than where the sign is located.

Sign, Directional. A sign that does not advertise, but merely draws attention to a business or development by indicating, no more than, the direction and distance it is from the sign.

Sign, Externally Illuminated: A sign illuminated by light sources from the outside.

Sign, Ground. Any sign placed upon a pole or other support independent of any other structure, where the sign height does not exceed 10 feet. (See Illustration No. 21)

Sign, Internally Illuminated: A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

Sign, Neon: A sign with luminous gas-filled tubes formed into text, symbols, or decorative elements and directly visible from outside the sign cabinet.

Sign, Off Premise. A sign, which directs attention to a business, commodity, service or entertainment, conducted, sold or offered at a location other than the premises on which the sign is located.

Sign, Pole. A sign that is mounted on a freestanding pole or other support so that the bottom of the sign is 12 feet or more above grade. (See Illustration No. 28)

Sign, Portable. A sign that is not permanently affixed to a building, structure, or to the ground. Such sign is sometimes mounted on wheels to make it transportable. (See Illustration No. 29)

Sign, Projecting. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. (See Illustration No. 30)

Sign, Roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. (See Illustration No. 33)

Sign, Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure. (See Illustration No. 36)

Sign, Window. Wording or advertising that is applied or attached to the interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. (See Illustration No. 38)

Sign. Any medium, including sign face, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

Spot Lamp: A specific lamp form designed to direct its output in a specific direction (a beam) and with a clear or nearly clear glass envelope. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Story. That part of a building included between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Stream Reach. A longitudinal segment of a stream generally including those flood lands wherein flood stages are primarily and commonly controlled by the same manufactured or natural obstructions to flow. (See Illustration No. 7)

Street Setback. A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the right-of-way line of the second street of a corner lot and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhang, uncovered steps and stoops, gutters and awnings. (See Illustration No. 39)

Street Yard. A regulated area on a developed parcel of land. The yard area bounded by the second street right-of-way of a corner lot, the front yard, the foundation wall of the principal structure and the lot line opposite the front lot line. (See Illustration No. 40)

Street, Private. A roadway created by an easement for use only by the abutting

property owners, which is not dedicated to the Village.

Street. A public right-of-way not less than 50 feet wide providing primary vehicular access to abutting properties.

Strip Shopping Center. A complex of buildings containing business development located on property along one or both sides of a street that is generally one lot in depth and is has multiple and relatively closely spaced driveways, low open space and landscaping ratios, and high floor area ratios.

Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Structure, Accessory. A structure or portion of a structure used for a purpose customarily incidental to a permitted principal use of a lot and located on the same lot as the principal use.

Structure, Permanent. A structure placed on or in the ground or attached to another structure in a fixed position, and intended to remain in place for a period of more than nine months.

Structure, Principal. The building or structure containing the primary use of a property.

Structure, Temporary. A structure placed on or in the ground or attached to another structure in a fixed position and intended to remain in place for a period not to exceed nine months.

Structure. Anything erected or constructed, such as buildings, prefabricated or pre-built buildings, towers, masts, poles, booms, signs and carports. Appurtenances constructed at or below grade such as patios, driveways, or sidewalks are not considered to be structures.

Subordinate. Means all components of the facility, in total occupy less street frontage than the primary commercial or public institutional building. *(Amended Ordinance 217-081313)*

Sustained Yield Forestry. Management of forested lands to provide annual or periodic crops of forest products.

Swimming Pool. An outdoor structure containing a body of water in a receptacle or other container having a depth for water of 18 inches or more with a minimum surface of 48 square feet, located above or below the surface of ground elevation and includes all structural facilities, appliances, appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a pool.

Temporary Lighting: Non-conforming lighting, not used from more than one 30 day period within a calendar year, with one 30 day extension. Temporary lighting is intended for uses, which by their nature are of limited duration. For example: Holiday decorations, civic events or construction projects.

Temporary. A period defined as no more than 45 days in a calendar year unless a shorter period is specified in the section.

Tower. A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

Translucent: The permitting of light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.

Truck Sales and Service. See "Commercial Vehicle Sales and Service."

Turning Lane. An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Uniformity Ratio: Ratio between the average illumination and the minimum illumination as determined by measurements taken on a four-foot grid throughout the lighted area.

Unnecessary Hardship. The circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or

unreasonable in light of the purpose of this chapter.

Use, Abandonment of: The relinquishment of a property, or the cessation of a use or activity by the Owner or Tenant for a period of twelve months, excluding temporary, short-term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions constituting the principle use of the property.

Use, Accessory. A use customarily incidental to the principal use and on the same lot as the principal use. In buildings, customary family occupations and workshops not conducted for compensation shall be deemed accessory uses.

Use, Conditional. A use, which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use.

Use, Principal. The main use of land, or land and buildings in combination, as distinguished from a secondary or accessory building, including, but not limited to, a house in a residential district, a store in a business district, or crops or farm buildings in an agricultural district. Within the zoning districts in this chapter, the principal use is also referred to as the "permitted use."

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

Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, municipal warehouses, municipal shops, and municipal storage yards.

Variance. An authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this chapter. A variance may not permit the use of a property that is otherwise prohibited by this chapter or allow floodland construction that is not protected to the flood protection elevation.

Vision Clearance Triangle. A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (See Illustration No. 1 and 2)

Well. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from an aquifer system to the surface by pumping or natural flow, or to monitor the characteristics of groundwater within an aquifer system.

Wellhead Protection area. The surface or subsurface area surrounding a water well or well field, supplying a public water system, an area through which contaminants are reasonably likely to move toward and reach such water well or well field.

Wellhead. The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

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

Wireless Telecommunication Services. Licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

Wireless Telecommunication Site. A facility operated by a licensed wireless telecommunication service provider, which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves

associated with wireless telecommunication services.

Woodland. An area of wooded land at least one acre in size and containing deciduous or coniferous trees; that, at least 50 percent of which are either 20 feet or more in height or have a trunk diameter, six inches above the ground, of at least four inches.

Yard, Corner Side, Means a side yard, which faces a public or private street.

Yard, Front. A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

Yard, Interior Side. A side yard located immediately adjacent to another lot or to an alley separating such side yard from another lot.

Yard, Rear. A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

Yard, Side. A yard on the same lot as a building situated between the side lot line and a line parallel thereto, passing through the nearest point of a building and extending from the front yard to the rear.

Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. Front yards and rear yards extend the full width of the lot. (Also, see "Front Yard," "Rear Yard," "Side Yard," and "Setback")

Zone of Contribution. The land area over which water can infiltrate and move toward the well.

Zone of Influence. The land area above the cone of depression that results after thirty days of continuous pumping of a well.

Zoning Map. The map showing the location and boundaries of the zoning districts established by this chapter.

1

# SECTION 3000 - INDEX

**Sec. 66.3000 Index**

abrogation, 1
abutting, 178
abutting lots, 9
abutting zoning districts, 68
accessory building, 8, 13, 14, 17, 18, 22, 25, 26, 30, 34, 55, 70, 96, 97, 98, 139, 172, 180, 186, 190, 198
accessory buildings, 8, 14, 18, 22, 26, 30, 34, 55, 70, 97, 98, 172, 190
accessory residential use, 34, 41, 49
accessory structure, 178
accessory structures, 9, 34, 38, 46, 52, 71, 96, 97, 98, 133, 147
accessory use, 6, 13, 17, 21, 25, 29, 34, 38, 41, 46, 49, 52, 55, 80, 81, 87, 96, 98, 99, 101, 102, 139, 178, 180, 181, 182, 186, 193, 194, 198
additions, 9, 65, 66, 85, 86, 91, 121, 129, 130, 142, 148, 152, 168
address numbers, 138, 139, 140
adequate light, 1, 144, 145
adjacent structure foundation, 159
adjustments to required parking, 172
administration, 1, 102, 104, 140, 141, 164, 185
adult family home, 178
aesthetics, 1, 7, 101, 117, 145, 146, 148
aggrieved person, 178
agricultural uses, 57
air conditioning, 151
air pollution, 123
alley, 178
amendments, 3, 64, 65, 151, 156, 164, 171, 172, 191
amusement park, 178
animal hospital, 88, 178
animal hospitals, 88
animals domestic, 178
animals non-domestic, 178
animals wild, 178
annexation, 3, 5
antenna, 178, 179
antenna, earth station dish, 178
antenna, terrestrial, 179
antennas, 13, 17, 21, 25, 29, 52, 55, 102, 103, 105, 179
apartments, 35, 138
appeals, 102, 129, 131, 137, 145, 156, 157, 167, 168, 169, 176, 198
application, 1, 41, 49, 61, 63, 65, 66, 82, 91, 106, 117, 136, 137, 138, 142, 157, 160, 161, 162, 163, 165, 167, 168, 171, 176, 178, 179, 187
applications, 103, 106, 117, 136, 148, 156, 158, 167, 168, 171
appurtenances, 104, 109, 146, 158, 187, 197
aquifer, 179
architect, 153, 158, 161
architectural block, 148
architectural character, 147, 150
architectural design, 65, 146, 162
architectural details, 149
architectural features, 14, 19, 23, 26, 31, 42, 109, 150, 153
architectural plans, 142, 145, 158
architectural projections, 109
architectural requirements, 101, 149
architectural review, 81, 142, 145, 173
architectural review board, 145, 146, 148, 149, 151
Architectural Review Board, 145, 146, 148, 149, 151
architectural review criteria, 145, 173
architectural review process, 145
architectural standards, 14, 18, 22, 26, 31, 42, 96, 145, 146, 151, 172
architectural standards, village, 145
architectural styles, 146
architectural treatment, exterior, 146
area variance, 167, 168
art, 100, 179
art gallery, 179
art studio, 52, 179, 184, 185
arterial highway, 179
Assembly Hall, 179
assessed value, 120, 130
attached garage, 13, 14, 18, 19, 22, 23, 25, 26, 27, 30, 31, 39, 180
attainable housing, 179
audio/video production, 179
auditoriums, 87
authority, 1, 73, 145, 171, 186
automotive body repair, 179
automotive mechanical repair, 179
average, 7, 8, 9, 38, 39, 46, 64, 73, 85, 104, *126*, 152, 179, 180, 181, 185, 187, 197
average front setbacks, 9
awning, 113, 180, 195
awnings, 109, 113, 186, 193, 195, 196

B-1 general business district, 5, 6, 9, 33, 35, 52, 81, 86, 88, 90, 91, 114, 123, 130, 138, 172, 173
B-2 downtown business transition district, 5, 6, 37, 81, 86, 87, 90, 91, 93, 101, 114, 123, 138, 143, 172, 173
B-3 downtown business district, 5, 6, 33, 37, 45, 81, 86, 87, 90, 91, 93, 113, 114, 120, 123, 138, 143, 153, 172, 173
baby sitting, 180
balloons, 115
banners, 114, 115
basement, 180
beaches, 55
bedroom, 13, 17, 22, 25, 26, 30, 86, 87, 89, 180, 183
benign, 130
benign non-conforming structures, 129, 130
benign non-conforming uses, 128
benign non-conformities, 128, 129, 180
berm, 85, 152
berms, 153, 180
bikeways, 124
billboard, 120, 180
blank walls, 147
block layout, 39, 47
bluff, 70, 71
bluff protection overlay district, 5, 70
boarding house, 89
boardinghouse, 180
boathouse, 180
boathouses, 8, 133
boating, 57
boats, 35, 94, 107, 136, 179, 180, 189
boundaries, 3, 5, 7, 57, 62, 70, 73, 123, 135, 136, 156, 168, 171, 176, 179, 194, 199
bowling alleys, 34, 37, 46, 88
BP bluff protection overlay district, 5, 70
brand, 80, 193, 194
Brewing, 180
brick, 13, 18, 22, 26, 30, 39, 85, 92, 148
buffer, 7, 8, 37, 85, 124
buffer yard, 7, 8, 85, 124, 153, 180
buffer yards, 7, 85, 124, 153
buildable area, 180
building, 13, 17, 22, 25, 30, 34, 38, 39, 40, 46, 47, 48, 49, 52, 55, 68, 70, *84*, 96, 102, 109, 138, 139, 144, 146, 147, 149, 150, 151, 161, 164, 173, 178, 180, 181
building code, 96, 97, 109, 124, 158, 159, 161
building codes, 158, 159
building components, 146, 147
building designs, 14, 18, 22, 26, 31, 42, 47
building elevations, 146, 147
building entrances, 14, 19, 23, 27, 31, 40, 46, 47, 147, 150
building façade, 147
building footprint, 14, 150, 180
building form, 146
building height, 13, 17, 22, 25, 30, 34, 35, 40, 48, 52, 55, 81, 146, 173, 180, 190, 197
building height, maximum, 146
building heights, 146
building massing, 146
building materials, 14, 19, 23, 26, 31, 42, 147, 148, 149
building orientation, 39, 40, 47, 48
building permit, 96, 97, 103, 134, 135, 144, 159, 160, 161, 164
building roof line, 146, 148, 149
building separation, 180
building setback line, 180
building vistas, 151
building, accessory, 180
building, principal, 180
building, temporary, 181
buildings, corner lot, 150
bulk, 146, 185
bulletin board, 181
burden of proof, 128, 129
business offices, 88
business site, 181
campground, 93
camping, 6, 92, 181
camping unit, 181
candela, 181
canopy, 181, 191
car washes, 43, 88
carnivals, 6
carports, 92, 180, 197
cemeteries, 30, 52
certificate of compliance, 66, 90, 161
certificate of occupancy, 154, 156, 161
certified survey map, 66, 144
changes and amendments, 171
changes in intensity of use, 91
changes in occupancy, 91
channel, 181
chimneys, 109, 180
churches, 13, 14, 17, 18, 22, 29, 30, 52, 89
clearing, 181
clubs, 34, 37, 46, 87
co-location, 181

colors, 101, 117, 121, 136, 145, 149
commercial districts, 80
Commercial Kitchen, 181
commercial transient lodging, 181
common areas, 41, 49, 64, 136
community centers, 52
community living arrangement, 181
community water system, 181
compliance, 3, 39, 47, 66, 74, 75, 90, 91, 102, 109, 119, 120, 121, 123, 134, 136, 138, 154, 156, 157, 158, 159, 161, 162
concerts, 6
concrete masonry units, 148
conditional use permits, 130, 156, 162, 172
conditional uses, 13, 17, 21, 25, 29, 34, 37, 46, 52, 55, 57, 70, 81, 103, 162, 163, 164, 173, 182
condominium, 17, 34, 35, 41, 49, 136, 160, 182
condominium, residential, 182
condominiums, residential, 86
conforming structures, 129, 130
conforming structures on non-conforming lots, 129
congregate housing, 35
connection and development fees, 160
conservation, 1, 134
controlled access, 93
convenience food store, 182
convenience grocery stores, 87
corner lot, 9, 13, 17, 22, 25, 34, 38, 40, 41, 42, 48, 49, 50, 93, 97, 102, 138, 140, 150, 182, 189, 196
corner lot buildings, 150
corner lots, 40, 41, 42, 48, 49, 50, 93, 102, 138, 140, 150
covenant, 182
CS-1 countryside district, 3, 5, 6, 10, 14, 15, 23, 27, 29, 31, 55, 85, 96, 101, 114, 116, 142, 143, 152
culvert, 160
curb, 46, 84, 113, 152, 173, 182, 186, 194
curb elevation, 182
cutting and pruning, 70
dance halls, 34, 37, 46, 87
day care center, 182, 187
day-care centers, 89
decision, 75, 102, 137, 145, 162, 163, 167, 168, 169, 171
deck, 182
decks, 8, 98, 136
decorative architectural tile, 148
dedication, 143
definitions, 80, 128, 129, 135, 178
density, 1, 13, 18, 21, 29, 35, 59, 61, 64, 66, 85, 128, 138, 139, 145, 152, 182, 192
dental, 88
design criteria, 145
design review, 39, 40, 41, 47, 48
detached garage, 14, 18, 23, 26, 31, 42, 139, 180
detrimental, 101, 123, 128, 129, 130, 162
detrimental non-conforming structures, 129, 130
detrimental non-conforming uses, 128
detrimental non-conformities, 128, 129, 182
development, 3, 5, 7, 8, 21, 25, 29, 39, 40, 41, 45, 47, 48, 49, 57, 58, 61, 62, 63, 64, 65, 66, 68, 86, 90, 91, 101, 106, 116, 134, 138, 139, 142, 144, 145, 150, 152, 156, 157, 158, 160, 161, 162, 168, 172, 181, 182, 186, 191, 192, 195, 197
development project, 182
direct illumination, 182
directional signs, 114
directory signs, 113
district boundaries, 5, 7, 171
district, basic, 183
district, overlay, 183
districts, 3, 5, 7, 10, 14, 15, 19, 23, 26, 27, 31, 45, 52, 57, 61, 68, 70, 80, 81, *84*, 85, 86, 87, 90, 91, 92, 93, 94, 96, 101, 102, 103, 107, 112, 113, 114, 115, 116, 118, 119, 123, 130, 133, 138, 142, 143, 145, 152, 156, 164, 173, 183, 198, 199
ditching, 57, 58, 93, 195
DNR, 163, 168, 171
dock, 41, 42, 49, 50, 58, 135, 143, 150, 172, 192
Door County, 5, 25, 55, 90, 138, 139, 140, 141, 144, 157, 179, 184
Door County Planning Department, 138, 141
double frontage lot, 9, 138, 140, 189
downtown business district, 5, 37, 45, 81, 113
downtown transition district, 81
drainage, 1, 7, 29, 57, 58, 63, 64, 92, 134, 135, 142, 144, 158, 159, 160, 161, 184, 191, 195
drainage patterns, 142, 159
drainage plan, 135, 159
dredging, 57, 58, 182

drive-in, 8, 40, 43, 48, 80, 81, 82, 86, 193
drive-in restaurant, 8, 40, 43, 48, 80, 82
drive-through, 43, 81
drive-up, 43, 80, 81, 194
driveway, 14, 15, 18, 19, 22, 23, 26, 27, 30, 31, 34, 38, 40, 41, 42, 43, 47, 48, 49, 55, 62, 64, 70, 74, *84*, 85, 86, 91, 92, 93, 102, 113, 125, 138, 139, 140, 142, 159, 183, 184, 187, 192, 197
driveways, 14, 15, 18, 19, 22, 23, 26, 27, 30, 31, 34, 38, 40, 42, 47, 48, 50, 55, 62, 64, 70, 74, *84*, 85, 86, 91, 92, 93, 102, *125*, 139, 140, 142, 187, 192, 197
driveways allowed, 93
dryland access, 183
dumping regulations, 135
dumpster, 147, 150, 151
dumpsters, 144, 150
dune, 183
Duplex, 183
dust, 85, 123
dwelling, 183, 190
dwelling unit, 14, 15, 17, 18, 19, 22, 23, 25, 26, 27, 31, 42, 50, 61, 64, 86, 91, 99, 102, 136, 137, 138, 149, 181, 182, 183, 184, 193
dwelling unit, efficiency, 183
dwelling, bi-level, 183
dwelling, detached, 183
dwelling, multiple-family, 183
dwelling, single-family, 183
dwelling, tri-level, 183
dwelling, two-family, 183
dwellings, 13, 14, 17, 18, 21, 22, 25, 26, 29, 30, 31, 39, 41, 70, 71, *84*, 86, 133, 136, 142, 189
earth berm, 85, 152, 180
easements, 14, 15, 18, 22, 23, 26, 27, 30, 31, 34, 38, 46, 52, 55, 92, 97, 178, 196
eaves, 109, 180
economic hardship, 168
election campaign period, 183
electric fences, 101
electrical code, 98, 102, 161
employee housing, 34, 35, 137, 138
enclosed structure, 183
endangered species, 21
entrances, 14, 19, 23, 27, 31, 40, 41, 42, 46, 47, 48, 49, 50, 65, 139, 147, 149, 150, 183
environmental assessment, 75, 160
environmental contractor, 183
environmental control facility, 184
errors, 167
essential services, 6, 13, 17, 21, 25, 29, 109, 184
establishment, 5, 58, 73, 80, 86, 102, 116, 143, 162, 167, 179, 182, 186, 187, 188, 190, 191, 193
excluded uses, 81
existing grades, 159
existing non-conforming lots, 130
existing non-conforming uses, 128, 129
explosive materials, 123
exposed aggregate pre-cast concrete, 148
exterior appearance, 145
facade, 14, 19, 23, 26, 27, 31, 146, 147, 149
façade, 146, 147, 148, 149
façade height, 146
facility, 181, 184
family, 5, 10, 13, 17, 52, 178, 182, 183, 184
family day care, 13, 17, 21, 25, 29, 182, 184
family day care home, 182, 184
farm, 29, 30, 31, 55, 96, 172, 181, 184, 194, 195, 198
farm products, 29, 30, 194
farms stands, 31
fast food restaurant, 8, 40, 43, 48, 80, 82, 194
fauna, 57, 70
fence, 101, 184
fence, ornamental, 184
fence, residential, 184
fence, security, 184
fences, 7, 8, 21, 57, 101, 102, 109, 142, 184, 190
fencing, 9, 93, 101, 103, 123, 162, 180
fenestration, 146, 147
fenestration/entrances, 147
festival permit, 6
festivals, 6, 172
filling, 3, 57, 58, 78, 135, 182, 188
financial institutions, 86
findings, 63, 145, 168
fire, 1, 35, 52, 63, 75, 97, 109, 118, 120, 123, 129, 130, 134, 142, 143, 160, 161, 162, 172, 184, 187, 192
fire and explosive hazards, 172, 192
fire chief, 123, 142, 143
fire code, 109
fire hydrant, 142, 172
fire inspector, 143, 160, 162
fire prevention code, 161
flagpoles, 8, 99, 180
flags, 115
flea market, 185

flea markets, 185
flood lamp, 185
flooding, 1, 6, 57, 58, 135, 160
floodplain, 5, 57, 156, 183, 195
*floor*, *84*, 185
floor area ratio, 185, 189, 197
floor area, gross, 185
floor area, net, 185
flora, 57, 70
fly ash, 123
Food, 185
food stores, 87
foot-candles, 118, 124, *126*, 189
form/proportion, 146
formula restaurant, 80, 82, 173
foster family homes, 13, 17, 21, 25, 29
foster home, 185
freeboard, 186
front setback, 9, 14, 18, 22, 26, 30, 34, 52, 55, 180, 186, 189, 195
front yard, 9, 38, 39, 46, 47, 86, 92, 94, 97, 98, 99, 101, 107, 153, 186, 195, 196, 199
frontage, 9, 186, 189
fully shielded luminaires, 186
funeral homes, 87
garage attached, 186
garage sale, 186
garage, attached, 13, 14, 18, 19, 22, 23, 25, 26, 27, 30, 31, 39, 180
garage, detached, 14, 18, 23, 26, 31, 42, 139, 180
garage, private, 186
garage, repair, 186
garages, 13, 14, 17, 18, 19, 21, 22, 23, 25, 26, 27, 29, 30, 31, 39, 41, 42, 49, 50, 52, 86, 92, 125, 149, 180, 185, 188
garden plot, 29, 55
gasoline service stations, 186
general definitions, 178
general restaurant, 8, 40, 43, 48, 80, 81, 87
glare, 8, 148, 186, 188, 192
golf course, 55
golf courses, 21, 55, 88
golf driving ranges, 88
government, 88
grade elevation, 151, 159
grading, 3, 35, 59, 78, 85, 134, 135, 143, 158, 159, 160, 161, 182, 188
grading plan, 85, 158, 159, 160, 161
greater restrictions, 1
grocery store, 87, 186
grocery stores, 87
ground signs, 113, 173
groundwater, 1, 57, 73, 74, 75, 135, 171, 185, 186, 187, 193, 198
groundwater divide, 186
group day care center, 182, 187
group home, 187
handball courts, 89
hazardous, 73, 74, 75, 100, 187, 193, 194
hazardous substance, 187
health and safety, 128, 129, 135, 180, 182, 187
health service offices, 88
hearing, 6, 63, 65, 66, 137, 161, 163, 165, 167, 168, 171, 176
hearings, 66, 168, 171, 176
height modifications, 109
highly reflective or glare-producing glass, 148
highway 42, 5, 68
highway 57, 5, 68, 73
highway access, 84, 93, 142, 159
hiking, 55, 57
historic significance, 121
historic signs, 121
HL, 5, 68
home occupation, 187
home occupations, 6, 13, 17, 21, 25, 29, 99, 100, 101
horse stable, 31
horses, 31, 178
hospitals, 52, 88, 89, 181
hotel, 40, 48, 91, 187
hotels, 41, 49, 87, 137, 183
hours of operation, 6, 162
housing, 17, 25, 29, 34, 35, 37, 41, 45, 48, 49, 96, 136, 137, 138, 139, 161, 173, 179, 186, 190, 192, 195
housing stock, 137, 138, 173
housing, employee, 34, 35, 137, 138
housing, seasonal employee, 35
housing, workforce, 25, 138, 173
I-1 institutional district, 5, 6, 7, 52, 55, 81, 90, 91
I-1institutional district, 6, 7
iesna, 187
illustrations, 85, 214, 218, 222
impact on housing stock, 137, 138
impervious surface, 187
indoor institutional, 17, 29, 31
industrial metal panels, 148
industrial uses, 128
initiation, 171
inoperative vehicle, 187
installation, 187

institutional, 5, 6, 7, 17, 29, 31, 39, 40, 43, 47, 48, 52, 62, 81, 89, 101, 102, 103, 116, 124, 125, 128, 129, 139
integrally colored textured concrete, 148
interpretation, 1, 102, 131, 167, 168
jump balcony, 187
jurisdiction, 1, 3, 48, 74, 93, 107, 193
kennel, 188
kennel, private, 188
kennels, 21, 30, 31, 188
lakes, 57, 191
land disturbance regulations, 134
land division, 39, 47, 65, 66
landscape area, 85, 90, 125, 152, 153
landscape islands, 85, 152
landscape plan, 153, 158, 180
landscape setback overlay, 5, 68
landscaped areas, 85, 152
landscaping, 7, 9, 14, 19, 23, 26, 31, 42, 48, 49, 62, 65, 85, 93, 107, 109, 113, 123, 142, 143, 145, 148, 149, 152, 153, 154, 158, 160, 162, 165, 188, 197
landscaping plans, 152
large blank walls, 147
large project setbacks, 9
lawn and garden, 88, 179
libraries, 52, 89
light, 1, 58, 89, 96, 103, 118, 119, 120, 124, *125*, *126*, 145, 161, 181, 182, 185, 186, 187, 188, 189, 191, 195, 196, 197, 198
Light industrial food preparation, manufacturing, processing and assembly, packaging, storage and distribution, 33, 188
light pollution, 188
light trespass, 124, *126*, 188
lighting fixtures, 124, 125, *126*, 191, 192, 195
lighting source, 188
living area, 188
loading, 1, 34, 41, 42, 49, 50, 52, 81, 84, 91, 128, 129, 130, 135, 142, 143, 144, 150, 159, 181, 185, 188, 191, 192
loading area, 188
loading areas, 34, 52, 143, 150, 159
loading dock, 41, 42, 49, 50, 143, 150
loading docks, 41, 42, 49, 50, 150
loading requirements, 84
loading space, 188
lobby, 40, 47
lodges, 87
lot, 5, 6, 9, 13, 17, 21, 22, 25, 30, 34, 38, 47, 52, 129, 150, 152, 153, 158, 182, 188, 189, 191, 192
lot area, 13, 14, 17, 18, 22, 25, 26, 30, 34, 38, 47, 52, 55, 59, 81, 129, 145, 185, 188, 189, 197
lot area, gross, 188
lot area, net, 189
lot coverage, 38, 47, 189
lot line, 189
lot line, front, 189
lot line, rear, 189
lot line, side, 189
lot width, 7, 13, 17, 22, 25, 30, 34, 38, 47, 93, 129, 189, 197
lot, corner, 189
lot, double frontage, 189
lot, interior, 189
lots abutting, 9, 68, 186
lumen, 189
luminaire, 185, 189, 191, 192
lux, 189
machine shops, 189
maintain property values, 145
maintenance, 3, 57, 58, 63, 64, 75, 85, 88, 92, 117, 119, 120, 121, 135, 136, 142, 152, 158, 162, 171, 178, 179, 185, 187, 197
major recreational equipment, 189
management zones, 73, 75, 189
manual of design, 146
Manual of Design, 146
manufactured dwelling, 190
manufactured home, 190
manufactured/mobile home, 190
manufacturing, 89, 190
maps, 5, 142, 156, 193
marina, 137
marquee, 180, 181, 190
massing, 146
massing/scale, 146, 150
material, 35, 74, 92, 93, 123, *126*, 140, 141, 147, 148, 149, 179, 184, 187, 190, 191, 193
material shipment center, 190
material/details, 147
materials, 147, 148, 149
measuring signs, 118
mechanical equipment, 39, 41, 47, 48, 99, 150, 151, 153
mechanical equipment, rooftop, 151
medical, 75, 88, 178
metal, 148
minimum area requirements, 7, 66
minimum floor area, 13, 17, 22, 25, 26, 30, 38, 39

minimum lot size, 7, 31
minimum lot width, 7, 47, 189
mixed-use development, 41, 45, 49
mobile home, 6, 92, 93, 190, 193
mobile home park, 190
modification, 145, 154, 190
modifications, 9, 98, 109, 125, 145, 168
modular unit, 190
motel, 40, 48, 91, 187
motels, 40, 41, 48, 49, 87, 91, 138, 183, 187
motor home, 92, 181, 190
motor vehicle repair, 88
motor vehicle sales establishments, 88
multiple buildings, 9, 121, 150
municipal code, 61, 85, 103, 113, 124, 142, 143, 144, 153, 164, 167, 172, 173
municipalities, 3
museums, 52, 89
natural feature, 190
natural features, 134
natural or cultured stone, 148
navigable water, 8, 135, 136, 137, 171, 191, 192, 195
navigable waters, 8, 135, 136, 137, 171, 192, 195
neighborhood food store, 191
noise, 22, 106, 124, 184, 192
non-conforming lot, 129, 130
non-conforming lots, 129
non-domestic animals, 21, 29, 173
non-reflective glass, 148
non-transient residential, 34
nuisance, 191
nursing home, 89, 191
nursing homes, 17, 52, 89, 181
occupancy permit, 65, 85, 162
official street map, 140
off-premise signs, 114
off-street parking, 34, 40, 41, 47, 49, 52, 65, *84*, 85, 90, 91, 100, 143, 152
oor County Planning Department, 138, 141
opaque, 191
open parking facilities, 125, 191
open space, 14, 18, 22, 26, 30, 34, 38, 47, 55, 57, 61, 62, 64, 65, 90, 91, 92, 129, 133, 138, 144, 145, 153, 154, 173, 180, 183, 191, 192, 197, 199
ordinary high water mark, 98, 162
organization, 167, 187
other parking restrictions, 93
other permits, 117, 164
outdoor canopy, 191
outdoor displays, 34, 107
outdoor light output, total, 191
outdoor lighting, 124, 125, *126*, 191, 192, 195
outdoor lighting fixtures, 192
outdoor luminaire, 192
outdoor merchandising, 192
overhead doors, 35, 41, 42, 49, 50, 143
overlay districts, 5
P-1 park district, 5, 55, 85, 90, 91, 173
park district, 55, 102, 116
parking, 1, 3, 6, 7, 8, 9, 13, 14, 15, 17, 18, 19, 21, 22, 23, 25, 26, 27, 29, 30, 31, 34, 35, 38, 39, 40, 41, 42, 46, 47, 48, 49, 50, 52, 55, 61, 62, 65, 68, 71, 74, 78, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 100, 101, 107, 115, 118, 124, 125, 128, 129, 130, 133, 134, 138, 140, 142, 143, 144, 145, 147, 151, 152, 153, 157, 159, 162, 164, 172, 173, 181, 185, 186, 187, 188, 191, 192, 193, 195
parking lot, 3, 7, 8, 9, 41, 49, 74, 84, 85, 90, 94, 101, 118, 124, 125, 140, 143, 144, 147, 152, 153, 187, 192
parking lot screening, 152
parking requirements, 7, 35, 61, *84*, 90, 91, 130, 151, 162, 172, 188
parking restrictions, 93, 115
parking space, 41, 49, 90, 192
parking space credit, 86
parking spaces, 15, 19, 23, 27, 31, 41, 49, *84*, 85, 86, 88, 90, 91, 100, 152, 185, 192
particle board, 148
patios, 98, 149, 197
pedestrian, 39, 40, 43, 46, 47, 48, 49, 61, 64, 81, 102, 107, 125, 134, 136, 143, 147, 150, 151
pedestrian amenities, 40, 48
penalties, 1, 76, 96, 97, 164
performance standard, 192
performance standards, 123
permit fees, 164
permitted uses, 13, 17, 21, 25, 29, 33, 37, 43, 45, 52, 55, 57, 81, 103, 104, 128
person, 178, 192
personal service, 87
petroleum product, 192
physically disabled, 84
pier, 8, 58, 135, 136, 137, 172, 192
pier permits, 135, 172
plan commission, 3, 5, 6, 7, 9, 14, 15, 18, 19, 22, 23, 25, 26, 27, 31, 35, 38, 39, 41, 42, 43, 46, 47, 49, 63, 64, 65, 66, 68, 70, 71, 78, 81, 85, 86, 87, 90,

91, 93, 99, 101, 102, 103, 104, 105, 106, 107, 109, 114, 116, 117, 121, 125, 128, 129, 130, 131, 133, 134, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 148, 149, 151, 152, 153, 154, 156, 157, 158, 160, 161, 162, 163, 164, 165, 167, 168, 171, 172, 176
planned residential unit development, 192
planned unit development, 5, 47, 61, 64, 65, 66, 156
plant materials, 7, 85, 107, 152
plant nurseries, 88
planting strip, 68
plat of survey, 156, 159, 160, 162, 167
platted, 160
plumbing code, 161
police protection, 63
potable water, 193
powers, 156, 167
pre-construction grade, 159
pre-construction grade elevation, 159
premises, 193
primary containment, 193
primary façade material, 148
primary façade materials, 148
primary façade materials, permitted, 148
primary façade materials, prohibited, 148
primary management zone, 73
primary protection zone, 73, 74, 193
principal structure, 6, 7, 8, 9, 13, 17, 21, 25, 29, 34, 52, 55, 96, 98, 102, 178, 184, 186, 193, 195, 196
*principal use*, 61, 70, 193
principal uses, 6, 61, 70, 140
private streets, 91, 140, 141
professional engineer, 117, 158, 161, 193
professional home office, 6, 13, 17, 21, 25, 29, 99, 193
professional home offices, 193
prohibited building materials, 148
propane tanks, 98, 172
protest, 172
pruning, 70, 71
public assembly, 87
public hearing, 6, 63, 65, 66, 137, 161, 163, 165, 168, 171, 176
public information, 156
public sanitary sewer, 62, 144
public services, 1, 63, 134
public sewer and water, 13, 17, 21, 25, 35
public streets, 5, 15, 19, 23, 27, 31, 57, 124, 143
public utility, 193
public utility offices, 52
public welfare, 81, 128, 129, 180, 193
publishing house, 193
PUD, 5, 9, 25, 47, 61, 62, 63, 64, 65, 66
PUD planned unit development overlay district, 61
purpose, 1, 5, 7, 40, 48, 52, 57, 58, 63, 66, 78, 80, 90, 93, 111, 116, 124, 130, 133, 135, 137, 138, 141, 142, 145, 146, 159, 167, 168, 178, 180, 181, 183, 186, 188, 190, 192, 193, 194, 195, 196, 197, 198
purpose and intent, 168
R-1, 5, 10, 13, 14, 15, 17, 23, 27, 31, 85, 93, 96, 98, 130, 143, 152, 172
R-1 single-family residence district, 13
R-2, 5, 9, 10, 14, 15, 17, 19, 23, 26, 27, 31, 35, 52, 86, 90, 91, 125, *126*, 130, 138, 172, 173
R-2 multiple-family residence district, 17
R-3, 5, 10, 14, 15, 21, 23, 27, 31, 85, 93, 96, 130, 143, 152, 173
R-3 large lot residence district, 21
R-4, 5, 10, 14, 15, 19, 23, 25, 26, 27, 31, 85, 93, 96, 143, 152, 172
R-4 small lot residence district, 25
real estate, 6
real estate signs, 115
rear setback, 9, 35, 52, 55, 98, 107, 180, 190, 193, 195
rear yard, 38, 46, 193, 199
rear yard setbacks, 9, 38, 46
rear yards, 7, 101, 104, 105, 199
recharge area, 193
reconstruction, 3, 57, 130, 158
recreation vehicle, 93
recreational vehicle, 193
recreational vehicles, 92, 93, 107, 179, 181
reduced parking, 91
reduction, 9, 90, 124, 188
regulations, 1, 3, 5, 6, 13, 17, 21, 25, 29, 41, 49, 62, 64, 65, 66, 73, 81, 82, 85, 92, 96, 101, 102, 103, 106, 109, 115, 116, 123, 124, 130, 133, 134, 135, 137, 138, 152, 162, 163, 164, 168, 171, 183, 188, 189, 190, 191
regulatory agency, 193
remedial action, 164
remodeling, 130, 145, 151, 158, 159, 198
renewal of permits, 165
renovation, 145
repair services, 87
residential density, 61, 64

residential districts common standards, 10
residential parking, 35, 86
residential PUD, 61, 64
residential site, 193
restaurant, drive-in, 8, 40, 43, 48, 82
restaurant, fast food, 8, 40, 43, 48, 80, 82, 194
restaurant, food preparation, 80, 194
restaurant, food presentation, 80, 194
restaurant, formula, 80, 82, 173
restaurant, general, 8, 40, 43, 48, 80, 81, 87
restaurant, take-out, 8, 40, 43, 48, 80, 81, 82
restaurants, 8, 40, 43, 48, 80, 81, 82, 87, 194
resubmission, 163
retaining walls, 153, 161
ridges, 5, 78, 160
ridges and swales, 5, 78
right-of-way, 5, 6, 9, 14, 15, 18, 19, 22, 23, 26, 27, 30, 31, 34, 38, 39, 40, 42, 46, 47, 48, 52, 55, 68, 80, 84, 85, 87, 88, 92, 93, 97, 101, 109, 113, 115, 116, 119, 120, 140, 143, 152, 178, 183, 186, 190, 192, 193, 194, 195, 196, 197
riparian, 135, 136, 137, 192, 194
riparian zone, 135, 136, 192, 194
road names, 139, 140, 141
roadside stand, 29, 30, 194
roof, 52, 102, 104, 109, 146, 148, 149, 150, 151, 153, 165, 180, 181, 183, 186, 190, 191, 196
roof line, 146, 148, 149
roof parapet, 151
roofing materials, 150
roofs, 74, 136, 150
rooftop mechanical equipment, 151
rummage sale, 101, 186, 194
rummage sales, 101, 185, 194
sanitary, 6, 21, 62, 73, 96, 144, 159, 160, 183, 184
sanitary landfill, 194
sanitary sewers, 159
schools, 1, 52, 62, 89
screening materials, 85, 152
seasonal employee housing, 35
seasonal nature, 137, 138
secondary containment, 194
secondary management zone, 73
security fences, 101
semi-tractor, 13, 17, 21, 25, 29, 92
service and utility areas, 150
service areas, 91, 150
setback, 5, 7, 8, 9, 14, 18, 22, 26, 30, 31, 34, 35, 38, 39, 40, 45, 46, 47, 52, 55, 68, 70, 93, 97, 98, 104, 105, 107, 109, 113, 121, 129, 130, 140, 151, 153, 157, 159, 161, 180, 186, 189, 190, 193, 195, 196, 199
setback line, 7, 130, 180, 189
setback modifications, 109
setback, buffer yard, 7, 8, 85, 124, 153, 180
setback, average front, 9
setback, front setback, 9, 14, 18, 22, 26, 30, 34, 52, 55, 180, 186, 189, 195
setback, front yard, 9, 38, 39, 46, 47, 86, 92, 94, 97, 98, 99, 101, 107, 153, 186, 195, 196, 199
setback, rear setback, 9, 35, 52, 55, 98, 107, 180, 190, 195
setback, rear yard setback, 9, 38, 46
setback, setback line, 7, 130, 180, 189
setback, setback modifications, 109
setback, side setback, 9, 14, 18, 22, 26, 30, 34, 35, 46, 47, 52, 55, 180, 195
setback, street setback, 7
severability, 1
sewerage disposal, 162
shared parking, 90
shingle siding, 148
shopping center, 88, 195, 197
shopping centers, 88, 125
shore land, 3, 133
shoreland, 133, 172
shorelands, 5, 133, 195
shoreline, 133, 171, 186
side setback, 9, 14, 18, 22, 26, 30, 34, 35, 46, 47, 52, 55, 173, 180, 195
side yard, 38, 46, 195, 199
side yards, 7, 41, 42, 49, 50, 94, 105
sidewalk, 15, 19, 23, 27, 31, 39, 41, 42, 46, 48, 49, 117, 143
sidewalks, 14, 18, 19, 22, 23, 26, 27, 30, 31, 34, 38, 46, 47, 55, 74, 142, 143, 159, 187, 197
sign, 117, 118, 139, 140, 141, 164, 180, 181, 195, 196
sign copy, 195
sign face, 195
sign permit, 114, 117, 120, 156, 164
sign, abandoned, 195
sign, awning, 195
sign, bulletin, 181, 195
sign, directional, 195
sign, externally illuminated, 195
sign, ground, 196
sign, internally illuminated, 196
sign, neon, 196

sign, off premise, 196
sign, pole, 196
sign, portable, 196
sign, projecting, 196
sign, roof, 196
sign, wall, 196
sign, window, 196
sign, window advertising, 113
signs, 3, 8, 9, 41, 101, 107, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 136, 140, 141, 144, 172, 173, 182, 192, 197
banners and balloons, 115
entrance directory, 113
flags, 115
ground, 113, 116
height, 118
historic, 121
measuring, 118
official, 115
off-premise directional, 114
on-premise, 112, 116
other, 116
parking, 115
real estate signs, 115
residential development, 116
temporary development, 116
wall, 113
Signs
window advertising, 113
signs, ground, 113, 116, 173
single-family, 5, 7, 10, 13, 17, 85, 98, 136, 138, 157, 183
single-family dwellings, 136
site grading, 3, 35, 59, 78, 85, 134, 135, 143, 158, 159, 160, 161, 173, 182, 188
site plan, 61, 64, 70, 91, 103, 138, 142, 143, 154, 156, 158, 160
site plan and architectural review, 142
site plan review, 103
size and scale, 149
skating rinks, 34, 38, 46, 89
slate, 150
smart growth plan, 128, 129, 193
smoke stacks, 109
snowmobiles, 189
soft coat exterior insulation finish systems, 148
soil erosion, 134, 135, 171, 188
special assessments, 119, 160
special cutting plan, 71, 133, 134
spot lamp, 196
standing-seam metal, 150
state agencies regulated, 3
statutes, 1, 3, 5, 13, 14, 17, 18, 21, 22, 25, 26, 29, 30, 39, 84, 106, 123, 130, 135, 137, 156, 157, 160, 164, 172, 176, 178, 184, 187, 190
stone, 13, 18, 22, 26, 30, 39, 92, 100, 148, 187
storm water, 64, 75, 90, 135, 158, 162, 184, 191
storm water drainage, 144
story, 196
stream reach, 196
streams, 57, 191, 195
street, 15, 19, 23, 27, 31, 42, 140, 141, 152, 159, 195, 196, 197
street construction, 58, 158
street frontage, 43, 81, 93, 143, 152, 172
street names, 139, 140, 141
street pavement, 15, 23, 27, 31, 68
street setback, 7, 196
street trees, 15, 19, 23, 27, 31, 42, 152, 159
street vacation, 76, 193
street yard, 196
street yards, 7
street, private, 196
strip shopping center, 197
structural alterations, 197
structural frame, 147
structural materials, 147
structure, 3, 6, 7, 8, 9, 13, 17, 21, 25, 29, 34, 39, 46, 52, 55, 59, 62, 91, 96, 98, 99, 102, 103, 105, 117, 119, 124, 128, 129, 130, 134, 135, 136, 137, 142, 149, 153, 157, 158, 159, 160, 161, 162, 164, 165, 167, 168, 169, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 190, 191, 192, 193, 195, 196, 197, 198, 199
structure, accessory, 197
structure, permanent, 197
structure, principal, 197
structure, temporary, 197
structures not buildings, 8, 98
stucco, 148
subdivision, 3, 66, 116, 144, 157, 158, 161, 180, 182, 189
subdivision plat, 66, 144
substandard lot, 7
subsurface waters, 123
supermarkets, 87
surety bond, 162
sustained yield forestry, 197
swales, 5, 78, 160, 161, 191
swimming, 8, 13, 17, 21, 25, 29, 57, 98, 184, 197
swimming pool, 197

swimming pools, 8, 13, 17, 21, 25, 29, 98
t-111, 148
take-out restaurant, 8, 40, 43, 48, 80, 81, 82
taverns, 8, 87
temporary, 6, 93, 114, 116, 134, 181, 197
temporary lighting, 197
temporary sign, 6, 114
temporary structure, 6
temporary uses, 6
tennis courts, 8, 13, 17, 21, 25, 29, 58, 89, 98, 99, 124, 125
theaters, 87
through lots, 9
topography, 7, 29, 57, 62, 93, 142, 161
tower, 187, 197
trademark, 80, 194
trade-name, 80, 194
traffic, 1, 6, 13, 39, 42, 46, 47, 50, 61, 64, 65, 68, 81, 84, 101, 102, 107, 113, 115, 118, 119, 120, 125, 134, 142, 143, 162, 178, 179, 184
traffic circulation, 142, 162, 178
traffic flows, 68
traffic pattern, 65
traffic visibility, 84, 101, 107, 113
trailer, 6, 92, 93, 102, 190
trailer parking, 92, 93
translucent, 197
transmission, 58, 75, 102, 109, 179, 198
trash, 144, 153
trash receptacles, 144
treatment facilities, 52
tree, 6, 15, 19, 23, 27, 29, 31, 42, 57, 68, 70, 71, 96, 133, 134, 152, 153, 161
tree cutting, 70, 133
tree cutting regulations, 133
trees, 15, 19, 23, 27, 31, 43, 68, 70, 71, 85, 133, 134, 152, 153, 154, 159, 181, 184, 188, 191, 199
truck campers, 92
turning lane, 197
*uniformity ratio*, *125*, 197
unloading space, 84
unnecessary hardship, 197
unplatted, 160
use, 6, 34, 61, 90, 103, 104, 125, 137, 144, 161, 163, 164, 167, 178, 188, 190, 193, 198
use restrictions, 6
use, accessory, 198
use, conditional, 198
use, principal, 193, 198
utilities, 13, 17, 21, 25, 29, 30, 96, 159, 198
utility areas, 150
vacation, 76, 193
variance, 102, 137, 156, 164, 167, 168, 169, 176, 198
variances, 156, 164, 167, 168, 169
vehicle parking, 41, 42, 49, 50, 93
vehicle sales, 88, 181, 197
vending machines, 113
vibration, 124, 192
village administrator, 136, 137, 138, 157
village attorney, 157, 164
village board, 1, 3, 5, 6, 63, 65, 66, 73, 75, 90, 106, 117, 138, 140, 157, 161, 163, 164, 167, 171, 172, 176
village board's action, 171
village engineer, 7, 34, 75, 93, *126*, 135, 142, 153, 160, 161, 162, 167
violations, 157, 164
visibility, 84, 101, 102, 107, 113, 120, 140, 149, 151
visible roofs, 150
vision clearance triangle, 198
volleyball courts, 89
volume, 146
W-1 wetland overlay district, 5, 57, 58, 59, 98, 99, 120, 130, 163, 168, 171
walk-in, 43, 192
water main, 158
water quality protection, 123
water supply, 62, 73, 142, 160, 162
water towers, 52, 103, 109
well, 73, 198
wellhead, 5, 73, 75, 76, 198
wellhead protection area, 73, 75, 76
wellhead protection district, 73
wellhead protection overlay, 5
wells, 13, 17, 21, 25, 29, 52, 55, 73, 75, 179, 198
wetland, 5, 57, 58, 130, 144, 156, 163, 164, 168, 171, 198
wetland amendments, 171
wetland mapping disputes, 168
wetland non-conforming uses, 130
wetland overlay district, 5, 57
wetlands inventory map, 142
WHP wellhead protection district, 73
wild animals, 21, 178
wind power, 107
wind power generating towers, 107
windows, 35, 43, 81, 109, 113, 116, 146, 165, 183
wireless telecommunication services, 198
wireless telecommunication site, 102, 198

wireless telecommunication sites, 102, 105, 106
wood, 148
wood siding, 148
woodland, 199
woodlands, 133, 142, 144, 145, 154, 160
workforce housing, 25, 138, 173
yard, 38, 39, 46, 180, 186, 187, 193, 195, 196, 199
yard, corner side,, 199
yard, front, 199
yard, interior side, 199
yard, rear, 199
yard, side, 199
zone of influence, 193
zoning administrator, 5, 6, 7, 9, 13, 17, 21, 25, 29, 52, 55, 61, 63, 73, 82, 93, 101, 102, 114, 115, 117, 119, 121, 124, *126*, 131, 135, 137, 142, 143, 145, 156, 157, 158, 159, 160, 161, 162, 164, 165, 167, 168, 169, 171, 183
zoning administrator designated, 156
zoning code, 130, 161, 167, 172, 180
zoning map, 5, 70, 73, 199
zoning permit, 3, 41, 49, 96, 97, 98, 99, 101, 135, 136, 138, 142, 156, 157, 158, 159, 160, 161, 162, 165, 167, 173

1

# SECTION 4000 – ARCHITECTUAL GUIDE

1 **Sec. 66.4200 Illustrations**

| Sister Bay Commercial Architectural Style Guide | | |
|---|---|---|
| In general, the architectural style would be categorized as "Turn of the Century" with Scandinavian, Swedish and German themes. See Section 66.1050 for the detailed requirements. | | |
| **Windows:**<br>Grilled | <br>**Figure 1** | <br>**Figure 2** |
| **Doors:**<br>Double entrance<br>Recessed entrance | <br>**Figure 3** | |
| **Exterior Colors:**<br>Contrasting trim | <br>**Figure 4** | <br>**Figure 5** |

**Trim and Moldings:**
Decorative
Detailed

**Figure 6**

**Figure 7**

**Figure 8**

**Shutters:**

**Figure 9**

**Figure 10**

**Siding:**
Stone
Cedar shakes
Cedar siding
Cement board
Hardy plank

**Figure 11**

**Figure 12**

 SEC. 66.4200 Illustrations

<table>
<tr><td></td><td> <br>Figure 13</td><td> <br>Figure 14</td></tr>
<tr><td>Landscaping:<br>No bare lawn<br>Benches, patios<br>Shrubs, trees<br>Flowers</td><td colspan="2"> <br>Figure 15</td></tr>
<tr><td></td><td> <br>Figure 16</td><td></td></tr>
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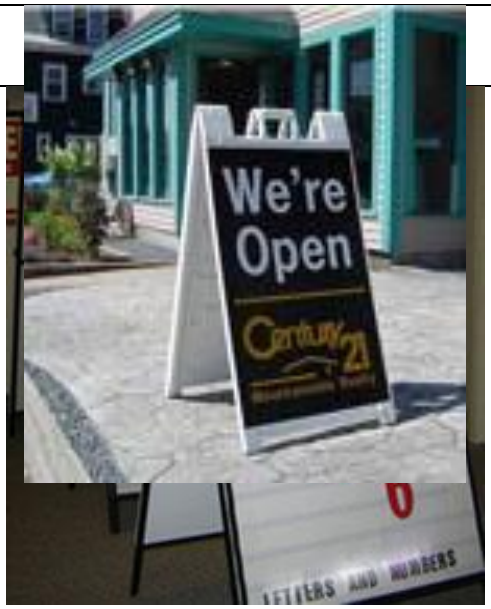
| | | |
|---|---|---|
| **Corner Lot Buildings:**<br>Cut-outs | <br>**Figure 17** | |
| **Other amenities:**<br>Flower boxes below windows<br>Porches<br>Verandas<br>Windows walk<br>Enclosed porch<br>Balconies<br>Awnings | <br>**Figure 18** | <br>**Figure 19** |
| | <br>**Figure 20** | |
| | <br>**Figure 21** | |

1

# SECTION 4200 – SANDWICH BOARD GUIDE

**Sec. 66.4200 Illustrations**

| Examples of Unacceptable Designs | |
|---|---|
| **Unacceptable Designs:**<br>Figures 1 through 5 represent examples of sandwich board signs that the Plan Commission has deemed unacceptable. The reasons include plain letters on a completely white background signboard, unchanging messages and lack of character. | |
|  <br>**Figure 4** | <br>**Figure 5** |

| Examples of Acceptable Designs | |
|---|---|
| **Acceptable Designs:**<br>Figures 6 through 16 represent examples of sandwich boards that the Plan Commission feels are acceptable. The shape of each board is unique or different enough to create an eye-catching message. Even though some of the figures do not contain changeable messages they are included because of the shape of the board, the colors and fonts used to create visual appeal. | <br><br>**Figure 6** |

Figure 7

Figure 8

Figure 9

Figure 10

**Examples of Acceptable Designs**

**Figure 11**

**Figure 12**

**Figure 13**

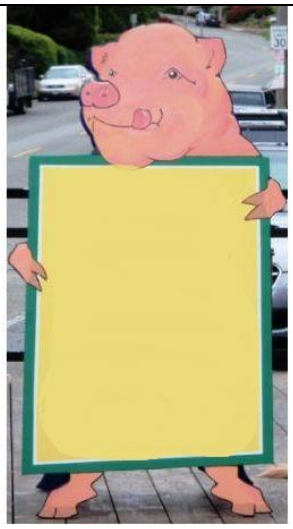


**Figure 14**

**Figure 15**

1

# SECTION 4300 - APPENDIX OF ZONING ILLUSTRATIONS

**Sec. 66.4300 Illustrations**

Illustration #1