VILLAGE OF POYNETTE
Title III, Chapter 2: ZONING

[Repealed and Recreated via Ord. No. 13-504: 10/21/13]

Amended via Ord. 2014-514: 11/17/2014
Amended via Ord. 2015-516: 2/26/2015

TABLE OF CONTENTS

Article 1: INTRODUCTION 1-1

Section 2.1.01: Title 1-1

Section 2.1.02: Authority 1-1

Section 2.1.03: Purpose 1-1

Section 2.1.04: Severability and Non-Liability 1-1

Section 2.1.05: Abrogation 1-1

Section 2.1.06: Rules of Interpretation 1-1

Section 2.1.07: Jurisdiction 1-2

Section 2.1.08: Effective Date 1-2

Article 2: ESTABLISHMENT OF ZONING DISTRICTS 2-2

Section 2.2.01: Purpose 2-2

Section 2.2.02: Listing and Purposes of Standard Zoning Districts 2-2

Section 2.2.03: Map of Standard Zoning Districts 2-3

Section 2.2.04: Interpretation of Zoning District Boundaries on Official Zoning Map 2-3

Section 2.2.05: Other Requirements Applicable to Standard Zoning Districts 2-4

Article 3: LAND USES ALLOWED IN ZONING DISTRICTS 3-1

Section 2.3.01: Purpose 3-1

Section 2.3.02: Regulation of Allowable Uses 3-1

Section 2.3.03: Regulations Applicable to All Land Uses 3-2

Section 2.3.04: Allowable Uses in Open Space and Residential Zoning Districts 3-4

Section 2.3.05: Allowable Uses in Non-Residential Zoning Districts 3-8

Article 4: LAND USE DESCRIPTIONS AND STANDARDS 4-1

Section 2.4.01: Purpose 4-1

Section 2.4.02: Residential Land Use Types 4-1

Section 2.4.03: Agricultural Land Use Types 4-5

Section 2.4.04: Institutional and Recreational Land Use Types 4-6

Section 2.4.05: Commercial Land Use Types 4-10

Section 2.4.06: Storage or Disposal Land Use Types 4-16

Section 2.4.07: Transportation Land Use Types 4-18

Section 2.4.08: Industrial Land Use Types 4-19

Section 2.4.09: Accessory and Miscellaneous Land Use Types 4-22

Section 2.4.10: Temporary Land Use Types 4-32

Article 5: DENSITY, INTENSITY, BULK REGULATIONS 5-1

Section 2.5.01: Purpose..... 5-1

Section 2.5.02: Location of Density, Intensity, and Bulk Regulations 5-1

Section 2.5.03: Yard Setback Adjustments 5-1

Section 2.5.04: Intrusions into Required Yards..... 5-1

Section 2.5.05: Exceptions to Maximum Height Regulations..... 5-2

Section 2.5.06: Building Coverage Inclusions and Exclusions 5-2

Section 2.5.07: Landscape Surface Ratio Inclusions and Exclusions..... 5-3

Article 6: OVERLAY DISTRICTS 6-1

Section 2.6.01: Purpose..... 6-1

Section 2.6.02: WHP Wellhead Protection Area Overlay District 6-1

Section 2.6.03: C Conservation Overlay..... 6-5

Section 2.6.04: Other Natural Resource Protection Overlay Zoning Districts 6-5

Article 7: BUILDING AND SITE DESIGN STANDARDS..... 7-1

Section 2.7.01: Purpose..... 7-1

Section 2.7.02: Design Standards for Multi-Family and Non-Residential Principal Buildings 7-1

Article 8: LANDSCAPING AND PRESERVATION STANDARDS..... 8-11

Section 2.8.01 Purpose..... 8-11

Section 2.8.02: Landscaping Requirements..... 8-11

Section 2.8.03 Lawn Care and Alternative Groundcover..... 8-18

Section 2.8.04 Preservation of Topography..... 8-19

Article 9: GENERAL PERFORMANCE STANDARDS 9-1

Section 2.9.01: Purpose and Applicability..... 9-1

Section 2.9.02: Stormwater Management, Earth Filling, and Excavating..... 9-1

Section 2.9.03: Fences, Landscape Walls, and Hedges 9-1

Section 2.9.04: Swimming Pools..... 9-3

Section 2.9.05: Firewood Storage 9-4

Section 2.9.06: Exterior Storage Standards 9-4

Section 2.9.07: Access and Visibility Standards (Driveways)..... 9-6

Section 2.9.08: Off-Street Parking and Traffic Circulation Standards..... 9-7

Section 2.9.09: Off-Street Loading Standards..... 9-10

Section 2.9.10 Residential Driveway Standards..... 9-11

Section 2.9.11: Exterior Lighting Standards..... 9-12

Section 2.9.12: Vibration Standards..... 9-13

Section 2.9.13: Noise Standards *9-14*
Section 2.9.14: Air Pollution Standards *9-15*
Section 2.9.15: Odor Standards *9-15*
Section 2.9.16: Glare and Heat Standards *9-15*
Section 2.9.17: Fire and Explosion Standards *9-15*
Section 2.9.18: Toxic or Noxious Material Standards *9-16*
Section 2.9.19: Waste Material Standards *9-16*
Section 2.9.20: Hazardous Materials Standards *9-16*
Article 10: SIGN REGULATIONS 10-1
Section 2.10.01: Purpose *10-1*
Section 2.10.02: Sign Permits *10-1*
Section 2.10.03: General Signage Standards *10-4*
Section 2.10.04: General Signage Regulations Applicable to All Zoning Districts *10-7*
Section 2.10.05: Regulations for Residential Zoning Districts *10-10*
Section 2.10.06: Signage for Residential Uses in Non-Residential Districts *10-11*
Section 2.10.07: Regulations for Non-Residential Zoning Districts *10-11*
Section 2.10.08: Temporary Signs *10-16*
Section 2.10.09: Structural Requirements *10-18*
Section 2.10.10: Maintenance Requirements *10-19*
Section 2.10.11: Nonconforming Signs *10-19*
Article 11: PN PLANNED NEIGHBORHOOD DISTRICT 11-1
Section 2.11.01: Purpose *11-1*
Section 2.11.02: Minimum PN District Size *11-1*
Section 2.11.03: Allowable and Required Uses in a VN District *11-1*
Section 2.11.04: PN Density, Intensity, and Bulk Requirements *11-3*
Section 2.11.05: PN Circulation and Parking Requirements *11-4*
Section 2.11.06: Architectural Requirements. *11-8*
Section 2.11.07: Additional PN District Requirements *11-11*
Section 2.11.08: Procedural Requirements for the PN Planned Neighborhood District *11-12*
Section 2.11.09 Criteria for General Development Plan (GDP) Approval *11-13*
Section 2.11.10 Specific Implementation Plan (SIP) Approval *11-15*
Section 2.11.11 Development Agreement. *11-16*
Section 2.11.12 Amendment of General Development Plans or Specific Implementation Plans. *11-16*
Section 2.11.13 Building Permits. *11-17*

Section 2.11.14 Delayed Effective Dates, Construction Required.....11-17
Section 2.11.15 Incorporation of New PN Districts.....11-17
Section 2.11.16: PN-07-01-WR Woodland Ridge Planned Neighborhood District.....11-17
Article 12: NONCONFORMING LOTS, USES, STRUCTURES AND SITES 12-20
Section 2.12.01: Purpose.....12-20
Section 2.12.02: Nonconforming and Substandard Lots.....12-20
Section 2.12.03: Nonconforming Uses.....12-20
Section 2.12.04: Nonconforming Structures.....12-21
Section 2.12.05: Nonconforming Site.....12-22
Article 13: PROCEDURES AND ADMINISTRATION 13-1
Section 2.13.01: Purpose.....13-1
Section 2.13.02: Amendments to Zoning Regulations (Text Amendments).....13-1
Section 2.13.03: Amendments to the Official Zoning Map (Rezonings).....13-2
Section 2.13.04: Zoning Permits.....13-5
Section 2.13.05 Building Permit.....13-5
Section 2.13.06: Conditional Use Permits.....13-5
Section 2.13.07: Temporary Use Reviews.....13-8
Section 2.13.08: Sign Permits.....13-9
Section 2.13.09: Site Plan Procedures.....13-9
Section 2.13.10: Certificate of Occupancy Procedures.....13-12
Section 2.13.11: Variance Procedures.....13-12
Section 2.13.12: Interpretations.....13-15
Section 2.13.13: Appeals of Zoning Interpretations.....13-18
Section 2.13.14: Zoning Administrator.....13-19
Section 2.13.15: Village Plan Commission.....13-20
Section 2.13.16: Zoning Board of Appeals.....13-20
Section 2.13.17: Fees.....13-21
Section 2.13.18: Violations and Penalties.....13-21
Article 14: DEFINITIONS..... 14-1
Section 2.14.01: Introduction to Word Usage, Abbreviations and Definitions.....14-1
Section 2.14.02: Word Usage.....14-1
Section 2.14.03: Abbreviations.....14-1
Section 2.14.04: Definitions.....14-2
Appendix A A-1

Article 1: INTRODUCTION

Section 2.1.01: Title

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

Section 2.1.02: Authority

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

Section 2.1.03: Purpose

This Chapter is adopted for the following purposes:

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

Section 2.1.04: Severability and Non-Liability

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

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

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

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

Section 2.1.05: Abrogation

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

Section 2.1.06: Rules of Interpretation

(1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, shall be liberally construed in favor of the Village, and shall not be construed to be a limitation or repeal of any other power now possessed by the Village.

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

(3) Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof, for which a building permit has been issued before October 21, 2013 and the construction of which shall have been started within one year from the date of such permit.

(4) All plans approved under predecessor Title III, Chapter 2 shall be valid and may be used to obtain a building permit for a period of not more than one year after October 21, 2013, except where otherwise subject to developer's agreement provisions or approval conditions that provide further limitations.

(5) Except as provided in this Chapter under provisions for substandard lots, nonconforming uses, nonconforming structures, and nonconforming sites in Article 12, no building, structure, development, or premises shall be hereinafter used or occupied and no applicable permit granted that does not conform to the requirements of this Chapter.

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

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

Section 2.1.07: Jurisdiction

This Chapter is applicable to all territory located within the corporate limits of the Village of Poynette.

Section 2.1.08: Effective Date

This Chapter became effective upon passage and posting according to law, on the date of repeal and re-enactment of this Chapter (October 21, 2013). The re-enactment of this Chapter shall not adversely affect the Village's right to prosecute any violation of the predecessor Title III, Chapter 2, provided that the violation occurred while that predecessor ordinance was in effect.

Article 2: ESTABLISHMENT OF ZONING DISTRICTS

Section 2.2.01: Purpose

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

Section 2.2.02: Listing and Purposes of Standard Zoning Districts

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

(1) **Open Space Districts.**

(a) AT Agricultural Transition. The AT district reserves agricultural lands and open space for future urban development, where planned in the Village's Comprehensive Plan. Before such development may occur, land zoned in the AT district must be rezoned to a residential, non-residential, or special zoning district. (Predecessor district: AG-1 Agricultural)

(b) P Parks and Public Lands. The P district accommodates parks, public recreational areas, and public open spaces available for public use and conservation. (Predecessor districts: P-1 Parks and Recreation; C Conservation)

(2) **Residential Districts.**

(a) R-1-M Single Family Residential-Modern. The R-1-M district accommodates single-family detached homes and uses accessory to and compatible with single-family homes. This district is generally applied to single family residential areas developed in the Village in the last half of the 20th Century and later, and crafted to preserve the character of such areas. (Predecessor district: R-1 Residential Single Family)

(b) R-1-T Single Family Residential-Traditional. The R-1-T district accommodates single-family detached homes and uses accessory to and compatible with single-family homes. This district is generally applied to single family residential areas developed in the Village in the first half of the 20th Century and prior, frequently served by rear-yard alleys, and crafted to preserve the character of such areas. Wherever a residential lot in this district is served by a public alley, all garages (attached and/or detached) shall take access from such alley, except where said alley is scheduled to be vacated. (Predecessor district: R-3/1&2 One/Two Family Residential)

(c) R-2 Duplex Residential. The R-2 district accommodates two-family residences, such as duplexes and two-flats, along with single-family detached homes and uses accessory to and compatible with such residential uses. (Predecessor district: R-2 Residential Duplex)

(d) R-MF Multiple Family Residential. The R-MF district accommodates a range of housing types, including multi-family residences (e.g., townhouses, apartment buildings, multiplexes), two-family residences, and single-family detached homes, along with uses accessory to and compatible with such residential uses. (Predecessor district: R-MF Residential Multiple-Family)

(e) R-MH Mobile Home. The R-MH district provides a safe, attractive, and functional environment for mobile and manufactured home parks and subdivisions. (Predecessor district: R-MH Mobile Home)

(3) **Non-Residential Districts.**

(a) INT Institutional. The INT district enables a range of public, semi-public, educational, religious, and other "gathering" type uses generally intended for non-commercial purposes, with standards

designed to ensure compatibility between institutional uses and surrounding uses and zoning districts. (No predecessor district)

(b) B-1 Downtown Commercial. The B-1 district accommodates a range of office, retail, service, residential (mainly upper story), and mixed uses in a manner that preserves and promotes the varied land uses; historic architectural character (if not always every older building); and pedestrian-friendly environment of the Village's historic downtown area. The B-1 district is also utilized on existing commercial properties in close proximity to the historic downtown area. Sites in the B-1 district feature minimal building setbacks and pedestrian-scaled design. (Predecessor district: B-1 General Commercial)

(c) B-2 Highway Commercial. The B-2 district accommodates a range of large- and small-scale office, retail, commercial service, restaurant, and lodging uses. This district is intended for mapping along major highway corridors, outside of the Village's downtown and neighborhood areas. (Predecessor district: B-2 Highway Commercial)

(d) B-3 Neighborhood Commercial. The B-3 district accommodates small-scale office, retail, and service uses and accessory uses compatible with adjacent residential neighborhoods. This district is intended for mapping outside both the historic downtown area and the Highway 51 corridor. (No predecessor district)

(e) BP Business Park. The BP district accommodates primarily indoor industrial, storage, office, and other compatible businesses and support uses in a business park setting. Allowable uses and activities include those associated with low levels of noise, odor, vibrations, and particulate emissions. (No predecessor district)

(f) I Industrial. The I district accommodates a range of manufacturing, industrial, office, storage, and transportation uses, including uses that may include outdoor storage, freight handling, and operations; and/or controlled noises, odors, vibrations, and particulate emissions. (Predecessor district: I Industrial)

(4) **Special Districts.**

(g) PN Planned Neighborhood. The PN district is intended to facility cohesive planned neighborhood developments that include desirable and innovative variations in the mix and relationship of uses, structures, and open spaces compared to other standard zoning districts, consistent with the proven principles of high-quality neighborhood design. (Predecessor district: PD Planned Development)

Section 2.2.03: Map of Standard Zoning Districts

Standard zoning districts established by this Chapter are shown on the Official Zoning Map, which together with all explanatory materials thereon, is hereby made part of this Chapter.

Section 2.2.04: Interpretation of Zoning District Boundaries on Official Zoning Map

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

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

(3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on parcel maps shall be construed as following such lines.

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

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

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

Section 2.2.05: Other Requirements Applicable to Standard Zoning Districts

(1) **Allowable Land Uses (per Article 3).** Allowable land uses are stated in Figures 2.3.04 and 2.3.05. Allowable uses shall be subject to the use regulations applicable to all land uses in Section 2.3.03 and those applicable to the individual uses established in Article 4.

(2) **Density, Intensity, and Bulk Regulations (per Article 5).** Structures and site development shall comply with the density, intensity, and bulk regulations in Figures 2.5.01(1) and (2) and Figures 2.5.02(1) and (2), and shall be subject to the general density, intensity, and bulk regulations of Article 5.

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

(4) **Other Requirements.**

(c) **Building and Site Design Standards (per Article 7).** Land uses and development shall conform to applicable building and site design requirements of Article 7. Agricultural uses and structures associated with them are exempt from these requirements.

(d) **Landscaping and Preservation Standards (per Article 8).** Land uses and development shall conform to applicable landscaping and preservation requirements of Article 8. Except for requirements specifically required for particular land uses under Article 4, agricultural uses and structures associated with them are exempt from these requirements.

(e) **Performance Standards (per Article 9).** Land uses and development shall comply with applicable performance standards of Article 9. Except where the application of performance standards in Article 9 is specifically made applicable to agricultural and/or single- and two-family residential (including "Zero Lot Line Duplex") uses in this Chapter, agricultural and single- and two-family residential (including "Zero Lot Line Duplex") uses and structures associated with them are exempt from these requirements.

(f) **Signs (per Article 10).** All signs shall comply with applicable provisions of Article 10.

(g) **Nonconforming and Substandard Lots, Uses, Structures, and Sites (per Article 12).** Any non-conforming or substandard situation shall comply with the requirements of Article 12.

Article 3: LAND USES ALLOWED IN ZONING DISTRICTS

Section 2.3.01: Purpose

The purpose of this Article is to indicate which land uses may locate in each standard zoning district and under what requirements.

Section 2.3.02: Regulation of Allowable Uses

The allowable land uses for each standard zoning district established in Article 2 are listed in Figures 2.3.04 and 2.3.05. Detailed descriptions and performance standards for the uses listed in these figures are found in Article 4. No land use is permitted or permissible on a property unless it can be located or implemented on that property in full compliance with all of the applicable standards and regulations of this Chapter, or unless an appropriate variance has been granted pursuant to Section 2.13.11.

(1) **Land Uses Permitted by Right**

Land uses listed as permitted uses (designated by the letter "P" in Figures 2.3.04 and 2.3.05) are permitted by right, subject to all applicable requirements of this Chapter and all other applicable regulations of the Village and other units of government.

(2) **Land Uses Listed as Conditional Uses**

Land uses listed as conditional uses (designated by the letter "C" in Figures 2.3.04 and 2.3.05) are allowed only with a conditional use permit, subject to all applicable requirements of this Chapter and all other applicable regulations of the Village and other units of government.

(3) **Temporary Land Uses**

Temporary land uses (designated by the letter "T" in Figures 2.3.04 and 2.3.05) are allowed on a temporary basis subject to temporary use approval requirements in Section 2.13.07.

(4) **Unlisted Land Uses**

Proposed land uses that do not appear to be encompassed by one of the land uses listed in Figures 2.3.04 and 2.3.05 are not necessarily excluded from locating within any given zoning district. Following consultation with the Plan Commission, the Zoning Administrator is authorized to determine that such an "unlisted" land use is similar enough to one of the land uses listed in these figures to have the same permitted-by-right, conditional, temporary, or prohibited status of that listed use in a certain zoning district, based on evaluation of how the unlisted use compares to a listed use using the following factors:

(a) The relative characteristics of the unlisted land use, including equipment, processes, and employment density for business uses and population density and scale for residential uses.

(b) The relative amount of site or building area devoted to the unlisted land use, and the relative size, scale, and density of the use.

(c) For non-residential uses, the relative type and amounts of activity, as measured by traffic, loading, sales, customer type, products or services produced or sold, hours of operation, and other reasonably objective factors.

(d) The relative performance of the land use against different standards in this Chapter, such as noise, odors, lighting, signage, and other factors which tend to have impacts beyond property lines.

Section 2.3.03: Regulations Applicable to All Land Uses

(1) **Land Use Regulations and Requirements**

All uses of land shall comply with all the requirements of this Chapter pertaining to the types of uses allowed within particular Standard zoning districts.

(2) **Density, Intensity, and Bulk Requirements**

Development shall comply with all the applicable requirements of Article 5 pertaining to the maximum permitted density, intensity, and bulk.

(3) **Overlay Zoning District Requirements**

Development shall comply with all requirements of this Chapter under any applicable overlay zoning districts in Article 6.

(4) **Building and Site Design Standards**

Development shall comply with building and site design standards under Article 7 to the extent made applicable to the development under that Article.

(5) **Landscaping and Preservation Standards**

Development shall comply with landscaping and preservation requirements under Article 8 to the extent made applicable to the development under that Article.

(6) **Performance Standards**

Development shall comply with the performance standards under Article 9 to the extent made applicable to the development under that Article.

(7) **Signage Regulations**

Development and signs shall comply with all requirements of Article 10, pertaining to signage.

(8) **Nonconforming Lots, Uses, Structures, and Site Requirements**

Land uses, lots, sites, and structures not in conformance with requirements under the applicable zoning district or the Articles referenced in the above subsections shall be subject to the limitations in Article 12.

(9) **Procedural Regulations and Requirements**

All new uses and development of land shall comply with all applicable requirements of Article 13, pertaining to the procedures to secure approval of the land use and/or development.

(10) **Site Plan Review Required**

All development activities or uses of land that result in construction, reconstruction, exterior remodeling, or expansion of structures, parking lots, loading areas, or outdoor storage areas are subject to site plan review and approval in accordance with Section 2.13.09, except for the following:

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

(b) Uses for which a Specific Implementation Plan in a PN Planned Neighborhood district has been approved in accordance with the procedures of Section 11, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.

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

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

(11) **Number of Principal Buildings Per Lot**

More than one principal building is allowed on any one lot, except that more than one principal building on any lot within the R-1-M, R-1-T, and R-2 districts shall require a conditional use permit.

(12) **Principal Use to Precede Accessory Use or Structure**

No accessory structure or use shall be constructed on any lot prior to establishment of a principal use on that same lot, unless otherwise allowed in this Chapter.

(13) **Public Utilities**

All principal buildings constructed after October 21, 2013 shall be supplied with operational municipal sanitary sewer and water connections at the time of such construction, except where the proposed building is at least one-quarter mile from the nearest municipal sanitary sewer main or water main and the Village has no plans to extend such mains within the next five years, or otherwise by approval of the Village Board.

Section 2.3.04: Allowable Uses in Open Space and Residential Zoning Districts

Figure 2.3.04: Allowable Uses in Open Space and Residential Zoning Districts

P = Permitted Use | **C = Conditional Use** | **T = Temporary Use** | **Empty Cell = Prohibited Use**

Land Use Category	**Zoning District**						
(#) Land Use Type	**AT**	**P**	**R-1-M**	**R-1-T**	**R-2**	**R-MF**	**R-MH**
Residential Land Uses (see Section 2.4.02 for descriptions and standards for each land use)							
(1) Single-Family Detached Residence	P		P	P	P	P	
(2) Two-Family Residence				C	P	P	
(3) Zero Lot Line Duplex				C	C	C	
(4) Townhouse					C	P	
(5) Multi-Family Residence (3-8 unit building)						P	
(6) Multi-Family Residence (9-16 unit building)						C	
(7) Mobile Home Community							P
(8) Mixed Use Dwelling Unit							
Agricultural Land Uses (see Section 2.4.03 for descriptions and standards for each land use)							
(1) Agricultural Use	P		C				
(2) Agricultural-Related Use	C		C				
(3) Community Garden	P	P	P	P	P	P	P
(4) On-site Agricultural Retail	C						
Institutional and Recreational Land Uses (see Section 2.4.04 for descriptions/standards for each use)							
(1) Passive Outdoor Public Recreation	P	P	P	P	P	P	P
(2) Active Outdoor Public Recreation	P	P	P	P	P	P	P
(3) Hunting	C	C					
(4) Indoor Institutional—General		C	P	P	P	P	
(5) Indoor Institutional—Intensive		C	C	C	C	C	
(6) Outdoor Institutional	C	C	C	C	C	C	
(7) Public Service or Utility	P	C	P	P	P	P	P
(8) Institutional Residential						C	
(9) Community Living Arrangement (1-8 persons)			P	P	P	P	P
(10) Community Living Arrangement (9-15 persons)					C	P	

Figure 2.3.04: Allowable Uses in Open Space and Residential Zoning Districts

P = Permitted Use	**C = Conditional Use**	**T = Temporary Use**	**Empty Cell = Prohibited Use**

Land Use Category	**Zoning District**						
(#) Land Use Type	**AT**	**P**	**R-1-M**	**R-1-T**	**R-2**	**R-MF**	**R-MH**
(11) Community Living Arrangement (16+ persons)						C	
Commercial Land Uses (see Section 2.4.05 for descriptions and standards for each land use)							
(1) Office							
(2) Personal or Professional Service						C	C
(3) Artisan Studio						C	C
(4) Group Day Care Center						C	
(5) Indoor Sales or Service							
(6) Outdoor Display							
(7) Indoor Repair and Maintenance							
(8) Outdoor and Vehicle Repair and Maintenance							
(9) Drive-In or Drive-Through Sales or Service							
(10) Indoor Commercial Entertainment and Dining [Amended 11/17/2014 via Ord. 14-514]							
(11) Outdoor Commercial Entertainment							
(12) Commercial Animal Service or Boarding	C						
(13) Bed and Breakfast	C		C	C	C	C	
(14) Boarding House						P	
(15) Campground	C	C					
(16) Commercial Indoor Lodging							
(17) Tourist Rooming House		C				C	
Storage or Disposal Land Uses (see Section 2.4.06 for descriptions and standards for each land use)							
(1) Indoor Storage or Wholesaling							
(2) Outdoor Storage or Wholesaling							
(3) Personal Storage Facility							
(4) Junkyard or Salvage Yard							
(5) Waste Disposal or Composting Facility	C						

Figure 2.3.04: Allowable Uses in Open Space and Residential Zoning Districts

P = Permitted Use | **C = Conditional Use** | **T = Temporary Use** | **Empty Cell = Prohibited Use**

Land Use Category	**Zoning District**						
(#) Land Use Type	**AT**	**P**	**R-1-M**	**R-1-T**	**R-2**	**R-MF**	**R-MH**
Transportation Land Uses (see Section 2.4.07 for descriptions and standards for each land use)							
(1) Off-Site Parking							
(2) Airport or Heliport							
(3) Freight Terminal							
(4) Distribution Center							
(5) Livestock or Farm Commodity Trucking							
Industrial Land Uses (see Section 2.4.08 for descriptions and standards for each land use)							
(1) Light Industrial							
(2) Heavy Industrial							
(3) Communications Tower	C	C	C	C	C	C	C
(4) Non-Metallic Mineral Extraction	C						
Accessory and Miscellaneous Land Uses (see Section 2.4.09 for descriptions/standards for each use)							
(1) Detached Accessory Structure (For Non-Residential Use)	P		P	P	P	P	P
(2) Detached Accessory Structure (For Residential Use)	P		P	P	P	P	P
(3) Company Cafeteria							
(4) Company Provided On-site Recreation or Child Care							
(5) Small Exterior Communication Device	P	C	P	P	P	P	P
(6) Large Exterior Communication Device	C	C	C	C	C	C	C
(7) Family Day Care Home (4-8 Children)	C		P	P	P	P	P
(8) Intermediate Day Care Home (9-15 Children)			C	C	C	C	C
(9) Geothermal Energy System (GES)	P	P	P	P	P	P	P
(10) Minor Home Occupation	P		P	P	P	P	P
(11) Major Home Occupation	C		C	C	C	C	C
(12) In-Home Suite			P	P	P	P	P
(13) Indoor Sales Incidental to Storage or Light Industrial Land Use							

Figure 2.3.04: Allowable Uses in Open Space and Residential Zoning Districts

P = Permitted Use	**C = Conditional Use**	**T = Temporary Use**	**Empty Cell = Prohibited Use**

Land Use Category	**Zoning District**						
(#) Land Use Type	**AT**	**P**	**R-1-M**	**R-1-T**	**R-2**	**R-MF**	**R-MH**
(14) Residential Agriculture	P		P	P	P	P	P
(15) Light Industrial Activities Incidental to Indoor Sales or Services							
(16) Outdoor Alcohol Area							
(17) Outdoor Display Incidental to Indoor Sales or Service	P						
(18) Small Solar or Wind Energy System	P	P	P	P	P	P	P
(19) Accessory Dwelling Unit			C	C	C	C	
Temporary Land Uses (see Section 2.4.10 for descriptions and standards for each land use)							
(1) General Temporary Outdoor Sales	T		T	T	T	T	T
(2) Outdoor Assembly	T	T	T	T	T	T	T
(3) Contractor's Project Office	T	T	T	T	T	T	T
(4) Contractors On-Site Equipment Storage Facility	T	T	T	T	T	T	T
(5) Relocatable Building	T	T	T	T	T	T	T
(6) On-Site Real Estate Sales Office	T	T	T	T	T	T	T
(7) Seasonal Outdoor Sales of Farm Products	T						
(8) Temporary Portable Storage Container	T	T	T	T	T	T	T
(9) Temporary Shelter	T	T	T	T	T	T	T

Section 2.3.05: Allowable Uses in Non-Residential Zoning Districts

Figure 2.3.05: Allowable Uses in Non-Residential Zoning Districts

P = Permitted Use	**C = Conditional Use**	**T = Temporary Use**	**Empty Cell = Prohibited Use**

Land Use Category	**Zoning District**					
(#) Land Use Type	**INT**	**B-1**	**B-2**	**B-3**	**BP**	**I**
Residential Land Uses (see Section 2.4.02 for descriptions and standards for each land use)						
(1) Single-Family Detached Residence built before October 21, 2013, and its replacement [Amended 2/23/2015 via Ord. 15-516]		P	P	P		
(1) Single Family Detached Residence built October 21, 2013 or later, except for replacement residence [Amended 2/23/2015 via Ord. 15-516]				C		
(2) Two-Family Residence built before October 21, 2013, and its replacement [Amended 2/23/2015 via Ord. 15-516]		P	P	P		
(2) Two-Family Residence built before October 21, 2013, or later, except for a replacement residence [Amended 2/23/2015 via Ord. 15-516]				C		
(3) Zero Lot Line Duplex				C		
(4) Townhouse						
(5) Multi-Family Residence (3-8 unit building)						
(6) Multi-Family Residence (9-16 unit building)						
(7) Mobile Home Community						
(8) Mixed Use Dwelling Unit		P	C	P		
Agricultural Land Uses (see Section 2.4.03 for descriptions and standards for each land use)						
(1) Agricultural Use						
(2) Agricultural-Related Use			C			C
(3) Community Garden	P	P	P	P	C	C

Figure 2.3.05: Allowable Uses in Non-Residential Zoning Districts

P = Permitted Use	**C = Conditional Use**	**T = Temporary Use**	**Empty Cell = Prohibited Use**

Land Use Category	**Zoning District**					
(#) Land Use Type	**INT**	**B-1**	**B-2**	**B-3**	**BP**	**I**
(4) On-site Agricultural Retail	P	P	P	P		
Institutional and Recreational Land Uses (see Section 2.4.04 for descriptions/standards for each use)						
(1) Passive Outdoor Public Recreation	P	P	P	P	P	P
(2) Active Outdoor Public Recreation	P	P	P	P	P	P
(3) Hunting						
(4) Indoor Institutional—General	P	P	P	P		
(5) Indoor Institutional—Intensive	C	C	C	C		
(6) Outdoor Institutional	C	C	C	C	C	C
(7) Public Service or Utility	P	P	P	P	P	P
(8) Institutional Residential	C	C	C	C		
(9) Community Living Arrangement (1-8 persons)	P			C		
(10) Community Living Arrangement (9-15 persons)	P			C		
(11) Community Living Arrangement (16+ persons)	C			C		
Commercial Land Uses (see Section 2.4.05 for descriptions and standards for each land use)						
(1) Office	C	P	P	P	P	P
(2) Personal or Professional Service	C	P	P	P	P	
(3) Artisan Studio		C	C	C	C	C
(4) Group Day Care Center	P	C	C	C	C	
(5) Indoor Sales or Service		P	P	P	C	C
(6) Outdoor Display		C	C	C		
(7) Indoor Repair and Maintenance		P	P	P	P	P
(8) Outdoor and Vehicle Repair and Maintenance			C			C
(9) Drive-In or Drive-Through Sales or Service	C	C	C	C	C	C

Figure 2.3.05: Allowable Uses in Non-Residential Zoning Districts

P = Permitted Use	**C = Conditional Use**	**T = Temporary Use**	**Empty Cell = Prohibited Use**

Land Use Category (#) Land Use Type	**Zoning District**					
	INT	**B-1**	**B-2**	**B-3**	**BP**	**I**
(10) Indoor Commercial Entertainment and Dining [Amended 11/17/2014 via Ord. 14-514]	C	P	P	C		
(11) Outdoor Commercial Entertainment			C			
(12) Commercial Animal Service or Boarding			C			
(13) Bed and Breakfast	C	C	C	C		
(14) Boarding House	C	C	C	C		
(15) Campground						
(16) Commercial Indoor Lodging	C	C	C			
(17) Tourist Rooming House				C		
(18) Sexually Oriented Land Use						C
Storage or Disposal Land Uses (see Section 2.4.06 for descriptions and standards for each land use)						
(1) Indoor Storage or Wholesaling					P	P
(2) Outdoor Storage or Wholesaling					C	C
(3) Personal Storage Facility [Amended 11/17/2014 via Ord. 14-514]			C		C	C
(4) Junkyard or Salvage Yard						C
(5) Waste Disposal or Composting Facility	C					C
Transportation Land Uses (see Section 2.4.07 for descriptions and standards for each land use)						
(1) Off-Site Parking	C	P	P	P	P	P
(2) Airport or Heliport						C
(3) Freight Terminal	C					C
(4) Distribution Center	C				C	C
(5) Livestock or Farm Commodity Trucking						C
Industrial Land Uses (see Section 2.4.08 for descriptions and standards for each land use)						

Figure 2.3.05: Allowable Uses in Non-Residential Zoning Districts

P = Permitted Use	**C = Conditional Use**	**T = Temporary Use**	**Empty Cell = Prohibited Use**

Land Use Category	**Zoning District**					
(#) Land Use Type	**INT**	**B-1**	**B-2**	**B-3**	**BP**	**I**
(1) Light Industrial			C		P	P
(2) Heavy Industrial						C
(3) Communications Tower	C	C	C	C	C	C
(4) Non-Metallic Mineral Extraction						
Accessory and Miscellaneous Land Uses (see Section 2.4.09 for descriptions/standards for each use)						
(1) Detached Accessory Structure (for Non-Residential Use)	P	P	P	P	P	P
(2) Detached Accessory Structure (for Residential Use)		P	P	P		
(3) Company Cafeteria	P	P	P	P	P	P
(4) Company Provided On-site Recreation or Child Care	P	P	P	P	P	P
(5) Small Exterior Communication Device	P	P	P	P	P	P
(6) Large Exterior Communication Device	C	C	C	C	P	P
(7) Family Day Care Home (4-8 Children)				P		
(8) Intermediate Day Care Home (9-15 Children)				C		
(9) Geothermal Energy System (GES)	P	P	P	P	P	P
(10) Minor Home Occupation				P		
(11) Major Home Occupation				C		
(12) In-Home Suite						
(13) Indoor Sales Incidental to Storage or Light Industrial Land Use					P	P
(14) Residential Agriculture				P		

Figure 2.3.05: Allowable Uses in Non-Residential Zoning Districts

P = Permitted Use	**C = Conditional Use**	**T = Temporary Use**	**Empty Cell = Prohibited Use**

Land Use Category	**Zoning District**					
(#) Land Use Type	**INT**	**B-1**	**B-2**	**B-3**	**BP**	**I**
(15) Light Industrial Activities Incidental to Indoor Sales or Services		C	C	C		
(16) Outdoor Alcohol Area		C	C			
(17) Outdoor Display Incidental to Indoor Sales or Service (13+ days)		P	P	P		
(18) Small Solar or Wind Energy System	P	P	P	P	P	P
(19) Accessory Dwelling Unit				C		
Temporary Land Uses (see Section 2.4.10 for descriptions and standards for each land use)						
(1) General Temporary Outdoor Sales	T	T	T	T	T	T
(2) Outdoor Assembly	T	T	T	T	T	T
(3) Contractor's Project Office	T	T	T	T	T	T
(4) Contractors On-Site Equipment Storage Facility	T	T	T	T	T	T
(5) Relocatable Building	T	T	T	T	T	T
(6) On-Site Real Estate Sales Office	T	T	T	T	T	T
(7) Seasonal Outdoor Sales of Farm Products	T	T	T	T	T	T
(8) Temporary Portable Storage Container	T	T	T	T	T	T
(9) Temporary Shelter	T	T	T	T	T	T

Article 4: LAND USE DESCRIPTIONS AND STANDARDS

Section 2.4.01: Purpose

(1) Article 4 includes performance standards for the land use types listed in Figures 2.3.04 and 2.3.05 as permitted, conditional, or temporary uses in at least one standard zoning district. Where provided, performance standards shall be met as part of the establishment, expansion, and operation of land uses within the corresponding land use type.

(2) While the number of parking spaces for each land use type is provided in this Article, other specifications for parking lots and spaces are provided in Section 2.9.08. No off-street parking spaces shall be required for any property that is both zoned B-1 Downtown Commercial and addressed in the North 200, North 100, or South 100 blocks of Main Street.

Section 2.4.02: Residential Land Use Types

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

A dwelling unit designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, and located on an individual lot. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label.

Performance Standards:

1. The minimum Gross Floor Area shall be 1,000 square feet, exclusive of an attached garage, carport, or open deck.
2. The dwelling unit must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.
3. The dwelling unit roof shall have a pitch of at least three feet in rise for every 12 feet in run, except by conditional use permit.
4. This dwelling unit type may not be split into two or more dwelling units, except for "In-Home Suites" meeting the requirements of this Section.
5. Minimum Required Off-Street Parking: 2 spaces.

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

A single structure containing two separate dwelling units, each unit having a private individual exterior access, and with no shared internal access within the building. Two-Family Residences can be constructed as attached side-by-side units each with a ground floor and roof (duplex), or as a two-story structure with one unit above the other (flats). Where side-by-side, both dwelling units shall share the same lot for the use to be classified a "Two Family Residence" under this Chapter. Buildings with two side-by-side dwelling units in which each dwelling unit is located on a separate lot shall be regulated separately as a "Zero Lot Line Duplex" land use.

Performance Standards:

1. The structure must be in complete compliance with the State of Wisconsin Uniform Dwelling Code (UDC), including that the common wall between the units shall meet UDC requirements from the basement floor to the top of the roof. Compliance shall be confirmed by the Building Inspector.
2. Where side by side, a building code-required, fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.

3. Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
4. The minimum Gross Floor Area of the building shall be 1,400 square feet, exclusive of attached garages, carports, and open decks.
5. Minimum Required Off-Street Parking: 2 spaces per dwelling unit.

(3) **Zero Lot Line Duplex.**

A duplex building containing two separate dwelling units constructed side-by-side, with each unit located on a separate lot, having a private individual exterior access, and no shared internal access within the building.

Performance Standards:

1. The structure must be in complete compliance with the State of Wisconsin Uniform Dwelling Code (UDC), including that the common wall between the units shall meet UDC requirements from the basement floor to the top of the roof. Compliance shall be confirmed by the Building Inspector.
2. A two-foot eve protrusion shall be installed along the joint wall into the neighboring yard.
3. A maintenance easement shall be recorded to allow for maintenance of the shared wall. Such easement shall extend out from the duplex five feet along both sides of the joint property line.
4. Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
5. The minimum Gross Floor Area of the building shall be 1,400 square feet, exclusive of attached garages, carports, and open decks.
6. The Zero Lot Line Duplex shall meet the front, side, and rear setbacks required for the applicable zoning district in which the duplex is located, except that the shared wall shall have no minimum setback requirement.
7. The common wall between the units shall meet UDC requirements from the basement floor to the top of the roof. Compliance shall be confirmed by the Building Inspector.
8. The restrictive covenants included in Appendix A shall be required upon the establishment of any Zero Lot Line Duplex, recorded against both lots prior to occupancy of the duplex, and construed as zoning regulations.
9. Minimum Required Off-Street Parking: 2 spaces per dwelling unit.

(4) **Townhouse.**

Three to eight attached single-family residences, each having a private, individual exterior access and sharing at least one common wall with an adjacent dwelling unit. Each Townhouse unit may share the same lot or be located on a separate lot (zero-lot line) per the standards that follow. Also referred to as rowhouses.

Performance Standards:

1. Any townhouse structure shall meet the design standards for multi-family residences as established in Section 2.7.02, and is subject to site plan review as established in Section 2.13.09.
2. Only one townhouse structure is permitted per lot, except that for townhouses proposed to be built as or converted to zero-lot line structures, see applicable standards under the "Zero Lot Line Duplex" section above.
3. Minimum Required Off-Street Parking: 2 spaces per dwelling unit.

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

A single structure with three or more individual attached dwelling units that take access from a shared entrance or hallway. "Institutional Residential Uses," as defined in this Chapter, are regulated separately.

Performance Standards:

1. Shall meet the design standards for multi-family residences established in Section 2.7.02.
2. Minimum Required Off-Street Parking: one space per efficiency or one-bedroom dwelling unit; two spaces per two-bedroom dwelling unit; and 2.5 spaces per three-or-more bedroom dwelling unit.

(6) **Mobile Home Community.**

This land use is a form of residential development that is exclusively reserved for individually sold or rented air right pads containing mobile homes and/or manufactured homes.

Performance Standards:

1. No mobile home may be split into two or more residences.
2. Movable footing slabs of reinforced concrete or other suitable means of supporting the mobile home shall be provided.
3. Within 30 days of occupancy, the owner shall remove the axle, and, within 60 days, install a fire and weather resistant, pre-finished material surrounding the entire perimeter of the home and completely enclosing a space between the exterior wall of such home and the ground. Such foundation siding shall be properly vented, harmonious, and compatible with the home.
4. Attachments to a mobile home unit, such as a sun porch or windbreak, shall not be wider than eight feet or longer than 24 feet.
5. Storage under mobile homes is prohibited.
6. No mobile home site shall be rented for a period of less than 30 days.
7. Wrecked, damaged, or dilapidated mobile homes shall not be kept or stored upon any premises. The Building Inspector shall determine if a mobile home is damaged or dilapidated to a point that makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Zoning Administrator so determines, he shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists, giving the findings upon which his determination is based and shall order such home removed or repaired to a safe and sanitary condition of occupancy within a reasonable time, but not less than 30 days.
8. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting single family residentially zoned property.
9. No units or associated parking areas shall be located closer than 40 feet to an abutting public right-of-way external to the Mobile Home Community. Landscape plantings providing screening shall be provided between any external public right-of-way and a mobile home or parking area.
10. Vehicular entrances to a Mobile Home Community shall only be provided on external collector streets or arterial streets.
11. Vehicular entrances to each mobile home shall be from a shared private street or dedicated public street internal to the Mobile Home Community.
12. A minimum of 25 percent of the total lots or spaces approved within a Mobile Home Community shall be completed and ready for occupancy before first occupancy is permitted. This standard shall not apply to expansions of existing Mobile Home Communities, provided such expansion is in full compliance with all applicable requirements of this Chapter.

13. No less than 10 percent of the total area of any Mobile Home Community shall be devoted to common recreational areas and facilities, including but not limited to playgrounds, community swimming pools, community buildings, and off-street recreation trails. Areas included in the calculation of common recreational facilities shall not include streets or parking areas.
14. Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Pedestrian and bicycle crossings shall be safely located, marked, and controlled.
15. There shall be safe, efficient, convenient, and harmonious groupings of structures, uses, and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. Streets shall be arranged so as to discourage outside traffic from traversing the community
16. Pedestrian walkways shall form a logical, safe, and convenient system for pedestrian access to all dwellings, project facilities, and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed 100 feet.
17. The Zoning Administrator, Fire Chief, or their lawful agents or employees are authorized and directed to inspect each Mobile Home Community not less than once in every 12 month period to determine the health, safety, and welfare of the occupants of the park and inhabitants as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws.
18. A service slab shall be provided for each mobile home space.
19. All new and expanded Mobile Home Communities shall be subject to site plan approval under Section 2.13.09.
20. All new and expanded Mobile Home Communities, with expansion meaning the addition of one or more improved mobile home sites, shall make available or install one or more storm shelters for use by residents during severe weather, meeting all applicable FEMA design standards.
21. Minimum Required Off-Street Parking: 2 spaces per mobile home plus parking necessary for other on-site uses, including but not limited to rental offices, community centers, or recreation facilities.

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

A residential dwelling unit located within the same building as another land use type, generally above the ground floor of a building used for an office, business, or institutional land use. These types of uses were historically located in downtown areas, on the second or higher floors of commercial buildings.

Performance Standards:

1. The applicant must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
2. Mixed Use Dwelling Units located on the ground floor of a building used for an office, business, or institutional land use may not be located within the first 24 feet of the ground floor as measured from the front of the building.
3. Additional entrances shall not be added to the front elevation of an existing building, but may be added to interior side, rear, or street side elevations.
4. Mixed Use Dwelling Unit entryways located off of a rear or interior side yard shall be connected to a street frontage by a paved walkway or driveway.

5. Such uses shall, to the extent practical, meet the design standards for "Multi-Family Residences" established in Section 2.7.02.
6. Minimum Required Parking: 1 space per efficiency or one bedroom dwelling unit; 2 spaces per two bedroom dwelling unit; and 2.5 spaces per three or more bedroom dwelling unit. Minimum parking standards may be reduced if residential uses are institutional in nature.

Section 2.4.03: Agricultural Land Use Types

(1) **Agricultural Use.** Any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock (e.g., bovine animals, equine animals, goats, bison, elk, poultry, sheep, swine, farm raised deer, farm raised game birds, camelids, ratites); beekeeping; nursery, sod, or Christmas tree production; floriculture; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program. Does not include any uses of land otherwise defined under the "Agricultural-Related Use" land use category.

(2) **Agricultural-Related Use.** An area or facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose: providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms; storing, processing, or handling raw agricultural commodities obtained directly from farms; slaughtering livestock; marketing livestock to or from farms; processing agricultural by-products or wastes received directly from farms. Agricultural-related uses include, but are not limited to, agricultural implement sales, storage, and/or repair operations; feed and seed stores and storage facilities (except those accessory to an "Agricultural Use"); commercial raising of fish; fur farms; commercial stables; licensed farm auction operations; greenhouses and garden centers; orchard stores; agricultural waste and by-product disposal facilities (except those accessory to an "Agricultural Use"); game farms or hunt clubs, excluding clubhouses with food and/or beverage services; farms regularly open for tours, demonstrations, hayrides, corn mazes, farm breakfasts, and other similar events. Not included within the "Agricultural-Related Use" land use category for purposes of this Chapter are facilities intended to convert agricultural products to energy as a principal use and primarily serving entities outside the premises; agricultural chemical dealers and/or storage facilities; commercial dairies; commercial food processing facilities; canning and other food packaging facilities; sawmills; de-barking operations; chipping facilities.

(3) **Community Garden.**

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

Performance Standards:

1. All community gardens shall require issuance of a Zoning Permit prior to their establishment. With the application for a Zoning Permit, the applicant shall demonstrate through the submittal of plans, written statements, or both that the Community Garden will meet all applicable performance standards.
2. All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the associated zoning district.
3. The application shall include the name(s) of the property owner, any established sponsoring organization, and the garden manager.

4. The application shall include a plan that demonstrates consideration for and indicates locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, and availability of parking.
5. Fences shall comply with the regulations in Section 2.9.03, except that chicken wire, woven wire, and related garden fencing shall be permitted without restriction around and within cultivated areas.
6. The following structures are permitted: tool sheds, shade pavilions, barns with approval of the Plan Commission, restroom facilities, planting preparation houses, hoop houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, beehives, and children's play areas.
7. There shall be no exterior lighting associated with the Community Garden use, except for standard residential yard lighting.
8. Seasonal farm stands are subject to the approval of the Plan Commission, and shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.

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

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

Performance Standards:

1. The sale of products that are grown or otherwise produced on non-adjacent property under the same ownership, or on property under different ownership, shall be prohibited.
2. The maximum total Gross Floor Area of a structure or a combination of structures dedicated primarily to the On-Site Agricultural Retail Use shall be 1,000 square feet in area.
3. Structures shall all be set back at least 100 feet from any residentially zoned district.
4. Minimum Required Off-Street Parking: one space per 200 square feet of indoor and outdoor sales areas plus one space per employee on the largest work shift.

Section 2.4.04: Institutional and Recreational Land Use Types

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

Includes all recreational land uses located on public property or a public easement that involves passive recreational activities, except for hunting which is separately listed. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular "Active Outdoor Public Recreation" land use, picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

Performance Standards:

1. Minimum Required Off-Street Parking: One space per four expected patrons at maximum capacity for any use requiring over five spaces by this standard.

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

Includes all land uses located on public property (including school athletic fields) or public easement that accommodate active recreational activities, except for hunting which is separately listed. Such land uses include play courts (such as tennis courts and basketball courts), playfields (such as ball

diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses.

Performance Standards:

1. Minimum Required Off-Street Parking: One space per four expected patrons at maximum capacity for any use requiring over five spaces by this standard.

(3) **Hunting.**

Includes all activities in which any person(s) pursues and captures or kills wild animals for food and/or sport.

Performance Standards:

1. All hunting in the Village shall further comply with the requirements of Title V, Section 4.01 of the Municipal Code.
2. No hunting activities shall occur in a manner or location that does not comport with applicable Wisconsin Statutes or administrative rules.

(4) **Indoor Institutional—General.**

Indoor community facilities that include 20,000 square feet in indoor Gross Floor Area or less, including gyms, public or commercial swimming pools, libraries, museums, community centers, schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, and similar land uses that meet this size requirement, but not including any arena, convention center, hospital, jail, prison, or similar use of a size and character that typically serve the needs of the whole community and region (regardless of whether over or under 20,000 square feet).

Performance Standards:

1. Minimum Required Off-Street Parking: Per Figure 2.4.04(1).

Figure 2.4.04(1): Indoor Institutional Parking Requirements	
Church	one space per four seats at maximum capacity
Community/Recreation Center	one space per 300 SF of GFA or one space per four patrons at maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
Funeral Home	one space per three patron seats, plus one space per employee on the largest work shift
Hospital	one space per two hospital beds, plus one space per staff doctor, and one space per two staff on the largest work shift
Library, Museum	one space per 300 SF of GFA, or one space per four seats at maximum capacity, whichever is greater, plus one parking space per employee
Elementary or Middle School	one space per two employees
High School	one space per two employees, plus one space per three students at maximum school capacity
University, College, or Trade School	one space per staff member, plus one space per two employees, plus one space per three students at maximum school capacity
Other Uses	one space per three expected persons at maximum capacity

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

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

Performance Standards:

1. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
2. Minimum Required Off-Street Parking: Per Figure 2.4.04(1).

(6) **Outdoor Institutional.**

Includes cemeteries, country clubs, and similar land uses.

Performance Standards:

1. Minimum Required Off-Street Parking: Per Figure 2.4.04(2):

Figure 2.4.04(2): Outdoor Institutional Parking Requirements	
Cemetery	one space per shift employee
Golf Course (as part of country club)	36 spaces per nine holes, plus one space per employee during the largest work shift, plus 50% of spaces otherwise required for accessory uses (bars, restaurants, etc.)
Swimming Pool (as part of country club)	One space per 30% of pool capacity
Tennis Court (as part of country club)	two spaces per court
Other Uses	one space per three expected persons at maximum capacity

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

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

Performance Standards:

1. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
2. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
3. The exterior of all buildings shall meet the standards for non-residential structures in Section 2.7.02.
4. Minimum Required Off-Street Parking: one space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office area.

(8) **Institutional Residential.**

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

Performance Standards:

1. There shall be a minimum of 800 square feet of Gross Site Area (GSA) for each occupant of the development.
2. A minimum of 30 percent of the development's Gross Site Area (GSA) shall be held as permanently protected green space.
3. An off-street passenger loading area shall be provided at a minimum of one location within the development.
4. Minimum Required Off-Street Parking: Per Figure 2.4.04(3).

Figure 2.4.04(3): Institutional Residential Parking Requirements	
Senior Housing, Retirement Housing	one space per dwelling unit
Assisted Living or Limited Care Facility	one space per two dwelling units
Nursing Home or Hospice	one space per four patient beds, plus one space per two employees on the largest work shift, plus one space per doctor
Monastery, Convent, Dormitory	one space per six residents, plus one space per employee on the largest work shift

(9) **Community Living Arrangement.**

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

Performance Standards:

1. Except as provided in subsections 3. and 4. below, no Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity unless the Plan Commission and Village Board agree to a reduction in spacing. Two community living arrangements may be adjacent if the Village authorizes that arrangement and if both facilities comprise essential components of a single program.
2. Except as provided in subsection 3. below, the total combined capacity of all Community Living Arrangements (of all capacities) in the Village shall not exceed one percent of the combined population of the Village (unless specifically authorized by the Village Board following a public hearing). The applicant shall be responsible for providing information on the total, combined capacity of all Community Living Arrangements within the Village.

3. A foster home that is the primary domicile of a foster parent and that is licensed under s. 48.62, or an adult family home certified under Wisconsin Statute 50.032 (1m)(b) shall be a permitted use in all residentially zoned areas and are not subject to subsections 1. and 2. above except that foster homes operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subsections 1 and 2.
4. No adult family home described in Wisconsin Statute 50.01(1)(b) may be established within 2,500 feet, or any lesser distance established by an ordinance of the Village, of any other adult family home described in Wisconsin Statute 50.01(1)(b), or any Community Living Arrangement. An agent of an adult family home described in Wisconsin Statute 50.01(1)(b) may apply for an exception to this requirement, and the exception may be granted at the discretion of the Village.
5. There shall be no maximum to the number of Community Living Arrangement facilities in the Village, except as other performance standards may indirectly establish a limit.
6. Minimum Required Off-Street Parking: three spaces, plus one space for every three residents over eight residents (except for those residents under 16 years of age and otherwise without the ability to drive).

Section 2.4.05: Commercial Land Use Types

(1) **Office.**

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

Performance Standards:

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

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

Exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples include professional services, banks, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barber shops, and beauty shops. Veterinary clinics catering to animals larger than domestic dogs and/or requiring outdoor kennels shall be regulated as "Commercial Animal Service or Boarding" land uses. Service uses that are accessory to a principal residential use of a property are not considered "Personal or Professional Service" uses, but are instead regulated as home occupations under this chapter.

Performance Standards:

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

(3) **Artisan Studio.**

A building or portion thereof used for the preparation, display, and sale of individually crafted artwork, photography, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven sections, and related items, and occupied by no more than five artists or artisans. Uses occupied by more than five artists or artisans shall be considered a "Light Industrial" use under Section 2.4.08(1). Studios that are accessory to a principal residential use of a property are not considered "Artisan Studio" uses, but are instead regulated as home occupations under this chapter.

Performance Standards:

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

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

A land use in which licensed persons and facilities provide child care services for nine or more children, such as day care centers, pre-schools, and nursery schools. Such land uses may be operated in conjunction with another principal land use on the same site, such as a church, primary school, business, or civic organization.

Performance Standards:

1. Group Day Care Centers shall not be located within a building that is also occupied as a residence.
2. Minimum Required Off-Street Parking: one space per five students, plus one space for each employee on the largest work shift.

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

Includes all land uses, except as otherwise separately listed in this Section, that conduct or display sales or rental merchandise or equipment, or that conduct non-personal or non-professional services, entirely within an enclosed building. This includes a wide variety of retail stores and commercial service uses not otherwise listed in this Chapter, along with self-service facilities such as coin-operated laundromats. Display of products outside of an enclosed building shall be considered an "Outdoor Display Incidental to Indoor Sales" accessory use, or, if outdoor sales exceed 15 percent of the total sales area of the building(s) on the property, an "Outdoor Display" principal land use. Sales or service uses that are accessory to a principal residential use of a property are not considered "Indoor Sales or Service" uses, but are instead regulated as home occupations under this chapter.

Performance Standards:

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

(6) **Outdoor Display.**

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

Performance Standards:

1. The display of items shall not be permitted in required landscaped areas, required buffer yards, or required setback areas for the principal structure.
2. Display areas shall be separated from any circulation area by a minimum of 10 feet, which shall be clearly delimited.
3. Items being displayed shall not interfere with motor vehicle, pedestrian, and bicycle traffic visibility.
4. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
5. The display of items outdoors shall be permitted during the entire calendar year; however, if items are removed from the display area, all support fixtures used to display the items shall be removed.
6. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided

on the property below what is required in this Section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.

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

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

Performance Standards:

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

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

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

Performance Standards:

1. All outdoor activity areas shall be completely enclosed by a fence, wall, or building section. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property .
2. Storage of abandoned, unlicensed, and inoperable vehicles is prohibited.
3. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
4. Minimum Required Off-Street Parking: one space per 300 square feet of Gross Floor Area, or one space per each employee on the largest shift, whichever is less.

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

Includes all land uses that perform sales and/or services to persons in vehicles, or to vehicles that may or may not be occupied at the time of such activity (except "Outdoor and Vehicle Repair and Maintenance" land uses, which are separately listed and regulated). Also includes land uses that conduct sales from a vehicle such as a food truck or trailer (or any other structure for an outdoor food vendor) in one place for more than 120 consecutive days. Such uses often have traffic volumes that exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples include drive-in, drive-up, and drive-through facilities in conjunction with another principal use (like a bank or restaurant), vehicular fuel stations, food trucks/trailers, and all forms of car washes.

Performance Standards:

1. Each drive-up lane shall have minimum on-site stacking lengths of 50 feet both behind and beyond the pass through window.
2. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
3. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to drive-through lane(s).
4. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material that is designed to meet the requirements of a minimum four ton axle load.
5. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.

6. Concrete curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands.
7. Any text or logo larger than one square foot per side on an overhead canopy or other accessory structure shall be considered a freestanding ground sign subject to regulation under Article 10.
8. Minimum Require Off-Street Parking: Refer to the parking requirements of the other land uses on the site, such as "Indoor Sales and Service" land uses for a gas station/convenience store.

(10) **Indoor Commercial Entertainment and Dining.**

Includes all uses that provide dining, drinking, and/or entertainment services within an enclosed building. Such land uses include restaurants; cafes; coffee shops; taverns; brewpubs; theaters; health or fitness centers; dance, art, martial arts, and other forms of training studios; bowling alleys; arcades; roller rinks; indoor shooting ranges; and pool halls. May include an outdoor service area not exceeding 25 percent of indoor floor area. Uses that serve alcohol outdoors must also meet requirements associated with the "Outdoor Alcohol Area" land use. Does not include "Sexually-Oriented Business," which instead are listed and regulated separately.

Performance Standards:

1. For new indoor Commercial Entertainment and Dining Uses, a buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
2. Minimum Required Off-Street Parking: one space per every three patron seats, or the maximum capacity of the establishment, whichever is greater. (Amended 11/17/2014 Ord. 14-514)

(11) **Outdoor Commercial Entertainment.**

Includes all uses that provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, racetracks, and shooting ranges. Uses that serve alcohol outdoors are classified and regulated as an "Outdoor Alcohol Area Accessory to Indoor Commercial Establishments." Does not include "Sexually-Oriented Business," which instead are listed and regulated separately.

Performance Standards:

1. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
2. Activity areas (including movie screens) shall not be visible from any residentially zoned property.
3. Minimum Required Off-Street Parking: one space for every three persons at the maximum capacity of the establishment.

(12) **Commercial Animal Service or Boarding.**

Includes uses that provide for the care, treatment, grooming, and/or boarding animals as a principal use of the property. Examples of these land uses include commercial kennels, commercial stables, and veterinarian hospitals and clinics. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate approvals.

Performance Standards:

1. As part of the conditional use permit approval, the Village may establish a limit on the number of animals that are serviced or boarded.

2. Within commercial stables, a maximum of one horse per two acres of fully enclosed (by fencing and/or structures) area is permitted.
3. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
4. All principal structures and outdoor containment areas for horses or other riding animals shall be no less than 100 feet from any residential zoning district.
5. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
6. Minimum Required Off-Street Parking: one space per every 1,000 square feet of indoor Gross Floor Area.

(13) **Bed and Breakfast.**

Exclusively indoor lodging facilities that provide meals only to paying lodgers, and in which the operator is also a resident of the premises. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

Performance Standards:

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

(14) **Boarding House.**

Includes any residential use renting rooms that do not contain private bathroom facilities (with the exception of approved Bed and Breakfast establishments).

Performance Standards:

1. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
2. Minimum Required Off-Street Parking: one space per room for rent, plus one space per each employee on the largest work shift.

(15) **Campground.**

Any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles.

Performance Standards:

1. Shall meet all requirements of applicable Wisconsin Statutes and administrative rules.
2. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
3. Minimum Required Off-Street Parking: 1.5 spaces per campsite.

(16) **Commercial Indoor Lodging.**

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

Performance Standards:

1. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
2. Minimum Required Off-Street Parking: one space per bedroom, plus one space for each employee on the largest work shift.

(17) **Tourist Rooming House.**

A permanent, detached single-family structure where sleeping accommodations are offered for pay to tourists or transients for periods of time of 30 days or less. Commercial lodgings consisting of structures with more than one dwelling unit or rentable room shall instead be regulated as a "Commercial Indoor Lodging" use (or if a room in a residence operated by the primary resident, a "Bed and Breakfast"). Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate principal land use.

Performance Standards:

1. The use must meet all performance standards associated with a "Single-Family Detached Residence."
2. At no time shall the number of occupants exceed eight.
3. The appearance of use of the Tourist Rooming House shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or excessive noise.
4. No recreational vehicle may be used for living or sleeping purposes as part of a Tourist Rooming House.
5. The availability of the Tourist Rooming House to the public shall not be advertised on site.
6. The use must be licensed by the State of Wisconsin.
7. Required Off-Street Parking: A minimum/maximum of one space per bedroom.

(18) **Sexually-Oriented Business.**

All uses described and further regulated under Title IV, Chapter 2 of the Village of Poynette Municipal Code.

Performance Standards:

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

Section 2.4.06: Storage or Disposal Land Use Types

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

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

Performance Standards:

1. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
2. Minimum Required Off-Street Parking: one space per 2,000 SF-Mof Gross Floor Area.

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

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

Performance Standards:

1. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
2. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
3. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of five feet above grade.
4. The storage of items shall not be permitted in the minimum required front yard.
5. Minimum Required Off-Street Parking: one space for every 10,000 square feet of Gross Storage Area, plus one space per each employee on the largest work shift.

(3) **Personal Storage Facility.**

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

Performance Standards:

1. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
2. Minimum Required Off-Street Parking: one space for each employee on the largest work shift.

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

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

Performance Standards:

1. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
2. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of five feet above grade.
3. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
4. Activity and storage areas shall not be permitted in the minimum required front yard.
5. Shall not involve the storage, handling, or collection of hazardous materials, including any of the materials listed in Section 2.9.20.
6. Minimum Required Off-Street Parking: one space for every 20,000 square feet of Gross Storage Area, plus one space for each employee on the largest work shift.

(5) **Waste Disposal or Composting Facility.**

Any use dedicated to the collection and disposal of solid wastes, organic materials for composting, and recycled materials, including those solid wastes as defined by Wisconsin Statutes 289.01(33).

Performance Standards:

1. The facility shall comply with all applicable village, county, state, and federal regulations.
2. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
3. All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.
4. Operations shall not involve the on-site holding, storage, processing or disposal of hazardous materials, food scraps, or other vermin-attracting materials.
5. Activity and storage areas shall not be permitted in the minimum required front yard.
6. Minimum Required Off-Street Parking: one space for each employee on the largest work shift.

Section 2.4.07: Transportation Land Use Types

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

Includes any areas used for the temporary parking of vehicles that are fully registered, licensed, and operative.

(2) **Airport or Heliport.**

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

Performance Standards:

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

(3) **Freight Terminal.**

Lands and buildings representing either end of one or more truck carrier line(s) principally serving several or many businesses, and which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities.

Performance Standards:

1. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
3. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of five feet above grade.
4. Activity and storage areas shall not be permitted in the minimum required front yard.
5. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

(4) **Distribution Center.**

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

Performance Standards:

1. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.

2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
3. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of five feet above grade.
4. Activity and storage areas shall not be permitted in the minimum required front yard.
5. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

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

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

Performance Standards:

1. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
3. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of five feet above grade.
4. Activity and storage areas shall not be permitted in the minimum required front yard.
5. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

Section 2.4.08: Industrial Land Use Types

(1) **Light Industrial.**

Industrial facilities and contractor shops at which all operations (with the exception of fully screened outdoor storage and loading operations) are conducted entirely within an enclosed building; are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation detectable at the property line; do not pose a significant safety hazard (such as danger of explosion); and comply with all of the performance standards listed for potential nuisances in Article 9. A "Light Industrial" land use may conduct retail sales activity as an accessory use in accordance with the requirements of Section 2.4.09(13).

Indoor aquaculture uses, which include the farming of aquatic organisms (plants and animals) under controlled conditions that are located entirely within an enclosed building and utilize recirculating (closed) system technology (including aquaponics), are considered "Light Industrial" uses. Crematoriums shall be considered "Heavy Industrial" uses. Primary food processing activities involving the processing of cabbage, fish and fish products, and meat products shall be considered and regulated as "Heavy Industrial" land uses.

Performance Standards:

1. All activities, except loading and unloading and screened outdoor storage, shall be conducted entirely within the confines of a building.

2. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
3. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from all adjacent properties and rights-of-way at an elevation of five feet above grade.
4. Activity and storage areas shall not be permitted in the minimum required front yard.
5. For indoor aquaculture uses, the following additional performance standards shall apply:
   a. Indoor aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
   b. Applicants wishing to establish indoor aquaculture operations shall prepare and submit a report outlining the estimated average daily water usage and quantity of wastewater discharge.
   c. On-site processing of seafood is permitted, provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
   d. The on-site retail sale of seafood or vegetables shall be considered an "Indoor Sales Incidental to Storage or Light Industrial Land Use" subject to the provisions of Section 2.4.09(13).
   e. On-site composting shall be permitted, provided compost areas are fully screened on all four sides and comply with all county, state, and federal rules, regulations, and permitting requirements.
6. Minimum Required Off-Street Parking: One space per each employee on the largest work shift.

(2) **Heavy Industrial.**

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

Performance Standards:

1. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
2. All indoor activity areas and outdoor storage areas shall be located a minimum of 100 feet from residentially zoned property, "Institutional Residential" uses, or "Indoor Institutional" uses.
3. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

(3) **Communications Tower.**

Includes all free-standing broadcasting, receiving, or relay structures, and similar principal land uses; and any office, studio, or other land uses directly related to the function of the tower. See land use descriptions and regulations associated with "Exterior Communication Devices" regulated as

accessory uses later in this Section, where, unlike communications towers, the communications use is clearly incidental to the principal use on the site. It is the policy of the Village to encourage the placement of communications devices on pre-existing towers and other tall structures in the Village over the erection of new Communication Towers.

Performance Standards:

1. The application for conditional use permit and site plan approval under this section shall include the requirements of Section 66.0404(2)(b), Wisconsin Statutes.
2. Each Communication Tower shall be erected and installed in accordance with the state electrical code adopted by reference in the National Electrical Safety Code, Federal Communications Commission and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
3. If an application is to construct a new Communications Tower, the application must include an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the Communications Tower attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. If the Village determines it is necessary to consult with a third party in considering factors listed above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant.
4. Each permitted Communication Tower shall be placed or constructed so they may be utilized for the collocation of antenna arrays to the extent technologically and economically feasible. The Village shall, unless it is shown to be unreasonable, condition the granting of the conditional use permit upon the applicant placing or constructing the Communication Tower to accommodate, at a minimum height of 150 feet, the collocation of two additional antenna arrays similar in size and function to that placed on the Tower by the applicant. Collocation sites need not be available on the Tower as initially placed or constructed, provided that the Tower will support at the specified minimum height the later addition of the required number of collocation sites. The holder of a permit under this Section shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.
5. Communication Towers and associated equipment shall, to the extent possible, match the color of existing facilities and be installed in a fashion to lessen the visual impacts of such installation. Accessory buildings, if required, shall be constructed to be compatible with the surrounding or adjacent buildings by virtue of their design, materials, textures, and colors.
6. A new or amended conditional use permit and site plan shall be required for "substantial modifications" to an existing Communication Tower, as that term is defined in Section 66.0404(1)(s), Wisconsin Statutes. Neither a conditional use permit nor site plan approval shall be required for any modification that is not defined as a "substantial modification," but a building permit is required.
7. A conditional use permit shall not be required for collocation on a proposed or existing Communications Tower, provided the collocation does not result in a "substantial modification," as that term is defined in Section 66.0404(1)(s), Wisconsin Statutes.
8. The applicant shall provide a written agreement stating that if the Communications Tower, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower, antennas, or transmitters upon written request from the Zoning

Administrator at no cost to the Village within 60 days of such request. If such listed items are not removed within 60 days of such notification, the Village may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the Village with written notice of the cessation of use. A performance bond of $20,000.00 shall be required to ensure compliance with all applicable requirements for removal of the Communications Tower and equipment.

9. The owner of any Communications Tower shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the Communications Tower and accessory structures with a single combined limit of not less than $1,000,000.00 per occurrence. The policy shall contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Village with a certificate of such insurance upon issuance of the initial policy and upon each renewal.
10. Upon written inquiry by the Village, the recipient of a conditional use permit under this Section shall have the burden of presenting credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. If the Village determines that it is necessary to consult with a third party to ascertain compliance with conditions on a conditional use permit, all reasonable costs and expenses associated with such consultation shall be borne by the holder of subject conditional use permit. Failure to pay such costs and expenses or provide information requested by the Village shall be grounds for revocation of the conditional use permit.
11. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
12. In its evaluation of any conditional use permit or site plan approval application for a Communications Tower, the limitations under the applicable Section 66.0404(4) and 66.0406(2), Wisconsin Statutes shall apply.
13. Minimum Required Off-Street Parking: one space per each employee vehicle needed for ongoing maintenance.

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

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

Performance Standards:

1. No non-metallic mineral extraction operation shall be permitted for a period greater than ten years.
2. A buffer yard meeting the requirements of Section 2.8.02(4)(d) shall be provided along all property borders abutting residentially zoned property.
3. All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.
4. The applicant shall receive reclamation approval from Columbia County prior to action by the Village, and shall comply with all applicable county, state and federal regulations.
5. Minimum Required Off-Street Parking: one space per each employee on the largest work shift.

Section 2.4.09: Accessory and Miscellaneous Land Use Types

(1) **Detached Accessory Structure (for Non-residential Use).**

Includes detached garages, carports, hoop sheds, utility sheds, and similar structures serving a non-residential principal land use.

Performance Standards:

1. Any such structure exceeding 1,500 square feet or the maximum height for an accessory structure established in Figures 2.5.04(2) and 2.5.05(2) shall be regulated as a principal structure.
2. No Detached Accessory Structure (for Non-residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot, unless otherwise stated in this Chapter.
3. See Figures 2.5.02(1) and 2.5.02(2) for setback, floor area, and coverage standards associated with Detached Accessory Structures in non-residential zoning districts.
4. No Detached Accessory Structure (for Non-residential Use) shall be occupied as a dwelling unit or otherwise used for human habitation, unless it has first been approved for such use by the Building Inspector and meet all applicable code requirements for a dwelling.

(2) **Detached Accessory Structure (for Residential Use).**

An accessory structure serving a residential principal land use and building (e.g., a house), but not attached to the principal building. Includes detached residential garages, carports, and hoop sheds designed primarily to shelter parked passenger vehicles; utility sheds used primarily to store residential maintenance equipment for the same property; private recreation structures such as gazebos, and detached elevated decks or walkways associated with residential uses.

Performance Standards:

1. One attached or detached garage plus one additional Detached Accessory Structure (for Residential Use), not including another garage, are permitted on each lot.
2. No Detached Accessory Structure (for Residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot, unless otherwise stated in this Chapter.
3. See Figures 2.5.01(1) and 2.5.01(2) for setback, floor area, and coverage standards associated with Detached Accessory Structures in residential zoning districts.
4. No Detached Accessory Structure (for Residential Use) shall occupy any portion of the minimum required front setback for principal structures in the zoning district where it is located, per Figure 2.5.01(2), except where the mean natural grade of a front yard is more than 8 feet above the adjacent street level. In such cases, such structure may be set back no closer than 5 feet from the front lot line, the floor level shall be not more than one foot above street level, and at least one-half of the structure's height shall be below the mean grade of the front yard.
5. A Detached Accessory Structure (for Residential Use) may only be located forward of the principal building if provided site plan approval under Section 2.13.09.
6. Where any portion of a Detached Accessory Structure (for Residential Use) is located forward of the rear building line of the principal building, it shall meet the minimum required side yard setback for principal structures in the zoning district where it is located, per Figure 2.5.01(2).
7. No Detached Accessory Structure (for Residential Use) shall be located closer than 10 feet from any other building on the lot, unless applicable building code requirements for one hour fire-rated construction is met.
8. No Detached Accessory Structure (for Residential Use) shall involve or include the conduct of any business, trade, or industry, except for home occupations as described and limited elsewhere in this Article 4.
9. No Detached Accessory Structure (for Residential Use) shall be occupied as a dwelling unit or otherwise used for human habitation, unless it has first been approved for such use by the Building Inspector and meet all applicable code requirements for a dwelling.

10. Except by site plan approval under Section 2.13.09, each Detached Accessory Structure (for Residential Use) exceeding 100 square feet in floor area and built after October 21, 2013 shall meet the following design standards:
    a. Not be taller or have more floors above ground level than the principal building.
    b. Shall have a similar roof slope and overhang width as the principal building. If the principal building has multiple roof slopes and/or overhang widths, the roof slopes and widths of the accessory structure shall reflect those principal building roof characteristics that are most visible from the public street.
    c. Shingles or other roof surface shall be of a similar material and color as the roof surface of the principal building.
    d. Siding shall be of a similar material and color as the siding on the principal structure, except that where the siding on the principal structure is stone or brick, another compatible material may be selected.
11. Maximum square footage and total building coverage shall not exceed the maximums set forth in Figure 2.5.01(1).
12. See Article 11 for additional standards related to residential garages within the PN Planned Neighborhood zoning district..

(3) **Company Cafeteria.**

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

(4) **Company Provided On-Site Recreation or Child Care.**

Any active or passive recreational or child care facility located on the same site as a principal land use, and that is reserved solely for the use of company employees and their guests, and licensed as may be required by the State.

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

Includes roof top antennas 15 feet in height or less as measured from the highest part of the roof to the top of the antenna and satellite dishes with a diameter of 20 inches or less, generally used for television, radio, telephone, or internet reception, but allowable for other forms of transmission or reception (except for cellular and digital communication facilities).

Performance Standards:

1. No Small Exterior Communication Device shall be erected or installed within the front yard or street yard. In the rear and interior side yards, the device shall be set back a distance equal to the minimum setback requirements for principal structures within the zoning district.
2. Small Exterior Communication Devices shall be erected and installed in accordance with the state electrical code adopted by reference in the National Electrical Safety Code, Federal Communications Commission, and the instructions of the manufacturer.

(6) **Large Exterior Communication Device.**

Includes any apparatus capable of sending and/or receiving communications from a transmitter or a transmitter relay, and consisting of satellite dishes with a diameter greater than 20 inches; antennas greater than 15 feet in height as measured from highest part of the roof to the top of the antenna; and/or ground-mounted antenna arrays. Does not includes commercial cellular and digital communication facilities that are mounted on a "Communications Tower," which is described and regulated as a principal use earlier in this Article.

Performance Standards:

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

and the minimal practical restrictions that will allow for the approval of such facilities and shall deny such application only if it finds that the requested use, if installed and operated in accordance with all reasonable conditions and restrictions, will cause a significant danger to the public safety or welfare. It shall be a condition to each conditional use permit for an amateur radio antennae that the operation of the amateur radio service using such antennae shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission.

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

Occupied residences in which a qualified person or persons provide child care for four to eight children. The care of less than four children is not subject to the regulations of this Chapter. See also Section 66.1017(1)(a), Wisconsin Statutes.

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

Occupied residences in which a qualified person or persons provide child care for 9 to 15 children. See also Section 48.65, Wisconsin Statutes.

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

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

Performance Standards:

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

requirements for thermal and other water pollutants. Discharged water shall not be directed onto adjacent property or interfere with the function of on-site or off-site stormwater management structures.

8. In closed loop GESs, only heat exchange fluids certified by the State of Wisconsin for use with underground heat exchangers may be utilized. Heat exchange fluids shall not pose a contamination hazard to ground water quality. Fluids removed from closed loop heat exchangers shall be disposed of in accordance with state and federal requirements and shall not be discharged onto neighboring properties.

(10) **Minor Home Occupation.**

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

Performance Standards:

1. The occupation shall be conducted only within the dwelling and/or an attached garage.
2. The area used to conduct the Minor Home Occupation shall not exceed 25 percent of the improved square footage of the dwelling unit, excluding the garage, and shall not exceed 25 percent of the area of any floor.
3. A Minor Home Occupation shall be undertaken only by a member of the immediate family residing on the premises, plus no more than one other individual not residing on the premises in the AT district only.
4. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling.
5. No activity, materials, goods, or equipment incidental to the Minor Home Occupation shall be externally visible, except for home-grown produce grown on site.
6. No Minor Home Occupation shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
7. No mechanical or electrical equipment may be used other than such as customarily incidental to domestic use or that creates a disturbance such as noise, dust, odor, or electrical disturbance detectable at the property line.
8. The use shall not involve the use of commercial vehicles for more than the occasional delivery of materials to or from the premises.
9. No Minor Home Occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day.

(11) **Major Home Occupation.**

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

Performance Standards:

1. A Major Home Occupation may be conducted within the dwelling, an attached garage, and/or in a permanent Detached Accessory Structure (for Residential Use).
2. The area used to conduct the Major Home Occupation shall not exceed 25 percent of the improved square footage of the principal dwelling unit, excluding any attached garage.
3. The Plan Commission may impose additional limitations on the percentage of the property and/or buildings that may be devoted to the occupation.

4. Subject to Plan Commission approval, a Major Home Occupation may employ up to two employees living off-site, provided an immediate family member residing on site is the principal owner and operator of the business.
5. No activity, materials, goods or equipment incidental to the Major Home Occupation shall be externally visible, and external storage normally allowed for the principal residential use.
6. No Major Home Occupation may include retail sales other than items produced or value added on site. The Plan Commission may prohibit or limit the on-site sale of items or products produced or enhanced on the premises.
7. No Major Home Occupation shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
8. No mechanical or electrical equipment may be used that creates a disturbance such as noise, dust, odor or electrical disturbance detectable at the property line.
9. Each conditional use permit for a Major Home Occupation shall run with the applicant and not with the land.

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

An area within a "Single-Family Detached Residence" dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas. A permanent interior, non-locking access way between the habitable area of the principal dwelling and the In-Home Suite is required. A separate outdoor access to a shared garage may be provided.

Performance Standards:

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

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

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

Performance Standards:

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

(14) **Residential Agriculture.**

Small-scale agricultural activities that are located on a residential lot, are clearly accessory to the principal residential use, and result in products that are predominantly consumed or used by the residents of the same lot. Permitted activities associated with a Residential Agriculture use consist of gardening, residential composting, and the raising of designated small animals for food or fur.

Performance Standards:

1. Only the following types of small animals may be kept under this land use category: dwarf and pygmy goats, chickens (no roosters), and quail. The raising of other animals for food or fur shall be prohibited under this land use category.
2. There shall not be more than 4 chickens, 8 quail, and one dwarf or pygmy goat per lot.
3. All animals shall be kept within a completely enclosed, covered area, which shall be to rear of the residence and meet the minimum setback requirement for an accessory structure. Animal enclosure areas may not exceed 20 percent of the lot area.
4. There shall be no odor at the lot lines associated with the Residential Agriculture use.
5. The use of mechanized farm equipment and on-site sale of food or fur are prohibited.

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

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

Performance Standards:

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

(16) **Outdoor Alcohol Area.**

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

Performance Standards:

1. A conditional use permit shall only be granted to an operator of an establishment that is in compliance with applicable Village of Poynette Municipal Code, and is licensed by the Wisconsin

Department of Health and Family Services to operate said establishment pursuant to Chapter 254, Wisconsin Statutes.

2. Any establishment serving alcohol shall hold a valid liquor license from the Village.
3. Except in the B-1 Downtown Commercial district, non-temporary Outdoor Alcohol Areas shall be set back a minimum of 100 feet from any residential use in any zoning district and provide a buffer yard meeting the requirements of Section 2.8.02(4)(d) along all property borders abutting residentially zoned property.
4. The maximum allowable area for an Outdoor Alcohol Area shall not exceed 50 percent of the Gross Floor Area of the principal "Indoor Commercial Entertainment" venue or other principal use.
5. The exterior may be required to be enclosed with a fence or wall as limited by State Statute. Emergency exits from the area shall be provided in accordance with applicable Fire and Building Codes.
6. Except as a temporary use, an Outdoor Alcohol Area must be located on an impervious surface or hard all-weather decking material.
7. Except where otherwise specified by the conditional use permit, Outdoor Alcohol Areas shall not open earlier than 7 a.m. or remain open later than 11 p.m. on any day.
8. Except where otherwise limited by conditional use permit, Outdoor Alcohol Areas may play amplified music, whether live or recorded and may have speakers, microphones, televisions, or other audio or video devices provided all noise standards established in Section 2.9.13 are met.
9. Outdoor Alcohol Areas shall be accessible to the disabled, and the permit holder shall at all times comply with all applicable federal, state, and Village laws, ordinances, and regulations concerning accessibility and nondiscrimination in the providing of service.
10. Conditional use permit applications shall include operational details and site plan details addressing each of the requirements above in addition to the requirements for site plan review in Section 2.13.09. Any application for this use directly abutting a public right-of-way shall include details regarding the specific location of public street improvements.
11. Each Outdoor Alcohol Area shall meet all state and Village permit and license requirements before commencing operations and at all times during operation.
12. Minimum Parking Off-Street Requirements: one space for every three persons at the maximum capacity of the Outdoor Alcohol Area.

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

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

Performance Standards:

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

(18) **Small Solar or Wind Energy System.**

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

providing energy for a dwelling on the same lot), primarily supplies energy to such principal use, and does not exceed a rated capacity of 60 kilowatts.

Performance Standards:

1. Each Small Solar or Wind Energy System shall meet all detached accessory building setbacks in the applicable zoning district, except where mounted to the principal building they shall meet principal building setbacks.
2. Except by conditional use permit, no Small Wind or Solar Energy System shall be:
   a. Located in any front yard or side yard having frontage on a public street
   b. Set back by a distance of not less than 1.1 times the total height of the Small Wind Energy System from the nearest property line, public road right-of-way, nearest inhabited building other than the principal inhabitable structure served by the Small Wind Energy System, and public communication and electrical lines.
   c. Greater than 50 feet in height.
3. No Small Wind or Energy System shall be sited or operated in a manner that causes permanent or material interference with television or other communication signals. All electrical connections shall be located underground or within a building.
4. The minimum height of the lowest extent of a turbine blade of a Small Wind Energy System shall be 20 feet above the ground and 20 feet above the maximum allowable height of any structure or obstacle within 100 feet of the Small Wind Energy System, except where deliberately designed as part of the structure.
5. Sound emanating from a Small Solar or Wind Energy System shall not exceed 70 dBA as measured at all property lines
6. Each Small Solar or Wind Energy System structure shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. Freestanding Small Wind Energy Systems shall be designed without use of guy wires. No Small Solar or Wind Energy System shall be lighted unless required by the Federal Aviation Administration. Clearing of natural vegetation for the purposes of installing a Small Wind or Solar Energy System shall be limited to that which is necessary for the construction, operation and maintenance of the Small Wind or Solar Energy System and as otherwise prescribed by applicable laws, regulations, and ordinances. No signs of any kind or nature whatsoever shall be permitted on any small wind or solar energy system, except that the manufacturer's identification and appropriate warning signs are allowed.
7. All access doors or access ways to any required towers and electrical equipment shall be lockable. Every Small Solar or Wind Energy System shall be equipped with both manual and automatic overspeed controls.
8. Each Small Solar or Wind Energy System shall require a building permit before installation, which may be included with the general building permit for the principal structure. Building permit applications shall include the following information in addition to that required by the Building Code:
   a. A site plan drawn to scale showing the location of the proposed Small Solar or Wind Energy System and the locations of all existing buildings, structures, public rights-of-way, and property lines. All distances shall be measured and labeled on the site plan.
   b. Elevations of the site drawn to scale showing the height, design, and configuration of the small solar or wind energy system and the heights of all existing structures, buildings and electrical lines in relation to property lines and their distance from the small wind or solar energy system.
   c. Standard drawings and an engineering analysis of any wind energy system tower, including load-bearing and wind-bearing capacity.

d. A standard foundation design along with specifications for the soil conditions at the site.
e. Specific information on the type, size, rotor material, rated power output, performance, safety, and noise characteristics of the system including the name and address of the manufacturer, model, and serial number.
f. A description of emergency and normal shutdown procedures.
g. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes and this Section.
h. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator, except in cases where the system will not be connected to the electricity grid.
i. A sound level analysis prepared by the wind turbine manufacturer or other qualified engineer, of sufficient detail and focus to determine compliance with the noise standard in this section.
j. Evidence of compliance with or non-applicability with Federal Aviation Administration requirements.
k. If required to obtain a conditional use permit under this section, evidence that a conditional use permit has been granted and all associated conditions have been met.

(19) **Accessory Dwelling Unit.**

A residential dwelling unit located on the same lot as a "Single-Family Detached Residence", either as part of the same building as the "Single-Family Detached Residence" or in a detached building. Accessory Dwelling Units are different from "In-Home Suites" in that an interior physical connection between the Accessory Dwelling Unit and primary "Single-Family Detached Residence" is not required. Accessory Dwelling Units are sometimes also referred to as granny flats.

Performance Standards:

1. The Gross Floor Area of the Accessory Dwelling Unit shall not exceed 50 percent of the principal dwelling's Gross Floor Area, or 1,500 square feet, whichever is less.
2. The appearance or character of the "Single-Family Detached Residence" must not be significantly altered so that its appearance is no longer that of a single-family dwelling.
3. The Accessory Dwelling Unit shall not be sold separately from the "Single-Family Detached Residence."
4. Attached Accessory Dwelling Units shall adhere to the setback requirements and standards applicable to principal structures in the applicable zoning district. Detached Accessory Dwelling Units shall adhere to the setback requirements and standards applicable to accessory structures in the applicable zoning district.
5. The occupants of the Accessory Dwelling Unit shall not exceed one family plus one unrelated person or two unrelated individuals.

Section 2.4.10: Temporary Land Use Types

(1) **General Temporary Outdoor Sales.**

Includes the short-term display of any items outside the confines of a building. Examples of this land use include but are not limited to seasonal or weekend garden shops, tent sales, fireworks stands, garage sales, and bratwurst stands. This category does not include "Seasonal Outdoor Sales of Farm Products" uses or such other uses that are otherwise classified as "Drive-in or Drive-Through Sales or Service" uses.

Performance Standards:

1. The applicant or operator shall provide a general layout of the activities and additional details if requested by the Zoning Administrator.
2. Each such use shall not exceed 120 days in any calendar year.
3. In the residential zoning districts, on-site residents may conduct up to five garage or yard sales per year with a maximum duration of three days per sale without a Temporary Use Permit.

(2) **Outdoor Assembly.**

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

Performance Standards:

1. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
2. Adequate parking, drinking water, toilet facilities, and crowd control shall be provided.
3. If the subject property is located within or adjacent to a residentially zoned area, activities shall be limited to daylight hours, unless licensed for longer hours.
4. Each such use or activity shall not exceed 14 days per quarter.
5. Event sponsors shall comply with Temporary Use review and approval procedures in Section 2.13.07.

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

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

Performance Standards:

1. Facility may be installed no sooner than 10 days before construction commences, and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
2. The applicant shall comply with Temporary Use review and approval procedures in Section 2.13.07.

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

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

Performance Standards:

1. Facility may be installed no sooner than 10 days before construction commences, and shall be removed within 10 days of issuance of an occupancy permit for all structures on the construction site.
2. The applicant shall comply with temporary use review and approval procedures in Section 2.13.07.

(5) **Relocatable Building.**

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

Performance Standards:

1. The building shall conform to all setback regulations for principal buildings.

2. The building shall conform to all building code regulations.
3. Each such building shall not be placed on a site more than 120 days in any calendar year, except by conditional use permit.
4. The applicant shall comply with temporary use review and approval procedures in Section 2.13.07.

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

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

Performance Standards:

1. Facility may be installed no sooner than 10 days before construction commences.
2. The office shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
3. The applicant shall comply with temporary use review and approval procedures in Section 2.13.07.

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

Includes any outdoor display and sales of farm products on a seasonal basis, including but not limited to seasonal roadside stands and Christmas tree lots..

Performance Standards:

1. The display of products shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
2. If subject property is located adjacent to residentially zoned property, sales and display activities shall be limited to daylight hours.
3. Each such use shall not exceed 120 days in any calendar year.
4. Shall comply with temporary use review and approval procedures in Section 2.13.07.

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

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

Performance Standards:

1. The container shall be permitted on the property for up to 14 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.
2. The Temporary Portable Storage Container cannot encroach on the public right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on asphalt, concrete, gravel, or hard paved surface.
3. Shall comply with temporary use review and approval procedures in Section 2.13.07.

(9) **Temporary Shelter.**

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

Performance Standards:

1. These structures are not permitted in Village.
2. This subsection shall not be interpreted to disallow use of tents and similar fabric structures in association with a permitted camping, temporary sales use, or temporary outdoor assembly use such as an outdoor wedding, or other special event as may be permitted in the Village.

Article 5: DENSITY, INTENSITY, BULK REGULATIONS

Section 2.5.01: Purpose

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

Section 2.5.02: Location of Density, Intensity, and Bulk Regulations

(1) Except where otherwise expressly stated, all lots and improvements within the Open Space and Residential standard zoning districts shall comply with the regulations prescribed in Figures 2.5.01(1) and (2), and all lots and improvements within non-residential standard zoning districts shall comply with the regulations prescribed in Figures 2.5.02(1) and (2).

(2) Allowable yard setback adjustments, intrusions into required yards, and exceptions to maximum height are found in Sections 2.5.03 through 2.5.05. Substandard lots, nonconforming uses, nonconforming structures, and nonconforming sites legally created before establishment of these requirements are addressed in Article 12.

Section 2.5.03: Yard Setback Adjustments

(1) Limitations on Yard Setback Adjustments

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

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

(2) Side and Rear Yard Adjustments for Buffer yards

In instances where a required buffer yard under this Chapter exceeds the minimum required setback width, the minimum required buffer yard width shall prevail. Absolutely no intrusions by a structure, outdoor storage, or paved motor vehicle accommodation areas are permitted within any required buffer yard.

(3) Front Yard Setback and Corner Lot Street Side Yard Setback Adjustment

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

Section 2.5.04: Intrusions into Required Yards

(1) The minimum setback requirements of each zoning district establish the minimum required yards for all uses, except those exempted by the provisions of this Section. The following intrusions by buildings and structures are permitted into the specified required yards:

(a) **Permitted Intrusions Into Required Front or Corner Lot Street Side Yards.**

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and satellite dishes with a diameter of 20 inches or less, provided they do not extend more than two and one-half feet into the required yard.
2. Yard lights, ornamental lights, and nameplate signs for residential lots, provided they comply with applicable illumination requirements of Section 2.9.11.
3. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings that do not extend above the floor level of the adjacent building entrance, provided they do not locate closer than 20 feet to any street right-of-way.
4. Fences, in accordance with Section 2.9.03.
5. Lawn ornaments such as statuary, bird baths, sundials, and flag poles.
6. In front yards only, open walled porches attached to the house may encroach 10 feet into a required front yard, unless it encroaches within the required setback for a Federal, State, or County Trunk Highway.

(b) **Permitted Intrusions Into Required Rear or Interior Side Yards.**

1. Sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and satellite dishes with a diameter of 20 inches or less, provided they do not extend more than two and one-half feet into the required yard.
2. Fences in accordance with Section 2.9.03.
3. Fire escapes (on residential buildings) that do not extend more than three feet into the required yard.
4. Lawn accessories or ornaments such as statuary, bird baths, sundials, and flag poles.

(c) **Permitted Intrusions Into Required Rear Yards.**

1. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings that do not extend more than one foot above grade, provided they do not locate closer than 20 feet to the rear lot line.
2. Lawn accessories such as clothes lines, ornamental statuary, bird baths, sundials, and flag poles.

Section 2.5.05: Exceptions to Maximum Height Regulations

(1) The maximum height regulations listed in each zoning district are the maximum permitted heights for all buildings and structures, except those exempted below:

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

(b) Any building or structure not otherwise accounted for above may exceed maximum height regulations with the granting of a conditional use permit that specifically states the maximum permitted height of the proposed building or structure.

Section 2.5.06: Building Coverage Inclusions and Exclusions

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

Section 2.5.07: Landscape Surface Ratio Inclusions and Exclusions

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

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

Figure 2.5.01(1): Open Space and Residential District Lot Dimension and Intensity Standards

Zoning District	Minimum Lot Area (MLA)	Minimum Lot Width (ft)	Maximum Total Building Coverage	Maximum Accessory Structure Floor Area (sf) (a)	Minimum Landscape Surface Ratio (LSR)
AT Agricultural Transition	5 acres	150	N/A	N/A	N/A
P Parks and Public Lands	N/A	N/A	10%	N/A	75%
R-1-M Single-Family Residential-Modern	12,000 sf	90	30%	1,000	50%
R-1-T Single-Family Residential-Traditional	6,000 sf	60	40%	1,000	40%
R-2 Two-Family Residential (c)					
For over/under units	3,000 sf/dwelling unit	80	30%	1,000	40%
For side-by-side units, including zero lot line)	5,000 sf/dwelling unit	100 (b)	30%	1,000	40%
R-MF Multi-Family Residential (c) (d)	4,000 sf/dwelling unit	100	40%	10% of Lot Area	30%
R-MH Mobile Home Residential	5,000 sf/home (e)	50	40%	350	30%

(a) Maximum Accessory Structure floor area may be increased by site plan approval under Section 2.13.09.
(b) For zero lot line duplexes, each separate lot must be at least 50 feet in width.
(c) Single-Family Detached Residences within the R-2 district shall comply with the R-1-T district requirements.
(d) Single-Family Detached Residences within the R-MF district shall comply with the R-1-T District requirements. Two-family Residences within the R-MF District shall comply with R-2 district requirements.
(e) Total area of each "Mobile Home Community" shall be a minimum of 10 acres.

Figure 2.5.01(2): Open Space and Residential District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) (b)								Minimum Principal Structure Separation (ft)	Maximum Building Height			
	Principal Residential Structure including Attached Garage				Detached Accessory Structure (a)		Pavement (d)			Principal Structure		Accessory Building	
	Front (a)	Street Side (a)	Interior Side	Rear	Interior Side (c)	Rear	Interior Side or Rear	Front or Street (a)		Feet	Floors	Feet	Floors
AT	30	30	10	30	10	10	3	10	30	35	2.5	35	2.5
P	30	30	10	30	10	10	3	10	30	35	2.5	25	2
R-1-M	30	30	10	30	3	3	3	10	20	35	2.5	15	1
R-1-T	20	20	6	20	3	3	3	10	10	35	2.5	15	1
R-2 (e)	30	30	10	30	3	3	3	10	20	35	2.5	15	1
R-MF (f)	30	30	10	40	3	3	3	10	20	40	3	15	1
R-MH	20(g)	20(g)	6	10	3	3	3	10	10	20	1	15	1

(a) See Section 2.4.09(2) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory structures, and other standards associated with detached accessory structures.

(b) Additional setbacks may be required along zoning district boundaries for buffer yards, if required for the particular land use under Article 4 or Section 2.8.02(3)(d).

(c) Minimum street side yard setbacks are equal to the minimum street side setback for the principal structure.

(d) Includes all gravel, black-top, or other paved surfaces. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots.

(e) Single-Family Detached Residences shall comply with the requirements for the R-1-T district.

(f) Single-Family Detached Residences shall comply with requirements of the R-1-T District. Two-Family Residences shall comply with the requirements for the R-2 district.

(g) A minimum 100-foot wide buffer must be provided around the perimeter of each "Mobile Home Community."

Key to Illustrated Dimensional Requirements in Figure 2.5.01(3) – (6)

A: Minimum Lot Width (At Building Minimum Setback Line)

B: Front Setback (lot line to principal structure or attached garage):

C: Street Side Setback (lot line to principal structure or attached garage)

D: Interior Side Setback (lot line to principal structure or attached garage)

E: Rear Setback (lot line to principal structure or attached garage)

F: Accessory Structure Interior Side and Rear Setback (lot line to accessory structure)

G: Minimum Pavement Setbacks (lot line to pavement excluding driveways entrances, etc.)

H: Minimum Principal Structure Separation (multi-structure developments on shared lots)

Figure 2.5.01(3): Diagram of Lot Dimension and Structural Setback Requirements Single Family Detached Residences (Each Dwelling on Single Lot)

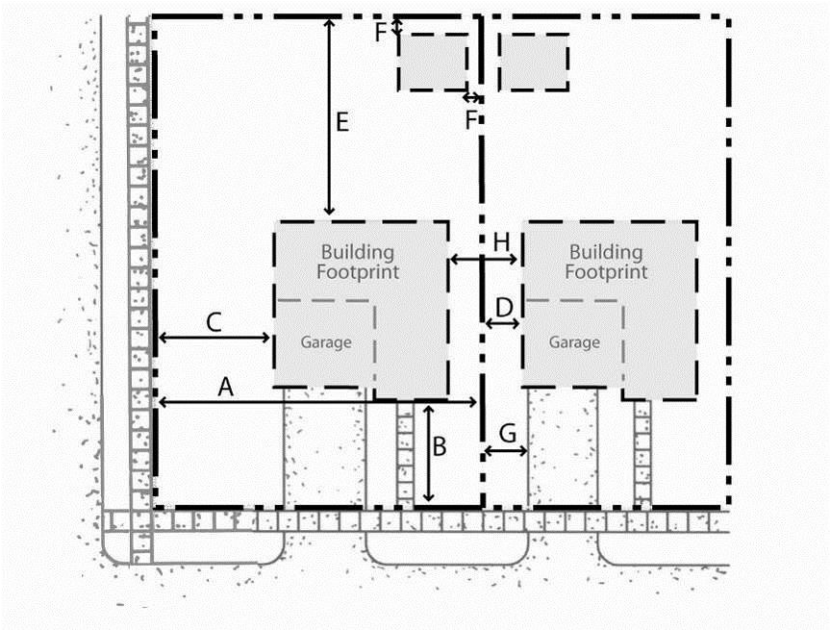
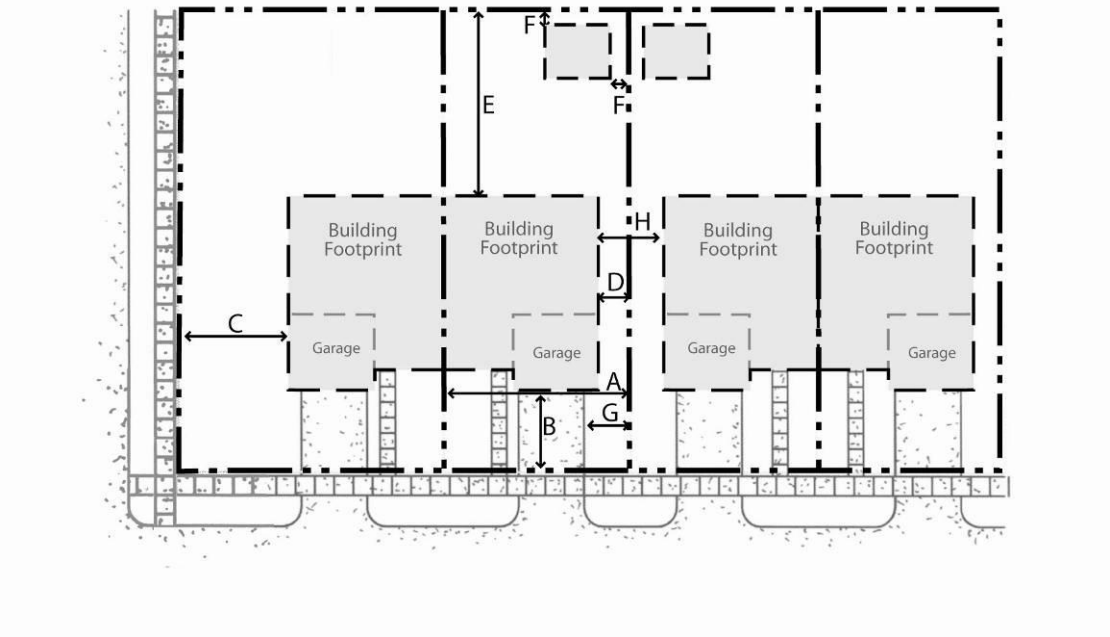


Figure 2.5.01(4): Diagram of Lot Dimension and Structural Setback Requirements Two Family Residences (Side-by Side Duplexes with Both Units on Single Lot)

Figure 2.5.01(5): Diagram of Lot Dimension and Structural Setback Requirements
Two Family and Townhouse Residences
(side-by-side Duplex or Townhouse with each unit on a separate lot—zero lot line structure)



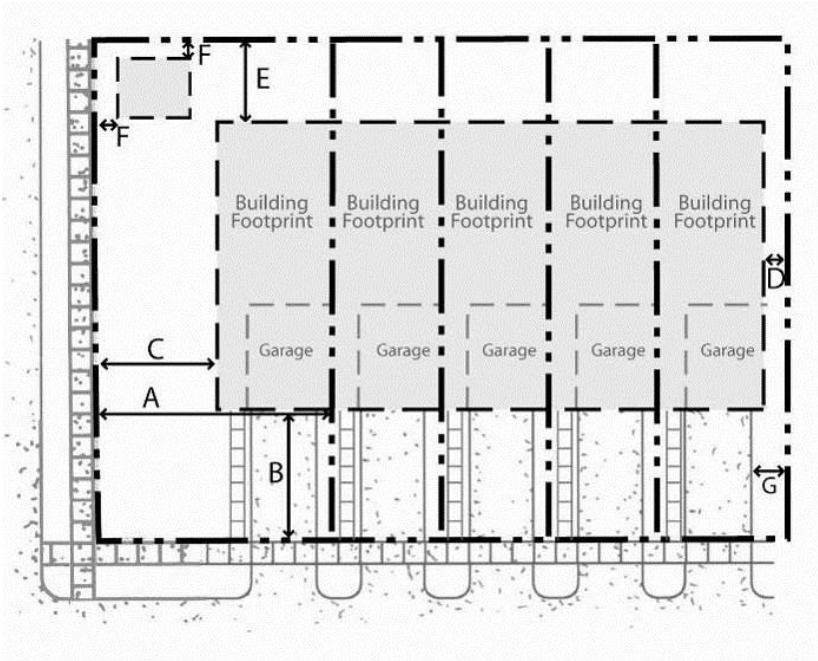


Figure 2.5.01(6): Diagram of Lot Dimension and Structural Setback Requirements Multi-Family (3+ Unit) Residences (all units on same lot)

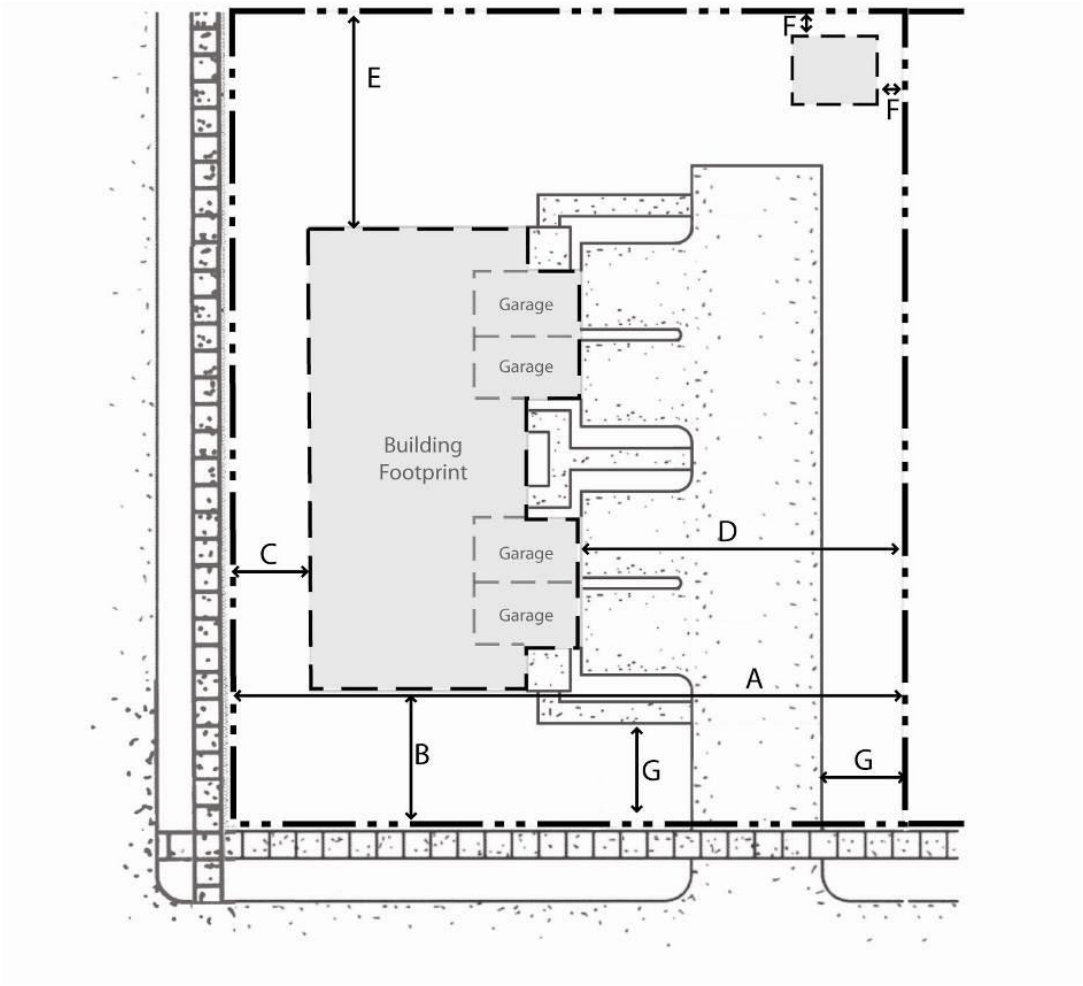


Figure 2.5.02(1): Non-residential District Density and Intensity Standards

Zoning District	Minimum Lot Area (sf)	Minimum Lot Width (ft)	Minimum Landscape Surface Ratio (LSR)	Max Floor Area Ratio (FAR) (a)
INT Institutional (b)	10,000	80 (b)	20%	0.5
B-1 Downtown Commercial	3,500	33	0%	3.0
B-2 Highway Commercial	15,000	80	20%	1.0
B-3 Neighborhood Commercial	8,000	66	20%	0.5
BP Business Park	20,000	125	20%	0.75
I Industrial	20,000	150	10%	1.0

(a) Does not include structured parking or underground parking.
(b) Institutional districts adjacent to the B-1 district shall instead follow the standards of the B-1 Downtown Commercial district.

Figure 2.5.02(2): Non-residential District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) (b)						Minimum Principal Building Separation (ft)	Maximum Building Height (stories/ft, whichever is greater)	
	Principal Building to Front and Street Side Lot Lines (a)	Principal Building to Interior Side Lot Line	Principal Building to Rear Lot Line	Accessory Building to Interior Side/Rear Lot Line (a) (d)	Pavement (c)				
					Front or Street Side	Interior Side or Rear		Principal Buildings	Accessory Buildings
INT Institutional (e)	20 (e)	10 (e)	20	3	10	5	10	4/60	1/20
B-1 Downtown Commercial	0 (f)	0	0	0	5	0	0	3/45	1/20
B-2 Highway Commercial	30	10	30	10	10	5	10	3/40	1/20
B-3 Neighborhood Commercial (g)	10	6	20	3	5	5	10	2/30	1/15
BP Business Park	30	10	30	10	10	5	10	3/40	1/20
I Industrial	30	15	30	15	10	5	10	3/45	2/35

(a) See Section 2.4.09(1) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory structures, and other standards associated with detached accessory structures.

(b) Additional setbacks may be required along zoning district boundaries for buffer yards, if required for a particular land use in Article 4 or Section 2.8.02(d).

(c) Includes all gravel, black-top, or other paved surfaces. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots.

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

(e) Institutional districts adjacent to the B-1 district shall instead follow the same standards as the B-1 district.

(f) For B-1 zoned properties addressed within the North 200, North 100, and South 100 blocks of South Main Street, principal buildings constructed after October 21, 2013 shall also have a maximum 10 foot setback from front and street lot lines. All other B-1 properties shall have a minimum front and street side yard principal building setback of 20 feet or the actual principal building setback as of October 21, 2013, whichever is less.

(g) For lots that are zoned B-3 as of October 21, 2013, the principal building setbacks shall be the requirements in this figure or the actual principal building setbacks as of October 21, 2013, whichever are less.

Article 6: OVERLAY DISTRICTS

Section 2.6.01: Purpose

The purpose of this Article is to establish and convey overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth in Article 2 of this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying standard zoning district. Except where otherwise stated, the overlay zoning districts described in this Article are represented on the Official Zoning Map (or on a separate Official Overlap Zoning Map), adopted and from time to time amended by the Village.

Section 2.6.02: WHP Wellhead Protection Area Overlay District

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

(2) **Wellhead Protection Area Overlay District Boundaries.** The regulations of this Section shall apply to land within Wellhead Protection Area district boundaries as mapped on the Official Zoning Map or Official Overlay Zoning Map.

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

   (a) Emergency or standby power system.

   (b) Storm water retention or detention pond.

   (c) Storm sewer main.

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

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

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

   (g) Cemetery.

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

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

   (j) Manure stacks or storage structures.

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

(l) Sanitary landfill.

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

(n) Salt or deicing material storage area.

(4) **Prohibited Uses**. The uses listed within this subsection (4) are prohibited uses within the Wellhead Protection Area overlay district, except that existing potential sources of contamination and land uses as of October 21, 2013 shall be permitted to continue subject to the requirements in subsection (7) below:

(a) Animal stockyards.

(b) Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)

(c) Coal storage facilities.

(d) Dumping or disposing of garbage, refuse, trash, or demolition material, including landfills but excluding composting and post-consumer recycling facilities.

(e) Exposed hydrocarbon, petroleum, or hazardous chemical storage tanks, with hazardous chemicals identified by OSHA criteria under 40 CFR Part 370, but not including residential LP gas tanks.

(f) Manure and animal waste storage facilities, except for animal waste storage facilities regulated by Columbia County.

(g) Outdoor industrial waste storage facilities, such as industrial lagoons and pits.

(h) Rendering plants and slaughterhouses.

(i) Storage or processing of extremely hazardous substances, radioactive materials or substances listed in Table 1, NR 140 of the Wisconsin Administrative Code. (Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)

(5) **Conditional Uses**. The land uses listed below within this subsection (5) are conditional uses within the Wellhead Protection Area overlay district, provided that such uses are also allowed in the underlying standard zoning district (e.g., INT, R-1-T). Uses not listed below or in subsection (4) are permitted by right in the Wellhead Protection Area overlay district, provided that such uses are also permitted by right in the underlying standard zoning district. Any of the following uses that are not allowed in the underlying standard zoning district, per the use tables in Article 3, may not be established in the part of the Wellhead Protection Area district that overlays that standard zoning district. All uses shall be further subject to the separation standards in subsection (3).

(a) Asphalt products manufacturing plants.

(b) Automobile fueling, service, painting, repair, and/or maintenance facilities.

(c) Building materials and product sales.

(d) Car washes.

(e) Cartage and express facilities.

(f) Cemeteries.

(g) Center-pivot or other large-scale irrigated agriculture operations.

(h) Chemical storage, sale, processing, and/or manufacturing facilities.

(i) Composting and post-consumer recycling facilities.

(j) Dry cleaning establishments.

(k) Electronic circuit assembly plants.

(l) Electroplating plants.

(m) Exterminating shops.

(n) Fertilizer or pesticide manufacturing, storage, or sales facilities.

(o) Foundries and forge plants.

(p) Industrial liquid waste storage areas, indoor.

(q) Junk yards and salvage yards.

(r) Metal plating, reduction, and/or refinement plants.

(s) Mineral extraction operations.

(t) Motor and machinery service and assembly shops.

(u) Motor freight terminals, rail yards.

(v) Petroleum products processing.

(w) Pharmaceuticals manufacturing.

(x) Photography studios involving the developing of film and pictures (digital excluded).

(y) Plastics manufacturing.

(z) Printing and publishing establishments.

(aa) Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more.

(bb) Pulp and paper manufacturing.

(cc) Salt or de-icing storage facilities.

(dd) Septage, wastewater, or sewage lagoons.

(ee) Septage or sludge spreading, storage, treatment or disposal.

(ff) Storage, manufacturing or disposal of toxic or hazardous materials not listed as prohibited uses.

(gg) Underground petroleum products storage tanks, and above-ground petroleum product storage tanks greater than 660 gallons. All new or replaced tanks shall also be installed in compliance with SPS 10 of the Wisconsin Administrative Code.

(hh) Woodworking, wood preserving, and wood products manufacturing.

(ii) Any other use with characteristics similar to one or more of the above listed uses, in the determination of the Zoning Administrator.

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

(a) Application. In addition to conditional use permit application requirements in Section 2.13.06, the Zoning Administrator may require an environmental impact study, environmental assessment, or such other information as necessary to evaluate the application.

(b) Criteria. General criteria for conditional use permit approval are included within Section 2.13.06(6). In its consideration of conditional use permit applications for one of the listed conditional uses in subsection (5) within the Wellhead Protection Area overlay district, the Plan Commission shall also consider the following additional criteria:

1. The Village's responsibility as a public water supplier to protect and preserve public health, safety and welfare.
2. The potential of the proposed use to seriously threaten or degrade groundwater quality.
3. The availability of alternative uses, locations, and operational characteristics, and the cost, effect, and extent of availability of such alternatives.
4. The proximity of the applicant's property to other potential sources of contamination or vulnerable activities or uses.
5. The then-existing condition of the associated well, well field, well recharge area, and the vulnerability to further contamination.
6. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table, and location of private wells.
7. The zone of contribution for, or distance from, the associated well within which the proposed use is located.
8. Any other hydrogeological data or information which is available from any public or private agency or organization.
9. The potential benefit, both economic and social, from the approval of the application.

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

1. Environmental and/or safety monitoring to indicate whether the potential sources of contamination may be emitting any contaminants.
2. A financial guarantee in a form determined by the Village for future monitoring and cleanup costs.
3. Any requirement authorized for existing potential sources of contamination and land uses under subsection (7).

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

(a) At the request of the Zoning Administrator, existing potential sources of contamination and land uses, as defined under Section 2.14.04, shall provide to the Village copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results.

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

(c) Existing potential sources of contamination and land uses, when upgrading or expanding, shall replace equipment or expand in a manner that improves existing environmental and safety technologies and performance.

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

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

(8) **Violations and Compliance.** In the event an individual and/or potential source of contamination within the Wellhead Protection Area district causes the release of any contaminants which endanger the public, in the determination of the Village, the individual and/or potential source of contamination causing said release shall immediately cease and desist, and initiate clean-up satisfactory to the Village and the other state and federal regulatory agencies. The person or other entity who releases such contaminants and the person who owns the potential source of contamination whereon the contaminants have been released shall be jointly and severally responsible for the cost of clean-up, consultant or other contractor fees, and all administrative costs for oversight, review and documentation, including for Village employees, contractors, equipment, and mileage. Following any such release, the Village may require additional environmental and/or safety monitoring. As a substitute for or in addition to any other action authorized above and under Section 2.13.19, the Village may commence legal action against the individual and/or potential source of contamination to recover the costs, together with the costs of prosecution.

Section 2.6.03: C Conservation Overlay

(1) **Description and Purpose.** The C Conservation Overlay district in mapped over lands that are restricted from most forms of development because of underlying natural resources or drainageways in order to meet the purposes of this Chapter. The restrictions imposed in this Section are in addition to those of the underlying standard zoning district or any other provisions of this Chapter.

(2) **Allowable Land Uses.** Permitted and conditional uses within the C Conservation Overlay district are identical to those listed within Figure 2.3.04 for the P Parks and Public Lands district, except that the erection of any building within the C Conservation Overlay district shall be permitted only with the approval of the Village Board following a recommendation from the Plan Commission.

(3) **Mapping and Refinement of District Boundaries.** In advance of the development of underlying or adjacent lands, the boundaries of the C Conservation Overlay district on the Official Zoning Map are generalized based on underlying natural resource or drainage features derived from secondary sources. At the time of development, the expectation is that these boundaries will be adjusted to reflect actual boundaries of underlying natural resource or drainage features based on more detailed analysis. Such adjustments will take place via the rezoning process in Section 2.13.03.

Section 2.6.04: Other Natural Resource Protection Overlay Zoning Districts

(1) **Generally.** The other natural resource protection overlay districts outlined in this section are described in greater detail in other chapters of the Village Municipal Code or in the Columbia County Code of Ordinances. Except for a general depiction of the Floodplain zoning overlay district, these state-mandated overlay districts are not represented on the Village's Official Zoning Map or Official Overlay Zoning Map, but instead are represented on other maps available from the Village or County.

(2) **Floodplain Zoning.** The Floodplain overlay zoning district includes all territory within the Floodway District, Flood fringe District, and General Floodplain Districts, as depicted on the Official Floodplain Zoning Map as defined and adopted in Title III, Chapter 3. Land within the Village Floodway, Flood fringe, and/or General Floodplain shall be subject to the requirements of Title III, Chapter 3 in addition to requirements of the underlying standard zoning district, any other applicable overlay district, and other requirements of this Chapter.

(3) **Shoreland Zoning.** The Columbia County Shoreland Protection Ordinance fulfills Wisconsin shoreland protection mandates through its Shoreland District. Pursuant to Wisconsin Statutes, all territory annexed by the Village after May 7, 1982 is subject to the Columbia County Shoreland Protection Ordinance as it existed at the time of annexation, unless the Village were to adopt a shoreland protection ordinance as restrictive or more restrictive. The Village has elected not to adopt a separate ordinance. Therefore, over

applicable lands annexed after May 7, 1982, the Village enforces the provisions of the Columbia County Shoreland Protection Ordinance that existed at the time of annexation.

(4) **Shoreland-Wetland Zoning**. The Shoreland-Wetland zoning district includes all wetlands that are five acres or more and that are within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds, or flowages or 300 feet of the ordinary high-water mark of navigable rivers and streams or the landward side of the floodplain of such rivers and streams, whichever is greater. Land within the Shoreland-Wetland zoning district shall be subject to the requirements of Title III, Chapter 4 in addition to requirements of the underlying standard zoning district, any other applicable overlay district, and other requirements of this Chapter.

Article 7: BUILDING AND SITE DESIGN STANDARDS

Section 2.7.01: Purpose

The purpose of this Article is to establish regulations that address the exterior design and appearance of multi-family residential and non-residential buildings and their relationship to other structures, paved areas, landscaping areas, and other required site design elements on the same building site or adjoining building sites.

Section 2.7.02: Design Standards for Multi-Family and Non-Residential Principal Buildings

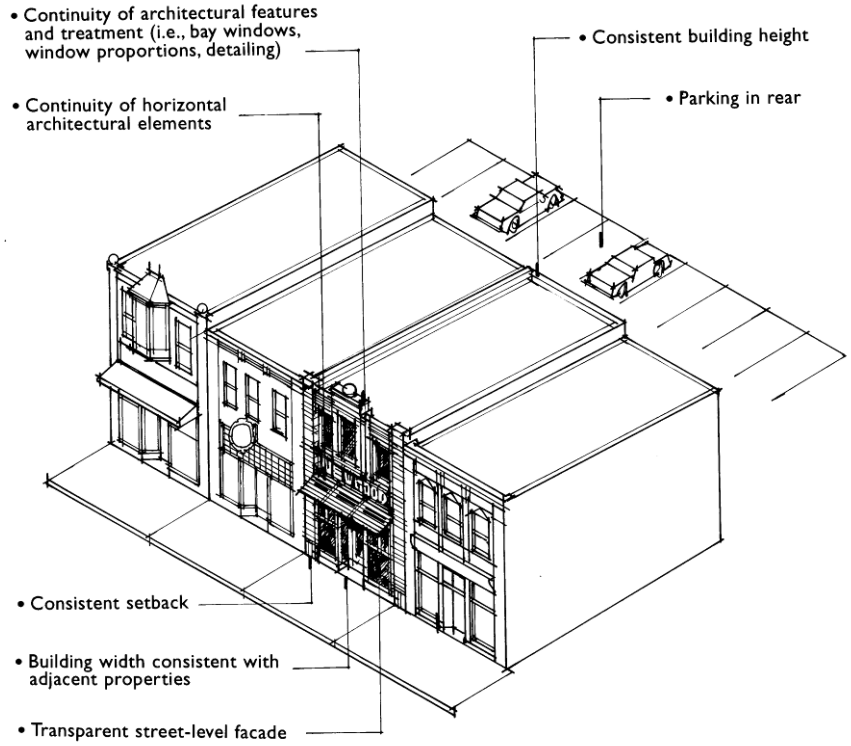
(1) **Applicability.** All new multiple-family (3+ unit) residential principal buildings and non-residential principal buildings shall meet the design requirements in this Section. Expansion and remodeling of existing buildings of these types shall meet the design requirements in this Section to the extent practical. Agricultural land uses and structures are exempt from these requirements.

Figure 2.7.02(1): Example of Building Size and Mass Continuity

(2) **Building Size and Mass.** The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be designed with consideration of the buildings, public ways, and places to which they are visually related (see Figure 2.7.02(1) for example). The relative proportion of a building to its neighboring existing buildings, to pedestrians, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are altered.

(3) **Building Facade Continuity.** Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosures along a street to ensure a favorable relationship with the buildings, public ways, and places to which such elements are visually related (see Figure 2.7.02(2) for example).

Figure 2.7.02(2): Example of Building Façade Continuity



(4) **Building Design Proportions.**

(a) The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.

(b) The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.

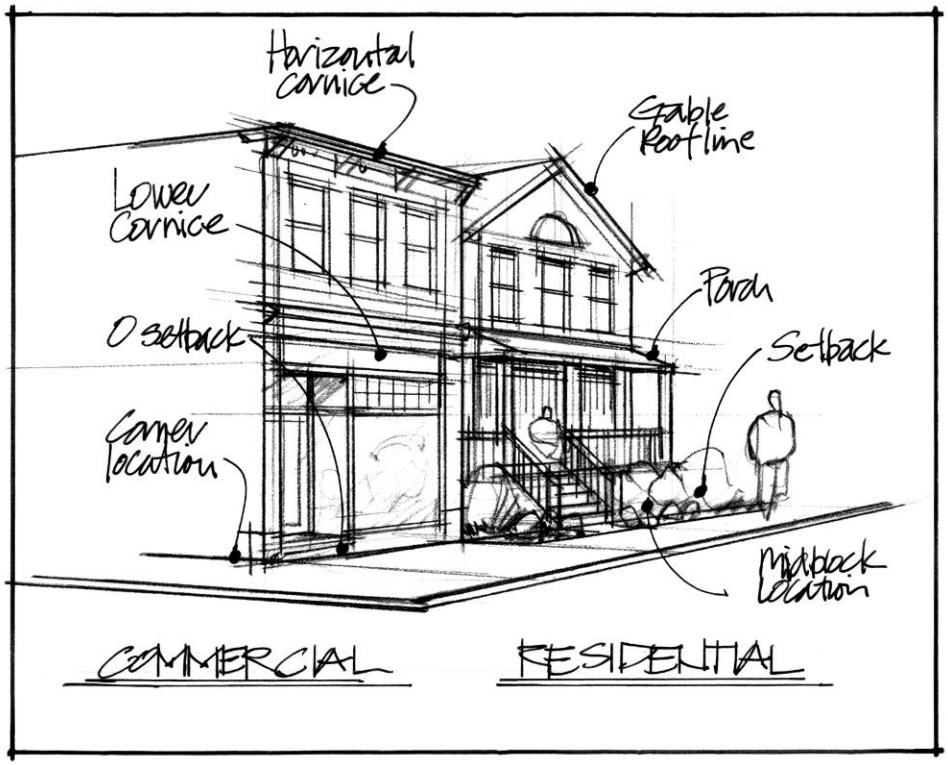
(c) The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.

(d) The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings, public ways, and places to which it is visually related.

(e) The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.

(5) **Directional Expression.** A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this is vertical character, horizontal character, or non-directional character (see Figure 2.7.02(3) for example).

Figure 2.7.02(3): Example of Compatible Directional Expression



(6) **Materials.** Material selection for architectural design shall relate to the prevailing material already used on existing buildings in the area, or a different character if identified in the Village's Comprehensive Plan. No building shall be permitted where any exposed façade is constructed or faced with a finished material that is aesthetically incompatible with other building facades in the area or that presents an unfinished appearance to the public and surrounding properties. Building elevations clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the plane of the wall. This may be done by the addition of window(s), gable-end wall treatments, siding design and accent panels, or other architectural design treatments consistent with the principal building design. Except as may be allowed by the Plan Commission as decorative elements, the following exterior construction materials shall not be considered of suitably high quality for street side facades:

(a) Non-decorative concrete block or cinder block;

(b) Non-decorative concrete foundation walls or panels;

(c) Non-decorative plywood;

(d) Asphaltic siding, or other materials using exposed fastener systems; or

(e) Metal panels with exposed exterior fasteners, except for any façade within the I Industrial District, and interior side or rear facades in the B-2 Highway Commercial District.

(7) **Colors.** Color shall be selected in general harmony with the existing area or neighborhood buildings, without creating a monotonous street appearance.

(8) **Corner Lot Buildings.** Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.

(9) **Vents and Mechanical Units.** All chimney and fireplace vents shall be enclosed in a chase constructed of materials similar to those materials used on the building elevations. Metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable. All building-mounted heating, ventilating, and air-conditioning equipment, or changes to existing heating, ventilating, and/or air-conditioning equipment, shall be designed to be integral with the building architecture and screened from view from public rights-of-way.

(10) **Garages and Loading Docks.** Garages and loading docks shall be designed as integral elements to the building and site, and shall not be the dominant visual element from public rights-of-way unless pre-existing site or building conditions would not allow this. All new loading docks shall be screened from public view to the extent practical.

(11) **Outdoor Waste/Recycling Containers.** All solid waste/recycling containers (dumpsters) stored outdoors shall not be allowed in required front or street side yards and shall be placed to the interior side or rear of principal structures whenever possible. All outdoor solid waste/recycling containers shall be placed on a permanent paved surface and fully screened from public rights-of-way and adjacent properties by a decorative fence or wall not exceeding six feet in height. Outdoor waste/recycling containers and fence enclosures shall be subject to the accessory structure setback requirements included and referenced in Figures 2.5.01(2) and 2.5.02(2).

(12) **Standards for Developments within Historic Sections of the B-1 Downtown Commercial District.** The development, expansion, and exterior remodeling of buildings on any property zoned B-1 and addressed in the North 200, North 100, or South 100 blocks of Main Street shall meet the following requirements:

(a) Exterior lighting shall be pedestrian-scaled and have a decorative design and finish that complements the building's architecture and exterior materials.

(b) Walkways shall be installed between public building entries and adjoining public sidewalks and on-site parking areas.

(c) Surface parking lots shall be located to the side or rear of buildings. Parking lot screening shall be required along all public streets via landscaping or a screen wall consistent in design and materials to the principal building.

(d) All utilities, mechanical units, and refuse containers (dumpsters) shall be screened with materials compatible with the principal building.

(e) Similar building materials and color schemes shall be used on all exposed sides of the building and on additions. Facades facing a public street (not including an alley) shall have a minimum of 50 percent coverage of masonry, stone, or chiseled face concrete masonry units (CMU); completely surfaced with wood or other natural siding; or surfaced with another decorative material compatible with the historic context as approved by the Plan Commission.

(f) No buildings shall include florescent, "day glow," and/or "neon" colors or high gloss or shiny finishes.

(g) The ground floor of buildings with more than one story shall be differentiated from upper floors by varying color, building materials, articulation, and/or other architectural details. First floor facades facing a public street shall have a minimum of 50 percent transparent window coverage of the façade. Public entryways shall be at grade with the adjacent walkway and/or public sidewalk and sheltered with an awning or building recess. Air conditioners and satellite dishes shall not be located on any front facade.

(13) **Other Design Standards.** The Plan Commission shall refer to the Comprehensive Plan for building design recommendations for specific neighborhoods, districts, or building types, where the Plan provides such recommendations.

(14) **Waiver or Modification of Standards.** The Plan Commission may waive or modify any of the above standards if supplemental design elements or improvements are incorporated into the project to compensate for the waiver or modification of the particular standard.

Article 8: LANDSCAPING AND PRESERVATION STANDARDS

Section 2.8.01 Purpose

The purpose of this Section is to establish landscaping requirements to provide and maintain vegetation in a manner that promotes the Village's natural resource protection, aesthetic, and public health goals.

Section 2.8.02: Landscaping Requirements

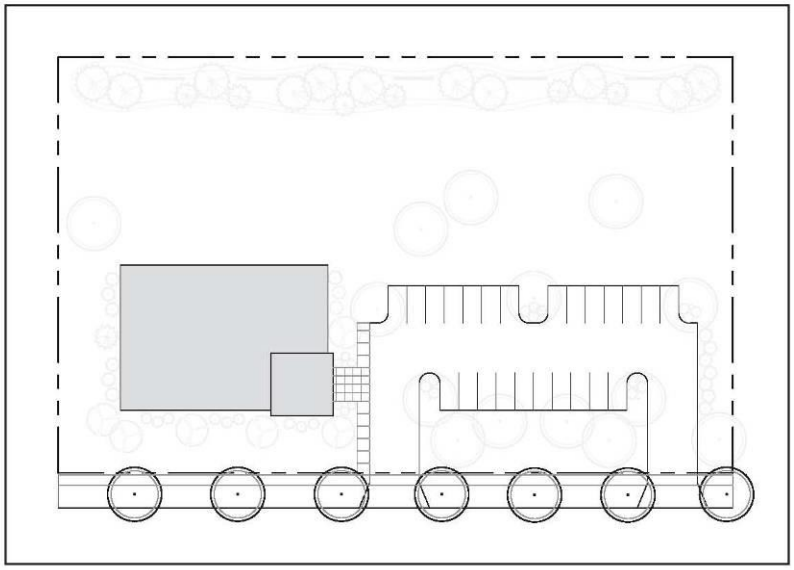
(1) **Applicability**. Any use for which site plan approval is required under Section 2.3.03 shall provide landscaping in accordance with the regulations of this Section, including expansion, renovation, and redevelopment of existing buildings and sites. Where the Plan Commission determines that full compliance with the requirements of this Section is impractical, such as for expansion, renovation, and redevelopment projects, the Plan Commission may require compliance to the extent it determines practical. Single-family detached residences and agricultural land uses and structures are exempt from these requirements.

(2) **Required Landscape Plan**. All proposed landscape plantings to be located on the subject property shall be depicted on a landscape plan as to their location, type, and size at time of planting and maturity.

(3) **Landscape Planting Requirements**. Landscaping shall be provided based on the following requirements for street frontages, paved areas, building foundations, buffer yards, and general yard areas. These requirements are additive to each other and any other landscaping or screening requirements in this Chapter. Credit for existing landscape plantings that are retained and protected with the development of the site shall be allowed. The point system is described in greater detail in subsection (4), below.

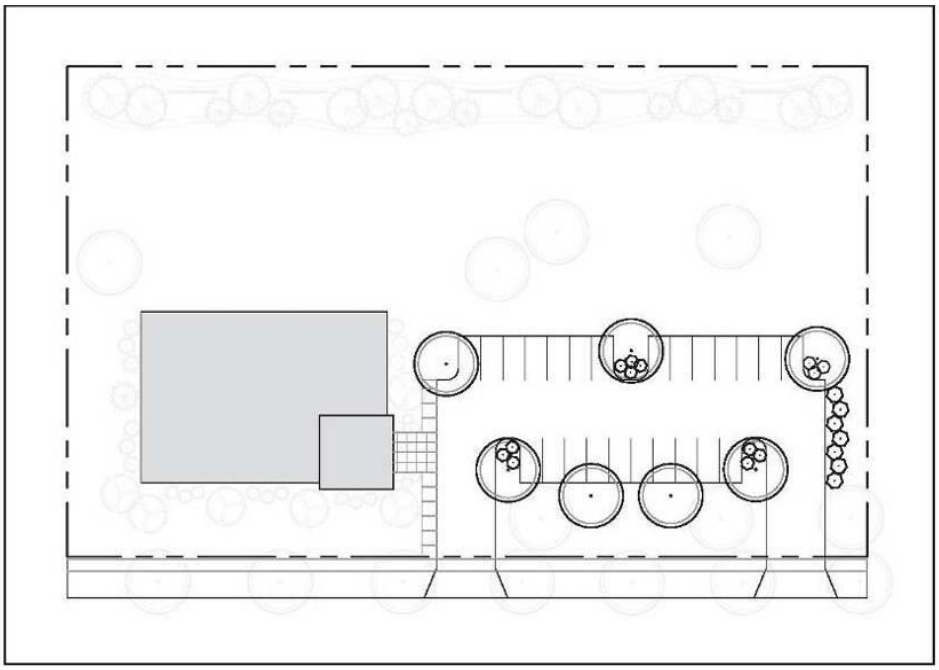
   (a) Street Frontages. Street trees shall be planted per the requirements of Title III, Chapter 1, Section 1.05(10), except that in any case where the Plan Commission determines that the required spacing cannot efficiently be satisfied in the terrace or if, in the opinion of the Plan Commission, the terrace is not able to support tree growth due to its dimensions or the location of utilities, the Commission may approve the planting of the required trees in other locations. Acceptable street tree species are as stated in Figure 2.8.02(6) and Title II, Section 3.07(8) of the Municipal Code.

Figure 2.8.02(1): Street Frontage Example
(Not Intended to Represent Minimum Requirements)



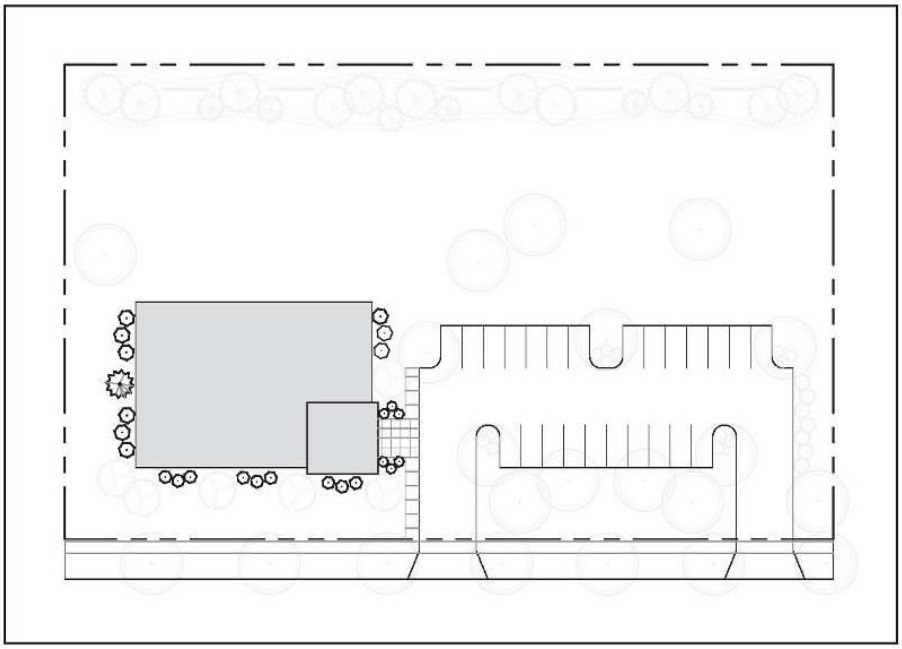
(b) Paved Areas. 100 points of landscaping shall be planted for each 1,500 square feet of paved or other hard-surfaced area, not including rooftops. Plants required in this Section shall be installed within landscaped islands within the paved area or within 15 feet of the edges of the paved area, and shall include large deciduous trees unless otherwise approved by the Plan Commission.

Figure 2.8.02(2): Paved Area Landscaping Example
(Not Intended to Represent Minimum Requirements)



(c) Building Foundations. 150 points of landscaping shall be planted for each 100 lineal feet of exterior building wall. Plants required by this Section must be installed within 20 feet of the building foundation, and shall not include large deciduous shade trees.

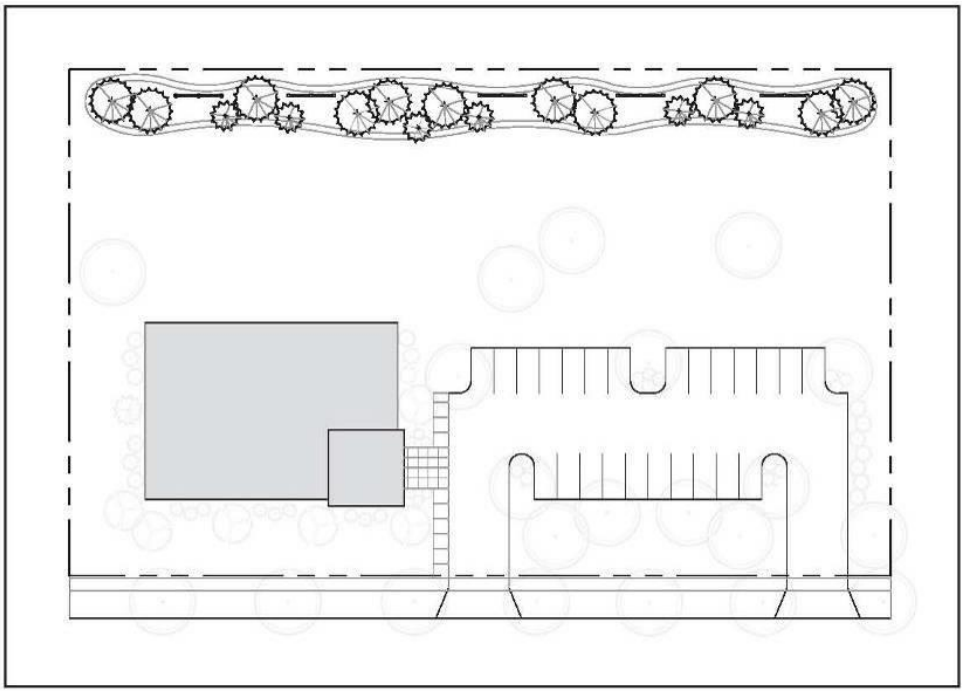
Figure 2.8.02(3): Building Foundation Landscaping Example (Not Intended to Represent Minimum Requirements



(d) Buffer yards. A buffer yard, as defined in Section 2.14.04, shall be provided if required for a particular land use listed in Article 4, and where otherwise required by the Plan Commission as part of its approval of a site plan under Section 2.13.09. Where required, buffer yards shall comply with the following.

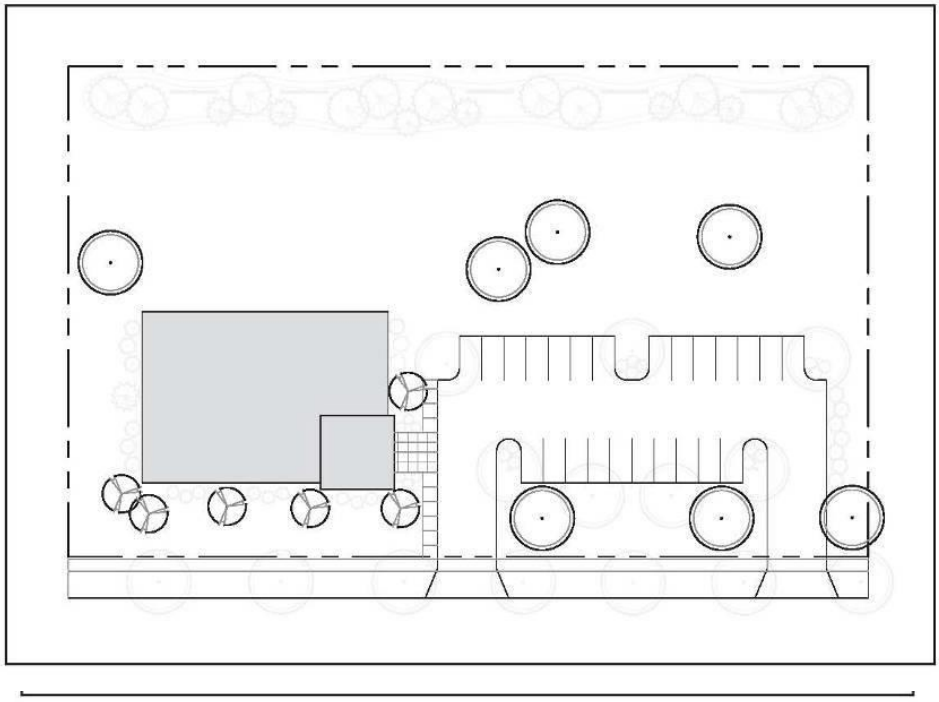
1. The minimum width of a buffer yard shall be 25 feet, unless reduced by the Plan Commission if it determines that a lesser width is both adequate to separate incompatible uses/activities and necessary owing to site constraints beyond the control of the owner.
2. No building, vehicle accommodation area other than a bike/pedestrian way, trash storage area, light fixture, sign, or outdoor storage area or structure shall be permitted in a required buffer yard.
3. Landscaping within buffer yards shall be selected, positioned, and planted in sufficient quantities to provide an all-season screen within five years of planting and have a minimum height of three feet at time of planting. Such landscaping shall not count towards any other frontage, paved area, building foundation, or general yard area planting requirement of this Article.
4. The use of a decorative opaque fence or wall, and/or a berm, in lieu of or in addition to the landscaping may be approved by the Plan Commission, provided the slope of any berm is less than 4:1; the berm, fence or wall does not interfere with access, utilities, or stormwater management.

Figure 2.8.02(4): Bufferyard Landscaping Example
(Not Intended to Represent Minimum Requirements)



(e) General Yard Areas. 200 additional points of landscaping shall be planted for each 5,000 square feet of total lot area, excluding those areas under a rooftop, paved area, or required buffer yard. Landscaping required by this standard shall be placed where appropriate on the site, but generally in those areas not covered by other provisions of this Section. At least 50 percent of the general yard landscaping shall be located in a front or street side yard.

Figure 2.8.02(5): General Yard Landscaping Example
(Not Intended to Represent Minimum Requirements)



(f) Other Green Space Areas. Green space areas not used for landscape plantings, other than natural resource protection areas, shall be graded and sodded or seeded with a maintainable seed mix. Organic or natural mulch of plantings or planting beds is acceptable, but shall be installed so it does not erode, fall, be plowed, or otherwise transported into walks, drives, streets, or other hard-surfaced portions of the site.

(4) **Landscaping Points and Minimum Installation Sizes**. Most of the above landscaping requirements are expressed in terms of landscape points. Each plant type, below, is worth a certain number of landscape points that can be used to fulfill the landscaping requirements. Minimum permitted installation sizes for each plant category are provided to ensure that landscaping provides its aesthetic and screening functions at the time of installation and to improve survival rates. The schedule of landscaping points and minimum permitted installation sizes is as follows:

Figure 2.8.02(6): Landscaping Points, Minimum Installation Size, Examples of Appropriate Species

Plant Category	Expected Mature Height	Minimum Permitted Installation Size	Landscape Points per Plant	Examples of Appropriate Species[1] (see Notes)
Large Deciduous Tree (mature height 25+ feet)	Greater than 25 feet	2 inch diameter (1½ inch for street trees)	150	Oak[2], Maple[2] (except Norway and Silver), Honeylocust, Gingko (male)[2], Hazelnut, Hackberry[2], Basswood or Linden[2], Larch, Disease resistant Elm, Kentucky Coffeetree, Sycamore[2], Scarlet Hawthorne[2]
Small Deciduous Tree (mature height < 25 feet)	25 feet or less	1½ inch diameter or 4 feet tall	60	Birch, Serviceberry, Hawthorn, Eastern Redbud[3], Callery Pear, Flowering Crab, Ironwood, Japanese Tree Lilac, Hornbean/Hophornbeam[3], Amur Corktree, Amur Maple[3], Pagoda Dogwood[3], Winter King Hawthorne[3], Ornamental Crabapple[3], Newport Plum[3]
Evergreen Tree	Usually > 10 feet	4 feet tall	40	Pine (except Austrian), Spruce, Hemlock, Cedar
Shrub (Deciduous or Evergreen)	Usually less than 10 feet	2 feet in height or 2 gallon pot	20	Dogwood, Viburnum, Hedge Cotoneaster, Forsythia, Yew, Hazelnut, Hydrangea, Ninebark, Dwarf-Bush Honeysuckle, Potentilla, Rose, Gro-low Sumac, Lilac, Weigela, Arborvitae, Juniper
Annual/Perennial Bed (including rain gardens)	Varies	Varies	20 points per 20 square feet of bed	Black-eyed Susan, Catmint, Coneflower, Lily, Daylily, Hosta, Ornamental grasses, Lady's Mantle, Columbine, Aster, Astilbe, Indigo, Brunnera, Cimicifuga, Liatris, Peony, Pachysandra, Sedum

Notes:

[1] Species listed are examples only. Other species such as non-invasive (not aggressive spreaders) and native plant species are also encouraged, except for those prohibited species listed below. Consider salt and snow tolerance when making plant selections.

[2] Appropriate trees in street terrace area, where no overhead power lines are present. Consult with Village Forester for other appropriate terrace trees.

[3] Appropriate trees in street terrace area, where overhead power lines are present.

(5) **Prohibited and Discouraged Species.**

(a) The following species are prohibited for use as landscaping plants in all locations:
1. Honeysuckle: Lonicerax-bella, Lonicera marrawi, Lonicera tatarica
2. Box Elder (acer negundo)
3. Buckthorn (common or glossy): Rhamnus cathartica, Rhamnus frangula (tall hedge)
4. Black Locust (robinia pseudacelia)
5. Mulberry Tree (*morus*)
6. Poplar (genus populus, all varieties, including Cottonwood)
7. Ash (all varieties, until threat of emerald ash borer is eliminated)
8. American Elm (almus american) and any other species of elm not resistant to Dutch Elm Disease

(b) The use of the following tree species shall be discouraged:
1. Ailanthus (Tree of Heaven)
2. Catalpa
3. European White Birch
4. Fruit-bearing Trees (excluding Crabapples)
5. Russian Olive
6. Siberian Elm
7. Silver Maple
8. Walnut
9. Willow (except along water edges)
10. Pine
11. Other weak-wooded tree species or species that deposit a significant number of twigs, seed pods, fruits, nuts, and/or other debris.

(6) **Installation**. All landscaping required under this Section shall be installed consistent with Village standard specifications and industry accepted standards, and shall be guaranteed by the applicant or the applicant's contractor for two years. Installation shall occur prior to occupancy or commencement of operations, unless doing so would result in unsatisfactory plant survival. In this case, landscaping shall be installed within six months of occupancy or commencement of operations, and the Village may require a performance guarantee, such as a letter of credit, before a permit for building occupancy is granted and until such landscaping is installed according to plan.

(7) **Maintenance**. Landscaping required by this Section is intended to be a permanent site improvement. As such, all landscaping shall be continually maintained in a live, healthy, safe, and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes; maintenance shall include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a plant dies or in the spring planting season of the following year. Landscaping shall also be subject to applicable maintenance standards with Title II, Section 3.07 of the Municipal Code.

(8) **Location in Utility Easements.** Planting in utility easements is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at his or her cost.

(9) **Landscaping in Public Rights-of-way or Public Lands.** Tree or shrub planting in any public right-of-way or on any public land in the Village shall be governed by Title II, Section 3.07(7).

Section 2.8.03 Lawn Care and Alternative Groundcover

Lawn care, including gardens, shall comply with the requirements of Title II, Section 3.08 and any other applicable regulation within the Village of Poynette Municipal Code.

Section 2.8.04 Preservation of Topography

(1) **Purpose.** The purpose of this Section to protect property owners from possible damage resulting from modifications to the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape.

(2) **General Applicability.** The following provisions shall apply to all property:

(a) With development of any land, effort shall be maintained to preserve pre-existing topography to the extent practical and consistent with safe, efficient, and attractive land development.

(b) No structure shall be built that would alter the existing drainage or topography in any way as to adversely affect the adjoining property(ies).

(c) In no case shall any slope exceed the normal angle of slippage of the material involved.

(3) **Applicability to Residential Zoning Districts.** The following provisions shall apply to all property located within a residential zoning district and PN Planned Neighborhood district:

(a) No change in existing topography shall be made that would result in increasing the slope of any land within a distance of 20 feet from a property line to a ratio greater than three horizontal to one vertical (maximum 3:1 slope).

(b) Except upon written approval of the owner of all abutting property(ies)the Plan Commission, no building shall be built such that the highest point of the top of the completed foundation wall is raised above the higher of the following:

1. 36 inches above the native soil level, measured at the highest elevation of native soil level at any point abutting the completed foundation, or;

2. 36 inches above the design sidewalk elevation on the street abutting the front yard of the building, or 40 inches above the street centerline level if no sidewalk is planned.

Article 9: GENERAL PERFORMANCE STANDARDS

Section 2.9.01: Purpose and Applicability

(1) **Purpose.** The purpose of this Article is to indicate requirements for fences, drainage structures, earth filling/moving, fences, swimming pools, vehicle access, parking and circulation, off-street loading, exterior storage, exterior lighting, exterior communications equipment, exterior energy generation systems, vibration, noise, air pollution, odors, electromagnetic radiation, glare, heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials.

(2) **Non-applicability to Agricultural and Single- and Two-family Residential Land Uses.** Except where a performance standard in this Article is specifically made applicable to agricultural and single- and two-family residential land uses in this Article, agricultural and single- and two-family residential land uses and structures are exempt from these requirements (but subdivisions intended for future residential use are not exempt).

Section 2.9.02: Stormwater Management, Earth Filling, and Excavating

(1) **Stormwater Management and Erosion Control.** All stormwater management and erosion control improvements shall comply with all applicable Village, County, State, and Federal standards, including Title III, Section 8, and with the Village's stormwater management plan. The Village encourages rain gardens, bioswales, and other similar natural forms of stormwater management and infiltration.

(2) **Earth Filling and Excavating.** Earth filling and excavating activities include any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state. Earth filling and excavating activities shall not create drainage into other properties, impair natural drainage from other properties, or impede on-site drainage. Such activities shall further comply with other Village, County, State, and Federal standards.

Section 2.9.03: Fences, Landscape Walls, and Hedges

(1) **Purpose**

The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

(2) **Applicability**

The requirements of this Section apply to all permanent fencing, landscape walls, and decorative posts equal to or exceeding four feet in height.

(3) **Standards**

(a) Traffic Visibility. All fences, walls, and hedges must comply with the vision clearance requirements of Section 2.9.07(13).

(b) Residential Fences

1. Required Front and Street Side Yard Fences. For all residentially zoned land and residential uses, the maximum height of each fence, wall, or continuous hedge within the front or street side yard for a principal structure shall be four feet. Residential fences in a front or street side yard shall be decorative in nature and of semi-open designs such as non-pointed vertical picket, weaved lattice, or wrought iron bars; wire, chain, or exposed/reflective metal are not permitted. Front and street side yard fences, walls, and hedges shall be set back a minimum of five feet from any front or

street side property line, and 18 inches from any other property line or six inches with written approval from the adjoining property owner.

2. Required Interior Side and Rear Yard Fences. For all residentially zoned land and residential uses, a fence, wall, or living hedge not exceeding six feet in height may be erected or planted within the interior side yard or rear yard, provided it is set back at least 18 inches from a property line or six inches with written approval from the adjoining property owner.

(c) Non-Residential Fences

1. Security Fences. In non-residential zoning districts (except for residential uses located there), nearly transparent or low-opacity security fences not exceeding 10 feet in height measured from the base are permitted as close as 18 inches from any property line.

2. Other Front and Street Side Yard Fences. In non-residential zoning districts (except for residential uses located there), the maximum height of each opaque or nearly opaque fence, wall, or continuous hedge within the front or street side yard shall be four feet. Such fence, wall, or continuous hedge shall be decorative in nature and set back a minimum of five feet from any front or street side property line, and 18 inches from any other property line or six inches with written approval from the adjoining property owner.

3. Other Interior Side and Rear Yard Fences. In non-residential zoning districts (except for residential uses located there), a fence, wall, or living hedge not exceeding 10 feet in height may be erected or planted within an interior side or rear yard, provided it is set back at least 18 inches from any property line or six inches with written approval from the adjoining property owner.

(d) Fences in Agricultural Districts. Fencing within agricultural zoning districts shall be exempt from the requirements of this Section, except that all front and street side yard fences shall adhere to the front yard fence requirements for residential districts.

(e) Setback Adjustments. Where applicable, the normal minimum setback of a fence facing an adjacent private property may be reduced to zero and/or connected to a neighboring fence so that one or more lengths of fence are used in common, provided that evidence is provided to the Village that the all of the owners have entered and recorded against both lots a formal written agreement that:

1. Includes a clear description, location, and materials of the fence to be installed.

2. Addresses and guarantees maintenance, cost sharing, access, and liability responsibilities.

3. Indicates that such fence may not be removed or relocated unless both owners agree.

4. Includes terms for the dissolution of the agreement.

5. The Zoning Administrator agrees and issues a zoning permit.

(f) Temporary Fences. Fences erected for the protection of plantings or to warn of construction hazards or for similar purposes shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences. Temporary fences may be installed and maintained for a period not exceeding the term of construction, or 180 days if not associated with a construction project. Snow fences shall be removed by April 30.

(g) Appearance. For each fence with a more finished or more decorative side, such side shall face toward the adjoining property or right-of-way.

(h) Construction and Maintenance. All fences, landscape walls, or decorative posts shall be constructed and maintained in a structurally sound and attractive manner. Living hedges must be trimmed so that all limbs remain entirely within the property on which they are planted.

(i) Prohibited Fences

1. The use of a fence that delivers an electric shock is prohibited, except for electric fences used for the confinement of livestock or undomesticated animals in any agricultural district.
2. The use of barbed wire, razor wire, or similar cutting wire is prohibited except:
   a. In any non-residential district, on top of a security fence on which the wire is a minimum of 10 feet above ground level and the wire section is directed inward.
   b. For confinement of livestock or undomesticated animals in agricultural districts.
3. Snow fences or other fences designed for temporary use shall not be used in a permanent application.

Section 2.9.04: Swimming Pools

(1) **Applicability.** This section applies to all swimming pools as defined in Section 2.14.04, excluding pools exempted by that definition.

(2) **Permit Required.** Before work is commenced on the construction or erection of a swimming pool or on any alterations, additions, remodeling, or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel, or add thereto must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data shall be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required fee shall accompany such application.

(3) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction unless the following construction requirements are observed:

(a) Approved Materials. All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all State regulations and with any and all ordinances of the Village.

(b) Plumbing. All plumbing work shall be in accordance with all applicable local ordinances and all State codes and requirements. Every swimming pool shall be provided with a suitable draining method, meeting the requirements of subsection (7) below.

(c) Electrical Installations. All electrical installations, including lighting and heating, but not limited thereto, that are provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with State laws and local ordinances regulating electrical installations.

(4) **Placement and Setbacks.**

(a) Swimming pools shall be erected or constructed in rear or interior side yards only and only on a lot occupied by a principal building, or on an adjacent lot in the same ownership.

(b) All swimming pools shall meet the side and rear setback requirements applicable to accessory structures as included and referenced in Figures 2.5.01(2) and 2.5.02(2).

(5) **Enclosure.**

(a) Each swimming pool as defined in Section 2.14.04 shall be completely enclosed by a fence, wall, cover, or other protective device of sufficient strength to prevent access to the pool by a person weighing 250 pounds or less.

(b) If a fence or wall is used for the required enclosure, such fence or wall shall not be less than six feet in height and not less than six feet from the pool edge; and not have voids, holes, or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any building that forms a part of the enclosure.

(c) If a cover or other protective advice is used for the required enclosure, such cover or other protective device shall have a strength, design, and material that meets the requirements of this Section and is securely fastened in place when the swimming pool is not in use.

(6) **Compliance.** All swimming pools existing at the time of passage of this Chapter not satisfactorily fenced shall comply with the fencing requirements of this section or when water is placed in the pool.

(7) **Draining and Approval Thereof.** No swimming pool shall be constructed so as to allow water to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Draining a swimming pool into public streets, other public property, or the storm sewer system may occur only with the prior approval of the Village's Director of Public Works.

(8) **Filter System Required.** All swimming pools must have, in connection therewith, some filtration system to ensure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(9) **Dirt Bottoms Prohibited.** All swimming pools shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Section 2.9.05: Firewood Storage

(1) **Permitted Yards for Storage**. Within residential and PN zoning districts:

(a) No firewood shall be stored in the front or street side yard, except for a period not longer than 30 days from the date of its delivery.

(b) Not more than 20 percent of the interior side and rear yard may be used for storage of firewood at any one time.

(2) **Stacking.** Firewood shall be neatly stacked and may not be stacked closer than three feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation, and shall otherwise meet the fence requirements in Section 2.9.03.

(3) **Processing.** All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.

(4) **Diseased and Infested Wood.** Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of the Village Municipal Code.

Section 2.9.06: Exterior Storage Standards

(1) **Purpose.** The purpose of this Section is to regulate the use of property for exterior storage (except for firewood regulated under Section 2.9.05) so as to promote the safety and general welfare of the public. Additional standards for outdoor storage applicable to specific land uses as specified in Article 4 and elsewhere in this Chapter shall also apply.

(2) **Exterior Trash Storage.** For all land uses other than a "Single-Family Detached Residence," "Two-Family Residence," "Zero Lot Line Duplex," and "Townhouse," and any agricultural use, all exterior trash storage shall be located within an enclosure that completely screens the view of said trash and associated dumpster. A solid door or gate shall be used to gain access to the storage area. Exterior trash storage areas and associated enclosures must meet the setback requirements for accessory structures included and referenced in Figures 2.5.01(2) and 2.5.02(2).

(3) **Off Street Parking.** Except in agricultural zoning districts, storage of operable and licensed motor vehicles shall be allowed in accordance with the pavement setback requirements of Article 5 and landscaped in accordance with Article 8. Storage of heavy vehicles on property zoned for residential use is prohibited, except for recreational vehicles stored in accordance with subsection (4) below.

(4) **Recreational Vehicles.** Outside storage of recreational vehicles owned for personal use by the property owner or tenants is allowed in all zoning districts per the following:

(a) Outside storage of recreational vehicles associated with an allowed vehicle retail sale, service, or repair land use in a non-residential district, or commercial storage of recreational vehicles owned by individuals other than property owners or on-site residents, shall be regulated as an "Outdoor Display" land use.

(b) Shall be permitted only on a paved or well-drained gravel surface, except that parking on turf or landscaped areas is permitted for temporary loading, unloading, and preparation by the owner.

(c) Shall be permitted in an interior side or rear yard subject to pavement setbacks of the district.

(d) Shall be permitted in a front or street side yard only if there is no reasonable access to an interior side or rear yard. Corner lots shall always be deemed to have reasonable access to a rear yard, and fences shall not constitute a barrier to reasonable access. All parts of the vehicle stored in a front or street side yard must be set back a minimum of five feet from all lot lines, must be at least 15 feet from the face of any curb, and the vehicle must be parked perpendicular to the front curb.

(e) Shall belong to a property owner or tenant of the property. In non-residential districts, outdoor storage of recreational vehicles associated with an allowed commercial use is exempt from this requirement.

(f) Shall apply only to operable and, if designed for road use, licensed and registered vehicles, except that in a non-residential zoning district and as part of an approved vehicle service and repair land use, temporary storage of inoperable vehicles is allowed subject to site plan approval for that use.

(g) Shall not extend over the public sidewalk or other public right of way.

(h) Shall not be used as a dwelling unit for more than 14 days per calendar year, and shall not be considered or used as an accessory structure.

(i) Shall not be connected to sewer at any time and shall not be connected to electricity or water except for maintenance, to prepare a recreational vehicle for use, and/or for use as a temporary dwelling for 14 days per calendar year or less.

(5) **Inoperable Vehicles and Junk.** The outside storage of inoperable or unlicensed vehicles, appliances, and other junk or trash shall be prohibited, except for within. "Junkyard or Salvage Yard" land uses approved in accordance with the requirements of this Chapter.

(6) **Construction Materials and Equipment Related to On-site Construction.** Except within agricultural zoning districts, all temporary storage of construction materials and equipment related to on-site construction shall be set back a minimum of three feet from any interior side or rear property line, and outside of any front or street side yard unless provided site plan approval under Section 2.13.09.

Section 2.9.07: Access and Visibility Standards (Driveways)

(1) **Purpose and Applicability.** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites. The provisions in this Section apply to all uses other than agricultural uses.

(2) **Permit Required.** Each access point onto a Village street or right-of-way shall have a driveway permit issued by the Building Inspector per Wisconsin Statutes 86.07(2). Such driveway permit may be issued as part of or in conjunction with a building permit.

(3) **Number of Vehicular Access Points.**

(a) Each lot shall not have more than one vehicular access point on any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line), and not more than two access points otherwise. .

(b) On arterial streets and in certain areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be via an access point on an adjacent property or another street frontage.

(c) Exceptions to these access point standards may be approved by site plan approval under Section 2.13.09.

(4) **Residential Uses.** Residential uses shall not have access points onto a collector street primarily serving a commercial area or an arterial street, unless such street has the only available frontage.

(5) **Non-residential Uses.** Non-residential, non-agricultural uses shall not have access points onto a residential street, unless such street has the only available frontage.

(6) **Access Near Street Intersections.** At its intersection with the street right-of-way line on an arterial or residential collector street primarily serving a nonresidential area, no access point shall be located closer than 100 feet from the intersection of any two street rights-of-way unless access is otherwise impossible. In all cases, access points shall be located as far from an intersection as the lot size permits. Nonconforming driveways may be replaced in their current location, except where required to be relocated as part of a site plan approval.

(7) **Distance Between Access Drives.** The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of said 25 feet may be required if, in the opinion of the Zoning Administrator, the present or projected traffic factors warrant a greater distance.

(8) **Angle of Intersection with Public Right-of-Way.** All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.

(9) **Distance from Property Line.** The distance from an access drive or parking lot to the property line of an adjacent property shall not be less than three feet, as measured along the right-of-way line, except for in the case of approved shared driveways. See also Figures 2.5.01(2) and 2.5.02(2).

(10) **Width of Driveways.** All access drives shall have a minimum width of 10 feet for single-family and two-family dwellings, and 20 feet for all other land uses to which this Section is made applicable. All curb openings for access drives shall have a maximum width of 24 feet for all residential uses, and 40 feet for all non-residential, non-agricultural uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet. Widths that vary from those specified above may be approved by site plan approval under Section 2.13.09.

(11) **Traffic Control.** The traffic generated by any use shall be channelized and controlled in a manner that minimizes congestion on public streets and/or other safety hazards. Traffic into and out of all off-street parking, loading, and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways.

(12) **Paving of Access.** All access approach areas located within a street right-of-way shall be paved with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from a property into the right-of-way.

(13) **Vision Clearance Standards.** In order to provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear vision formed by (a) the two lines formed by the boundaries of any two intersecting street rights-of-way (or by the boundaries of a site access driveway and an intersecting street right-of-way) and (2) a third straight line connecting the first two lines per the following standards:

Figure 2.9.07(1): Vision Clearance Triangle Standards

Street Right-of-Way Width	Distance from Street Right-of Way/Driveway Edge Intersection
less than 66 feet (and all driveways)	10 feet
66+ feet	20 feet

Within said triangular area, no signs, structures, earthwork, vegetation, or other obstructions between 30 inches and eight feet in height (measured above either of the centerline elevations of said two streets) shall be permitted, except for tree trunks and sign poles.

(14) **Depiction on Required Site Plan.** The configuration and location of any and all proposed access drives on a property shall be depicted on any required site plan.

Section 2.9.08: Off-Street Parking and Traffic Circulation Standards

(1) **Purpose and Applicability.** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation. The requirements of this Section shall apply to all uses, except for agricultural uses and as limited in Section 2.9.08(12).

(2) **Depiction on Required Site Plan.** Any and all parking and traffic circulation areas proposed to be located on a property shall be depicted as to their location and configuration on the site plan, if required under Section 2.3.03(10) for the development of the property. A garage stall shall be considered a parking space.

(3) **Use of Off-Street Parking Areas.** The use of all required off-street parking areas shall be limited to the parking of licensed and operable vehicles not for lease, rent, or sale. Within residentially zoned property, required parking spaces shall only be used by licensed and operable cars and light-duty trucks. The use of parking spaces for other purposes, such as for seasonal sales, shall be permitted only if sufficient parking spaces remain available to meet the parking requirements of this Section and normal traffic movement is not impeded.

(4) **Traffic Circulation and Traffic Control.** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns and traffic control measures shall conform to the general rules of the road and the requirements of the Manual of Uniform Traffic Control Devices.

(5) **Installation and Maintenance of Off-Street Parking and Traffic Circulation Areas.** All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained

in a dust-free condition at all times. No off-street parking or traffic circulation area may be used as a storage area.

(6) **Off-Street Parking and Traffic Circulation Design Standards.**

(a) **Surfacing and Marking.** All off-street parking and traffic circulation areas (including all residential driveways, except those within agricultural districts) shall be paved and continuously maintained with a hard, all-weather surface. Said surfaces intended for six or more parking stalls shall be striped in a manner that clearly indicates the boundaries of required parking spaces.

(b) **Curbing or Tire Bumper.** All off-street parking areas designed to have head-in parking within 5 feet of any lot line shall provide a tire bumper or curb of adequate height that is properly located to ensure that no part of any vehicle will project beyond the pavement edge. Curbing or other adequate barriers may also be required as part of an approved site plan to properly direct stormwater flows, facilitate safe pedestrian movement, protect landscaped areas, or direct vehicular traffic.

(c) **Lighting.** All off-street parking and traffic circulation areas serving six or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use, with said illumination level shall not exceed the standards of Section 2.9.11.

(d) **Access.** Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner that least interferes with traffic movements. Off-street parking spaces for residential uses may be stacked or in front of one-another for the same dwelling unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.

(e) **Signage.** All signage located within, or related to, required off-street parking or traffic circulation areas shall comply with the requirements of Article 10.

(f) **Handicapped Parking Spaces.** Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.

(g) **Parking Space Design Standards.** Other than parking required to serve the handicapped, the minimum required length of parking spaces shall be 18 feet and the minimum required width is nine feet (7½ feet for end spaces). All parking spaces shall have a minimum vertical clearance of at least seven feet.

(h) **Snow Storage.** Required off-street parking and traffic circulation areas shall not be used for snow storage.

(i) **Parking Lot Design Standards.**

1. Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than 20 feet for two-way driveways and 10 feet for one-way driveways.

2. Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Section 2.8.02(3)(b).

(7) **Calculation of Minimum Required Parking Spaces.** The minimum number of required parking spaces are stated for each land use in Article 4.

(8) **Potential Reduction in Automobile Parking Spaces.** The Plan Commission may approve a decrease in the required number of off-street automobile parking spaces for each land use in Article 4 by up to 25 percent of the normal requirements based upon technical documentation furnished by the applicant that

indicates that actual off-street parking demand for that particular use is less than the normally required minimum.

(9) **Partial Development of Required Parking Spaces.** Any development may seek permission to not install a portion of its required parking at time of site plan approval; however, said site plan shall depict the minimum number of required parking spaces to be available for future construction.

(10) **Limit on the Maximum Number of Required Parking Spaces.** No site plan may be approved for a multi-family residential or non-residential use that contains more than 125 percent of the development's minimum number of required parking spaces, except by conditional use permit.

(11) **Joint and Off-Site Parking Facilities**

(a) Parking facilities providing required parking for one or more uses shall provide a total number of parking spaces that shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses, unless reduced by the Plan Commission per subsection (8).

(b) The applicant(s) for approval of a joint parking facility shall demonstrate that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses the joint parking facility is proposed to serve.

(c) A legally binding instrument, approved by the Village Attorney, shall be executed by any and all parties to be served by said joint parking facility. This instrument shall be recorded with the Register of Deeds Office and filed with the Village Clerk.

(12) **Parking and Loading within Historic Sections of the B-1 Downtown Commercial District.** No off-street parking or loading spaces shall be required for any property that is both zoned B-1 Downtown Commercial and addressed in the North 200, North 100, or South 100 blocks of Main Street.

(13) **Locational Prohibitions for Off-Street Parking Areas**

(a) Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on any approved site plan.

(b) No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way, except by conditional use permit.

(c) See also Section 2.9.07(9) and Figures 2.5.01(2) and 2.5.02(2).

(14) **Minimum Permitted Throat Length.** All uses requiring site plan approval shall have a minimum permitted throat length of access drives serving parking lots of 25 feet, as measured from the right-of-way line along the centerline of the access drive., except as modified by the Plan Commission based on unique site conditions or suitable assurance that traffic will not back up into public rights-of-way.

(15) **Bicycle Parking Standards**

(a) **Required Provision of Bicycle Parking Areas.** A number of off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, with no fewer than two bicycle parking spaces available for all uses requiring 20 or more vehicular parking spaces. Each "Inverted-U" type rack or similar counts as two bicycle parking spaces.

(b) **Specifications for Bicycle Parking Spaces.** All bicycle parking shall be on a hard-surfaced area. All bicycle parking spaces shall be placed within 50 feet of building entrances, or in other locations where bicyclists would naturally transition to pedestrian mode. The placement of the racks shall minimize conflicts with pedestrians and motorized traffic.

Section 2.9.09: Off-Street Loading Standards

(1) **Purpose.** The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.

(2) **Applicability.** Any new building that has a Gross Floor Area of 6,000 square feet or more and that requires regular deliveries, or makes regular shipments from semi-trucks and trailers, shall provide off-street loading facilities in accordance with the regulations of this Section, except for uses/buildings within the B-1 district, uses/buildings that were established before October 21, 2013, and agricultural uses.

(3) **Location**

(a) All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines.

(b) Loading berths shall not be located within any required front yard or street side yard area.

(c) All loading and vehicle maneuvering areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way or minimum required pavement setback Figures 2.5.01(2) and 2.5.02(2).

(4) **Size of Loading Area.** The first required loading berth shall be designed in accordance with Figure 2.9.11(1). All remaining required loading berths shall be a minimum of 50 feet in length and 10 feet in width. All required loading berths shall have a minimum vertical clearance of 14 feet.

(5) **Access to Loading Area.** Each loading area shall be located so as to facilitate access to a public street or alley, shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.

(6) **Surfacing and Marking.** All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner that clearly indicates required loading areas.

(7) **Use of Required Loading Areas.** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.

(8) **Depiction on Required Site Plan.** Any and all proposed or required loading areas and trailer and container storage areas shall be depicted as to their location and configuration on any required site plan.

(9) **Calculation of Required Loading Spaces.**

(a) **Indoor Institutional and Recreational Land Uses.** One loading berth shall be required for each building having a Gross Floor Area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a Gross Floor Area of 30,000 square feet or greater, two loading berths shall be required.

(b) **Commercial (except Offices), Storage/Disposal, Transportation, and Industrial Land Uses.** One loading berth shall be required for each building having a Gross Floor Area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a Gross Floor Area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of Gross Floor Area in addition to the original 29,999 square feet.

(c) **Office Land Uses.** One loading berth shall be required for each building having a Gross Floor Area of 6,000 square feet to 99,999 square feet. For such uses located in buildings having a Gross Floor Area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of Gross Floor Area in addition to the original 99,999 square feet.

Figure 2.9.11(1): Loading Standards

Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (F)
Semitrailer (Model WB-40)	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
Semitrailer Combination (Model WB-50)	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76

Section 2.9.10 Residential Driveway Standards

(1) **Generally.** The owners of residential property in the Village shall construct and continuously maintain a hard-surfaced driveway extending from the curb or street edge to all garages intended for vehicle parking located on the lot, except in agricultural zoning districts.

(2) **Installation Timing.** No residential driveway shall be constructed until the owner has been issued a building permit for the residence. Each residential driveway shall be constructed prior to occupancy of the associated dwelling, except in cases when construction of the dwelling is completed in the month of December, January, February, or March. In such cases, driveways must be installed no later than May 15th following occupancy.

(3) **Minimum Width.** The driveway(s) shall be a minimum of 10 feet wide. Where such driveway(s) meets the garage, the width shall be, at minimum, the width of all garage door openings.

(4) **Provision for Sidewalk.** Driveways shall accommodate a concrete sidewalk section within the public right-of-way, built to Village sidewalk standards, to maintain connection with existing sidewalks or to allow for the connection of future sidewalks on either side of the driveway.

(5) **Hard-surfacing Required.** Approved driveway surfacing materials include concrete, asphalt paving, pervious pavement, paving stones commercially designed and manufactured for the proposed purpose, or

any combination of these materials or another other material specifically approved by the Plan Commission. Gravel or crushed stone driveways are permitted in agricultural zoning districts.

Section 2.9.11: Exterior Lighting Standards

(1) **Purpose.** The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.

(2) **Applicability.** The requirements of this Section apply to all exterior lighting and all interior light visible from the exterior on private property within the jurisdiction of this Chapter, except for lighting within public rights-of-way, lighting located on public property, and/or lighting on communications towers or airports, heliports, helipads, or other similar facilities where required to meet federal and state safety regulations.

(3) **Depiction on Required Site Plan.** Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on any site plan, if required under Section 2.3.03(10).

(4) **Orientation of Fixture.** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a residentially zoned property or allowed to direct light skyward. Shielded luminaries and careful fixture placement shall be used to ensure that exterior lighting prevents direct lighting above the horizontal, except that architectural lighting that focuses all light below the roof line may exceed the horizontal. Search lights are prohibited except for any search light deemed necessary by the FAA.

(5) **Intensity of Illumination.**

(a) In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night.

(b) The maximum average on-site lighting on non-residentially zoned property shall be 3.0 footcandles.

(c) The maximum average on-site lighting on residentially zoned property shall be 1.0 footcandle.

(6) **Fixture Heights.** The maximum fixture height on a residentially zoned property shall be 20 feet. The maximum fixture height in all other districts shall be 35 feet. The height of both pole and fixtures shall be considered for the measurement of fixture height.

(7) **Exceptions to Intensity of Illumination and Fixture Height Requirements.** The Plan Commission may grant exceptions to the above Intensity of Illumination and/or Fixture Height requirements in one or more of the following circumstances:

(a) Outdoor recreation use and assembly areas such as athletic fields.

(b) Gas station pump islands and other uses in which motor vehicles and pedestrians routinely operate in close proximity with one another. Use of recessed canopy lighting to minimize off-site impacts may be required.

(8) **Location.** Light fixtures shall not be located within any required buffer yard under this Chapter, or closer than three feet from a property line.

(9) **Flashing, Flickering and other Distracting Lighting.** Flashing, flickering, moving (such as search spot or search lights), and/or other lighting that may distract motorists is prohibited.

(10) **Nonconforming Lighting.** All lighting fixtures existing prior to October 21, 2013 shall be considered as legal conforming structures (see Section 12).

(11) **Special Events Lighting.** Any temporary use using exterior lighting that is not in complete compliance with the requirements of this Section shall secure a temporary use approval per Section 10.13.07.

Section 2.9.12: Vibration Standards

(1) **Purpose.** The purpose of this Section is to regulate the creation of vibration that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

(2) **Applicability.** The requirements of this Section apply to all uses and activities that create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on a property.

(3) **Depiction on Required Site Plan.** Any activity or equipment that creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan, if required for the development of a property.

(4) **Requirements.** No activity or operation shall cause or create earthborn vibrations in excess of the displacement values given below.

(5) **Method of Measurement.** Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line, as described below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula:

D = K/f, where D = displacement in inches

K = a constant to be determined by reference to the tables below

f = the frequency of vibration transmitted through the ground, cycles per second

(6) **Standards in the GI General Industrial District.** In the GI General Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the Figure 2.9.12(1) below.

Figure 2.9.12(1): Maximum Vibration Levels, I District

Location	K
On or beyond any adjacent lot line	
Continuous	0.015
Impulsive	0.030
Less than 8 pulses per 24-hour period	0.075
On or beyond any residence district boundary line	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

(1) **Standards in other Non-Residential Zoning Districts.** In all other non-residential zoning districts aside from the I Industrial zoning district, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in Figure 2.9.12(2) below.

Figure 2.9.12(2): Maximum Vibration Levels, All Other Non-Residential Districts (except I District)

Location	K
On or beyond any residence district boundary line	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

Section 2.9.13: Noise Standards

(1) The requirements of this Section apply to all uses and activities that create detectable noise, except these standards shall not apply to incidental traffic, parking, loading, maintenance, or agricultural operations.

(2) All noise shall be muffled so as not be objectionable due to intermittence, beat frequency, or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility exceed at the lot line of a property the values given in Figure 2.9.13(1) as measured by, at the minimum, a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential, business, industrial, or institutional district.

(3) Noises that were in effect as of October 21, 2013 shall be considered legal nonconforming noises. The burden of proof to demonstrate that said noises were in effect prior to October 21, 2013 shall be the responsibility of the noise producer.

Figure 2.9.13(1): Maximum Permitted Noise Level at Lot Line For Noise Radiated Continuously*

Zoning District	Increase in Noise Level over Ambient Level
All Residential Districts, P, PN	plus 3 dBA
INT, B-1, B-2, B-3, BP	plus 5 dBA
I	plus 8 dBA
* If the noise is not smooth and continuous or is present only during daytime hours, one or more of the corrections, in Figure 2.9.13(2) below shall be added to or subtracted from each of the decibel levels given in this figure.	

Figure 2.9.13(2): Adjustment Factors for Maximum Noise Levels

Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
* Apply only one of these corrections.	

Section 2.9.14: Air Pollution Standards

(1) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on a property, or by incidental traffic, parking, loading, maintenance, or agricultural operations.

(2) The emission, from all sources within any lot, of particulate matter containing a section diameter larger than 44 microns is prohibited.

(3) Emission of smoke or particulate matter of density equal to or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.

(4) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. This standard shall not apply to allowable agricultural uses within an agricultural zoning district.

(5) All uses shall comply with all applicable State and Federal standards.

Section 2.9.15: Odor Standards

(1) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors associated with allowable agricultural uses; odors created during the construction of the principal use on a property; odors by incidental fertilizer application, traffic, parking, loading, or maintenance operations; or odors associated with the normal operations of any use established before October 21, 2013. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.

(2) Except for food preparation and cooking odors emanating from residential land uses, odors from allowed agricultural land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day that are detectable by the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food at the boundary of a property, where said lot abuts property within any residential zoning district.

Section 2.9.16: Glare and Heat Standards

(1) The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of a principal use, or by incidental traffic, parking, loading, maintenance, or agricultural operations.

(2) No direct or sky-reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at any lot line of a property shall be permitted. Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Zoning Administrator or a designee) at the lot line. Solar Energy Systems regulated by Wisconsin Statutes 66.0401 shall be entitled to the protection of its provisions.

Section 2.9.17: Fire and Explosion Standards

(1) Any use involving materials that could decompose by detonation shall locate such materials not less than 400 feet from any residentially zoned property; or business or institutional zoning district (see Section 3), except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal on-site residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with all fire prevention codes of the State of Wisconsin.

Section 2.9.18: Toxic or Noxious Material Standards

(1) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.

(2) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

Section 2.9.19: Waste Material Standards

(1) No use shall discharge across the boundaries of any property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.

(2) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources.

Section 2.9.20: Hazardous Materials Standards

All land uses involving hazardous materials listed in this Section, except for agricultural uses, shall submit a written description of such materials and the operations involving such materials conducted on their property as part of any required site plan submittal. All such materials shall be regulated in accordance with the relevant Wisconsin Statutes:

(1) Micro-Organism Cultures subject to Wisconsin Statutes 94.65;

(2) Pesticides subject to Wisconsin Statutes 94.67(25);

(3) Biological Products subject to Wisconsin Statutes 95.39;

(4) Hazardous Substances subject to Wisconsin Statutes 100.37(1)(c);

(5) Toxic Substances subject to Wisconsin Statutes 101.58(2)(j);

(6) Infectious Agents subject to Wisconsin Statutes 101.58(2)(f);

(7) Any material for which the State of Wisconsin requires notification of a local fire department; or

(8) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related, materials regulations.

Article 10: SIGN REGULATIONS

Section 2.10.01: Purpose

The purpose of this Article is to establish standards for signage that protect public health and safety, advance the aesthetic and community character objectives of the Village; promote compatible business development and activity; and ensure the effective and flexible use of signage for commercial, community, and individual expression.

Section 2.10.02: Sign Permits

(1) **General Requirements.** Except as otherwise provided in Section 2.10.02(9), no sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit. This Article shall apply to permits for a change of copy on any sign or for any conversions or changes in the sign structure. This Article shall not apply to repainting with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure. No new permit is required for signs that are in place as of October 21, 2013, and such signs may remain as legal nonconforming structures if legally established under applicable sign regulations at time of installation. Any alteration or relocation of such signs shall conform to the requirements of this Article.

(2) **Permit Requirements.** Any sign permit granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure.

   (a) Only those permanent or temporary signs that have been granted a permit from the Zoning Administrator in accordance with the provisions of this Section may be erected, installed, constructed, or maintained, except those signs specifically exempted from permit requirements in Section 2.10.02(9) below.

   (b) The owner or tenant may include all such signs at one premise under one permit.

(3) **Application Procedure.** Each initial application for a sign permit shall be filed with the Zoning Administrator on a form provided by that office, prior to installation of a new sign or modification of an existing sign face or sign structure. To be considered complete, each application shall include the following:

   (a) The name and address of the permit applicant.

   (b) A site plan for the property showing, at a minimum, the location of the proposed sign; the location of all existing signs on the property; all property lines and buildings on the property; and parking areas, driveways, public roads, and buildings within 50 feet of the proposed sign.

   (c) A diagram of the proposed sign, drawn to a recognized scale, and listing and depicting the type, height, width, total sign square footage, square footage of each sign component, method of attachment, structural support, method of illumination, and sign materials.

   (d) The property's zoning district designation.

   (e) A summary of existing signage on the property, including quantity, location, type, and area of all signs on the property both before and after the installation of the proposed sign.

   (f) Proof of payment of the appropriate sign permit fee, per Title VI, Chapter 2.

   (g) Any other item of information that may be reasonably required by the Zoning Administrator for the purpose of application evaluation.

   (h) Any sign on property abutting USH 51 and/or within Wisconsin Department of Transportation right-of-way or setback jurisdiction may also require approval from the Wisconsin Department of Transportation, which is the responsibility of the applicant to research and obtain.

(4) **Granting and Issuance.**

(a) Upon the receipt of a complete application, in cases where the requested sign does not require an approval or recommendation from another body under another requirement of this Chapter, the Zoning Administrator shall review said application for compliance with the requirements of this Section and shall, in writing, approve or deny a sign permit based on the submitted application within 10 working days of the acceptance of the complete application.

(b) Upon the receipt of a complete application, and in cases where the requested sign requires an approval or recommendation from another body under another requirement of this Chapter, such as a conditional use permit, the Zoning Administrator shall review said application for compliance with the requirements of the remainder of this Article, and shall within 10 working days of the acceptance of the complete application notify the applicant of such additional recommendation or approval and schedule the item on the appropriate meeting agenda(s). Following all necessary approvals, the Zoning Administrator shall then, in writing, approve or deny a sign permit based on the submitted application and such additional body's recommendation or action within 10 working days of action by the body with final approval authority.

(c) Denial of a sign permit shall not result in total or partial reimbursement of permit fees paid.

(5) **Basis for Granting.** In deciding whether or not to grant a sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this Article; whether the sign is in compliance with all provisions of this Chapter, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity; whether a conditional use permit or other required Village approval has or has not be granted for the sign; and, to the extent not in conflict with any of the above factors, the recommendation of any other local governmental body or interested party.

(6) **Enforcement and Revocation.**

(a) Following a Class I notice and after a public hearing conducted by the Village Board, any permit may be revoked by the Village Board in the event that the applicant has failed to comply with the provisions of this Section or any conditions that may have accompanied the permit at the time of granting.

(b) Any sign permit granted by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within 180 days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.

(c) The sign(s) subject to any revoked permits shall be removed by the licensee, sign owner, or property owner within 45 days of such revocation.

(d) Revocation shall not result in total or partial reimbursement of permit fees paid.

(7) **Appeals.** Any person affected by a decision of the Zoning Administrator may petition for a hearing before the Zoning Board of Appeals under the provisions of Section 2.13.14. The filing of such petition automatically stays removal of any sign involved and already legally erected until the Zoning Board of Appeals decides whether to sustain, modify, or withdraw the notice.

(8) **Removal of Defective or Dangerous Signs by the Village.**

(a) If the Zoning Administrator determines that any sign exists in violation of this Article, then the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located that such violation must be corrected within 10 days of receipt of such notice on penalty of automatic revocation of any sign permit previously granted.

(b) If the Zoning Administrator causes such notice to be sent and the violation is not corrected within 10 days, the Zoning Administrator shall revoke any sign permit for the defective or dangerous sign. Any failure to remove such sign shall be a violation of this Chapter and shall be subject to enforcement under Section 2.13.19.

(c) Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator.

(9) **Signs Allowed without Permit.** The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area in the zoning district in which they are located per Section 2.10.05 or 2.10.07 below.

(a) **Addresses.** Address numerals and other sign information required to identify a location by law or governmental order, rule, or regulation provided that such sign does not exceed one square foot in area per officially assigned address, or the size required by any law, order, rule or regulation, whichever is greater.

(b) **Architectural Elements.** Integral decorative or architectural elements of buildings or works of art, so long as such elements or works do not contain a commercial message, trademark, moving parts, or moving lights.

(c) **Auxiliary Signs.** Auxiliary signs less than one square foot placed in store windows regarding hours of operation, accepted charge cards, warnings, or similar information.

(d) **Bulletin Boards.** Bulletin boards, not exceeding 12 square feet, for public, philanthropic, or religious institutions located on the premises of said institutions.

(e) **Business Nameplates.** A single non-illuminated nameplate, not exceeding two square feet mounted on the building face, denoting the name of a business legally conducted on the premises.

(f) **Commemorative Signs.** Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure denoting the name of that structure or its date of erection.

(g) **Construction or Project Identification Signs.** Per the temporary sign requirements of Section 2.10.08.

(h) **Farm Field Signs.** Freestanding signs located in a farm field that identify the crop or product used in the field, provided that no such sign exceeds eight square feet in area and eight feet in height.

(i) **Flags and Standards.** Flags, standards, emblems, and insignia of governmental, civic, philanthropic, religious, or educational organizations, less than 50 square feet in area, when not displayed in connection with a commercial promotion or as an advertising device.

(j) **Garage Sale Signs.** Per the temporary sign requirements of Section 2.10.08.

(k) **Historical Markers.** Commemorative plaques, memorial tablets, or emblems of official historical bodies, not exceeding two square feet, placed flat against a building, monument stone, or other permanent surface.

(l) **Holiday Decorations.** Temporary displays of a primarily decorative nature, in connection with traditionally accepted civic, patriotic, or religious holidays.

(m) **Interior Signs.** Signs that are located on the interior of a premise and that are primarily oriented to persons within that premises.

(n) **Management Signs.** Signs not exceeding four square feet that designate the real estate management agent for the premises on which they are located.

(o) **Menu Board Signs.** One menu board sign for a drive-in or drive-through restaurant exclusive of any two-way microphone/speaker devices, provided that the sign does not exceed 40 square feet in area or eight feet in height.

(p) **Model Home Signs.** Per the temporary sign requirements of Section 2.10.08.

(q) **"Open" Signs.** Non-illuminated signs, not exceeding four square feet, that advertise a premises as open for inspection, with no more than one sign per street on which the property has frontage, and not more than two signs in aggregate that are in place only when the related premises are actually open for inspection.

(r) **Political/Election Signs.** Per the temporary sign requirements of Section 2.10.08.

(s) **Real Estate Signs.** Per the temporary sign requirements of Section 2.10.08.

(t) **Regulatory and Government Information Signs.** Signs erected by or on behalf of a duly constituted governmental body, including but not limited to legal notices; handicap parking signs; traffic signs or other regulatory, directional, or warning signs; and signs that are less than or equal to 32 square feet in area except if a regulatory sign. Any other sign for governmental purposes shall require a permit and be classified according to its purpose under this Article.

(u) **Residential Signs.** Signs customarily associated with residential use and not of a commercial nature that do not exceed a total of four square feet in residential zoning districts and 12 square feet in all other zoning districts. Such signs include property identification names and numbers, names of occupants, signs relating to private parking, sings warning the public against trespass or danger of animals, signs indicating a particular farm, and Neighborhood Crime Watch signs.

(v) **Required Signs.** Signs required by State or Federal statute or regulation that do not exceed 110 percent of the minimum legal size requirements.

(w) **Sandwich Board/Pedestal Signs.** Only within zoning districts specified under Section 2.10.08 and meeting the requirements of Section 2.10.04(6).

(x) **Site Information Signs.** Signs of no more than four square feet that, without including advertising of any kind, provide direction or instruction to facilities intended to serve the public, such as rest rooms, public telephones, walkways, parking, and similar facilities.

(y) **Special Displays/Event Banners.** Per the temporary sign requirements of Section 2.10.08.

(z) **Temporary Signs.** Per the temporary sign requirements of Section 2.10.08.

Section 2.10.03: General Signage Standards

(1) **Sign Purposes.**

(a) **Advertising sign, off-premise.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on a premise other than the premise where the sign is displayed. Advertising signs include billboards, but do not include community information signs. After October 21, 2013, no new off-premise advertising signs shall be permitted.

(b) **Auxiliary sign.** A sign that provides special information such as price, hours of operation, parking rules, or warnings, and that does not include brand names or information regarding product lines (except 1 square feet or less). Examples of such signs include directories of tenants in buildings, "no trespassing" signs, menu boards, drive-through ordering stations, and signs that list prices of gasoline, up to one price listing sign per type of fuel, which must be displayed on a single structure.

(c) **Business sign, on-premise.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located.

(d) **Community information sign.** A permanent sign that is limited to the display of information of interest to the general community regarding public events, public activities, and public facilities; or for community identification and directions to destinations in the community.

(e) **Directional sign, on-premise.** A sign that indicates only the name (or logo or symbol) of a specific business/department/use area/destination within a development or premises, and a directional arrow or symbol to that destination. The premises shall include all lots that are contiguous, either under unified single ownership and intended to remain so or within a unified business park.

(f) **Group Development business sign.** A sign displaying the collective name of a group of uses defined as a "Group Development" and/or the names and/or logos of individual occupants of the Group Development.

(g) **Identification sign.** A sign indicating the name and/or address of the tenant of the unit or manager of the property located upon the residential premises where the sign is displayed.

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

(i) **Temporary sign.** A sign or advertising display (including festoons, pennants, banners, pinwheels and similar devices) intended to be displayed for a certain limited period of time. Included in the definition of "temporary signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offer, and personal greeting or congratulatory signs. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose.

(2) **Sign Configurations.**

(a) **Advertising vehicle sign.** A vehicle or trailer parked on public rights-of-way or on private property so as to be seen from a public right-of-way, that attached to or located thereon is any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premise. Business vehicles that contain typical business signage and that are actively used for business purposes are not considered advertising vehicle signs.

(b) **Arm/Post sign.** A type of small-scale freestanding sign mounted on a post or posts, either with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.

(c) **Awning sign.** A sign that is directly affixed via sewing, painting, or similar method to a non-rigid removable awning or canopy that is legally mounted to the facade of a building. Text and/or logos shall be centered on the vertical face of the lower part of a canopy and shall not project below or above the vertical canopy surface. Text and logos on an awning shall be limited to 12 inches vertically; and shall not exceed 10 percent of the awning/canopy area.

(d) **Freestanding sign.** A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes arm/post signs, monument signs, and pylon signs. The sign shall not be erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The base or support(s) of freestanding signs shall be securely anchored to a concrete base or footing, except for public and institutional street and directional signs installed in

public rights-of-way. The footing and related supporting structure of a freestanding sign including bolts, flanges, and brackets shall be concealed by the sign exterior and shall be landscaped.

(e) **Marquee sign.** A sign mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance and/or entrance approaches to a building. Marquee signs shall be mounted parallel to the vertical surface of the marquee and not project more than 18 inches beyond the vertical surface of the marquee. No part of a marquee sign shall extend beyond the top, bottom, or side edges of the vertical face of the marquee surface.

(f) **Mobile sign.** A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage.

(g) **Monument sign.** A type of freestanding sign with a bottom edge located within one foot of a ground-mounted pedestal.

(h) **On-building sign.** A type of sign permanently affixed to an outside wall of a building.

(i) **Projecting sign.** A type of on-building sign that is mounted at any angle other than parallel to the wall on which it is mounted and/or extends beyond 18 inches from the wall. Projecting signs shall not project more than four feet from the wall on which it is mounted. No portion of a projecting sign shall have less than 10 feet of ground clearance or extend higher than 20 feet above the ground, measured from the grade immediately below the sign.

(j) **Pylon sign.** A type of freestanding sign erected upon one or more pylons, poles, or posts, generally of a scale that is larger than an arm/post sign.

(k) **Sandwich board/pedestal sign.** A movable sign placed by hand outside the building while the business is open; removed at the time the business closes each day; self-supporting and stable even on windy days because of its design; used for the purpose of promoting special business offers and not as primary business signage; and meeting all applicable size, placement, and other requirements of Section 2.10.04(6).

(l) **Wall sign.** A type of on-building sign mounted parallel to and directly on a building facade or other vertical building surface. Wall signs shall not project more than 18 inches beyond the edge of any wall or other surface to which they are mounted. The top of the sign shall not extend above the top edge of the vertical wall or above the lowest edge of a roof line of the portion of the building to which it is mounted.

(m) **Window sign.** A type of sign mounted on or within an exterior window with a primary intent to advertise a business or product within the premises.

(n) **Variable message sign (VMS).** A sign that displays words, lines, logos, graphic images, or symbols that can automatically or by computer program change to provide different information, including computer signs, electronic reader boards with changeable letters, LCD and other video display signs, and time and temperature signs.

(3) **Sign Measurement.**

(a) **Sign height.** The height of a freestanding sign shall be measured from the average ground level adjacent to the sign to the top of the sign. The average ground level is defined as the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.

(b) **Sign area.** Sign area shall be measured in the following manner:

1. In the case of an on-building sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed.

2. In the case of an on-building sign on which the message is fabricated together with the background that borders or frames that message, sign area shall be the total area of the entire background.
3. In the case of an on-building sign on which message is applied to a background that provides no border or frame (such as individual letters applied to a building face or awning), sign area shall be the combined areas of the smallest rectangle that can encompass the complete message (e.g. business name, business logo, etc.) of the subject sign.
4. In the case of a freestanding monument, arm/post, or pylon sign, sign area shall consist of the total area of the smallest rectangle that can enclose all structural elements of the sign, including the area in which copy can be placed, and all surrounding borders, decorative frames, etc. Where a freestanding sign (monument or pylon) has two or more display faces, the total area of all of the display faces that can be viewed from any single vantage point shall be considered the sign area. Freestanding sign area shall exclude any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign elements listed above. Examples of supporting structures excluded from freestanding sign area calculations include the masonry base of a monument sign, the supporting post(s) to the side of or below an arm/post sign, or supporting pole(s) or pylons of a pylon sign.

Section 2.10.04: General Signage Regulations Applicable to All Zoning Districts

(1) **Sign Prohibitions and Limitations.**

(a) No sign shall be erected at any location where it may, by reason of its position, shape, color, or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, nor shall such sign make use of words such as "stop," "look," "drive-in," "danger," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse users of streets or highways.

(b) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

(c) No sign shall be erected that violates the visibility and clearance requirements of Section 2.9.07(13).

(d) No private sign shall be attached to or painted on any public utility pole, public light pole, or traffic regulatory structure.

(e) No fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, or other decorations shall be permitted.

(f) No illuminated flashing or animated signs shall be permitted. Variable message signs meeting the definition and requirements of this Article shall not be considered illuminated flashing or animated signs.

(g) No illuminated sign/bulb shall be permitted unless the illumination of the sign is so designed that the lighting element (except for neon signs) is not visible from any property within a residential zoning district.

(h) Except for projecting, awning, marquee, and sandwich board/pedestal signs in the B-1 Downtown Commercial district, no sign other than a regulatory or government information sign shall be permitted within or extend into a public right-of-way.

(i) Except via Plan Commission site plan approval, no sign shall be mounted or displayed on, or extend above the top edge of a roof or extend above the top-most edge of an exterior wall.

(j) No mobile or portable signs shall be permitted. Sandwich board signs as defined and regulated in this Chapter shall not be considered mobile or portable signs.

(k) No inflatable signs shall be permitted.

(l) No advertising vehicle signs shall be permitted.

(m) No billboard advertising signs expressly designed for off-premise advertising shall be permitted, except for the small blue highway information signs authorized by the State of Wisconsin per applicable Wisconsin Statutes. Billboard advertising signs legally installed before October 21, 2013 but made nonconforming by this Article shall be permitted to continue as legal, nonconforming structures, subject to the requirements of Section 2.12.04. This provision does not prohibit the use of on-premise business signs allowed in Section 2.10.07 that are accessory to established on-premise principal uses for constitutionally protected free speech, provided all messages are in accordance with the time, place, and manner requirements of this Article and other provisions of this Chapter, the Village Municipal Code, and other applicable laws.

(2) **Sign Location Requirements.**

(a) **Relationship to Regulatory and Government Information Signs.** No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device. Freestanding signs may not locate within required vision clearance areas under Section 2.9.07(13), nor otherwise impede traffic or pedestrian visibility.

(b) **Setbacks.** The permitted locations and setbacks of all freestanding signs shall be as stated in this Article. Sign setback shall be the shortest distance between the vertical plane extending from the property line (or other specified basis for the setback point) to the nearest structural element of the sign, whether said sign element is attached to the ground or suspended above ground.

(c) **Minimum Ground Clearance.** All pylon signs, projecting, marquee, and awning signs shall have a minimum clearance from grade of eight feet to the bottom of the sign and shall not project into any vehicle circulation area, beyond a public street curb line, or beyond any public street pavement edge if no curb is present.

(3) **Community Information Signs.** On-premise and off-premise community information signs shall be allowed only by Plan Commission site plan approval under Section 2.13.09. Such signs shall be subject to the following regulations:

(a) Shall only display information in accordance with Section 2.10.03(1)(d).

(b) May be located on private or public property, including rights-of-way if allowed by site plan approval.

(c) May have changeable copy.

(d) Shall conform to the visibility requirements of this Article and of Section 2.9.07(13).

(e) Shall not be counted as adding to the area of signage on the property on which it is placed for the purposes of regulating sign area.

(4) **Variable Message Signs (VMS).**

(a) **Allowable Districts and Land Uses.** No VMS shall be allowed within any open space, residential, B-1, B-3, or PN district, or for any residential or "Institutional Residential" use regardless of district.

(b) **Length of Cycle.** Messages and non-text images shall not change appearance more than once every 10 seconds and transitions between messages shall be via instantaneous change. Use of variable message signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered prohibited flashing or animated signs. No scrolling messages are permitted.

(c) **Brightness Adjustment.** All VMS shall be equipped with photosensitive equipment that automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. Light output shall not exceed that allowed under Section 2.9.11.

(d) **Dimensions.** The illuminated or message display area of the VMS is subject to the same height and area requirements as other on-premise business signs in the zoning district. All variable message signs shall be included in the calculation of total permitted sign area for the type of on-premise business sign (wall or freestanding) and the zoning district in which the sign is located.

(e) **Maintenance.** All VMS shall be maintained so as to be able to display messages in a complete and legible manner.

(f) **Location.** In addition to standard setback requirements for the applicable sign type, no VMS shall be positioned to be visible from any permitted residential use unless the sign is located at least 100 feet from said use.

(5) **Window Signs.**

(a) **Area.** Window signage shall not cover more than 30 percent of the combined area of first floor windows on any façade and 10 percent of any upper story window.

(b) **Installation.** Window signs shall be confined within the transparent area of the window and shall not encroach upon the frame, mullions, or other supporting features of the glass. All permanent window signs that have their lettering or graphic elements directly on the surface of the glass shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the exterior building window or door.

(c) **Maintenance.** All window signs shall be maintained so as to be able to display messages in a complete and legible manner.

(d) **Area Calculations.** The area of window signs shall be calculated in the same manner as other on-building signs, and shall count against the maximum number and area for on-building business signs as specified in Section 2.10.07.

(6) **Sandwich Board/Pedestal Signs.**

(a) There shall be a maximum of one sandwich board/pedestal sign per business.

(b) Height shall not exceed five feet (as measured when such sign is properly placed directly on the ground or sidewalk surface), width shall not exceed three feet, and sign area shall not exceed six square feet per side.

(c) All sandwich board/pedestal signs shall be designed to be self-supporting and in such a manner to withstand the elements, including the ability to remain upright on windy days.

(d) No sandwich board/pedestal sign shall be illuminated in any manner (except via cordless power for not more than 30 days in any calendar year), have more than two sides, be placed off-premise (except where allowed on a sidewalk immediately adjacent to the business lot to which it relates), or be designed to resemble a public regulatory sign (such as a stop sign).

(e) All sandwich board/pedestal signs shall be placed directly on a paved surface or walkway surface.

(f) No sandwich board/pedestal sign shall be placed in a required landscape or buffer yard area.

(g) No sandwich board/pedestal sign shall be placed on a public sidewalk or shall otherwise extend onto or into a public right-of-way, except where following criteria are met:

1. There is not adequate space available on the premises to place the sign on private property in a manner that is visible to the public.

2. The sign is placed directly in front of the business to which it is related.
3. No part of the sign is any closer than three feet from the face of the curb.
4. A minimum of four feet in width of unobstructed travel way remains available in all directions on the sidewalk at all times

(h) Placement of all sandwich board/pedestal signs shall meet all vision clearance requirements in Section 2.9.07(13), and shall otherwise not impede traffic visibility in the determination of the Zoning Administrator.

(i) All sandwich board/pedestal signs must be kept in good condition, as determined by the Zoning Administrator and per the maintenance requirements of Section 2.10.10.

(j) Sandwich board/pedestal signs shall not count against the maximum area or number of business signs allowed per Section 2.10.07.

(k) Except where placed within the public right-of-way, sandwich board/pedestal signs that meet the requirements of this Section and are in an allowable zoning district may be used without the need for a sign permit.

Section 2.10.05: Regulations for Residential Zoning Districts

In all residential zoning districts, signage shall be permitted per the following and all other applicable requirements of this Article:

(1) **Identification Sign.**

(a) For each single-family and two-family residential principal use:

1. Permitted Sign Types: Wall Signs, Arm/post signs.
2. Maximum Permitted Number per Lot: One sign
3. Maximum Permitted Area per Sign: Two square feet.
4. Minimum Setback from All Property Lines: Three feet.

(b) For a multi-family residential structure containing three or more dwelling units:

1. Permitted Sign Types: Wall Signs, Monument Signs, Arm/post signs.
2. Maximum Permitted Number per Lot: One Wall Sign or one Monument Sign.
3. Maximum Permitted Area per Sign: 12 square feet.
4. Minimum Setback from All Property Lines: Three feet.

(c) For each multi-structure residential Group Development, residential subdivision, institutional use, or "Community Garden" land use:

1. Permitted Sign Type: Wall Sign, Monument Sign, or Arm/post Sign.
2. Maximum Permitted Number: One per public street or driveway entrance, up to a maximum of three per lot.
3. Maximum Permitted Area per Sign: 32 square feet.
4. Minimum Setback from All Property Lines: Three feet.

(2) **Auxiliary Sign.** (such as "Beware of Dog" or "No Trespassing"):

(a) Permitted Sign Types: Wall Signs, Freestanding Signs.

(b) Maximum Permitted Number of Freestanding Signs per Lot: Two, or more if allowed by site plan approval.

(c) Maximum Permitted Area per Sign: Two square feet.

(d) Minimum Setback from All Property Lines: Three feet.

(3) **On-Premise Parking Area and Directional Sign.** (for multi-family residential use, multi-building development, or institutional use):

(a) Permitted Sign Types: Wall Signs, Monument Signs, and Arm/post Signs.

(b) Maximum Permitted Number per Lot: One directional sign for each vehicular entrance and each vehicular exit, and one parking restrictions/conditions sign for each parking area.

(c) Maximum Permitted Area per Sign: Nine square feet.

(d) Minimum Setback from All Property Lines: Three feet.

(4) **Temporary Sign.** Temporary signs are allowed per the requirements of Section 2.10.08.

(5) **On-Premise Home Occupation Sign or Bed and Breakfast Sign.** (for all permitted Home Occupation and Bed and Breakfast uses as described in Article 4):

(a) Permitted Sign Types: Wall Signs, Monument Signs, and Arm/Post Signs.

(b) Maximum Permitted Number per Lot: One Wall Sign, or one Monument Sign, or one Arm/Post Sign.

(c) Maximum Permitted Area per Sign: Six square feet.

(d) Minimum Setback from All Property Lines: Three feet.

(6) **On-Premise Business Sign.** For legal, non-conforming businesses only, signs shall comply with the provisions for signs applicable to the B-3 Neighborhood Commercial district.

(7) **Community Information Sign.** Shall comply with the provisions of Section 2.10.04(3).

Section 2.10.06: Signage for Residential Uses in Non-Residential Districts

Regardless of zoning district, signage for all principal residential land uses within non-residential zoning districts shall comply with provisions of Section 2.10.05 and all other applicable provisions of this Article.

Section 2.10.07: Regulations for Non-Residential Zoning Districts

Except for residential uses within non-residential zoning districts (see Section 2.10.06), signage within non-residential zoning districts shall be permitted per the following and all other applicable provisions of this Article:

(1) **Auxiliary Sign.** (such as "open", business hours, "no trespassing", and required gas pump price signs):

(a) Permitted Sign Types: Wall Signs, Freestanding Signs.

(b) Maximum Permitted Number per Lot: Per approved sign plan.

(c) Maximum Permitted Area per Sign: Combined area of all auxiliary signs on any lot shall not exceed 50 percent of the permitted freestanding or on-building sign area for the lot, whichever is greater.

(d) Minimum Setback from All Property Lines: For freestanding auxiliary sign, same as for all other freestanding signs in district.

(2) **On-Premise Parking Area and Directional Signs.**

(a) Permitted Sign Types: Wall Signs, Monument Signs, and Arm/post Signs.

(b) Maximum Permitted Number per Lot: One directional sign for each vehicular entrance/exit, and one parking restrictions/conditions sign for each parking area.

(c) Maximum Permitted Area per Sign: Nine square feet

(d) Minimum Setbacks from All Property Lines: Three feet or the height of the sign, whichever is greater.

(3) **On-Premise Group Directional Signs:** Within Group Developments as defined in Section 2.14.04 or in non-residential developments in which two or more separate establishments, agencies, and/or use areas occupy different buildings or occupy the same building but are accessed from different driveways, parking areas, and/or sides of a building, on-premise directional signage may be combined on a monument sign in accordance with subsections (a) through (e) below. Examples of eligible uses include multi-agency institutional buildings with separate building entrances and parking areas; hospitals with separate entrances or vehicle accommodation areas for distinctive functions (emergency rooms, visitor parking, clinics) or campuses with multiple buildings; sites or business parks with multiple, individual businesses; and large business or industrial principal structures with separate use area entrances (e.g. customer, employees, and/or shipping). Content of such signs shall be limited to destination name or logo and directional arrows.

(a) Permitted Sign Types: Wall Signs, Monument Signs, and Arm/Post Signs.

(b) Maximum Permitted Number per Lot: One, or as otherwise specified on an approved site plan.

(c) Maximum Permitted Area per Sign: Five square feet per establishment, agency, or entrance. Area allowance shall not be combined and allotted in a manner that allows the directional sign for a specific destination to exceed five square feet in area. Maximum total area per freestanding Group Directional Sign shall be 50 square feet.

(d) Maximum Height: Eight feet.

(e) Minimum Setback from All Property Lines: Three feet or the height of the sign, whichever is greater.

(4) **Sandwich Board/Pedestal Signs.** Per the requirements of Section 2.10.04(6).

(5) **Temporary Sign.** Per the requirements of Section 2.10.08.

(6) **Community Information Sign.** Per the provisions of Section 2.10.04(3).

(7) **On-Premise Business Signs.** (also see summary Figure 2.10.07(1).

(a) **For the Open Space Zoning Districts.**

1. Permitted Sign Type: Wall Sign

a. Maximum Permitted Number per Lot: One sign.

b. Maximum Permitted Area per Sign: 48 square feet.

2. Permitted Sign Type: Freestanding Sign (Monument Sign or Arm/Post Sign only)

a. Maximum Permitted Number per Lot: One sign.

b. Maximum Permitted Area per Sign: 32 square feet for all combined sign faces seen from a single vantage point.

c. Maximum Permitted Sign Height: Eight feet.

d. Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or three feet.

(b) **For the B-1 Downtown Commercial District.**

1. Permitted Sign Type: On-Building Sign (Wall, Awning, Marquee, or Projecting sign)

   a. Maximum Permitted Sign Area Per Signable Wall: On front exterior wall, 2 square feet of on-building business sign area per linear foot of exterior length of that wall, up to a maximum of 100 square feet per business. On each other signable wall, 1 square foot of on-building business sign area for every one linear foot of length of that wall, up to a maximum of 50 square feet per business. The maximum allowable number of on-building business signs per exterior wall shall not be transferable to another signable wall.

   b. Maximum Number of On-Building Signs per Business: Two.

   c. Maximum Number of Projecting Signs or Marquee Signs per Building: 1 projecting or marquee sign per signable wall.

   d. Projecting, marquee, awning, and permanent window signs shall be included in calculations of maximum allowable on-building sign area and number per signable wall.

   e. Permitted Location: On any signable wall visible from a public street, except signable walls which are adjacent to a residentially zoned property. On-building mounted signs shall not be located on any portion of upper stories. The location of signs shall be integrated with, and not cover, architectural elements and details.

   f. The maximum allowable on-building sign area per signable wall shall apply regardless of the number of businesses within the structure. In multi-tenant buildings, the owner(s) shall be responsible for allocation of the signable area for wall signs.

   g. The maximum allowable sign area for a given signable wall is not transferable to another signable wall, except that up to 25 percent of the allowable signage for the front façade may be deducted from the front façade and added to another signable wall.

2. Permitted Sign Type: Freestanding Sign (Monument or Arm/Post Sign only).

   a. Maximum Permitted Number: One per abutting public street (not including an alley), up to a maximum of two per lot.

   b. Maximum Permitted Area Per Sign: 42 square feet

   c. Maximum Permitted Sign Height: Eight feet

   d. Minimum Permitted Sign Setback from All Property Lines: One foot. [Amended 11/17/2014 via Ord. 14-514]

3. Permitted Sign Illumination for B-1 Properties in the North 200, North 100, and South 100 Blocks of Main Street: Illumination of exterior signage on such B-1 properties shall be limited to direct illumination from a shielded exterior light source, or internally illuminated signs that illuminate individual letters but not other sign surfaces. The lighting element of all such fixtures shall not be visible from public rights-of-way or adjoining properties. Other internally illuminated

signs, including illuminated awnings with or without messages, are not permitted on such properties in the B-1 district, except for replacements to pre-existing internally illuminated signs.

(c) **For the INT Institutional and B-3 Neighborhood Commercial Districts.**

1. Permitted Sign Type: On-Building Sign (Wall, Awning, Marquee, or Projecting sign)
   a. Maximum Permitted Area: 1 square foot of on-building sign area per 1 linear foot of exterior length of each signable wall, up to a maximum 50 square feet per business per signable wall. For buildings with multiple tenants, the building owner(s) shall be responsible for assignment of allowable sign area to individual businesses within the building.
   b. Maximum Permitted Number. 1 on-building sign per signable wall per business.
   c. Permitted Location: On any signable wall visible from a public street, except signable walls which are adjacent to a residentially zoned property. On-building signs shall not be located on any portion of upper stories. Sign placement shall be integrated with, and not cover, architectural elements and details.
2. Permitted Sign Type: Freestanding Sign (Monument or Arm/Post only)
   a. Maximum Permitted Number per Lot: 1 per lot.
   b. Maximum Permitted Area Per Sign: 48 square feet for all combined sign faces seen at one time.
   c. Maximum Permitted Sign Height: 8 feet.
   d. Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet.

(d) **For the B-2 Highway Commercial, BP Business Park, and I Industrial Districts.**

1. Permitted Sign Type: On-Building Sign (Wall, Marquee, or Awning sign).
   a. Maximum Permitted Area per Sign: One square foot of on-building sign area for every one linear foot of signable wall length (for the subject wall), not to exceed a maximum total sign area of 200 square feet per signable wall. For buildings with multiple tenants, the owner(s) shall be responsible for assignment of allowable sign area to individual businesses within the building.
   b. Maximum Permitted Number: One on-building sign per signable wall per individual business or establishment on the lot.
   c. Permitted Location: On any signable wall that is visible from a public street, except signable walls that are adjacent to a residentially zoned property.
2. Permitted Sign Types Freestanding Sign (Monument or Pylon Sign).
   a. Maximum Permitted Area per Sign: 64 square feet for all combined sign faces seen at one time.
   b. Maximum Permitted Number per Lot: One per public street frontage per lot. A second freestanding sign is allowed for lots with more than one street frontage of at least 200 feet per all such streets.
   c. Maximum Permitted Sign Height: 10 feet for Monument Sign; 20 feet for Pylon Sign.
   d. Minimum Permitted Sign Setback from All Property Lines: A distance equal to sign height.

3. Permitted Sign Type: Freestanding Group Development Sign > 64 square feet.

   a. Group Development Signs exceeding 64 square feet in area shall only be allowed in "Group Developments" meeting the definition of 2.14.04 with a combined total Gross Floor Area greater than 20,000 square feet.

   b. Freestanding Group Development Signs shall be allowed only in lieu of and not in addition to freestanding signs for individual establishments allowed under subsection 2. above, and any existing or subsequent freestanding sign shall count against the maximum number of freestanding Group Development Signs allowed for the property or site.

   c. Maximum Permitted Area per Sign: 50 square feet per business or establishment on the Group Development site, to a maximum area of 200 square feet per freestanding Group Development Sign regardless of the number of business establishments located within the development. The property owner(s) shall be responsible for apportionment of allowable freestanding business sign area to individual businesses or establishments within the Group Development.

   d. Maximum Permitted Number per Group Development: One per Group Development of five acres or less; two per each larger Group Development.

   e. Maximum Permitted Sign Height: 20 feet.

   f. Minimum Permitted Sign Setback from All Property Lines: A distance equal to sign height.

5. **For the PN Zoning District.**

   Permitted sign types, number, area, location, and other characteristics shall be per an approved Specific Implementation Plan per Article 11. Unless otherwise addressed in the Specific Implementation Plan, the types, number, area, location, and other characteristics of allowable signs on individual lots approved exclusively for residential use shall be those for the corresponding type of residential uses in other districts in Section 2.10.05. For non-residential uses, no signage not shown on an approved Specific Implementation Plan or otherwise specifically addressed in the Specific Implementation Plan approval documents, or an amendment thereto, shall be located on any site or lot in a PN district. Any sign erected after the approval that was not specifically reviewed and approved as part of the Specific Implementation Plan, but instead allowed under the development agreement with the Village per Article 11, shall be subject to the permit requirements of Section 2.10.02.

Figure 2.10.07(1): SUMMARY of Maximum Dimensions and Number of On-Premise Business Signs (Non-Residential Districts and Uses)

Zoning District	Maximum Sign Area and Height		Maximum Number of Signs
	On-Building	Freestanding	
AT, P	Wall only: 48 SF	Monument or Arm-post only: Maximum Area: 48 SF Maximum Height: 8 ft	1 on-building sign and 1 freestanding sign per lot
B-1	Wall, Awning, Marquee, or Projecting: Front wall: 2 SF per linear foot of exterior wall on that wall, Maximum 100 SF per business Other signable wall: One SF per linear foot of exterior area on that wall, maximum 50 SF per business	Monument or Arm/post Only: Maximum Area: 42 SF Max Height 8 ft	2 on-building signs per business 1 marquee sign per signable wall (serves as 1 of 2 total on-building) 1 freestanding sign per abutting public street (not including alley), up to two per lot. [Amended 11/17/2014 via Ord. 14-514]
INT, B-3	Wall, Awning, or Projecting 1 SF of sign area per linear foot of wall length on that wall, maximum 50 SF per business per signable wall.	Monument or Arm/post only: Maximum Area: 48 SF Maximum Height: 8 ft	1 on-building wall sign per signable wall per business 1 monument or arm/post sign per lot
B-2 BP I	Wall, Awning, or Projecting 1 SF of sign area per linear foot of exterior wall length on that wall, maximum of 200 SF total per signable wall.	Monument or Pylon: Maximum Area: 64 SF Maximum Height: 10 ft Monument; 20 ft Pylon	2 on-building signs per signable wall per business 1 pylon or monument sign per lot; 2 in limited circumstances
NOTE: This table is only a summary of the sign regulations applicable to nonresidential uses. Section 2.10.07 contains more specific requirements, including allowances for signs in these districts under certain circumstances. In the event of any conflict, Section 2.10.07 controls.			

Section 2.10.08: Temporary Signs

Temporary signs may be erected without a sign permit. Except as may be allowed below or by site plan approval under Section 2.13.09, any one business or other user on a lot is permitted to display no more than two temporary signs at a single time and any combination of temporary signs for a maximum of 90 days within any 12 month calendar year period. All temporary signs shall be anchored and supported in a manner that reasonably prevents the possibility of the signs becoming hazards to public health and safety. A mobile, portable, or advertising vehicle sign is not a permitted temporary sign. The following are allowable temporary sign types and unique requirements for each type:

(1) **Real Estate Signs.** Such sign shall be removed within 30 days of the sale or lease of the single space it is advertising or of the sale or lease of 90 percent of the total land or space available for sale or lease on the property. Such signs shall not be located in the public right-of-way, shall not exceed 12 square feet in area

and six feet in height in residential districts, and 48 square feet in area and eight feet in height in nonresidential districts.

(2) **Construction or Project Identification Signs.** Such signs shall be erected no sooner than the beginning of work for which a valid building or demolition permit has been issued, and shall be removed within 10 days of completion of work. Construction or project identification signs shall not exceed 48 square feet.

(3) **Temporary Commercial Signs and Banners.** For sales, limited time offers, grand openings, or other special events only, with such signs not greater than eight feet in height if ground-mounted, nor extending above the roof line if building mounted.

(4) **Temporary Individual Residential Signs.** Not larger than six square feet each, to advertise garage sales, yard sales, or similar merchandise sales during the time the sale is taking place.

(5) **Temporary Public Event Signs.** For a temporary event of public interest hosted by and/or held at a governmental entity, community organization, or institutional facility (e.g., neighborhood garage sale or fair operated by a nonprofit organization), one sign may be located upon the site of the event and up to three additional signs may be placed on a separate private property with written permission of the property owner. Such signs shall not be erected more than 30 days before the event and shall be removed within seven days after the event.

(6) **Over-street Banners.** Banners promoting public events of Village-wide interest displayed over a public street, alley, or highway, when approved by the Zoning Administrator. Such signs shall not be erected more than 30 days before the event and shall be removed within seven days after the event. The Zoning Administrator may require the sponsoring person, firm, organization, or corporation to provide a certificate of liability insurance with the Village named as an additional insured.

(7) **Political Signs.** Temporary political signs are permitted without restriction so long as they locate per the requirements of this Article. Signs promoting a candidate or position on an issue for an upcoming election may not be placed in a manner that would impede vehicular or pedestrian safety, must be outside of required vision triangles, and must meet the requirements of Chapter 12, Wisconsin Statutes. Signs related to an election or referendum may be erected no earlier than the first day of circulation of nomination papers for candidates for office, in the case of an election; or the date on which a referendum question is submitted to the electors, in the case of a referendum. All such signs must be removed within seven days after the election or referendum to which they relate.

(8) **Personal Greeting or Congratulatory Signs.** Permitted for up to seven days, with such signs not greater than eight feet in height if ground-mounted, nor extending above the roof line if building mounted.

(9) **Temporary Window Signs.** Signs temporarily affixed to the inside of a window that advertise commercial situations relating to goods or services sold on premises shall be allowed without affecting the normal temporary sign numerical and duration restrictions in the first paragraph of this Section, provided that the total of all signs in the window area, including temporary and permanently mounted signs, does not exceed 30 percent of the combined area of first floor windows on any façade and 10 percent of any upper story window.

Section 2.10.09: Structural Requirements

(1) All signs shall be constructed and mounted so as to comply with State Building Codes.

(2) No sign or any part thereof, anchor, brace, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe.

(3) No sign or any part thereof, anchor, brace, or guide rod shall be attached, erected, or maintained that may cover or obstruct any door, doorway, or window of any building that may hinder or prevent ingress or egress through such door, doorway, or window, or that may hinder or prevent the raising or placing of ladders against such building in the event of fire.

(4) No signs shall, in any instance, create a traffic visibility or other safety hazard.

(5) No sign not designed and constructed to withstand winds during typical Wisconsin storm events shall be erected at any location.

(6) All freestanding signs erected in any location shall be designed and constructed with footings for support of such sign that extend not less than 42 inches below the existing ground level.

(7) All signs attached to buildings and that are permitted to project away from the building wall shall be designed and constructed such that the attachment to such wall does not extend above a point of bearing with the roof rafters.

(8) All illuminated signs erected at any location shall be designed and constructed to meet the following requirements:

   (a) All signs shall be constructed and maintained to conform with State Electrical Codes and shall bear UL labels. All sign permit applications in which electrical wiring and connections are proposed shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications submitted for the proposed sign and may require additional information relating to the proposed electrical installation from the applicant. If the Electrical Inspector determines that the proposed installation complies with local ordinances relating to the electrical wiring and construction, then the Electrical Inspector shall approve the application and submit the approved application to the Zoning Administrator. The Zoning Administrator may not approve a sign permit application for an illuminated sign unless and until approval is received from the Electrical Inspector.

   (b) Unless an illuminated sign bears the label of approval of a recognized testing laboratory, all illuminated signs shall be inspected and approved by the Electrical Inspector on the site prior to the erection of the sign. No illuminated sign, despite issuance of a sign permit, shall be erected until the site inspection has been made or waived by the Electrical Inspector and the sign permit initialed or stamped to show the Electrical Inspector's approval.

   (c) All illuminated signs shall he equipped with a watertight safety switch, located where electric current enters the sign. All parts covering service openings to the electrical supply shall he securely fastened.

   (d) No illuminated sign shall be connected to an electric power source except by an electrical contractor, unless the only connection to the electric power source is through a grounded three-prong heavy duty plug.

   (e) All freestanding illuminated signs shall be supplied power only by underground wiring.

Section 2.10.10: Maintenance Requirements

(1) All signs and structures appurtenant thereto shall be maintained in a neat and proper state of appearance.

(2) Proper maintenance shall be the absence of loose materials (including peeling paint, paper, or other material); the lack of excessive rust; the lack of excessive vibration or shaking; and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

(3) The repainting, changing of parts, and preventive maintenance of signs that completely conform to the requirements of this Article, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.

(4) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

(5) The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

(6) A sign that is improperly maintained, is abandoned, is unsafe, or otherwise exists in violation of this Chapter, shall be removed by the sign permit holder or the owner of the property on which the sign is located within three months from the date of disrepair, abandonment, or unsafe condition unless the sign permit holder or owner receives actual notice from the Zoning Administrator of the problem.

Section 2.10.11: Nonconforming Signs

(1) **General Provisions Regarding Nonconforming Signs.**

(a) Signs lawfully existing at the time of the adoption or amendment of this Article may be continued although the use, size, or location does not conform to the provisions of this Article. However, such sign shall be deemed a nonconforming structure, and the provisions of Section 2.12.04 shall apply. Nonconforming signs may be maintained. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Article.

(b) Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per Section 2.10.11(2). Closing businesses must remove their building signs and freestanding sign faces within 60 days of closing, or sooner if the Zoning Administrator determines that the signs do not meet the maintenance requirements of Section 2.10.10.

(c) Whenever there is a change in the user of a nonconforming sign (excluding off-premise signs), sign owner, or owner of the property on which the sign is located, the new sign user, sign owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure. The sign will continue to be a considered legal, nonconforming structure.

(d) Business signs on the premises of a nonconforming use or structure may be continued, but new signs for such uses shall not be allowed, nor shall expand in number, area, height, or illumination.

(2) **Removal of Nonconforming Signs**

(a) Alteration of Signs.

1. Alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, frame, supporting structure, lighting, message (except for marquee, community

information, or preexisting off-premise advertising signs), symbols, color, material, height, location, or any other alterations as determined by the Zoning Administrator.

2. Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or supporting structure with identical materials, colors, and messages; changing the message of a marquee or community information sign; or changing the face of an off-premise advertising sign.

3. A tenant sign that comprises part of a Group Development sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire Group Development sign, or any of its parts, into compliance with the provisions of this Article.

(b) All nonconforming signs found not to be in compliance with the provisions of this Article shall be removed within 30 days of receiving written notice of noncompliance and removal from the Zoning Administrator, except as otherwise provided for in Section 2.10.02(6).

Article 11: PN PLANNED NEIGHBORHOOD DISTRICT

Section 2.11.01: Purpose

The PN Planned Neighborhood zoning district is intended to allow desirable and innovative development activities and variation in the relationship of uses, structures, and open spaces in neighborhood developments conceived of and implemented as cohesive, unified projects. This zoning district is intended to promote the development of land consistent with the following neighborhood design principles:

(1) creates an environment that promotes human interaction, a healthy civic life, a sense of place, and a high-quality living environment;

(2) characterized by compact development, generally reflective of the character of historic development patterns in the Village or in accordance with conservation neighborhood design techniques;

(3) designed at the human scale and for walkability;

(4) provides a mix of uses where possible, including residential, commercial, civic, and open space uses in close proximity to one another;

(5) provides a mix of housing styles, types, and sizes where possible to accommodate households of all ages, sizes, and incomes;

(6) incorporates a system of interconnected streets with sidewalks and paths that offer multiple routes for motorists, pedestrians, and bicyclists within and through the neighborhood;

(7) incorporates significant environmental features into the design; and

(8) has a development pattern consistent with the Village's Comprehensive Plan.

Section 2.11.02: Minimum PN District Size

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

Section 2.11.03: Allowable and Required Uses in a VN District

Any land use that is permitted by right or as a conditional use, accessory use, or temporary use in any of the other zoning districts in this Chapter, or mix of uses, may be permitted within a particular PN district subject to the criteria listed below. All Specific Implementation Plans associated with a PN District shall specify the range of proposed and approved land uses in that particular PN, which when approved shall be construed to be and enforced as part of this Chapter. While a mix of uses in each PN district is promoted, the total Gross Site Area in each PN devoted to commercial and institutional uses shall not exceed 25 percent of the Gross Site Area of the entire PN.

(1) **Residential use area(s).** Each PN shall include at least one area intended for predominately residential use. Such residential use area(s) shall include Single-Family Detached Residences.

(2) **At least one mixed-use area.** Mixed-use areas are intended to serve as pedestrian-friendly gathering places and focal points for the project. The highest development density within the PN shall occur in and adjacent to the mixed-use area(s). Figure 2.11.03(1) shows one example of a mixed-use area. Each PN

shall include at least one mixed-use area, unless the Comprehensive Plan identifies the location of a mixed-use area on a nearby site. The mixed-use area shall include an appropriate mix of the following uses:

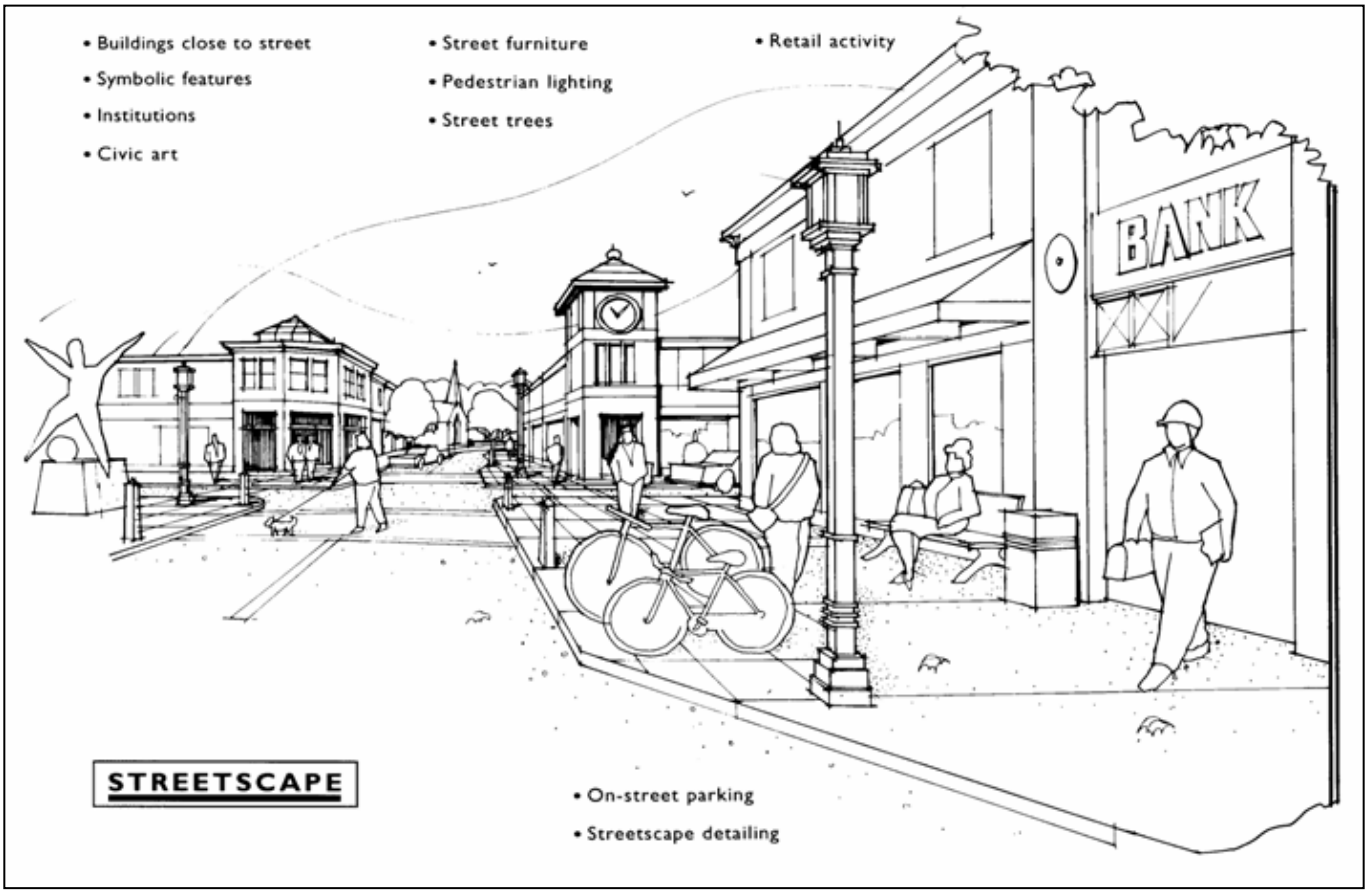
(a) Neighborhood commercial uses, such as services, retail, restaurants, and accommodations.

(b) Attached residential dwellings, including duplexes, townhouses, rowhouses, multi-family, or special needs housing.

(c) Civic or institutional uses, such as places of worship; educational facilities; or usable, developed common open space like a town square.

(3) **At least one common green space area.** At least 15 percent of the Gross Site Area of each PN must remain as permanently protected common green space. At least 90 percent of the dwelling units within the PN shall be within ¼ mile from a protected common green space area. Permanently protected common green space areas include public parks, environmental corridors, trails, protected natural areas, and private parks that are permanently restricted from non-recreational development, but do not include private yards, stormwater management basins, or stormwater conveyance channels. Where the Village's adopted Comprehensive Plan or comprehensive outdoor recreation plan recommends a park, trail, or other recreational facility for the proposed plat area, the developer shall make reasonable accommodation for the recommended facility. Common open space shall be protected by legal arrangements satisfactory to the Plan Commission.

Figure 2.11.03(1): Example of Mixed-Use Area Design



Section 2.11.04: PN Density, Intensity, and Bulk Requirements

The following represent minimum and maximum standards for lot area, lot width, building setbacks, and building separation in the PN district. Each individual PN district shall either utilize these standards or establish other lot area, lot width, building setbacks, and/or building separation standards via its approved Specific Implementation Plan.

(1) **Minimum Lot Area and Width.** A variety of lot sizes shall be provided to facilitate housing choice and meet the requirements of people with different housing needs. Minimum lot areas and widths shall be as follows:

(a) For Single-Family Detached Residences:

1. With street (front or side) loaded garages: Minimum lot area shall be 5,000 square feet. Minimum lot width shall be 50 feet with an attached garage and 40 feet with a detached garage.

2. With alley loaded garages: Minimum lot area shall be 4,000 square feet. Minimum lot width shall be 45 feet with an attached garage and 40 feet with a detached garage.

3. Site plan approval will be required if the total building coverage of a new or remodeled Single-Family Detached dwelling, plus accessory buildings, exceeds 75 percent of the area of the lot on which it is located for lots that are 7,000 square feet or greater, and 85 percent of the area of the lot for lots that are less than 7,000 square feet.

4. Dwellings within condominium development components of the project shall be subject to similar density standards as those described above.

(b) Two-Family Residence and Zero Lot Line Duplex dwellings:

1. Minimum lot area shall be 3,500 square feet per dwelling unit. Minimum lot width shall be 30 feet per dwelling unit.
2. Dwellings within condominium development components of the project shall be subject to similar density standards as those described above.

(c) "Townhouse" dwellings:

1. Minimum lot area shall be 2,200 square feet per dwelling unit. Minimum lot width shall be 22 feet per dwelling unit.
2. Dwellings within condominium development components of the project shall be subject to similar density standards as those described above.

(d) Other Multi-Family Residences:

1. Minimum lot area shall be 700 square feet for each efficiency dwelling unit, with an additional 300 square feet of lot area required for each additional bedroom in the dwelling unit.
2. Multiple-family dwellings within condominium development components of the project shall be subject to similar density standards.

(e) Minimum lot areas and widths for all other uses shall be as specified in the approved PN Specific Implementation Plan for the particular project.

(2) **Building Setbacks and Separation.** The PN shall include buildings placed relatively close to the street to promote interaction, enclose space along the street, and direct less attractive site features to less visible yards.

(a) The minimum front and street side yard shall be five feet and the maximum front and street side yard shall be 25 feet.

(b) The minimum interior side yard shall be five feet, except for approved zero-lot line buildings.

(c) The minimum rear yard and building separation shall be ten feet.

Section 2.11.05: PN Circulation and Parking Requirements

(1) **Circulation System.** The circulation system shall allow for different modes of transportation; provide functional and visual links among the residential area(s), mixed-use areas, and open space areas; connect to existing and proposed developments outside the PN while controlling through traffic; provide adequate traffic capacity; provide connected pedestrian and bicycle routes; limit direct lot access on streets with higher expected traffic volumes; and promote safe and efficient mobility. More specific design standards are as follows:

(a) Block size. Street layouts shall provide for perimeter blocks that are a maximum of 400 feet deep and 800 feet long, unless expressly permitted through Specific Implementation Plan approval.

(b) Pedestrian circulation. Convenient and continuous pedestrian circulation systems, including walkways and paths intended to minimize conflicts between pedestrians and motor vehicles shall be provided. Where feasible, any existing pedestrian routes through the site shall be preserved, enhanced, or relocated if necessary. All streets, except for alleys, shall be bordered by sidewalk or shared-use path in accordance with the specifications listed in Figure 2.11.05(1) and installed by the developer, unless otherwise approved by the Village. Clear and well-lit walkways shall connect non-residential and

multiple-family residential building entrances to the adjacent public sidewalk and to any associated parking areas. Curb bulb-outs, median refuges, and other related techniques may be required along collector streets and at key intersections to shorten the pedestrian crossing distance. Between-lot walkways or paths may be required where necessary to maintain the continuity of the pedestrian circulation system.

(c) Bicycle circulation. Facilities for bicycle travel shall be included in the project and installed at the developer's expense, unless otherwise approved by the Village. Such facilities may include off-street bicycle and multi-use paths, striped bicycle lanes on streets per Figure 2.11.05(1), signed bicycle routes, or some combination. Any existing bicycle routes through the site shall be preserved, enhanced, or relocated if necessary. Bicycle routes and facilities shall implement the recommendations in the Village Comprehensive Plan or comprehensive outdoor recreation plan. All businesses, civic uses, and multi-family dwelling units shall provide adequate bicycle parking areas and facilities per Section 2.9.08(15).

(d) Motor vehicle circulation. Motor vehicle circulation shall be designed to efficiently move motor vehicle traffic via multiple routes and to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, medians, and on-street parking along local streets are encouraged to slow traffic speeds. Any arterial and collector streets shall be identified in the approved Specific Implementation Plan and shall be subject to access controls as part of said approved Plan. Minimum street design standards for a PN shall be in accordance with Figure 2.11.05(1).

(e) Street layout. The PN shall maintain the existing street grid, where present, and restore any disrupted street grid where feasible. The orientation of streets shall be consistent with the Village Comprehensive Plan, enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, minimize street gradients, and minimize the use of double frontage lots. All streets shall extend through the project or terminate at other streets, except streets may temporarily "dead end" when such streets will connect to future phases or other sites outside the PN, and local streets may permanently terminate in a cul-de-sac only where site conditions require a cul-de-sac and there will be a through connection via a pedestrian way or bicycle path at the end.

(f) Parking and loading requirements. All PN districts shall meet the parking and loading requirements found in Article 9, except that the Village may allow adjacent on-street parking within a PN to apply toward the minimum parking requirements. For multi-family residential buildings and in mixed-use areas, shared use parking lots and structures are encouraged, off-street parking lots may not be adjacent to or opposite from a street intersection, and parking lots and structures shall be located to the rear or interior sides of buildings. The edges of parking lots, landscaped islands, and all other areas not used for parking or vehicular circulation shall be landscaped per the requirements in Article 8. Examples of these parking lot placement and landscaping standards are included in Figure 2.11.05(4). Reduction of impervious surfaces through the use of pervious pavement, interlocking pavers, and similar techniques is encouraged, particularly for remote parking lots and parking areas for periodic uses.

Figure 2.11.05(1): Minimum Street Design Requirements in the PN Planned Neighborhood District

Street Classification	Street Width, curb-face to curb-face (feet)	Curb & Gutter	Street Terrace	Sidewalks	Bicycle Lanes
Collector Street	30 (one-sided parking) 24 (no parking)	Both sides, 1.5 feet wide	Both sides, minimum 8.5 feet wide	Both sides, minimum 5 feet wide and 1 foot from lot line	Where required, add 5 foot wide lanes (can be measured to curb face if paved lane width = 4 feet)
Local Street	28 (two-sided parking) 24 (one-sided parking) 20 (no parking)	Both sides, 1.5 feet wide, ribbon curb may be permitted	Both sides, minimum 7 feet wide	Both sides, minimum 5 feet wide and 1 foot from lot line	None
Alley	12 (no parking)	1.5 foot flat ribbon	None	None	None

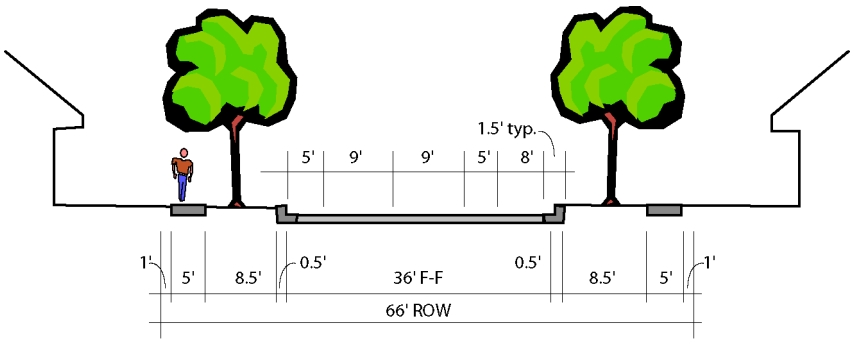


Figure 2.11.05(2): Schematic sketch of a typical collector street cross-section with one-sided parking and bike lanes.

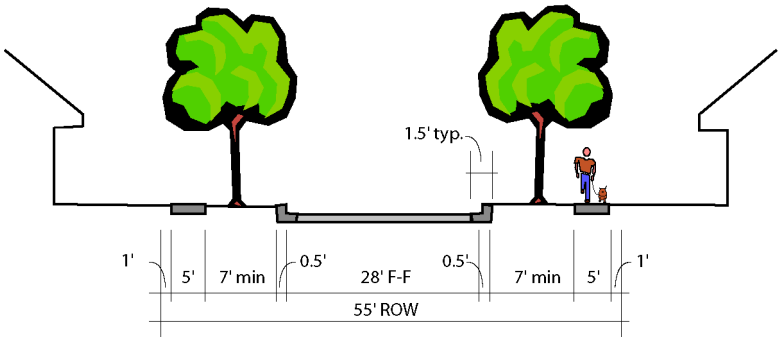
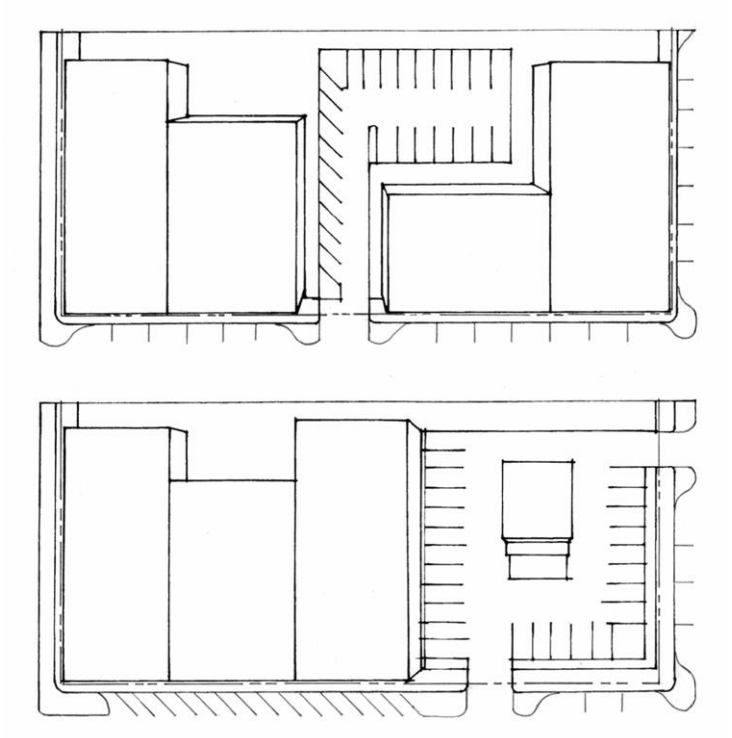
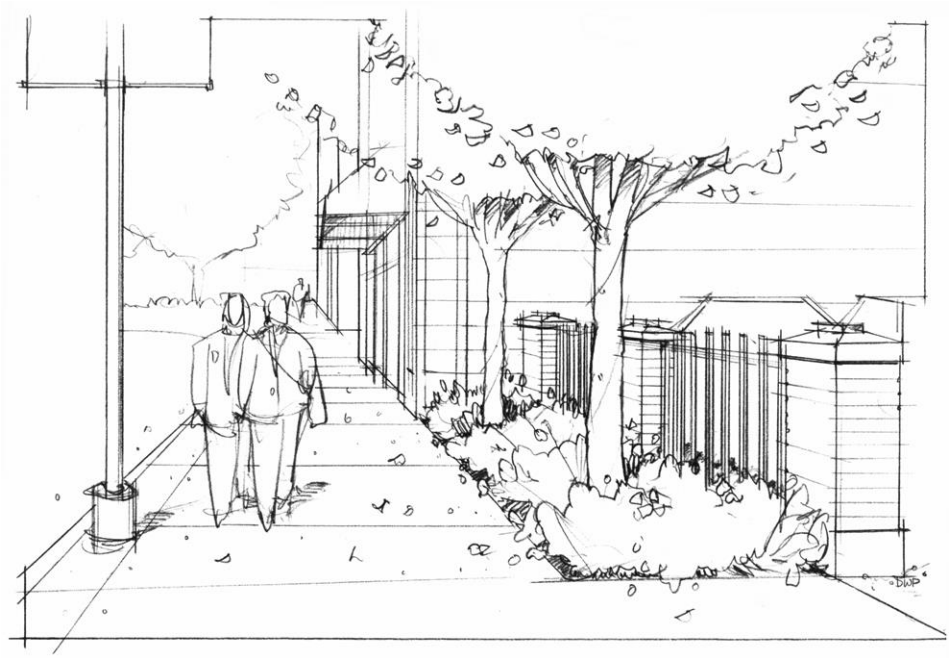


Figure 2.11.05(3): Schematic sketch of a typical local street cross-section with two-sided parking.

Figure 2.11.05(4): Examples of Required PN Parking Lot Placement and Landscaping





Section 2.11.06: Architectural Requirements.
In addition to meeting applicable requirements of Article 7, a variety of architectural features and building materials are encouraged to give each building or group of buildings a distinct character, while maintaining a compatible design theme throughout the PN. More specific design standards that shall be met are as follows:

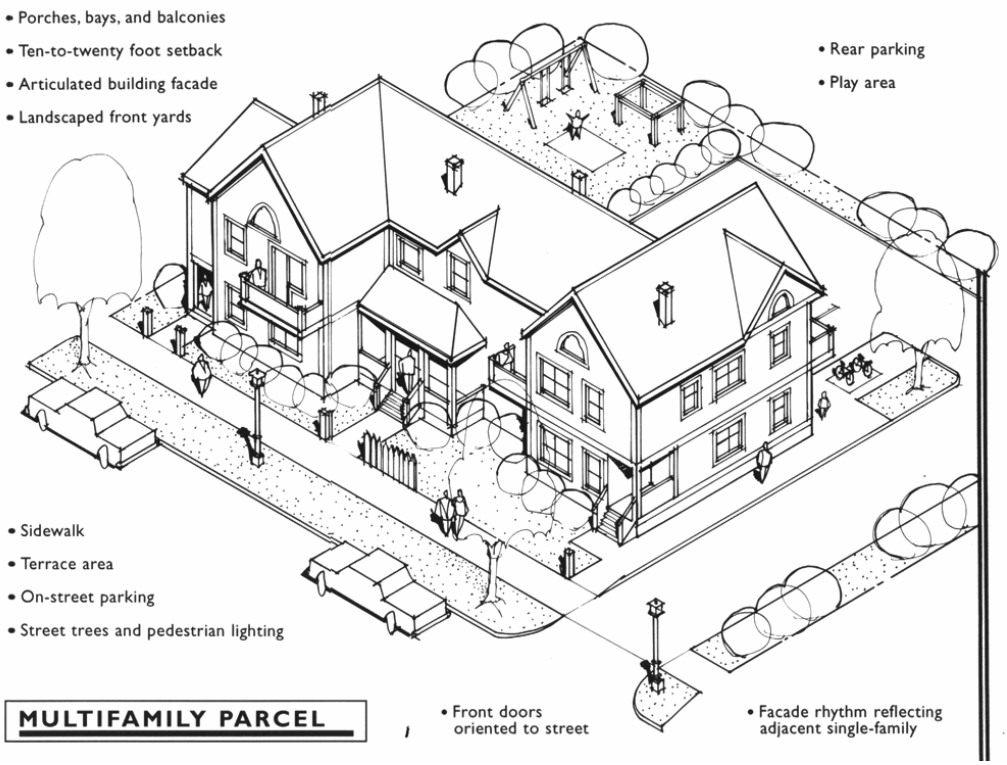
(1) **General Design.** New buildings shall be of consistently high and lasting quality throughout the project. The bulk and height of each building shall relate to and flow from surrounding buildings, and shall be in proper proportion to the size of the lot on which it is to be placed. Design monotony shall be avoided (see Figure 2.11.06(1) example).

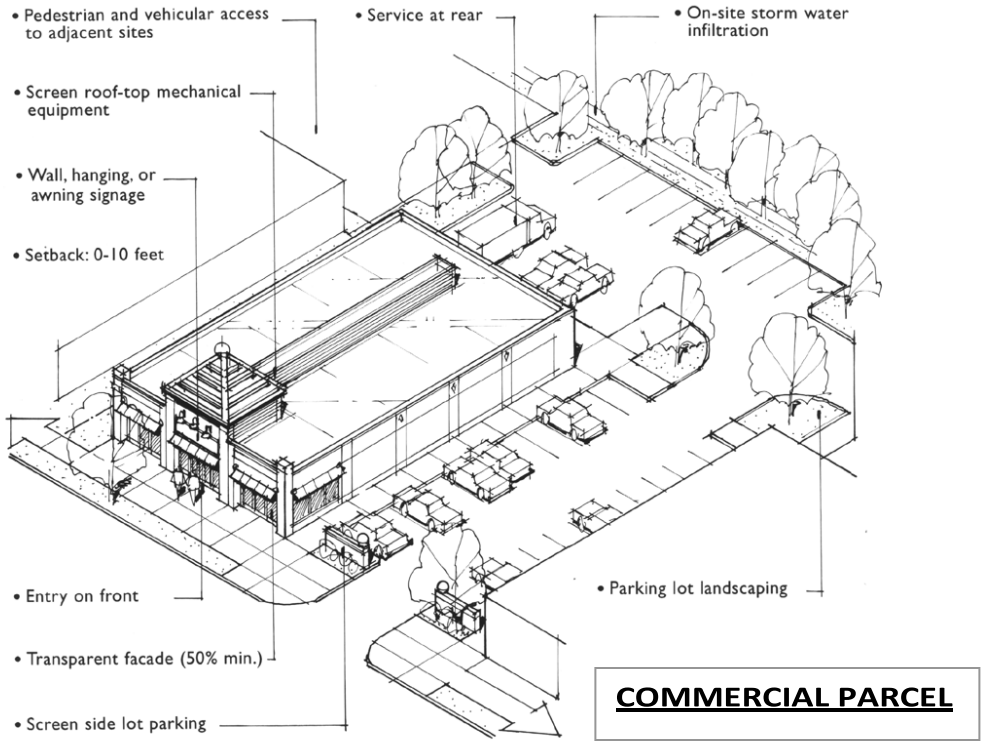
Figure 2.11.06(1): Example of Design Variation with Consistent Form

(2) **Maximum Height.** New structures within a PN shall be no more than three stories.

(3) **Entries and Facades.** Similar architectural features, materials, and the articulation of a building façade shall be continued on all sides visible from a public street. The front façade of the principal building shall face onto the front of street side yard of a public street (not directly toward a parking lot) and shall parallel the line of the street to create a continuous edge. As buildings are moved closer to the street and to each other, special attention shall be paid to design details and landscaping. Porches, entry bays, covered walkways or stoops, hooded front doors, or other similar architectural elements shall define the front entrances to all dwelling units; such features shall generally be closer to the street than the remainder of the dwelling. Porches shall be a minimum of six feet deep to enhance aesthetics and function. For nonresidential buildings, a minimum of 50 percent of the public street façade(s) on the ground floor shall be transparent, consisting of window or door openings, and entries shall face the public street. Figure 2.11.06(2) provides examples of required treatments of entries and front facades.

Figure 2.11.06(2): Examples of Entry and Front Façade Treatments, Residential, and Non Residential Structures.





(4) **Garages.** Garages accessed from the public street, where garage doors face a public street, shall occupy no more than 50 percent of the front façade of the house. Residential garages shall be set back a minimum of 2 feet to the rear of the main front façade of the dwelling structure (not including porches or other projections) to ensure that the garage does not dominate the view from the street. Where the house does not include a front porch or similar projection from the main living area of the house, garages shall be set back a minimum of four feet to the rear of the main front façade. Garage setbacks along alleys shall either be between two and eight feet from the alley right-of-way to allow proper turning radii but no driveway parking, or at least 16 feet to allow driveway parking without encroaching into the alley. Garage placement alternatives and standards are illustrated in Figure 2.11.06(3).

Figure 2.11.06(3): Alternative garage locations on a PN residential lot:

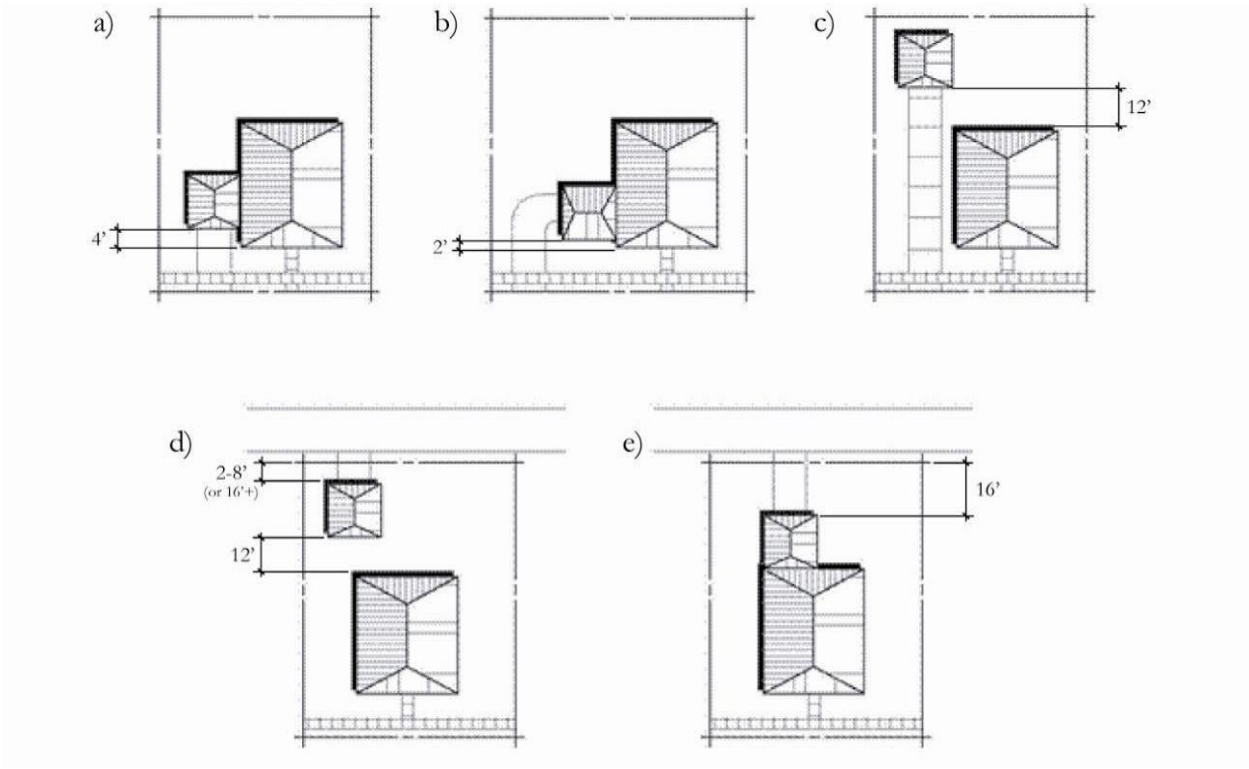
a) Attached garage is accessed from a street (street-loaded garage). 4' min setback required if no front porch or similar front yard building projection; 2' with front porch.

b) Attached garage is accessed from a street (side-loaded garage). 2' min setback required.

c) Detached garage, behind the house, is accessed from a street. 12' separation between house and garage.

d) Detached garage is accessed from an alley. Either 2' to 8' setback from alley right-of-way or 16+' minimum setback from alley right-of-way. 12' separation between house and garage.

e) Attached garage is accessed from an alley. 16' minimum setback from alley right-of-way.



Section 2.11.07: Additional PN District Requirements

(1) **Street Trees.** Shall be required in accordance with Section 2.8.02(3)(a), except where alternate standards of comparably quality are included as part of an approved Specific Implementation Plan.

(2) **Landscaping.** Shall be required in accordance with Article 8, except where alternate standards of comparable quality are included as part of an approved Specific Implementation Plan.

(3) **Natural Resource Protection.** Shall be required in accordance with all local, state, and federal laws. Additionally, natural resources shall be integrated into the development design as aesthetic and conservation landscape elements. The development shall identify and provide for the permanent preservation of environmentally sensitive areas, including wetlands, floodplains, slopes of 20 percent or greater, areas of rare or endangered plant or animal species, land areas mostly covered by a mature woodland, and historic and archaeological sites. Permanent preservation of these areas shall be achieved through the implementation of techniques such as conservation easements, restrictive covenants, deed restrictions, dedication to the public or an appropriate non-profit organization, and/or the establishment of buildable or "no build" areas on the subdivision plat.

(4) **Stormwater Management.** Stormwater management and erosion control shall be accordance with Title III, Chapter 8 of the Village's Municipal Code. Additionally, each PN district shall include stormwater management systems that focus on Best Management Practices (BMPs). BMPs may include overland water transfer, natural landscape planting and restoration to increase infiltration and reduce runoff, bio-infiltration systems, natural stormwater basin design, residential roof runoff directed to yard areas, and rain gardens.

(5) **Performance Standards and Signage.** Shall be in accordance with Articles 9 and 10 accordingly, except where alternate standards of comparably quality are included as part of an approved Specific

Implementation Plan. Additionally, features such as lighting and signs may be required to adhere to a particular design theme throughout the PN district, as specified in an approved Specific Implementation Plan.

(6) **Land Division.** Shall comply with Title III, Chapter 1 of the Village's Municipal Code, except as waivers and variations may be granted to respond to the particular design of the PN project.

Section 2.11.08: Procedural Requirements for the PN Planned Neighborhood District

(1) **Pre-application Conference.** Prior to the official submission of a petition for the approval of rezoning to a PN district, the owner or the owner's agent shall meet with the Plan Commission to discuss the scope and proposed nature of the contemplated development.

(2) **Petition for Rezoning Approval.** Following the pre-application conference, the owner or the owner's agent may file a petition with the Zoning Administrator for approval of a rezoning to the PN district. Such petition shall be accompanied by payment of the appropriate fee under Title VI, Chapter 2 of the Municipal Code. The procedure for rezoning to a PN District shall be as required for any other zoning district change as set forth under Section 2.13.03, except that, in addition thereto, 12 copies of a General Development Plan (GDP) shall be filed by the applicant with the Zoning Administrator along with the petition for rezoning, together including the following information:

(a) A cover letter summarizing the request and the nature of the project in no more than two pages.

(b) Total area to be included in the PN and a site inventory and analysis map with topography at two foot intervals to identify site assets, resources, and constraints, including but not limited to floodplains, wetlands, soils with limitations for building construction, utility easements, slopes greater than 12 percent, and existing mature trees and woodlands.

(c) Overall conceptual development plan for the entire site showing proposed areas to be retained in open space, residential density, number and type of dwelling units, projected population, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.

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

(e) Any proposed departures from the standards of development that would otherwise be applicable under the nearest comparable Standard zoning district(s), as set forth in this Chapter and other parts of the Municipal Code.

(f) The expected date of commencement of physical development as set forth in the proposal and also an outline of any proposed development staging.

(g) A location map and a legal description of the boundaries of the property proposed to be included in the PN District.

(h) A conceptual neighborhood development plan and/or preliminary plat, drawn to scale, that indicates existing and proposed public streets and paths; different land use areas by proposed type and density; and proposed recreational, open space, and generalized storm water management areas and facilities.

(i) Adequate information to present the relationship of the proposed improvements to surrounding properties.

(j) A preliminary analysis and map showing the general locations of proposed public utility connections, and anticipated upgrades of public utilities to serve the project.

(k) A conceptual landscape plan showing general locations and types of proposed landscaping, including maintenance of existing vegetation where appropriate.

(l) A proposed schedule for the implementation of the project, including conceptual phasing plan, if the applicant intends to phase construction of the project.

(m) Schematic architectural plans showing the character of the proposed buildings, along with a generalized program of proposed signage and lighting.

(n) A preliminary list of land uses that are proposed to be allowed within the PN District.

(o) A written report that provides general information about the site; the project vision, objectives, themes, and images; its economic feasibility and financing; target markets; and relationship of the project to surrounding land uses, the Comprehensive Plan, and other applicable Village plans.

(3) **Plan Commission Recommendation.** In considering the petition and General Development Plan, the Plan Commission shall apply the criteria in Sections 2.11.09 and 2.13.03(7). Upon submission of a complete rezoning petition and the General Development Plan, the Plan Commission shall hold a public hearing on the application and the General Development Plan and thereafter recommend to the Village Board that the petition and plan be approved as submitted, approved with modifications and/or conditions, referred for further consideration, or denied approval.

(4) **Village Board Authorization.** Upon receipt of the recommendation of the Plan Commission, the Village Board may take such action thereon as it deems reasonable and appropriate. If the petition and General Development Plan are approved, said plan shall establish the basic right for use of the lands in conformity with the plan as approved. Such development shall be conditioned upon approval of a Specific Implementation Plan and shall not make permissible any of the uses as proposed until a Specific Implementation Plan is submitted and approved for all or a portion of the General Development Plan.

(5) **Recording.** The General Development Plan, if approved, shall be recorded by the applicant within 90 days following such approval, in the Columbia County Register of Deeds' office. Within 30 days of its recording, the applicant shall provide the Village with three copies of the recorded General Development Plan, along with proof of its recording. Detailed construction and engineering plans need not necessarily be completed at the time the rezoning is approved, but the approval and recording of such General Development Plan shall be conditioned upon the subsequent submittal, approval, and recording of more specific and detailed plans as part of the Specific Implementation Plan.

Section 2.11.09 Criteria for General Development Plan (GDP) Approval

In the Village's review and action on a PN district/General Development Plan application, the following criteria apply:

(1) **Character and Integrity of Land Use.** In a PN District, the uses proposed and their intensity and arrangement on the site will be of a visual and operational character that meets the following criteria:

(a) Is compatible to the physical nature of the site and surrounding land uses.

(b) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability, community sustainability, and practicality compatible with the Comprehensive Plan.

(c) Would not adversely affect the anticipated provision of municipal services.

(d) Would not create traffic or parking demand incompatible with facilities designed to serve it.

(2) **Economic Feasibility and Impact.** The applicant has provided evidence of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.

(3) **General Engineering Standards.** The proposed general plans for utilities, storm water management, and transportation systems follow required standards, provided, however, that in no case standards are less than those necessary to ensure the public safety and welfare as determined by the Village Engineer.

(4) **Preservation and Maintenance of Open Space.** Adequate provisions are made for the permanent reservation or dedication to the public as follows:

(a) For private reservation, the open area to be reserved shall be protected against building development minimally by conveying to the Village as part of the conditions for General Development Plan approval an open space easement over such open areas, restricting the area against any future building or use except as consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding area.

(b) The care and maintenance of such open space reservations shall be ensured by establishment of appropriate management organization(s) for the project. The manner of ensuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the Village and shall be included in the title to each property.

(c) Ownership and tax liability of private open space reservations are established in a manner acceptable to the Village.

(5) **Implementation Schedule.** A reasonable schedule has been established for the implementation of the development, including suitable provisions for assurance that each phase shall be brought to completion in a manner that would not result in an adverse effect upon the Village as a result of termination at that point.

(6) **Considerations for Residential Components of a PN District.** The Village, in its review of the residential components of a General Development Plan, shall further consider whether:

(a) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures designed in relation and with respect to terrain; consideration of safe, convenient, and interconnected bicycle, pedestrian, and automobile flow; and ready access to recreation space.

(b) The total net residential density and design within the PN will be consistent with the recommendations of the Comprehensive Plan as applicable to the PN district area, and shall be compatible with the density and design of the neighborhood wherein located.

(c) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.

(d) Provision has been made for adequate fire and police protection and parking.

(e) The population density of the development will not have an adverse effect on the community's capacity to provide needed municipal services and facilities.

(f) Adequate guarantee is provided for permanent preservation of open space areas as shown on the General Development Plan by private reservation and maintenance or by dedication to the public.

(g) Such development will contribute to the goal of environmental sustainability and energy efficiency through the proper arrangement, density, orientation, and design for development; transportation access; natural area preservation and enhancement; and other features unique to the project.

(7) **Considerations for Non-residential Components of PN District.** The Village, in its review of the non-residential components of a General Development Plan, shall further consider whether:

(a) The proposed development will be adequately served by parking, loading, and truck service facilities.

(b) The proposed development will be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage, and maintenance of public areas.

(c) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and the development will not create any adverse effect upon the general traffic pattern of the surrounding area.

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

Section 2.11.10 Specific Implementation Plan (SIP) Approval

(1) **Specific Implementation Plan Application.** After approval and recording of the General Development Plan and the zoning change to the PN District, the applicant shall file 12 copies of a Specific Implementation Plan (SIP) with the Zoning Administrator and associated fee under Title VI, Section 2. Unless and until a Specific Implementation Plan has been approved by the Village Board and recorded, no building permit shall be issued for any construction within the PN District. Further, construction shall be limited to only those parts of the PN that have an approved SIP. Specific Implementation Plan application shall include the following information:

(a) A cover letter summarizing the request and the nature of the project in no more than two pages.

(b) A location map and a legal description of the boundaries of the subject property included in the proposed SIP area and the approved GDP area (if different).

(c) A precise description of the type, number, and size of dwelling units; a description of the type and amount of square feet devoted to non-residential uses; the estimated number of employees; and character and volume of truck and automobile traffic generated by the site.

(d) Site summary data including Gross Site Area, area and lineal feet of street rights-of- way, net area proposed for development and common open space uses, net subdivided area, total number of building sites, and average or typical lot and building site sizes.

(e) A detailed neighborhood development plan showing the precise mix of land uses; densities of use areas and development sites; building setbacks and massing; main driveways and parking areas; parks, squares, and other common open spaces; civic buildings; street trees and other natural elements; the street and block structure; and paths and other pedestrian ways.

(f) For all sites within the SIP where final site plan approval is being sought, except for single- and two-family dwellings, detailed site and building plan(s) meeting the requirements of Section 2.13.09.

(g) For single- and two-family dwellings, architectural design guidelines contained within a declaration of covenants, deed restrictions, or other similar document, in lieu of reviewing the plans for each individual dwelling.

(h) A final plat of the area included within the SIP that shows, at a minimum, detailed lot layout and the intended use of each lot or parcel of land, public dedications, public and private streets, driveways, storm water management facilities, easements, and walkways.

(i) A landscape plan per Article 8.

(j) Detailed signage plan and lighting plan, each demonstrating a unified or compatible sign and lighting theme throughout the SIP area.

(k) Detailed public street, sidewalk, and path design plans.

(l) Existing and proposed topography on the site with contours at no greater than two-foot intervals.

(m) Detailed grading plan, storm water management plan, public utility plan, and erosion control plan, meeting all State, County, and Village requirements and consistent with the Village's storm water management plan.

(n) If the site has any environmental contamination, the approved plan of remediation.

(o) A development schedule indicating the following:

1. The approximate date when construction of the project is expected to begin;
2. The stages in which the project will be built and the approximate date when construction of each stage is expected to begin;
3. The anticipated pace of development and types and quantities of development in each stage; and
4. The approximate date when the development of each of the stages will be completed.

(p) Agreements, bylaws, provisions, or covenants that will govern the organizational structure, use, maintenance and continued protection of the PN district.

(q) A written report describing the proposed SIP, including specific project themes and images (e.g., drawings, photos, simulations), the specific mix of dwelling unit types and/or land uses, specific densities and dimensional standards for residential and nonresidential uses, the specific treatment of open space areas, and an evaluation of the proposed SIP in relationship to the previously approved General Development Plan (including an explanation if the SIP does not include the full area of the approved GDP).

(r) Any other plans, documents, or schedules required by the Village.

(2) **Plan Commission Review and Approval.** Upon submission of the Specific Implementation Plan(s), the Plan Commission shall review the same to determine if the plan(s) is in compliance with the approved General Development Plan, applicable provisions of this Article, and any other provisions of this Chapter that are applicable to the proposed development. The Plan Commission shall thereafter act to approve the Specific Implementation Plan(s) as submitted, approve with modification and/or conditions, or deny approval. The Village Board may still be required to approve any final plat associated with the SIP(s) as provided in Title III, Chapter 1.

(3) **Recording.** If the Specific Implementation Plan is so approved it shall be recorded at the Columbia County Register of Deeds office within 30 days thereafter by the developer. Within 30 days of its recording, the applicant shall provide the Village with three copies of the recorded Specific Implementation Plan, along with proof of its recording.

Section 2.11.11 Development Agreement.
Before any building permit shall be issued in a PN district, the applicant and the owner shall enter into an appropriate agreement with the Village to guarantee the implementation of the PN according to the terms and conditions established as a part of the General Development Plan and the Specific Implementation Plan. The Village shall have the right, if deemed appropriate, to require the inclusion of letters of credit or other security deemed satisfactory to the Village Attorney.

Section 2.11.12 Amendment of General Development Plans or Specific Implementation Plans.
Any subsequent change or modification of the approved GDP or SIP shall first be submitted to the Village for approval. If, in the opinion of the Zoning Administrator, such change or modification constitutes a substantial alteration of the original GDP and/or SIP, the procedures described in Sections 2.11.08 and/or 2.11.10, as appropriate, shall be followed before the modified Plan(s) may take effect. If the Zoning Administrator determines that such change or modification does not constitute a significant alteration, then he or she may approve such change or modification. All such modified Plan(s) shall be re-recorded by the applicant within 30 days of approval.

Section 2.11.13 Building Permits.
Once a development agreement has been entered into with the Village pursuant to Section 2.11.11, and provided the Specific Implementation Plan is recorded at the Columbia County Register of Deeds Office, building permits may be issued within all parts of the PN District for which a Specific Implementation Plan has been approved, provided that said permits are for buildings that are in accordance with the approved SIP.

Section 2.11.14 Delayed Effective Dates, Construction Required.

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

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

Section 2.11.15 Incorporation of New PN Districts

When the Village Board approves the Specific Implementation Plan for a particular PN district, such Specific Implementation Plan shall become part of this Chapter and shall be enforceable as part of this Chapter.

Section 2.11.16: PN-07-01-WR Woodland Ridge Planned Neighborhood District

(1) **Purpose.** The PN-07-01-WR Woodland Ridge Planned Development District is intended to provide for single-family residential properties in a conservation neighborhood style that is compatible with the natural features of the area and allows residential use without undue disturbance of area natural resources and adjacent uses.

(2) **Allowable Land Uses.** Single-Family Detached dwellings are the only permitted use. Minor Home Occupations are allowed by conditional use permit.

(3) **Minimum Lot Width.** 90 feet, except that Lots 9 and 10 shall have minimum widths as shown on the Plat of Woodland Ridge of 74.93 ft and 50.88 ft, respectively, as measured at the right-of-way line.

(4) **Minimum Lot Area.** 18,500 square feet.

(5) **Minimum Building Finished Floor Area.** 1,500 square feet.

(6) **Maximum Building Height.** 38 feet, as measured from finished grade to peak of roof at the point of greatest distance of finished grade to peak of roof.

(7) **Minimum Yards.**

(a) Street. 30 feet.

(b) Rear. 40 feet.

(c) Side. 10 feet, with both sides combined totaling 25 feet minimum.

(8) **Transportation Improvements.**

(a) Driveway permits shall be required for all parcels.

(b) Two-way sections of streets as shown on the Plat of Woodland Ridge shall have an asphalt pavement width of 24 feet or, where divided as a boulevard, shall have two 12-foot-wide asphalt lanes. Any lane divider shall be equipped with curb and gutter.

(c) The southernmost approximately 200 feet of two-way street, as shown on the Plat of Woodland Ridge shall be equipped with a 5-foot-wide concrete sidewalk, curb and gutter.

(d) Any other section of two-way street may be constructed with a rural cross-section with 2 foot graveled shoulders and drainage swales as shown on the Plat of Woodland Ridge.

(e) The requirement of the Village of Poynette, Code of Ordinance updated July 2006 - Section 13.07 (1) (m), regarding the requirement to have tangent sections at intersections, does not apply.

(f) The requirement of the Village of Poynette, Code of Ordinance updated July 2006 - Section 13.07 (1) (n) 3, regarding the requirement that grade changes shall be connected by vertical curves of a minimum length equivalent in feet to forty times the algebraic difference, does not apply.

(g) The requirement of the Village of Poynette, Code of Ordinance updated July 2006 - Section 13.07 (1) (o), regarding the radius of curvature on horizontal curves, does not apply.

(h) One-way sections of streets as shown on the Plat of Woodland Ridge shall have a rural cross section with an asphalt pavement width of 18 feet, have two foot graveled shoulders, and have drainage swales as shown on the plat of Woodland Ridge.

(i) A 6-foot-wide asphalt pedestrian trail shall extend from the north end of concrete sidewalk as shown above and continue as shown on the Plat of Woodland Ridge to connect with the DNR hiking trail located to the west of the Plat. Trail shall be open to the public.

(j) Parking is permitted on only the right side of one-way streets, except that no parking is permitted in front of Lots 9 and 10 of the Plat of Woodland Ridge.

(k) The operation of motorized recreational equipment including, but not limited to, snowmobiles, all-terrain vehicles and other power motor sports equipment shall not be permitted within the Plat unless such vehicles are properly equipped, registered and licensed for on-road use.

(9) **Conservancy Easement.**

(a) A Conservancy Easement shall be recorded for Lots 1 through 9 as shown on the Plat. No burning is allowed within the boundaries of the Conservancy Easement. Owners or other persons having control of such Lots shall not, at any time, disturb the soil in the Easement area, nor shall they plant, remove, destroy, damage, trim or mow trees or any other vegetation in the Easement without prior permission for each such planting or removal from the Village Forester. Exceptions may be granted by the Village Forester, on a case-by-case basis, only in the circumstances listed as follows:

1. As necessary to control disease and/or pests.
2. To remove noxious or nuisance plants as defined in Village of Poynette Municipal.
3. To remove prohibited trees as defined in Village of Poynette Municipal Code, and only if the removal of such trees will not create an erosion potential within the easement area.
4. To trim or remove a tree or portions thereof that constitutes a hazard to persons or property.
5. To remove dead standing trees. The roots of such trees shall not be removed, but shall remain in place to reduce potential for erosion.
6. By the Village as necessary to exercise its rights to the Stormwater Easement located on the Conservancy Easement, as set forth in Section 4.09 of the Declaration of Covenants for Woodland Ridge.

7. Any removal of vegetation or soil disturbances created by such permitted removal must be mitigated as directed by the Village Forester, to include replacement of trees or shrubs with acceptable species if appropriate.

(b) The Declarant shall place and the Association shall maintain on the boundaries of Lots 1 through 9 of the Plat of Woodland Ridge, markers showing the locations of boundary of the Conservancy Easement. Any Lot Owner who violates this provision shall be liable to restore all disturbed areas and to stabilize the same by seeding, mulching, and other required means, and to replant any and all improperly removed or destroyed trees or other vegetation. Any trees improperly removed or destroyed shall be replaced with a tree of similar type, with a largest size reasonably available by using a mobile transplanter.

Article 12: NONCONFORMING LOTS, USES, STRUCTURES AND SITES

Section 2.12.01: Purpose

The purpose of this Article is to establish requirements for nonconforming and substandard lots, nonconforming uses, nonconforming structures, and nonconforming sites created legally prior to October 21, 2013. Nonconforming signs are also addressed in Article 10.

Section 2.12.02: Nonconforming and Substandard Lots

(1) **New Lots Meet New Lot Standards**. After October 21, 2013, no lot shall be created that does not meet the lot dimensional (density, intensity, and bulk) requirements of each zoning district, per Article 5.

(2) **Development of Substandard Lots-Residential and Open Space Zoning Districts.** A lot of record existing on October 21, 2013 in a residential or open space zoning district, not designated as an unbuildable outlot, and not meeting the minimum lot dimensional requirements for the zoning district, may be utilized for a new detached Single-Family Detached Residence, provided the measurements of such area and dimensions are at least 75 percent of the minimum requirements of the R-1-T district. Said lot shall not be more intensively developed with two-family or multi-family residential or nonresidential uses unless combined with one or more abutting lots (or portions thereof) so as to create a lot that meets the requirements of this Chapter.

(3) **Development of Substandard Lots-Non-Residential Zoning Districts.** A lot of record existing on October 21, 2013 in a non-residential zoning district, not designated as an unbuildable outlot, and not meeting the minimum lot dimensional requirements for the zoning district, may be utilized for a new permitted or conditional use in the associated zoning district, provided that parking, stormwater management, and other non-dimensional standards of this Chapter are met. [Amended 11/17/2014 via Ord. 14-514]

Section 2.12.03: Nonconforming Uses

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

(a) Any nonconforming use lawfully existing upon October 21, 2013 or any amendment to it may be continued at the size and in a manner of operation existing upon such date, except as specified in this Article.

(b) A use regulated as a conditional use that was approved as a legal land use--either permitted by right or as a conditional use--prior to October 21, 2013 shall be considered a legal, conforming land use so long as any previously approved permit or conditions are followed. Any modification of the use or previously approved conditions of use shall require a new conditional use permit.

(c) Any prior legal use made nonconforming by a modification to the Official Zoning Map after October 21, 2013 may be granted legal conforming use status by changing the zoning district of the affected property to an appropriate district through a zoning map amendment, or by amending this Chapter in a manner that first allows such use within the then-current zoning district. Any such requested amendment shall be subject to the appropriate standards and procedures prescribed by Section 2.13.02 or 2.13.03.

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

(a) A nonconforming use shall not be expanded, enlarged, extended, or reconstructed unless the use is first changed to a use allowed in the district in which the use is located, or otherwise qualifies under subsection (4).

(b) Substitution of new equipment may be permitted by the Plan Commission.

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

When any nonconforming use of any structure or land is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.

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

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

Section 2.12.04: Nonconforming Structures

(1) **Continuance of a Nonconforming Structure.**

Any structure lawfully existing upon October 21, 2013 may be continued at the size and in a manner of operation existing upon such date, except as provided in this Section.

(2) **Expansion of a Nonconforming Structure.** Any lawful nonconforming structure may be allowed to be extended, enlarged, reconstructed, moved, or structurally altered, provided that said extension, enlargement, reconstruction, movement or alteration complies with the setback and building requirements of the zoning district, except for the existing nonconformance. However, the nonconforming feature of a lawful nonconforming structure shall not be allowed to become more nonconforming by being extended, enlarged, reconstructed, moved, or structurally altered except as:

(a) permitted under subsection (3),

(b) required to do so by law or order,

(c) required to comply with the provisions of this Chapter, or

(d) provided approval by the Zoning Board of Appeals.

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

(a) The nonconforming structure was damaged or destroyed on or after October 21, 2013.

(b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(4) **Unsafe Structures.**

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

(5) **Future Modification.**

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

(6) **Ordinary Maintenance.**

Ordinary maintenance, repairs (including repairs reasonably necessary to prevent the deterioration of a structure), and remodeling of a nonconforming structure are permitted, as well as necessary nonstructural repairs and alterations that do not extend, enlarge, or intensify the nonconforming structure. Ordinary maintenance, repairs, and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures), insulation, and the replacement of doors, windows, and other non-structural components.

(7) **Alterations.**

Structural alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building. Notwithstanding the foregoing, a conforming garage may be added if none previously existed. However, after October 21, 2013, such buildings shall not be enlarged, expanded or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of the Chapter unless a variance is granted under Section 2.13.11, and except as permitted under this Section.

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

Any structure for which a building permit has been lawfully granted prior to October 21, 2013 or an amendment to it that will make such structure nonconforming, may be completed in accordance with the approved plans, provided construction is started within 365 calendar days after issuance of the permit for single- and two-family construction and within 365 calendar days after issuance of a permit for all other development, and construction is completed within 730 calendar days (two years) after the start of construction. If all such conditions are met, the structure shall thereafter be a legal nonconforming structure.

(9) **Relationship to Wisconsin Law.**

To the extent that provisions within this Section conflict with related provisions in Section 62.23(7)(hb), Wisconsin Statutes, such Section 62.23.(7)(hb) shall govern and control.

Section 2.12.05: Nonconforming Site

(1) **Definition.** A nonconforming site is one on which a principal use has been established prior to October 21, 2013 and on which one or more site development standards, such as minimum landscape surfaces, buffer yards, plantings, or minimum parking, have not been met or cannot be met owing to the configuration of the site or existing structures whether conforming or nonconforming.

(2) **Blanket Variance.** A blanket variance for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of October 21, 2013. The "blanket variance" provision of this Section is intended to prevent the creation of certain nonconforming sites subject to the requirements of this Chapter. This Section is intended to ensure that sites approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.

(3) **Proposed Enlargements Require Compliance.** After the October 21, 2013, additional site development that results in enlargement, expansion, or extension of uses or structures will not be allowed to occur without bringing the site into full compliance with all nonconforming site development standards or into compliance to the extent practical without removal of lawful structures in accordance with the following:

(a) On lots where the site configuration and undeveloped area are sufficient to comply with nonconformities in site design, no enlargement, expansion, or extension of a use or structure shall be permitted if it makes compliance with site regulations of the Chapter impossible, even if said enlargement, expansion, or extension of the use or structure would otherwise be permissible.

(b) Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under Section 2.13.11.

(c) On lots with adequate configuration and area to bring the site into full or greater compliance with site design standards, said compliance shall be required at the time of any property improvement, modification, enlargement, or expansion requiring site plan review by the Plan Commission. The degree to which the property shall be made to comply with substandard site design elements shall be proportional to the degree of property improvement.

Article 13: PROCEDURES AND ADMINISTRATION

Section 2.13.01: Purpose

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

Section 2.13.02: Amendments to Zoning Regulations (Text Amendments)

(1) **Authority.** Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board may, by ordinance, amend the zoning regulations of this Chapter. All such amendments shall first be subject to the review and recommendation of the Plan Commission.

(2) **Initiation.** An amendment to the zoning regulations may be initiated by the Village Board, Plan Commission, by recommendation of Village staff to either of these two bodies, or by any member of the general public.

(3) **Application Requirements for Amendment to the Zoning Regulations.** No application for amendment to the zoning regulations shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator with 12 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

   (a) A copy of the portion of the current provisions of this Chapter that are proposed to be amended, with said provisions clearly indicated in a manner that is clearly reproducible with a photocopier.

   (b) A copy of the text that is proposed to replace the current text.

   (c) Written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Comprehensive Plan.

   (d) Any required fee as stated in Title VI, Chapter 2.

(4) **Zoning Administrator Review and Recommendation.**

   (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. The Zoning Administrator or designee shall inform the applicant if the application is incomplete.

   (b) If complete, the Zoning Administrator or designee shall prepare a written evaluation of the application based on the criteria for amending the zoning regulations in subsection (7). The Zoning Administrator or designee shall forward a copy of the evaluation to the Plan Commission, Village Board, and applicant.

(5) **Notice of Public Hearing.** Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Plan Commission, to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Section 62.23 (7)(d) of Wisconsin Statutes. The Village Clerk shall also send said notice to the applicant and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

(6) **Public Hearing and Recommendation.** The Plan Commission shall hold a public hearing on all proposed amendments to the zoning regulations. Following the public hearing, and after consideration of comments provided therein, the Plan Commission shall review the proposed amendments to the zoning

regulations and shall within 75 days of submittal of a complete application make a recommendation to the Village Board that the application be granted as requested, modified, or denied. If the Commission fails to make a recommendation within this timeframe, the proposed amendment shall be forwarded to the Village Board without recommendation.

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

The Plan Commission and Village Board shall consider the following criteria when reviewing an application to amend the zoning regulations of this Chapter:

(a) Is the proposed text amendment to this Chapter consistent with the Comprehensive Plan?

(b) Does the proposed text amendment further the purposes and intent of this Chapter and section to which the amendment is proposed?

(c) Does the amendment address any of the following deficiencies or omissions as compared to the current language of this Chapter?

1. A change has occurred in the land market, or other factors have arisen that require a new form of development, a new type of land use, or a new procedure to meet said change(s).
2. New methods of development or providing infrastructure make it necessary to alter this Chapter to meet these new factors.
3. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.
4. There is an error or internal inconsistency in this Chapter.

(d) Does the proposed amendment maintain the desired compatibility with allowable land uses, land use intensities, and impact on resources of the affected zoning district(s)?

(8) **Village Board Action.**

(a) The Zoning Administrator shall schedule the proposed amendment for potential Village Board action. The Village Board shall within 90 days of submittal of a complete application act to approve or reject the proposed amendment. Failure of the Board to act within such timeframe (unless said deadline is extended by written agreement of the applicant) shall constitute approval of the application as presented.

(b) The Village Board may approve an amendment by a simple majority of at voting quorum, except that if the Board action is opposed to or alters a recommendation of the Plan Commission, the amendment shall require an affirmative vote from three-fourths of the full Village Board.

(9) **Effect of Denial.** No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(10) **Fee.** A fee may be required for this procedure, per Title VI, Chapter 2.

Section 2.13.03: Amendments to the Official Zoning Map (Rezonings)

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

(2) **Initiation.** An amendment to the Official Zoning Map may be initiated by any member of the Village Board or Plan Commission, by recommendation of Village staff to either of these two bodies, or by an application by the owner(s) of property proposed for rezoning.

(3) **Applications for Amendment to the Official Zoning Map.** No application for amendment to the Official Zoning Map shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator with 12 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

(a) A map with a graphic scale and a north arrow showing the entire subject property included in the proposed map amendment including lot boundaries and dimensions of the subject property, and all other lands within 300 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property, the current zoning of all property within 300 feet of the boundaries of the subject property, and the jurisdiction(s) in which the subject and adjacent properties lie.

(b) A list of the names and addresses of the owners of all property within 300 feet of the subject property as they appear on the current tax records shall be provided by the applicant, though the Zoning Administrator or Village Clerk may at their discretion instead provide this list.

(c) A map, such as the Planned Land Use Map from the Comprehensive Plan, showing the generalized location of the subject property in relation to the Village as a whole.

(d) Written justification for the proposed map amendment, consisting of the reasons why the applicant believes the proposed map amendment is in harmony with recommendations of the Comprehensive Plan and other review criteria of this Section.

(e) Any required fee as stated in Title VI, Chapter 2.

(4) **Zoning Administrator Review and Recommendation.**

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. The Zoning Administrator shall inform the applicant if the application is incomplete.

(b) If complete, the Zoning Administrator or designee shall prepare a written evaluation of the application based on the criteria for amending the Official Zoning Map in subsection (7). The Zoning Administrator or designee shall forward a copy of the evaluation to the Plan Commission, Village Board, and applicant.

(5) **Notice of Public Hearing.** Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Plan Commission to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Section 62.23 (7)(d) of Wisconsin Statutes. The Village Clerk shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

(6) **Public Hearing and Recommendation.** The Plan Commission shall hold a public hearing on all proposed amendments to the Official Zoning Map. Following the public hearing, and after consideration of comments provided therein, the Plan Commission shall review the proposed amendment to the Official Zoning Map and shall within 75 days of submittal of a complete application make a

recommendation to the Village Board that the application be granted as requested, modified, or denied. If the Commission fails to make a recommendation within this timeframe, the proposed amendment shall be forwarded to the Village Board without recommendation. The Plan Commission may request additional information from outside experts, the applicant, or any other source they deem necessary to allow evaluation of the amendment against the criteria of subsection (7).

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

The Plan Commission and Village Board shall consider the following criteria when reviewing an application to amend the Official Zoning Map:

(a) Is the proposed amendment to the Official Zoning Map consistent with the Comprehensive Plan?

(b) Does the proposed Official Zoning Map amendment further the purpose and intent of this Chapter?

(c) Does the proposed Official Zoning Map amendment address any of the following that are not properly addressed on the current Official Zoning Map?

1. A mistake was made in mapping on the Official Zoning Map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from being perpetuated.

2. Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.

3. Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.

(d) Does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

(8) **Village Board Action.**

(a) The Zoning Administrator shall schedule the proposed amendment for potential Village Board action. After careful consideration of all comments, the Village Board shall within 90 days of submittal of a complete application, act to approve or reject the proposed amendment. Failure of the Board to act within 90 days of submittal of a complete application (unless said deadline is extended by written agreement of the applicant) shall constitute approval of the application as presented.

(b) The Village Board may approve an amendment by a simple majority of a voting quorum, except that if the Board action is opposed to or alters a recommendation of the Plan Commission, and/or an official protest against the requested amendment to the Official Zoning Map meeting the requirements of Wisconsin Statutes is filed, then approval of the amendment to the Official Zoning Map shall require an affirmative vote from three-fourths of the full Village Board.

(9) **Effect of Denial.** No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(10) **Fee.** The Village may require a fee may for this procedure, per Title VI, Section 2.

Section 2.13.04: Zoning Permits

(1) **Applicability:** No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally repaired, or structurally altered, and no other action requiring a zoning permit under this Chapter shall occur, until after the owner or his agent has secured a zoning permit or building permit.

(2) **Application.** Each application for a zoning permit shall include the following:

(a) Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.

(b) Description of the subject site by lot, block, and recorded subdivision, or by metes and bounds; 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 prepared by a land surveyor registered in Wisconsin showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements; streets and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water, channel floodway, and floodplain boundaries; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show type, slope, and boundaries of soils shown in an official Soils Survey prepared for Columbia County by the United States Department of Agriculture Soil Conservation Service.

(d) Additional information as may be required by the Zoning Administrator.

(e) Any required fee as stated in Title VI, Chapter 2.

(3) **Granting of Zoning Permit.** A zoning permit shall be granted or denied by the Zoning Administrator (or Building Inspector if the Village combines the zoning permit and building permit under subsection (4)) in writing within 30 days of a complete application, and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within four months unless work equal to 10 percent of the dollar amount of the permit has been completed or within 18 months after the issuance of the permit if the structure for which a permit issued is not 75 percent completed as measured by the dollar amount of the permit. The applicant shall reapply for a zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of the Chapter shall be null and void.

(4) **Relationship to Building Permit.** Where a building permit is also required for the project per Title III, Chapter 6, the Village may combine the building permit and zoning permit into a single application and a single approval.

(5) **Fees.** The Village may require a fee for a zoning permit, per Title VI, , Chapter 2. A double fee may be charged if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

Section 2.13.05 Building Permit

No building shall be erected, structurally altered, or relocated until a building permit has been issued by the Building Inspector certifying that such building, as proposed, would be in compliance with the provisions of this Chapter and with Title III, Chapter 6. No building permit shall be issued until zoning compliance is determined.

Section 2.13.06: Conditional Use Permits

(1) **Initiation of Conditional Use Permit.** Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on the

land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.

(2) **Application for Conditional Use Permit.** No application for a conditional use permit shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. A proposed conditional use permit may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator with 12 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

(a) A completed conditional use permit application form furnished by the Zoning Administrator, including names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.

(b) A map of the subject property showing all lands for which the conditional use permit is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(c) A map, such as the Planned Land Use Map from the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.

(d) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

(e) A site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use. Said site plan shall conform to any applicable requirements of Section 2.13.09. If the conditional use will make use of existing site improvements only, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.

(f) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this Section.

(g) Any other plans and information deemed necessary by the Zoning Administrator or the Plan Commission to ensure that the intent of the Chapter is fulfilled.

(h) Any required fee as stated in Title VI, Chapter 2.

(3) **Zoning Administrator Review and Recommendation.**

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. The Zoning Administrator shall inform the applicant if the application is incomplete.

(b) If complete, the Zoning Administrator or Village Planner shall prepare a written evaluation of the application based on the criteria for evaluating conditional use permits in subsection (6) above. The Zoning Administrator shall forward a copy of the evaluation to the Plan Commission.

(4) **Public Hearing.** Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Plan Commission to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a

Class 2 Notice in conformance with the requirements of Section 62.23(7)(d) of Wisconsin Statutes. The Village Clerk shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

(5) **Review and Action by the Plan Commission.** Within 90 days after acceptance of a complete application (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission), the Plan Commission shall take final action on the conditional use permit request. The Plan Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve or amend the proposed conditional use permit requires a majority vote of Plan Commission members in attendance.

(6) **Review Criteria for Conditional Use Permit.** The Plan Commission shall evaluate the application to determine whether the requested conditional use meets the following criteria:

(a) Is the proposed conditional use in harmony with the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted by the Village?

(b) Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted by the Village?

(c) Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

(d) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?

(e) Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

(7) **Issuance and Recording of Permit.** Within five business days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant a written conditional use permit enumerating the details of the conditional use permit, including what land use(s) and/or development was approved and any conditions of approval. The Village Clerk shall record the conditional use permit against the property, assigning all costs thereof to the applicant, and shall make record of the conditional use permit on the Official Zoning Map.

(8) **Effect of Denial.** No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(9) **Termination of an Approved Conditional Use.** Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter or the approved conditional use permit shall be considered in violation of this Chapter and shall be subject to all

applicable procedures and penalties. A conditional use permit may be revoked for such a violation by the Plan Commission, following the procedures outlined for original granting of a conditional use permit.

(10) **Time Limits on the Development of Conditional Use.** The start of construction of any and all conditional uses shall be initiated within 365 days of approval of the associated conditional use permit and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this Section, "operational" shall be defined as occupancy of the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission and shall be based upon a showing of acceptable justification.

(11) **Discontinuing an Approved Conditional Use.** Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.

(12) **Change of Ownership.** All requirements of the approved conditional use permit shall be continued regardless of ownership of the subject property and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use permit, without approval by the Plan Commission, shall be considered a violation of this Chapter and shall be grounds for revocation of said conditional use permit.

(13) **Uses Now Regulated as Conditional Uses That Were Approved as Legal Land Uses (Permitted-by-Right or as Conditional Uses) Prior to the Effective Date of This Chapter.** A use now regulated as a conditional use that was approved as a legal land use--either permitted-by-right or as a conditional use--prior to October 21, 2013 shall be considered as a legal, conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use shall require application and Village consideration as a conditional use under this Section.

Section 2.13.07: Temporary Use Reviews

(1) **Purpose.**

(a) The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary uses, as described in this Chapter.

(b) Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed on a permanent basis under the general requirements of this Chapter. Owing to their varied nature, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case-by-case basis. In order to prevent undesirable outcomes, all temporary uses are required to meet certain procedural requirements of this Section in addition to the general requirements of Article 4 and the requirements of the zoning district in which the subject property is located.

(c) Allowable temporary uses permitted within each zoning district are listed in Article 3 of this Chapter.

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

(3) **Application Requirements.** All applications for proposed temporary uses shall be approved as complete by the Zoning Administrator prior to certification of the proposed temporary use. Said complete application shall be comprised of all of the following:

(a) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 300 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(b) A map, such as the Planned Land Use Map in the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.

(c) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

(d) The Zoning Administrator may require a site plan of the subject property. Said site plan shall conform to those requirements of Section 2.13.09 deemed necessary by the Zoning Administrator.

(e) Any required fee per Title VI, Chapter 2.

(4) **Action on Requested Temporary Use.** Except for those temporary uses that require a conditional use permit under Article 3, action on an allowable temporary use shall be taken by the Zoning Administrator within five days of a complete application. Such action may include approval, conditional approval to meet the requirements of this Chapter, or denial if compliance with this Chapter cannot be achieved. If the temporary use is approved, the Zoning Administrator shall issue a written permit enumerating the details of the temporary use permit, including what temporary land use(s) and/or development was approved and any conditions of approval. For those temporary uses that are listed as conditional uses under Article 3, a conditional use permit shall first be required.

(5) **Fee.** A temporary use fee may be required under Title VI, Chapter 2.

Section 2.13.08: Sign Permits

Sign permits shall be issued in accordance with the procedures and requirements set forth in Section 2.10.02, and other applicable procedures set forth in Article 10.

Section 2.13.09: Site Plan Procedures

(1) **Applicability.** Site plan approval shall be required in advance of construction for all development projects that are listed in Section 2.3.03(10) or as otherwise stated elsewhere in this Chapter. The review and approval process shall be as described in this Section 2.13.09.

(2) **Pre-application Conference.** Prior to the official submission of an application for site plan review, the applicant shall confer with the Zoning Administrator or designee. The purpose of this conference will be to discuss the proposed nature of the contemplated development project. The Zoning Administrator or designee may also refer the matter to the Plan Commission for concept plan review prior to submittal of a formal application.

(3) **Application Completeness.** The applicant shall submit a site plan application to the Zoning Administrator. The site plan application shall not be placed on an agenda as an action item unless the application is approved and certified as complete by the Zoning Administrator. The review of a site plan application for completeness shall occur within ten days of application submittal, or else the application shall be considered complete. The Zoning Administrator shall notify the applicant of the date and time of the applicable Plan Commission meeting. Complete applications must be submitted at least 14 days in

advance of a Plan Commission meeting to be scheduled for action at such meeting (as opposed to the subsequent meeting, except under exceptional circumstances as determined by the Zoning Administrator.

(4) **Application Contents.** The applicant shall submit 12 copies of submitted plans, at least four of which are full-sized, and at least one of which includes 11" x 17" reductions. Except as otherwise allowed below, the application shall include the following information within the site plan or in supporting documentation:

(a) A title block that indicates the name, address, and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project.

(b) The date of the original plan and the latest date of revision to the plan.

(c) A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 50 feet; except where the Zoning Administrator allows reduced scales.

(d) A legal description of the subject property.

(e) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.

(f) Delineation of floodplains, shoreland-wetlands, steep slopes, mature trees, and woodlands, with labels and descriptions.

(g) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.

(h) All required building setback lines/minimum yards applicable to the zoning district(s), including setbacks from natural resources.

(i) A grading and erosion control plan at the same scale as the main plan showing existing and proposed grades, including retention walls and related devices, and erosion control measures.

(j) The location of existing and proposed stormwater management facilities and structures, along with any technical data required by the Village Engineer to determine the adequacy of the proposed facilities.

(k) Proposed land use or uses, with projected number of employees, residents, and maximum customer capacity.

(l) All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.

(m) The location and dimension of all access points onto public streets.

(n) The location and dimension of all on-site parking (and, if applicable, off-site parking), including a summary of the number of parking stalls provided versus required by this Chapter.

(o) The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.

(p) The location of all outdoor storage areas including dumpsters and the design of all screening fences.

(q) The location, type, height, fixture design, and cut-off angle of all exterior lighting, including a detailed photometric plan showing the distribution of light output across the property to the property lines. Depiction of illumination on the photometric plan shall be shown rounded to the nearest 0.10 foot candles. Exterior lighting shall comply with the requirements of Section 2.9.11.

(r) A detailed landscaping plan for the subject property at the same scale as the main plan showing the location of all required buffer yard and landscaping areas. The landscape plan shall comply with the requirements of Article 8.

(s) Elevation drawings, drawn to a recognized architectural scale, of proposed buildings or proposed remodeling of existing buildings to include exterior or roof mechanical equipment and showing finished exterior treatment, with adequate labels provided to clearly depict exterior materials, texture, color, and overall appearance.

(t) The location, type, height, size and lighting of all existing signage on the subject property, and for proposed signage to the extent practical at the time.

(u) In the site plan map legend, the following additional data for the subject property:

1. Proposed zoning (or existing zoning if no change)
2. Lot area
3. Total number and type of residential dwelling units (if applicable)
4. Total Gross Floor Area (GFA)
5. Landscape Surface Area
6. Landscape Surface Ratio
7. Building Height

(v) Any required fee per Title VI, Chapter 2.

(5) **Site Plan Review Criteria.** In acting on any site plan approval request, the Plan Commission shall review the request against all applicable requirements of this Chapter. Should additional public facilities be needed to serve the proposed site, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

(6) **Review and Approval.** The Plan Commission shall, within 45 days of submittal of a complete application, take action to approve, approve with conditions, or deny approval of a site plan, unless the timeframe is extended with written consent of the applicant.

(7) **Modifications to Standards.**

(a) If the requested building permit is limited to construction or modification of an accessory structure that is less than 250 square feet in floor area, a parking lot that will add 10 or fewer spaces, or a minor modification to a previously approved site plan, the Zoning Administrator may, at his or her discretion, review and act on the site plan administratively.

(b) The Zoning Administrator may determine that some of the application requirements of subsection (4) above need not be submitted in connection to an application for approval of a site plan if not necessary to satisfy the intent of this Section.

(8) **Modification of an Approved Site Plan.** Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this Chapter. An approved site plan shall be revised and approved via the procedures for original approval above (allowing for minor modifications under subsection (7)(a), so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

(9) **Sunset Clause.** All buildings on an approved site plan not fully developed within two years of final site plan approval shall expire, and no additional site development shall be permitted on undeveloped

portions of the subject property. The Plan Commission may extend this period, as requested by the applicant.

(10) **Fee.** A fee may be required for this procedure per Title VI, Chapter 2.

Section 2.13.10: Certificate of Occupancy Procedures

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

(2) **Application for Occupancy Permits.** Every application for a zoning permit or building permit shall be deemed to be an application for a Certificate of Occupancy. Every application for a Certificate of Occupancy for a new use or change in use of land or building shall be made directly to the office of the Zoning Administrator.

(3) **Issuance of Certificate of Occupancy.** No Certificate of Occupancy for a building or portion thereof hereafter constructed or structurally altered shall be issued until construction has been substantially completed and the premises inspected and certified by the office of the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based. The Zoning Administrator may issue a temporary Certificate of Occupancy for a part of a building.

(4) **Termination of a Certificate of Occupancy.** It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to occupy a building in the Village without having first obtained a Certificate of Occupancy. Any Certificate issued upon a false statement of any fact that is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Zoning Administrator, he shall forthwith revoke the Certificate of Occupancy by notice in writing to be delivered by him to the holder of the void Certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing said notice of revocation by Certified Letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Occupancy shall be deemed guilty of violation of this Chapter.

(5) **Fee.** A fee may be required for this procedure per Title VI, Chapter 2.

Section 2.13.11: Variance Procedures

(1) **Purpose.** The purpose of this Section is to provide regulations that enable a hearing and decision on requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest, where owing to special factors a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done, as provided for by Section 62.23(7)(e)(7) of Wisconsin Statutes.

(2) **Initiation of Request for Approval of a Variance.** Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) or their authorized agent of the subject property.

(3) **Application Requirements.** All applications for requested variances shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the applicant. If the Zoning

Administrator determines that the application is complete, he shall so notify applicant. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Village, the applicant shall provide the Village copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

(a) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(b) A map, such as the Planned Land Use Map from the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.

(c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.

(d) A site plan of the subject property, including existing conditions and proposed changes. Said site plan shall conform to those requirements of Section 2.13.09 deemed necessary by the Zoning Administrator

(e) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the criteria set out in subsection (6) below.

(f) Any fee as may be required under Title V, Chapter 2.

(4) **Review by the Zoning Administrator.**

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

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter.

(b) When complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance based on the application and the criteria for variance approval.

(c) The Zoning Administrator shall forward the application and evaluation report to the Zoning Board of Appeals for that Board's review and action.

(5) **Review and Determination.**

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

boundaries of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

(b) Within 30 days after the holding of the public hearing or, within an extension of said period approved by the applicant and granted by the Zoning Board of Appeals, that Board shall make its findings based on the criteria in this Section, and its determination regarding the application as a whole. The Board may request further information and/or additional reports from the Zoning Administrator and/or the Applicant. The Board may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Board shall make a written report of its findings and determinations following its decision.

(c) If the Board fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.

(d) Said report shall include a formal findings of fact developed and approved by the Board concerning the requirements of subsection (6).

(6) **Criteria for Grant of a Variance.** The Zoning Board of Appeals shall determine that all of the following criteria have been met before granting a variance:

(a) An exceptional or extraordinary circumstance or special factors are present on the subject property and that apply only to the subject property, rather than more generally to all properties in the same area and zoning district. Specifically:

1. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one that affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel, unusual topography or elevation, or because the property was created before the passage of the current applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed.

2. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.

3. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships.

4. Violations by, or variances granted to, neighboring properties shall not justify a variance.

5. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

(b) The above factors prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district.

(c) The granting of the proposed variance shall not impose a substantial detriment to adjacent properties.

(d) The granting of the proposed variance would not result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of

the implementation of the intent, provisions, and policies of this Chapter and the Village's Comprehensive Plan.

(e) The factors that present the reason for the proposed variance have not been created by the actions of the applicant or previous property owner (for example, previous development decisions such as building placement, floor plan, or orientation, lot configurations, or grading).

(f) The proposed variance does not involve or result in a land use that is not allowed in the zoning district under Article 3 of this Chapter.

(7) **Effect of Denial.** No application for a variance that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(8) **Limited Effect of a Variance.** Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered unique to the variance granted, and shall not be construed as precedent for any other proposed variance.

(9) **Stay of Proceedings.** An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or by a Court of Record on application, on notice to the Zoning Administrator, and on due cause shown. State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.

(10) **Fee.** A fee may be required for this procedure per Title VI, Section 2.

Section 2.13.12: Interpretations

(1) **Purpose.** The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.

(2) **General Considerations.** Interpretations of this Chapter range from those that can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

(a) Where determinations can be made by the Zoning Administrator using equipment normally available to the Village or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.

(b) Where technical complexity or extraordinary expense makes it unreasonable for the Village to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards; for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations; and for protecting the general public from unnecessary costs for administration and enforcement.

(c) The Zoning Administrator shall give written notice, by certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning

Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.

(d) The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Section will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Village.

(3) **Initiation of Request for an Interpretation.** Proceedings for an interpretation may be initiated by the Village Board, Plan Commission, or by application from an owner(s) or leaseholder of property within the Village.

(4) **Application Requirements.** All applications for interpretations, regardless of the party of their initiation, shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The submittal of an application to the Village Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the Village Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Village Clerk, the applicant shall provide the Village Clerk with 12 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

(a) Indication of the part of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.

(b) If the requested interpretation relates to the application of this Chapter to a specific property, the following additional information shall be required:

1. A map of the subject property showing all lands for which the interpretation is requested, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds as provided by the Village. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

2. A map, such as the Planned Land Use Map from the Comprehensive Plan, of the generalized location of the subject property in relation to the Village as a whole.

3. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.

4. An existing site plan that accurately reflects the current conditions of the property, along with any proposed changes, with sufficient details relevant to the inquiry.

(c) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, responses to the following questions shall be required:

1. How is the subject land use (in general) in harmony with the Comprehensive Plan and this Chapter?
2. How is the subject land use in harmony with the purposes, goals, objectives, policies, and standards of the pertinent zoning district for which the interpretation is being sought?
3. Do the potential public benefits of the proposed interpretation outweigh any and all potential adverse impacts of the proposed interpretation?

(5) **Review by Zoning Administrator.**

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the applicant.

(b) Within 30 days of the filing of a complete application, the Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the proposed interpretation provided in the application. This review shall also take into consideration the standards for review presented in subsection (2).

(6) **Standards for Review of Requested Interpretations.**

This Chapter shall be interpreted in a manner that is consistent with the purposes intended by the Village Board as noted in this Chapter. To this end, the Zoning Administrator shall proceed as follows:

(a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required.

(b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public.

(c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's proposal.

(d) The Zoning Administrator shall not substitute his own judgments for the legislative acts of the Village Board.

(e) In addition to the applicant's responses to the questions required by subsection (4) above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:

1. No interpretation shall allow the establishment of any land use that was previously considered and rejected by the Village Board on an application for an amendment to the text of this Chapter, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
2. No interpretation shall allow a land use in any district other than those listed as allowable within each district or permit such use without meeting all review and approval procedures specified for that use.
3. No interpretation shall permit a land use in a zoning district unless evidence is presented that demonstrates that the land use will comply with any and all regulations applicable to development in the zoning district.
4. No interpretation shall permit a land use not specifically allowed in the particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other permitted uses than to uses either not permitted in said district, or uses requiring a conditional use permit. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by

right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use permit.

(7) **Effect of a Favorable Land Use Interpretation.** No interpretation finding a particular land use to be allowed or conditionally allowed in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals that may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, conditional use permits, and certificates of occupancy.

(8) **Limitations on Favorable Land Use Interpretation.** No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period. An interpretation finding a particular land use to be allowed or conditionally allowed in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

(9) **Fee.** An Interpretation Fee may be required if provided under Title VI, Chapter 2.

Section 2.13.13: Appeals of Zoning Interpretations

(1) **Scope and Manner of Appeals.** Appeals to the Village Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the Village affected by any decision of the Zoning Administrator affecting property within the Village. Such appeal shall be taken within 30 days of the alleged grievance or judgment in question. Such appeal shall be a notice in writing and filed with the officer from whom the appeal is taken and with the Zoning Board of Appeals. The notice of appeal shall specify the grounds of such appeal, and any matter omitted therefrom shall not be considered by the Board. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(2) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Zoning Board of Appeals that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board of Appeals, or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(3) **Public Hearing for Appeals of Zoning Interpretation.** The Board of Appeals shall conduct at least one public hearing on the proposed appeal. Notice of such hearing shall be given not more than 30 days and not less than 10 days before the hearing in one or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator, and the Plan Commission. At the hearing the applicant may appear in person, by agent, or by attorney. The Board shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Administrator, and Plan Commission.

(4) **Concurring Vote and Decision.** The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of any applicant on any matter upon which it is required to pass under the

zoning ordinance or to effect any variance in such ordinance. The grounds of any such determination shall be stated.

Section 2.13.14: Zoning Administrator

(1) **Designation.** The Village Board shall designate the Zoning Administrator. As permitted by law, the Zoning Administrator may designate another employee or contractor of the Village to perform the duties of the Zoning Administrator, on a recurring, occasional, or case-by-case basis. Where a duty in this Chapter is assigned to the Zoning Administrator, it shall be assumed that his or her designee may also permit such duty except where otherwise restricted by law.

(2) **Duties.** The general responsibility of the Zoning Administrator is to interpret and administer this Chapter and to issue permits required by this Chapter, who in addition thereto and in furtherance of said authority shall:

(a) Determine that all detailed plans and supporting materials comply with all provisions of this Chapter.

(b) Conduct inspections of buildings, structures, waters, and land to determine compliance with all provisions of this Chapter.

(c) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Chapter. If, however he is refused entry after presentations of his identification, he may procure a special inspection warrant in accordance with Section 66.0119(2) of Wisconsin Statutes.

(d) Conduct inspections of buildings, structures, waters, and land to determine compliance with all provisions of this Chapter.

(e) Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications therefore.

(f) Receive, file, and forward all applications for all procedures governed by this Chapter to the designated official bodies.

(g) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him.

(h) Institute, in the name of the Village of Poynette, any appropriate actions or proceedings against a violator of this Chapter, as provided by law.

(i) Prohibit the use or erection of any structure, land, or water until he has inspected and approved such use or erection.

(j) Where useful, set marks on bridges or buildings or other markers that show the depth of the regional flood, or set marks delineating the boundaries of wetlands.

(k) Request assistance and cooperation from the Village Police Department, Village Attorney, Village Planner, Village Engineer, Village Clerk, Village Public Works Director, and other Village staff and consultants as he or she deems necessary, either as a designee or advisor.

(l) Make available to the public, to the fullest extent possible, all reports and documents concerning the Village's Comprehensive Plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Village Board may set fees necessary to recover the cost of providing such information to the public.

(m) Make determinations of which land uses that are not listed in Figures 2.3.04 and 2.3.05 shall be allowed in a zoning district, per Section 2.3.02(5).

(n) Make interpretations regarding the provisions of this Chapter per Section 2.13.12.

Section 2.13.15: Village Plan Commission

The Village Plan Commission, together with its other statutory duties, shall with reference to this Chapter:

(1) Review and grant final site plan approval as provided in this Chapter.

(2) Conduct public hearings for applications to amend the provisions of this Chapter including the Official Zoning Map, conditional use permits, and General Development Plans within a PN district.

(3) Approve or deny conditional use permit applications.

(4) Review and make recommendations to the Village Board regarding approval of any General Development Plan for a PN district, and approve or deny Specific Implementation Plans associated with a PN district.

(5) Review and advise the Village Board on all applications for text amendments to the zoning regulations, and to all amendments to the Official Zoning Map.

(6) Assist the Zoning Administrator in the performance of his or her duties as specified in this Chapter.

(7) Review and advise on conceptual development plans for potential future applications under this Chapter.

Section 2.13.16: Zoning Board of Appeals

(1) **Membership**. The Zoning Board of Appeals shall be appointed by the Village Board.

(2) **Meetings and Rules.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public, except as otherwise required by law. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. The Zoning Board of Appeals may adopt its own rules of procedure not in conflict with this Municipal Code or with the applicable Wisconsin Statutes.

(3) **Offices.** The Village Board shall provide suitable offices for the Zoning Board of Appeals for holding of hearings and the presentation of records, documents, and accounts.

(4) **Appropriations.** The Village Board shall appropriate funds to carry out the duties of the Zoning Board of Appeals. The Zoning Board of Appeals shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.

(5) **Jurisdiction and Authority.** The Zoning Board of Appeals shall have the jurisdiction and authority as specified in Wisconsin Statutes. Pursuant to these powers, the Zoning Board of Appeals shall have the following powers for associated issues:

(a) Hear and decide appeals where it is alleged there is error in any interpretation pertaining to the order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer under this Chapter.

(b) Hear and grant requests for variances to this Chapter as will not be contrary to the public interest, where owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.

(c) Reverse, affirm wholly or partly, modify the requirements appealed from, and issue or direct the issue of a permit or consent, all as authorized pursuant to Section 62.23(7)(e)8 of Wisconsin Statutes.

Section 2.13.17: Fees

(1) **Payment of Fees for Procedures.** The fees for the procedures and permits established by this Chapter are established under Title VI, Chapter 2.

(2) **Fees for Procedures Requested by the Village of Poynette.** There shall be no fee in the case of applications filed in the public interest by the Village Board, Plan Commission, or other agency or official of the Village of Poynette.

(3) **Payment of Fees.** Fees shall be payable at the time applications are filed with the appropriate officer of the Village (per the requirements of this Chapter) and are not refundable.

(4) **Reimbursable Costs.** The Zoning Administrator, Village Planner, Village Engineer, Public Works Director, Village Attorney, Village Administrator, and other Village staff and consultants may expend time in the investigation and processing of procedures regulated by this Chapter. The Village may also retain the services of other professional consultants including but not limited to landscape architects, architects, environmental specialists, and recreation specialists in the administration, investigation, and processing of such matters. Any person, firm, or corporation requesting action by the Village on matters under this Chapter may be required to reimburse the Village for staff time expended in the administration, investigation, and processing of applications for such permits or amendments and the cost to the Village charged by any professional consultant retained by the Village on any such matter.

Section 2.13.18: Violations and Penalties

(1) **Violations.** It shall be unlawful to construct or use any structure, land, or water anywhere within the Village in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, Plan Commission, Zoning Administrator, or any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter.

(2) **Penalties.** Any person, firm, or corporation who fails to comply with the provisions of this Chapter shall forfeit not less than $100.00 as stated in Title VI, Chapter 1, plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

(3) **Poynette Promulgated Correction of Violation.** In addition to any other penalty imposed by this Section for a violation of the provisions of this Chapter, the Village reserves and maintains the continued right to abate violations of this Chapter.

(a) **Hazardous Condition Caused by Violation of this Chapter.** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.

(b) **Non-Hazardous Condition Caused by Violation of this Chapter.** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall serve written notice by registered mail on the current owner of the property (as indicated by current tax records) on which said violation is occurring to remove said violation within 10 working days. If such violation is not removed within

such 10 working days, the Zoning Administrator shall cause the violation to be. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.

(c) **Cost of Abatement.** In addition to any other penalty imposed by this Section for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax as provided by Section 66.615(5) of Wisconsin Statutes.

Article 14: DEFINITIONS

Section 2.14.01: Introduction to Word Usage, Abbreviations and Definitions

The purpose of this Article is to define words, terms, and phrases contained in this Chapter that are essential to the understanding, administration, and enforcement of this Chapter, and that may not be part of common English usage or may have a different definition for purposes of this Chapter than common English usage suggests.

Section 2.14.02: Word Usage

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

(1) Words used or defined in one tense or form shall include other tenses and derivative forms.

(2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.

(3) The masculine gender shall include the feminine, and vice versa.

(4) The words "shall," "must," and "will" are mandatory.

(5) The words "may," "can," "should," and "might" are permissive.

(6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.

(7) If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

Section 2.14.03: Abbreviations

The following abbreviations in this Chapter are intended to have the following meanings:

Abbreviation	Meaning
Ac	Acre
AT	Agricultural Transition (standard zoning district)
B-1	B-1 Downtown Commercial (standard zoning district)
B-2	B-2 Highway Commercial (standard zoning district)
B-3	B-3 Neighborhood Commercial (standard zoning district)
BP	BP Business Park (standard zoning district)
Db	Decibel
DNR	Wisconsin Department or Natural Resources (also "WisDNR")
DOT	Wisconsin Department of Transportation (also "WisDOT")
Du	Dwelling unit
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
Ft	Foot
I	I Industrial (standard zoning district)
GFA	Gross Floor Area
GSA	Gross Site Area

Abbreviation	Meaning
HUD	U.S. Department of Housing and Urban Development
INT	INT Institutional (standard zoning district)
ISR	Impervious Surface Ratio
LSR	Landscape Surface Ratio
Max	Maximum
MGD	Maximum Gross Density
MH	Maximum Height
Min	Minimum
MLA	Maximum Lot Area
MSA	Minimum Site Area
N/A	Not applicable
PN	PN Planned Neighborhood (refers both a special zoning district and each unique development within such a district)
PSC	State of Wisconsin Public Services Commission
R-1-M	R-1-M Single-Family Residential-Modern (standard zoning district)
R-1-T	R-1-T Single-Family Residential-Traditional (standard zoning district)
R-2	R-2 Duplex Residential (standard zoning district)
R-MF	R-MF Multiple Family Residential (standard zoning district)
R-MH	R-MH Mobile Home (standard zoning district)
SF or sq. ft.	Square feet
UDC	Uniform Dwelling Code
WHP	WHP Wellhead Protection Area (overlay zoning district)
-	Or fewer (as in "8-")
+	Or more (as in "9+")

Section 2.14.04: Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section.

Abutting: Having a common border with, or being separated from such common border by an alley or easement.

Access: A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

Access, direct: A condition of immediate physical connection resulting from a highway, alley, or private road abutting a property.

Access, secondary: A means of providing vehicular or non-vehicular ingress to or egress from a property and a source other than a street or alley (e.g., easement, common driveway).

Access standards: See Section 2.9.07.

Acre: 43,560 square feet.

Accessory dwelling unit (land use): See Section 2.4.09.

Accessory land use or structure: A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto.

Accessory residential use or dwelling unit: For purposes of this Chapter, a dwelling unit that is accessory to one or more principal land uses. Includes "In-Home Suites," "Accessory Dwelling Units," and similar uses.

Active outdoor public recreation (land use): See Section 2.4.04.

Addition: Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls shall be considered new construction.

Address and/or identification sign: An accessory wall sign containing only the name and/or address of the premises on which it is located.

Adjacent: Abutting a separate lot.

Agricultural-related use (land use): See Section 2.4.03.

Agricultural use (land use): See Section 2.4.03.

Air pollution standards: See Section 2.9.14.

Airport or heliport (land use): See Section 2.4.07.

Alley: A public right-of-way which normally affords a secondary means of access to the side or rear of an abutting property, and which is not intended for through traffic.

Amateur radio antenna: Any combination of materials or equipment located outside of a principal structure on a premises used exclusively for the purpose of sending and/or receiving electromagnetic waves for amateur radio service, including any towers, support structures, guy wires, foundations or similar components of a support structure**.**

Amateur radio service: The transmission and reception of electromagnetic signals for non-commercial purposes, by an amateur radio operator licensed by the Federal Communications Commission.

Apartment: See definition of Multi-Family residence.

Appeal: A means for obtaining review of a decision, determination, interpretation, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 2.13.14.

Aquifer: A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

Arterial street: See Street, Arterial.

Artisan studio (land use): See Section 2.4.05.

Artwork: Means a sculpture, monument, or structure erected solely for aesthetic purposes, which in no way identifies a product or business or is used for commercial purposes.

Awning: A shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework.

Banner: A sign made of fabric or any non-rigid material with no enclosing framework.

Basement: A portion of a building located partly underground, but having one-half or less of its floor to ceiling height below the average grade of the adjoining ground.

Bed and breakfast (land use): See Section 2.4.05.

Bedroom: A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

Billboard: An off-premise advertising sign that directs attention to a business, product, or service offered at a location other than on the premises on which the sign is located.

Blanket variance: A variance that is automatically granted by a provision of this Chapter in order to reduce the creation of legal nonconforming sites (see Section 2.12.05).

Board of Trustees: See "Village Board."

Boarding house (land use): See Section 2.4.05.

Bufferyard: Any permitted combination of distance, vegetation, fencing, and/or berming that results in a reduction of visual and other interaction with an adjoining property, as required for certain land uses and activities and specified in Section 2.8.02(3)(d).

Building: A structure having a roof and intended for the shelter, housing, or enclosure of persons, animals or chattels.

Building, accessory: A building that meets the following criteria:

(1) Is subordinate to and serves a principal structure and/or principal use;

(2) Is subordinate in area, extent, and purpose to the principal structure or use served;

(3) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and

(4) Is customarily incidental to the principal structure or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building coverage: The percentage of a lot covered by principal and accessory buildings, including all structures with a roof.

Building front: That exterior wall of a building that faces the front lot line of the lot.

Building height: The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof; the deck line of a mansard roof; or to the average height of the highest gable of an umbral, hip, or pitched roof.

Building Inspector: The employee or contractor of the Village officially designated to administer the Building Code.

Building, principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Building separation: The narrowest distance between two buildings. See Minimum Building Separation.

Building size: The total gross floor area of a building. See Maximum Building Size.

Bulk (of a building): The combination of building height, size, and location on a lot.

Campground (land use): See Section 2.4.05.

Canopy (building): A rigid multisided structure covered with fabric, metal, or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

Canopy (freestanding): A rigid multisided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground.

Cellar: That portion of the building having more than one-half of the floor-to-ceiling height below the average grade of the adjoining ground.

Certificate of Occupancy: See Section 2.13.10.

Collector street: See Street, Collector.

Commercial animal service or boarding (land use): See Section 2.4.05.

Commercial indoor lodging (land use): See Section 2.4.05.

Commercial land use(s): See Section 2.4.05.

Communications tower (land use): See Section 2.4.08.

Community character: The impression an area makes in regard to the type, intensity, density, quality, appearance, and age of development.

Community garden (land use): See Section 2.4.03.

Community living arrangement (land use): See Section 2.4.04.

Company cafeteria (land use): See Section 2.4.09.

Company provided on-site recreation or child care (land use): See Section 2.4.09.

Comprehensive Plan: The adopted Comprehensive Plan of the Village of Poynette, as may be from time to time amended.

Conditional use: A land use that requires a conditional use permit in order to develop.

Conservation neighborhood design: A technique of designing neighborhoods in which the preservation of natural resources is central to the overall design.

Construction, start of: The installation of foundation footings and/or materials for road construction.

Contractor's on-site equipment storage facility (land use): See Section 2.4.10.

Contractor's project office (land use): See Section 2.4.10.

County: Columbia County, Wisconsin.

Cul-de-sac: A local street having one end open to traffic and the other end permanently terminated in a vehicular turnaround meeting Village standards.

Day care: See "Family Day Care Home," "Intermediate Day Care Home," or "Group Day Care Center."

Deck: A structure that has no roof or walls and is considered part of a building or structure.

Dedication: The transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee-simple interest, including an easement.

Density: A term used to describe the number of dwelling units per acre.

Detached accessory structure (for non-residential use) (land use): See Section 2.4.09.

Detached accessory structure (for residential land use): See Section 2.4.09.

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an option or contract purchaser.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

Disposal land use(s): See Section 2.4.06.

Distribution center (land use): See Section 2.4.07.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drive-in or drive-through sales or service (land use): See Section 2.4.05.

Drive-in theater: See "Outdoor Commercial Entertainment."

Dwelling: A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and campgrounds.

Dwelling, attached: A dwelling joined to another dwelling at one or more sides by a shared wall or walls.

Dwelling, detached: A dwelling entirely surrounded by open space on the same lot.

Dwelling unit: A room or group of rooms providing or intended to provide permanent living quarters for not more than one family.

Dwelling unit separation: The narrowest distance between two dwelling units. See Minimum dwelling unit separation.

Earth filling /excavating: See Section 2.9.02.

Easement: Written authorization, recorded in the Register of Deeds' office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.

Encroachment: Any fill, structure, building, use, or development that advances beyond proper limits.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Essential services: Facilities that meet the following criteria:

(1) Are owned or maintained by public utility companies or public agencies;

(2) Are located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way;

(3) Are reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers, and;

(4) Do not include any cross-country line on towers.

Existing Facilities and Land Uses: Pertaining to the well recharge regulations of this Chapter, those facilities, practices, or activities existing as of the date that the WHP Wellhead Protection Area overlay zoning district is first mapped in that area and in continuous operation since that date, which may cause or threaten to cause environmental pollution within the WHP district. Existing facilities and land uses include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form, incorporated herein as if fully set forth.

Explosion standards: See Section 2.9.17.

Façade: The entire building front including the parapet.

Family: An individual or two or more persons, each related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit; or a group of not more than four persons not so related, maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

Family day care home (land use): See Section 2.4.09.

Fencing standards: See Section 2.9.03.

Fire and explosion standards: See Section 2.9.17.

Flag: Any fabric, plastic, or similar material containing distinctive colors, patterns, or symbols used as a symbol or emblem of any corporation, nation, organization of nations, state, Village, or religious, fraternal, educational or civic organization displayed for noncommercial purposes.

Flashing sign: A directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

Flicker: The moving shadow created by sun shining on the rotating blades of the wind turbine.

Floor area: The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements, attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space (decks are not included in this measurement). Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

Floor area ratio (FAR): The ratio calculated by dividing the Gross Floor Area of all buildings on a site by the Gross Site Area.

Footcandle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Freight terminal (land use): See Section 2.4.07.

Garage (residential): A detached accessory building or a portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers, or one truck of a rated capacity not in

excess of ten thousand (10,000) pounds. Garages do not include temporary enclosures. See also "Detached Accessory Structure (for Residential Use)."

Gas station: See "Drive-In or Drive-Through Sales or Service."

Geothermal energy system (GES) (land use): See Section 2.4.09.

General floor plans: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

General temporary outdoor sales (land use): See Section 2.4.10.

Glare: The brightness of a light source that causes eye discomfort.

Glare standards: See Section 2.9.16.

Green space: Includes all landscape surfaces, in ground stormwater management facilities, woodlands, and permanently protected natural resource areas that allow ground water infiltration.

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density.

Gross floor area (GFA): The total floor area on all levels of a building.

Gross site area (GSA): The total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development.

Group day care center (land use): See Section 2.4.05.

Group development: Any development that is comprised of a lot with any of the following:

(1) A single principal structure with a Gross Floor Area of 5,000 square feet or more housing two or more non-residential uses or leasable tenants spaces OR a mixed use structure that contains one or more non-residential uses and one or more residential use;

(2) Two or more principal multi-family residential structures with a total of six or more residential units;

(3) Two or more principal structures with a combined Gross Floor Area of 5,000 square feet or greater, whether currently serving a single use or more than one use.

Habitable building: Any building, or portion thereof, used for human habitation.

Hazardous materials: See Section 2.9.20.

Heat standards: See Section 2.9.16.

Heavy industrial (land use): See Section 2.4.08.

Height of structure: See Building Height.

Historic structure: Any building or portion of a building that is a) listed or eligible for listing on the National or State Registers of Historic Places or b) identified as having historic or architectural significance by a comprehensive survey of historic resources conducted by or with authorization of the Village.

Hotel: See "Commercial Indoor Lodging."

Hunting (land use): See Section 2.4.04.

Impervious surface: Areas designed and installed to prohibit infiltration of stormwater. Homes, buildings, and other structures, as well as concrete, brick, asphalt, and similar paved surfaces are considered impervious. For the purposes of this Chapter, gravel areas and areas with "landscaped pavers" and "pervious pavement" that are intended for vehicular traffic shall be considered impervious.

In-home suite (land use): See Section 2.4.09.

Indirectly (externally) illuminated sign: A sign that is illuminated from a source outside of the actual sign.

Indoor commercial entertainment (land use): See Section 2.4.05.

Indoor institutional—general (land use): See Section 2.4.04.

Indoor institutional—intensive (land use): See Section 2.4.04.

Indoor repair and maintenance (land use): See Section 2.4.05.

Indoor sales incidental to storage or light industrial land use (land use): See Section 2.4.09.

Indoor sales or service (land use): See Section 2.4.05.

Indoor storage or wholesaling (land use): See Section 2.4.06.

Institutional and recreational land use(s): See Section 2.4.04.

Institutional residential (land use): See Section 2.4.04.

Intensity: A term used to describe the amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

Intermediate day care home (land use): See Section 2.4.09.

Internally illuminated sign: A sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within such sign.

Interpretations: See Section 2.13.12.

Junkyard or salvage yard (land use): See Section 2.4.08.

Landscape points: See Section 2.8.02(4).

Landscaped area: The area of a site that is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters. Landscaped areas do not include stormwater detention ponds unless the Plan Commission deems that the design of the facility also meets the aesthetic, screening, or other open space requirement applicable to the use or site.

Landscaped surface area ratio (LSR): The percentage of the gross site area or lot area that is preserved as permanently protected landscaped area.

Landscaping: A deliberately designed collection of living plants installed and maintained on a lot, generally including a combination of trees, shrubs, and perennial plantings.

Land use: The type of development and/or activity occurring on a piece of property.

Large exterior communication device (land use): See Section 2.4.09.

Lawn care: Any activity involving the preparation, installation, and maintenance of vegetative ground cover, including but not limited to grass.

Light industrial (land use): See Section 2.4.08.

Light industrial activities incidental to indoor sales or service (land use): See Section 2.4.09.

Lighting standards, exterior: See Section 2.9.11.

Livestock or farm commodity trucking (land use): See Section 2.4.07.

Loading standards: See Section 2.9.09.

Local collector street: See "Street, Collector."

Local residential street: See "Street, Local Residential."

Local street: See "Street, Local."

Lot: A parcel of land that: (a) is undivided by any street or private road; and (b) has frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other provisions of this Chapter and the Land Division and Subdivision Ordinance.

Lot area: The area contained within the exterior boundaries of a recorded lot, excluding public streets and land under bodies of water.

Lot, corner: A lot situated at the junction of and abutting two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot depth: The average distance between the front lot line and the rear lot line of a lot.

Lot frontage: Lot width measured at the front lot line.

Lot interior: A lot other than a corner lot.

Lot line: A lot line is a property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for purposes of this Chapter.

Lot line, front: A lot line that abuts a public or private street right-of-way. For corner lots, the lot line along the street from which the house is addressed shall be the front lot line. (See also lot line, street side).

Lot line, interior side: Any boundary of a lot that is not a front lot line, a street side lot line, or a rear lot line.

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, the lot line that is opposite and most distant from the front lot line of the lot is the rear lot line. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of a double frontage lot, there shall be no rear lot line

Lot line, street side: For corner lots, the lot line that abuts a public or private street right-of-way but that is not the front lot line.

Lot of record: A platted lot or lot described in a certified survey map or in a metes and bounds description that has been approved by the Village or by Columbia County; and has been recorded in the office of the Register of Deeds.

Lot, through: A lot that has a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac).

Lot width: The maximum horizontal distance between the side lot lines of a lot, measured at a location of the lot that is (a) parallel to the front lot line and at (b) at the minimum required front yard. Such minimum required front yard shall be per this Chapter for the associated zoning district, or further towards the rear lot line if so delineated on an approved subdivision plat or certified survey map. See also "Minimum lot width."

Lowest floor: The lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

Major home occupation (land use): See Section 2.4.09.

Manufactured home: A home built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. A manufactured home may be constructed of single or multiple Sections.

Maximum accessory building coverage: The largest permitted area of all accessory buildings on a lot.

Maximum floor area ratio (FAR): The largest amount of floor area permitted on a lot. See also "floor area ratio."

Maximum gross density (MGD): The maximum number of dwelling units permitted per acre of Gross Site Area. See also "gross density."

Maximum height: The maximum height of the highest portion of any structure. See also "height."

Minimum building separation: The narrowest permitted building separation for buildings on the same building lot or site.

Minimum dwelling unit separation: The narrowest permitted dwelling unit separation on the same building lot or site.

Minimum landscape surface ratio (LSR): The lowest permitted landscape surface ratio. See also "landscape surface ratio."

Minimum lot area (MLA): The minimum size lot permitted within the specified zoning district and development option.

Minimum lot width: The smallest permissible lot width within the applicable zoning district.

Minimum setback: The narrowest distance permitted from a front, street side, interior side, or rear property line to a building or structure as specified in this Chapter.

Minimum site area (MSA): The minimum gross site area in which the specified development option may occur. See also "gross site area (GSA)".

Minor home occupation (land use): See Section 2.4.09.

Mixed use: Some combination of residential, commercial, industrial, office, institutional, or other land uses within a district or development, except as may otherwise defined in the standards for a PN district.

Mixed use dwelling unit (land use): See Section 2.4.02.

Mobile home community (land use): See Section 2.4.02.

Modular home: Includes homes that are built to State, County, and Village building code standards and consist of one or more modules, panels, and pre-cut sections that are manufactured off-site and are transported to the site for final assembly.

Multi-family residence (land use): See Section 2.4.02.

Navigable water: All natural lakes, rivers, streams, ponds, sloughs, flowages, and other waters that are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)] For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

Noise standards: See Section 2.9.13.

Non-metallic mineral extraction (land use): See Section 2.4.08.

Nonconforming lot: See "Substandard Lot."

Nonconforming sign: A sign that was legally constructed under the regulations in place at the time, but does not conform to the regulations of this Chapter.

Nonconforming site: Any development that was lawfully established prior to October 21, 2013 or subsequent amendments thereto, but that would not conform to one or more current site, building, landscape, lighting, or other design regulations within this Chapter. See Section 2.12.05.

Nonconforming structure: Any building, or other structure, that was lawfully established prior to October 21, 2013 or subsequent amendments thereto, but that would not conform to one or more current density, intensity, or bulk regulations within this Chapter. See Section 2.12.04.

Nonconforming use: An active and actual use of land, building(s), or structure(s) that was lawfully established prior to October 21, 2013 or subsequent amendments thereto, that has continued as the same use to the present, and that does not comply with all the applicable use regulations of this Chapter. See Section 2.12.03.

Non-residential district(s): All standard zoning districts other than the R-1-M, R-1-T, R-2, R-MF, R-MH, and PN districts.

Non-residential land use(s): All uses that are not intended for long term or permanent use as a dwelling unit. Commercial lodging and similar land uses intended for short-term occupancy are considered non-residential land uses.

Noxious matter or materials: Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well-being of individuals.

Noxious materials standards: See Section 2.9.18.

Odor standards: See Section 2.9.15.

Office (land use): See Section 2.4.05.

Official map: A map adopted and designated by the Village as being the "Official Map," pursuant to Section 66.23(6) Wis. Stats., that shows current and proposed municipal sites and rights-of-way.

Official Zoning Map: The map adopted and designated by the Village as being the "Official Zoning Map" that includes all lands within the Village municipal limits, and that visually represents the location of zoning districts under this Chapter.

On-site: Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

On-site agricultural retail (land use): See Section 2.4.03.

On-site real estate sales office (land use): See Section 2.4.10.

Opacity: The degree to which vision is blocked by a buffer yard. Opacity is a measure of complete visual obstruction measured as the percentage of a bufferyard's vertical plane to a height of six feet above ground level measured from the property or land use to be screened.

Outdoor assembly (land use): See Section 2.4.10.

Outdoor commercial entertainment (land use): See Section 2.4.05.

Outdoor display (land use): See Section 2.4.05.

Outdoor institutional (land use): See Section 2.4.04.

Outdoor and Vehicle Repair and Maintenance (land use): See Section 2.4.05.

Outdoor storage of firewood standards: See Section 2.4.05.

Outdoor storage or wholesaling (land use): See Section 2.4.06.

Outdoor and Vehicle Repair and Maintenance (land use): See Section 2.4.05.

Overlay zoning district: A zoning district that imposes uniform restrictions on all properties within its area that are in addition to the restrictions specific to standard zoning districts and the general restrictions of this Chapter. See Article 6.

Owner: The person, persons, or other legal entity having the right of legal title to a lot or parcel of land.

Parapet: The extension of a false front or wall above the roofline.

Parcel: The area within the boundary lines of a lot.

Parking requirements: For minimum parking requirements associated with individual land uses refer to Article 4. For parking space and lot design standards, see Section 2.9.08.

Passive outdoor public recreation (land use): See Section 2.4.04.

Penalty: See Section 2.13.19.

Pennant: A sign made of fabric, plastic, or similar material, which may or may not contain distinctive colors, patterns or symbols of a corporation or business, often in series, and usually mounted without a frame and hung from poles and structures to allow movement by air. Such attention-getting displays not specifically defined as a flag or banner are considered pennants.

Performance guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the Chapter regulations and the approved plans and specifications of a development.

Performance standard: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.

Permitted by right, use: A particular type of land use that is allowed as a matter of right within an associated zoning district, provided that all other requirements of this Chapter are met.

Personal or professional service (land use): See Section 2.4.05.

Personal storage facility (land use): See Section 2.4.06.

Plan commission: The Plan Commission of the Village of Poynette, also commonly referred to as the Planning Commission. See Section 2.13.16.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Portable sign: A sign not permanently attached to the ground that is designed to be moved from one location to another.

Preservation or restoration area: Any lands managed to preserve or restore native Wisconsin grasses and forbs, native trees, shrubs, wildflowers and aquatic plants; an old field succession of native and non-native plants, or a combination of these. Includes formerly farmed areas left to grow wild. Does not include farmland left temporarily fallow for agricultural reasons.

Principal building: See Building, principal.

Principal use: Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use).

Prohibited sign: A sign that is not allowed to be erected within the Village.

Public improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as streets, roads, alleys, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public sanitary sewer: Includes the Village of Poynette sanitary sewer system and other forms of sanitary sewer systems approved by the State Department of Natural Resources and maintained by a public agency authorized to operate such systems.

Public service or utility (land use): See Section 2.4.04.

Railroad right-of-way: A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

Real estate sign: A sign that is used to offer for sale, lease, or rent the property upon which the sign is placed.

Recorded lot: See "Lot of record."

Recreational vehicle: For purposes of this Chapter, includes any of the following: All-terrain motorized vehicles; snowmobiles; water craft; towed, motorized, or truck-mounted campers; motor homes; roof mounted cargo carriers; any trailer whether flat-bed or with a chassis-mounted container; or any vehicle or vehicle trailer similar to the above.

Relocatable building (land use): See Section 2.4.10.

Residential agriculture (land use): See Section 2.4.09.

Residential district(s): The RR, R-1-M, R-1-T, R-2, R-MF, R-MH, and PN zoning districts.

Residential land use(s): A land use intended for use as a long-term residence or dwelling, whether owner or renter occupied, including "institutional residential" and "community living arrangement" land uses in any district and accessory residential land uses. Excludes commercial lodging, tourist lodgings, and campgrounds.

Residentially zoned: Land located in the R-1-M, R-1-T, R-2, R-MF, or R-MH district, or within any portion of an INT or PN district approved exclusively for a residential use.

Restrictive, more/less: A regulation imposed by this Chapter is more/less restrictive than another if it prohibits or limits development to a greater/lesser extent or by means of more/less detailed specifications.

Restaurant: A type of "Indoor Commercial Entertainment" land use in which food and beverages are sold to paying customers for on-site consumption.

Restaurant, fast food: A type of "Drive-In or Drive-Through Sales or Service" use in which food and beverages are sold to customers ordering and/or picking up such food or beverages in vehicles, with or without an option or eat and drink in the premises instead.

Roof sign: A sign erected upon or over the roof or parapet of any building.

Scale (of development): A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

Seasonal outdoor sales of farm products (land use): See Section 2.4.10.

Sedimentation: The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Septic systems: State enabled, County approved private on-site waste treatment systems.

Setback: The shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line. See also "minimum setback."

Sexually oriented business (land use): See Section 2.4.05.

Shadow: The outline created on the surrounding area by the sun shining on the wind energy system.

Shrub: A low-lying deciduous or evergreen plant.

Sign: An emblem, name, identification, description, or illustration that is affixed to or appears directly or indirectly upon a building, structure, or piece of land and that directs attention to an object, product, place, activity, person, institution, organization, or business. Definitions, descriptions, and regulations for various types and configurations of signs are found in Article 10.

Sign, abandoned: A business sign that is no longer being used in connection with an ongoing business on the lot; a sign that is no longer being used because the business is discontinued; and/or a sign that has not been maintained in a manner that renders it legible.

Sign, gross area of: The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

Signable wall: A front wall, street side wall, or interior or rear side wall with a customer building entrance facing a customer parking lot. No individual wall shall count as more than one signable wall for purposes of determining the allowable number and area of business signs.

Signal receiving antenna (satellite dishes) standards: See "Small Exterior Communication Device" and "Large Exterior Communication Device."

Single-family detached residence (land use): See Section 2.4.02.

Site area: See Gross site area.

Site plan: See Sections 2.3.03(10) and 2.13.09.

Skylight: A window or other paned area located on the ceiling or roof of a structure.

Small exterior communication device (land use): See Section 2.4.09.

Small solar or wind energy system (land use): See Section 2.4.09.

Standard zoning districts: Zoning districts that primarily regulate the use of land and intensity or density of such use, as opposed to "overlay" or "special" zoning districts.

Start of construction: The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

State: The State of Wisconsin.

Steep slope: Steep slopes are areas that contain a gradient of 12 percent or greater.

Storage standards: See Section 2.9.06.

Stormwater management structure/facility: Includes in ground detention/retention ponds, basins, swales, ditches, stormwater drains, and similar site features or structures. See Section 2.9.02.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Neither a basement nor a cellar shall be counted as a story.

Street: Unless specifically designated otherwise by the Village, any public or private way that is dedicated or permanently open to pedestrian and vehicular use.

Street, arterial: . A public street that serves longer intra-urban trips and traffic traveling through the Village, has limited to no direct access for abutting land uses, and has measured or projected traffic volume of over 3,000 vehicles per day; or as otherwise may be designated as an arterial street within the Village's comprehensive plan or by the Village Board.

Street, collector: A public street that collects and distributes internal traffic within the Village (such as within a residential neighborhood), provides access between local and arterial streets and limited access for abutting land uses, and has a measured or projected traffic volume of between 750 and 3,000 vehicles per day; or as otherwise may be designated as a collector street within the Village's comprehensive plan or by the Village Board.

Street side lot line: See "Lot line, street side."

Street, local: A street designed to provide access to abutting land uses and leading into a collector or occasionally into an arterial street, but which is not designed to carry through traffic from outside the neighborhood where it is located. Not an arterial street or a collector street.

String of lights: Lighting used to enhance or decorate store fronts, displays, or signage and associated only with decoration.

Substandard lot: A lot of record that lawfully existed prior to this Chapter that would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See Section 2.12.02.

Structure: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Swimming pool: either an above ground or in-ground outdoor structure that contains a body of water in a receptacle or other container having a depth for water at any point greater than 18 inches below the adjacent

ground or deck elevation; used or intended to be used solely by the owner, operator, or lessee thereof and his family and invitees; and including all structural facilities, appliances, appurtenances, equipment, and other items intended to be used for the operation and maintenance of the swimming pool. Includes hot tubs, spas and any other structure meeting the above definition. For the purposes of the associated regulations in Section 2.9.04, a swimming pool does not include any pool that is designed to be readily and/or seasonally disassembled, stored, and reassembled to its original integrity, provided that pool wall height does not exceed 48 inches.

Temporary portable storage container (land use): See Section 2.4.10.

Temporary shelter (land use): See Section 2.4.10.

Temporary vehicle shelter: These structures are typically supported by poles, have a fabric roof and/or sides and are usually used to cover automobiles, boats, or recreational vehicles. See Section 2.4.10.

Temporary use: A land use that is present on a property for a limited and specified period of time. See Section 2.4.10 for temporary uses, and 2.13.07 for applicable procedures.

Terrace area. The land within a public street right-of-way between the street curbing and the sidewalk on the same side of the street. Where no sidewalk exists, the area within six feet from the pavement edge (or within six feet from curb if curb exists) shall be deemed to be a terrace area for the purpose of this Chapter.

Total height (for wind turbine): The distance measured from ground level to the blade extended at its highest point.

Tourist rooming house (land use): See Section 2.4.05.

Toxic materials standards: See Section 2.9.18.

Tower: The monopole or freestanding structure on which a cellular communication device, wind turbine, and accessory equipment are mounted.

Townhouse (land use): See Section 2.4.02.

Turf grass: Grass commonly used in regularly-cut lawns or play areas such as, but not limited to, bluegrass, fescue, and ryegrass blends.

Two-family residence (land use): See Section 2.4.02.

Unnecessary hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the Chapter.

Urban development: Development that is connected to public sanitary sewer and water services.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, accessory: See Accessory Use.

Use, conditional: See Conditional Use.

Use, principal: See Principal Use.

Variance: Permission to depart from the literal requirements of this Chapter granted pursuant to Section 2.13.11.

Vibration standards: See Section 2.9.12.

Violation: See Section 2.13.19.

Village: The Village of Poynette, Wisconsin.

Village Board: The Board of Trustees of the Village of Poynette, Wisconsin.

Visibility and vision clearance standards: See Section 2.9.07(13).

Waste disposal or composting facility (land use): See Section 2.4.06.

Waste materials standards: See Section 2.9.19.

Well field: A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

Well recharge area: The land area that contributes water to a well by infiltration or water into the subsurface and movement towards the well.

Wetland: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wind turbine: The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

Working days: Monday, Tuesday, Wednesday, Thursday, or Friday; excluding holidays recognized by the Village of Poynette.

Yard: A required open space on a lot that is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, front: The land area between the side lot lines extending from the front lot line to the nearest part of the nearest principal building. For corner lots and other double frontage lots, the yard on which the property is addressed is the front yard. [Amended 2/23/2015 via Ord. 15-516]

Yard, interior side: The land area between the front yard and rear yard extending from an interior (non-street) side lot line to the nearest part of the nearest principal building on that lot. [Amended 2/23/2015 via Ord. 15-516]

Yard, rear: The land area between the side lot lines extending from the rear lot line to the nearest part of the nearest principal building on the lot. For corner lots and other double frontage lots:

(1) The yard opposite from the yard on which the property is addressed is the rear yard.
(2) No area defined as being within the street side yard in this section is also within the rear yard, except that both street side yard and rear yard setbacks in this chapter shall apply in each such area. [Amended 2/23/2015 via Ord. 15-516]

Yard, street side: For corner lots, the land area between the front and rear lot line extending from a street side lot line to the nearest part of the nearest principal building on the lot. [Amended 2/23/2015 via Ord. 15-516]

Zero lot line duplex (land use): See Section 2.4.02.

Zero lot line structure: A structure that is built over the property line, where walls separating occupancy units follow lot lines, such as a zero-lot-line duplex or townhouse.

Zoning Administrator: The person authorized and charged by the Village with the administration of this Chapter. See Section 2.13.15.

Zoning Board of Appeals: See Section 2.13.17. Also commonly referred to as "Board of Zoning Appeals" or "Board of Appeals."

Zoning district: A designation for a portion of the community designated for certain types of land uses and/or with certain standards for land development that are different than other portions.

Zoning map: See "Official Zoning Map."

Appendix A
Model Restrictive Covenants Applicable to Zero Lot Line Dwellings

Article I. Definitions.

For the purpose of this Declaration, the following terms shall have the meaning here ascribed to them.

(1) **"Dwelling Unit"** shall mean and refer to a room or group of rooms providing or intended to provide permanent living quarters for not more than one family.
(2) **"Lot"** shall mean and refer to any portion of land in the properties, upon which a dwelling unit is situated, whether or not the same is a platted lot.
(3) **"Owner"** shall mean and refer to the owner of record of fee simple title to any lot that is a part of Properties, including contract sellers and vendees, but excluding those having such interest merely as security for the performance of an obligation, and excluding those who have a lien upon the property by provision or operation of law.
(4) **"Properties"** shall mean and refer to the real property hereinbefore described.
(5) **"Zero Lot Line Dwelling"** shall mean and refer to a side-by-side attached dwelling where the lot line and common party fire between the dwelling units are coterminous.

Article II. Party Walls.

(1) **General Rules of Law Apply**. Each wall that is built as part of the general construction of any Dwelling Unit upon the Properties and placed on the dividing line between two Dwelling Units shall constitute a party wall and to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and of liability for property damage due to negligent or willful acts or omission shall apply thereto. Whenever improvements abut on the common boundary line between adjoining units, there shall be a two hour firewall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing.
(2) **Shares of Repair and Maintenance**. The cost of reasonable repair and maintenance of each party wall shall be shared by the Owners who make use of the wall in proportion to the use.
(3) **Destruction by Fire or Other Casualty**. If a party wall is destroyed or damaged by fire or other casualty or by physical deterioration, any Owner who has used the wall may restore it, and shall have an easement over the adjoining Dwelling Unit for the purposes of making such restoration, and if other Owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owner to call for a larger contribution from other Owners under any rule of law regarding liability for negligent or willful acts or omission.
(4) **Weatherproofing**. Notwithstanding any other provision of this Article, any Owner who, by his negligent or willful acts, shall cause any party wall to be exposed to the elements or excessive heat or cold shall bear the whole cost of furnishing the necessary protection against elements or heat or cold, and of repairing the party wall from damages caused by such exposure.
(5) **Right of Contribution Runs with Land**. The right of any Owner to contribution from any other Owner shall be appurtenant to the Lot and shall pass to such Owner's successors in title.
(6) **Encroachment**. If any portions of a Dwelling Unit or any Lot shall actually encroach upon any other Lot within the Properties, or if any such encroachment shall hereafter arise because of settling or shifting of the building or other cause, there shall be deemed to be an easement in favor of the Owner of the encroaching Dwelling Unit to the extent of such encroachment so long as the same shall exist.

(7) **Mechanics' Liens**. Each Owner of a Dwelling Unit agrees to indemnify and hold harmless the Owner of an adjoining Dwelling Unit for any mechanics' liens arising from work done or material supplied to make repairs or replacements for which the defaulting owner is responsible.

Article III. Other Provisions Governing Relationship Among Owners of Adjoining Dwelling Units.

(1) **Insurance.** Replacement/Construction. Each Owner shall maintain fire and extended coverage insurance on their Dwelling Unit to the full replacement value/ construction cost thereof, and, in the event of damage to or destruction of their Dwelling Unit, shall restore it to the condition in which it was prior to the damage or destruction.
(2) **Maintenance**. Each Owner of a Dwelling Unit shall maintain their Lot and the exterior of their Dwelling Unit in good condition and repair and in a neat and clean condition.
(3) **Architectural Control**. The Owner of a Dwelling Unit may replace exterior components of the Owner's Dwelling Unit with similar components of the same design and color, and may paint the exterior of the Owner's Dwelling Unit with paint of the existing color of the exterior, but the Owner may not, either in the course of ordinary replacement or remodeling or restoration after damage or destruction, employ different siding or roofing material or a different color scheme, without the written consent of the Owner of the adjoining Dwelling Unit.

Article IV. General Provisions.

(1) **Enforcement.** The Owner of a Dwelling Unit shall have a right to enforce, by any proceeding at law or in equity, or both, all of the terms and provisions of this Declaration. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, and said proceedings may be either to restrain violation or to recover damages.
(2) **Arbitration**. In the event of any dispute arising concerning the provisions of Articles II and III, the parties shall agree upon a single arbitrator. If the parties are unable to agree on a single arbitrator, each party shall choose one arbitrator and such arbitrators shall choose one additional arbitrator, and the decision of a majority of all the arbitrators shall be final and conclusive of the question involved. If either party refuses or fails to promptly appoint an arbitrator, the same may be appointed by any court of competent jurisdiction. Arbitration shall be in accordance with the rules of the American Arbitration Association.
(3) **Severability**. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.
(4) **Amendments**. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them in perpetuity unless an instrument signed by a majority of the then Owners of the Lots and the Village of Poynette has been recorded, agreeing to change said covenants in whole or in part.
(5) **Village**. Notwithstanding the fact that this Declaration was made a condition of various approvals from the Village, the Owners, their assignees, or heirs absolve the Village of Poynette of any and all liability. Further, the Owners, their assignees, or heirs understand the Village is not an enforcing agency of any portion of this document, although it retains the discretion to enforce violations of the covenants set forth herein as violations of the zoning code of the Village of Poynette. Any other type of relief or remedies sought by any Owner remains a private civil matter between the parties.