

Village of Bonduel
Shawano County
117 W. Green Bay Street
Bonduel, WI 54107

ORDINANCE NO.: 2019-20

SPONSORED BY: Plan Commission

INTRODUCED BY: Brenda Staszak

SECONDED BY: Barbara Wickman

THE VILLAGE BOARD OF THE VILLAGE OF BONDUEL, SHAWANO COUNTY, WISCONSIN, DO ORDAIN that CHAPTER 115, ZONING CODE, is hereby repealed and recreated as follows:

Chapter 115. – Zoning Code.

Sec. 115-1. - Definitions.

For the purpose of this chapter, the following definitions shall be used:

Abutting means having a common property line or district line.

Alley means a street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

Apartment means a portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

Apartment house. See *Dwelling, multifamily.*

Automobile wrecking yard means any premises on which more than one automotive vehicle, not in running or operating condition, is stored in the open.

Basement means a story, as defined in this section, partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

Billboard means an advertising device which displays information regarding goods, products, facilities or services not necessarily on the premises where the sign is located and/or directs persons to a location that may be different from where the sign is located.

Boardinghouse means a building other than a hotel where lodging and meals are furnished for compensation for four or more persons not members of a family.

Building means any structure use, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

Building, accessory, means a building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. When an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard requirements of the main building shall be applied to the accessory building.

Building area means the total living area bounded by the exterior walls of a building at the floor level, but not including a basement not qualified for living area under the state building code, a garage, an unfinished and unheated porch and an attic.

Building, height of, means 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, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

Certificate of occupancy means a written statement issued by the building inspector which permits the use of a building or lot or a portion of a building or lot and which certifies compliance with the provisions of this chapter for the specified use and occupancy.

Conditional use means a use of a special nature so as to make impractical its predetermination as a principal use within a district. A use allowed under a conditional use permit, special exception, or other special zoning permission issued by the Village but does not include a variance.

Dwelling.

- (1) *One-family* means a detached building designed for or occupied exclusively by one family.
- (2) *Two-family* means a detached or semidetached building designed for and occupied exclusively by two families.
- (3) *Multifamily* means a building or portion thereof designed for and occupied by more than two families, including tenement houses, row houses, apartment houses and apartment hotels.

Dwelling unit means a separate housekeeping unit, designed and used for occupancy by a single-family.

Family means any number of persons related by blood, adoption or marriage, or not to exceed four persons not so related, living together in one dwelling as a single housekeeping entity.

Farm means land consisting of five acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption or use.

Floor area means:

- (1) For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of unfinished and unheated porches, balconies, garages and basements qualified for living area under the state building code, measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating dwelling units.
- (2) For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the centerline of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

Frontage means all the property abutting on one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

Garage.

- (1) *Private garage* means an accessory building or space for the storage only.
- (2) *Public garage* means any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- (3) *Storage garage* means any building or premises used for storage, not to be used as living quarters and where no equipment, parts, fuel, grease or oil is sold.

Home occupation means a gainful occupation conducted by members of the family only within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupations, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted name plate not more than one foot square is installed. Outdoor storage of raw materials or finished products is not allowed.

Hotel, motel means a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

Junkyard means any premises on which there is an accumulation of scrap metal, paper, rags, glass, scrap lumber or other scrap materials stored or customarily stored for salvage or sale unless such accumulation is housed in a completely enclosed building.

Loading space means an off-street space or berth on the same lot with a building or contiguous to a group of buildings and abutting on or affording direct access to a public street or alley for the temporary parking of a commercial vehicle while loading or unloading cargo.

Lot means a parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building, together with the open spaces required by this chapter and abutting on a public street or officially approved place.

Lot, corner, means a lot abutting on two or more dedicated and accepted streets at their intersections, provided that the interior angle of such intersection is less than 135 degrees.

Lot depth means the mean horizontal distance between the front and rear lot lines.

Lot, interior, means a lot other than a corner lot.

Lot lines means the lines bounding a lot as defined herein.

Lot, though, means an interior lot having frontage on two nonintersecting streets.

Manufactured dwelling means a dwelling structure or component thereof as defined in Wis. Admin. Code § COMM 20.07(52) which bears the state department of commerce insignia certifying that it has been inspected and found to be in compliance with Wis. Admin. Code ch. COMM 20, subch. V (Wis. Admin. Code §§ 20.12—20.17).

Manufactured home means a dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a HUD label or insignia certifying that it is built in compliance with federal manufacturing housing construction standards.

Mobile home means a nonself-propelled one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, whether or not the same is placed on a permanent foundation.

Mobile home park means any lot on which two or more mobile homes are parked for the purpose of temporary or permanent habitation.

Motel. See Hotel.

Nonconforming use means a building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.

Nursing home means any building used for the continuous care, on commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

Parking stall means an off-street space, available for the parking of a motor vehicle and which, in this chapter, is held to be an area ten feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

Professional home office means the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in an R-1 district, a professional office shall be incidental to the residential occupation and not more than 25 percent of the floor area of only one story of a dwelling unit shall be occupied by such office.

Roadside stand means a structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises.

Setback means the minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.

Shopping center means a group of stores, planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

Sign means any words, letters, figures, numerals, phrases, sentences, emblems, devices or designs visible from a public street or highway which convey information regarding the use or ownership of the establishment on the same property upon which it is located, as distinguished from a billboard.

Story means that portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.

Street means all property dedicated for public street purposes.

Street line means a dividing line between a lot, tract or parcel of land and an abutting street right-of-way.

Structural alterations means any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

Structure means anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Temporary structure means a movable structure which does not require a permanent location on the ground and which is not attached to something having a permanent location on the ground.

Use means the use of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, accessory, means a use subordinate in nature, extent or purpose to the principal use of a building or lot and which is also an approved use if so, stated in this chapter.

Use, conditional. See *Conditional use*.

Use, permitted, means a use which may be lawfully established in a particular district, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.

Use, principal, means the main use of land or building as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.

Utilities means public and private facilities such as water wells, water and sewer pumping stations, water storage tanks, electric transmission towers, electric lines, electric transmission substations, gas transmission regulation stations, telephone and telegraph exchanges, microwave relay structures but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Vision clearance means an unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line. (See section 115-3(g).)

Yard means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- (1) *Front yard* or *setback* means a yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

- (2) *Rear yard* means a yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building excluding uncovered steps.
- (3) *Side yard* means a yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line. See also sections 115-3(e) and 115-4(3).

Zoning district means an area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

Zoning permit means a permit stating that the placement of and the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is to be located.

Sec. 115-2. - Introduction.

- (a) *Authority.* These regulations are adopted under the authority granted by Wis. Stats. § 62.23(7).
- (b) *Short title.* This chapter shall be known as, referred to or cited as the "Zoning Code, Village of Bonduel, Wisconsin."
- (c) *Purpose.* The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the village.
- (d) *Intent.* It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the village; and implement the village comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.
- (e) *Abrogation and greater restrictions.* It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- (f) *Interpretation.* In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other power granted by the state statutes.

Sec. 115-3. - General provisions.

- (a) *Compliance.* No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable village, county and state regulations.
- (b) *Use restrictions.* The following use restrictions and regulations shall apply:
 - (1) *Principal uses.* Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.
 - a. *Accessory uses.* Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include

incidental repairs; storage; parking facilities; gardening; servant's and watchman's quarters not for rent; private swimming pools; and private emergency shelters. Accessory buildings shall not occupy more than 30 percent of the required area for the rear yard.

- b. *Unclassified or unspecified uses.* Unclassified or unspecified uses may be permitted by the Village Board after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
 - c. *Temporary uses.* Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator or designated agent.
- (2) *Performance standards.* Performance standards listed in section 115-22 shall be complied with by all uses in all districts.
- (c) *Yard reduction or joint use.*
- (1) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
 - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.
 - (3) No lot in the village which contains a building shall hereafter be reduced by any type of conveyance to an area less than would be required for the construction of such building on such lot.
- (d) *Lot occupancy.* Every building hereafter erected, converted, enlarged or structurally altered shall be located on a platted lot and in no case shall there be more than one principal building on one platted lot unless approved by the Village Board.
- (e) *Yards abutting district boundaries.* Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.
- (f) *Storage limitation.* Except as provided in section 115-14(2), no required side yard or front yard in the commercial or industrial districts shall be used for storage or the conduct of business. This subsection shall not apply to the following locations: 149 N. Cecil Street.
- (g) *Vision clearance.* No obstructions such as structures, parking or vegetation shall be permitted in any district other than the C-1 district between the height of 2½ and ten feet above a plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines, located a minimum of 35 feet from their intersection. Official signs, utility poles, tree trunks and wire fences may be permitted within each segment of an intersection traffic visibility area.
- (h) *Performance standards.* See section 115-22.
- (i) *Parking and loading restrictions.* See section 115-21.
- (j) *Cement, blacktop, landscape stone or similar materials.* May be placed up to the lot line at grade.

Sec. 115-4. - Height and area exceptions.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- (1) *Chimneys, towers, lofts, etc.* Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, windmills, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, masts or aerials and necessary mechanical appurtenances exceeding the height regulations of this chapter may be permitted as conditional uses by the Plan Commission.
- (2) *Street yard modifications.* The yard requirements stipulated elsewhere in this chapter may be modified as follows:
 - a. *Uncovered stair restrictions.* Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six feet and be not closer than three feet to any lot line.
 - b. *Cul-de-sac and curve restrictions.* Residential lot frontage on culs-de-sac and curves in R-1 districts and for single-family residences in the R-2 district may be less than 80 feet provided the width at the building setback line is at least 80 feet and the street frontage is not less than 45 feet. Residential lot frontage on culs-de-sac and curves for two-family and multifamily residences in R-2 districts may be less than 100 feet provided the width at the building setback line is at least 100 feet and the street frontage is not less than 55 feet.
 - c. *General requirements.*
 - (1) *Fences and walls in front and side yards.* On any corner lot, no fence, wall or shrub shall be within the vision triangle prescribed in chapter 115. No wall or fence may be erected in any front or side yard, except that a decorative fence shall be no more than three feet in height extending no more than ten feet in length in any one direction or a total of 20 feet and shall be set back two feet from the lot line.
 - (2) *Fences in rear yards.* Fences having a height of six feet or less may be located within the required rear yards in residential districts.
 - (3) *Location.* The property owner shall be responsible for the proper placement and location of the fence. No fence shall be placed closer than two feet from the property line unless written consent is obtained from the abutting property owner and a variance granted by the board of zoning appeals.
 - d. *Security fence restrictions.* Security fences are permitted in industrial and business districts with Village Board approval, but shall not be located more than two feet from the property line and shall not exceed ten feet in height and shall be an open type similar to woven wire or wrought iron fencing. A building permit is required. See chapter 103, article I.
 - e. *Essential services exemptions.* Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
 - f. *Street yard restrictions.* With the approval of the Plan Commission, the required street yards may be decreased in any residential, business or industrial district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in the residential districts and five feet in any business or industrial district.
- (3) *Corner lots.* On corner lots the side yard facing the street shall not be less than 25 feet. Accessory buildings which are not a part of the main building shall not occupy more than 30 percent of the area of the required side yard.
- (4) *Lots abutting different grades.* Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade plus 12 inches to the top of the basement wall.
- (5) *Buildings on through lots.* The requirements for a rear yard for buildings on through lots and extending from street to street may be waived by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.

- (6) *Accessory buildings.* Accessory buildings which are not a part of the main building shall not occupy more than 30 percent of the area of the required rear yard, shall not be more than 15 feet high and shall not be nearer than five feet to any lot line nor five feet to any alley line, and shall not extend into a front yard beyond the required setback.
- (7) *Unobstructed yards.* Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard or side yard.

Sec. 115-5. - Single-family dwelling standards.

No single-family dwelling, including dwellings constructed on the building site, manufactured dwellings and manufactured homes, shall be erected or installed in any zoning district except the MHP district unless such dwelling meets all of the following standards:

- (1) Minimum floor area. The minimum, livable, all-weather floor area for every dwelling unit shall be 960 square feet, excluding the area of the garage or carport;
- (2) Minimum width. The dwelling shall have a minimum width of 24 feet measured from the narrowest part of the dwelling;
- (3) The dwelling shall be set on a full basement or other permanent enclosed structure in accordance with the state Uniform Dwelling Code (Wis. Admin. Code chs. COMM 20—25). The structure shall not rest upon a metal frame where the foundation meets the sills or floor joists;
- (4) The dwelling shall have a pitched roof with a minimum slope of 3:1; the roofing shall be asphalt shingles or comparable roofing, including colored metal roofing, but excluding galvanized metal roofing;
- (5) Prohibited roofing materials. The following materials shall be prohibited as roof surfaces for dwellings, detached garages and carports: smooth or corrugated sheets of fiberglass, plastic or its equivalent;
- (6) Prohibited siding materials. The following materials shall be prohibited as siding materials for all dwellings: smooth, ribbed or corrugated sheets of metal, fiberglass, plastic and materials having a highly reflective or high gloss finish.
- (7) Prohibited siding materials. The following materials shall be prohibited as siding materials for detached garages and carports: fiberglass, plastic and materials having a highly reflective or high gloss finish.

Sec. 115-6. - Nonconforming uses, structures and lots.

(a) *Existing nonconforming uses.*

- (1) *Continuation.* The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter, provided, however:
 - a. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.
 - b. The total lifetime structural repairs or alterations shall not exceed 50 percent of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.
 - c. Substitution of new equipment may be permitted by the Village Board if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

- (2) *Abolishment or replacement of existing nonconforming use.* If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter. In making such a determination, the Village shall consider the existing neighborhood and trends of use to determine whether the rebuilding-repair plan is consistent with the geographic area. The Plan Commission and the Village Board shall also consider whether it is appropriate, at the time of review, to rezone the property involved to a different classification. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50 percent of its current equalized assessed value, it shall not be restored, without the approval of the commission and the board, except so as to comply with the use provisions of this chapter. From the date of adoption of the ordinance from which this chapter is derived, a current file of all nonconforming uses shall be maintained by the clerk-treasurer, listing the following:
- a. Owner's name and address.
 - b. Use of the structure, land or water.
 - c. Assessed value at the time of its becoming a nonconforming use.
- (b) *Existing nonconforming structures.* Any lawful nonconforming structures existing at the time of the adoption or amendment of this chapter may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter unless a variance is first obtained from the board of zoning appeals.
- (c) *Changes and substitutions.* Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Village Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Village Board.
- (d) *Existing vacant substandard lots.* An existing lot which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 50 feet wide and 5,000 square feet in area, may be used as a single-family building site provided that the use is permitted in the zoning district and the lot is of record in the county register of deed's office prior to the effective date of the ordinance from which this chapter is derived; and, further provided, that the lot is in separate ownership from abutting lands. If two or more vacant substandard lots with continuous frontage have the same ownership as of the effective date of the ordinance from which this chapter is derived, the lots involved shall be considered to be an individual parcel for the purpose of this chapter. Substandard lots shall be required to meet the setbacks and other yard requirements of this chapter. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated in this section shall be issued only after approval of a variance by the board of zoning appeals.

Sec. 115-7. - Community living arrangements; family day care homes.

- (a) *State laws adopted.* The provisions of Wis. Stats. §§ 62.23(7)(i) and 66.1017, are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this chapter.
- (b) *Permitted uses; restrictions.*

	Community living arrangement (CLA); family day care homes	Districts permitted	Statutory restrictions
(1)	Foster family home (domicile licensed under Wis. Stats. § 48.62, up to 4 children	All residential districts	None

(2)	Other foster homes	All residential districts	Wis. Stats. § 62.23(7)(i)1 and 2
(3)	Adult family home (domicile, as defined in Wis. Stats. § 50.01(1), up to 4 adults, or more if all adults are siblings	All residential districts	None
(4)	Other adult family homes	All residential districts	Wis. Stats. § 62.23(7)(i)1 and 2
(5)	CLA, up to 8 persons	All residential districts	Wis. Stats. § 62.23(7)(i)1, 2, and 9
(6)	CLA, 9 to 15 persons	Multifamily districts	Wis. Stats. § 62.23(7)(i)1, 2, and 9
(7)	Family day care home licensed under Wis. Stats. § 48.65, up to 8 children	All one- and two-family districts and planned residential development districts	Wis. Stats. § 66.1017

(c) *Conditional uses.* All community living arrangements and family day care homes not permitted in subsection (b) of this section. See section 115-19.

Sec. 115-8. - Zoning districts.

(a) *Established.* For the purposes of this chapter, the village is hereby divided into the following zoning districts:

- (1) R-1 Residential District.
- (2) R-2 Residential District.
- (3) R-3 Mobile Home Park and Mobile Home Subdivision District.
- (4) C-1 General Commercial District.
- (5) C-2 Highway Commercial District.
- (6) M-1 Industrial District.
- (7) PD Planned Development District.
- (8) Public District.
- (9) A Agricultural District.
- (10) CON Conservancy District.
- (11) Floodplain and Shoreland-Wetland Districts (See chapter 109).

(b) *Incorporation of zoning map.* The locations and boundaries of the districts are shown on the village zoning map dated February 2008 and referred to by reference as the "Official Zoning Map, Village of Bonduel, Wisconsin." Such map, together with all explanatory matter and regulations thereon, is an integral part of this chapter and all amendments thereto. Official copies of the zoning map, together with a copy of this chapter, shall be kept by the clerk-treasurer and shall be available for public inspection during office hours. Any changes or amendments affecting district boundaries shall not be effective until recorded and the certified change is filed with the map.

(c) *District boundary and map amendments.* Ordinances: Number. The Village Board does ordain that the zoning ordinance 17.08(3) be amended to adopt the February 2008 zoning map as approved by

the Plan Commission and the Village Board and is adopted by reference as the "Official Zoning Map, Village of Bonduel, Wisconsin."

- (d) *Boundaries of districts.* When uncertainty exists with respect to the boundaries of the various districts as shown on the map, the following rules shall apply:
 - (1) When width or length of boundaries are not clear, the scale of the map shall determine the approximate dimensions.
 - (2) When the floodplain zoning and shoreland-wetland codes and the zoning code regulations conflict with one another, the most restrictive combination of such regulations shall control.
 - (3) District boundaries are normally lot lines and centerlines of streets, highways, railroads or alleys.
- (e) *Zoning of annexed lands.* Property annexed by the Village should be rezoned to the zoning district which best represents the Village's Comprehensive Plan Future Land Use Plan map.

Sec. 115-9. - R-1 Residential District.

The R-1 district is intended to provide a quiet, pleasant and relatively spacious living area for single- and two-family dwellings, protected from traffic hazards and intrusion of incompatible land uses.

- (1) *Permitted uses.*
 - a. Single-family dwellings.
 - b. Two-family dwellings.
 - c. Family Day Care out of a residential home
 - d. Professional home offices.
 - e. (Upon notification of the Village Board) Transportation, utility, communications, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a Conditional Use Permit for those uses
 - f. Professional or announcement signs not over four-square feet in area, except public or religious institutions may have for their own use an announcement sign or bulletin board not over eight square feet in area. Signs placed by the public authorities for the guidance or warning of traffic and signs not over six square feet in area pertaining to the lease, hire or sale of a building or premises or the protection of persons or property are permitted but no advertising sign of any other character shall be permitted in the R-1 residential district. All permitted signs, except public signs for the guidance of traffic, shall be located within the lot lines and at least 15 feet from the inside sidewalk line and no such sign shall be illuminated, except by order of the Village Board.
 - g. Home occupations
 - 1. The home occupation shall be conducted by a resident who is a member of the immediate family who uses the location of the home Occupation as their principal residence and shall have no more than one non-resident employee.
 - 2. The home occupation shall be conducted only within the enclosed area of the dwelling unit or garage.
 - 3. No structural alterations or construction involving features not customarily found in dwellings are allowed.
 - 4. The percentage of the gross floor area of the dwelling and garage that may be devoted to the home occupation shall not exceed 25 percent.
 - 5. There shall be no exterior evidence of the home occupation except for the permitted nameplate sign not to exceed two square feet or sign as defined in section 115-

9(1)(e). There shall be no exterior alterations which change the character of the structure as a single-family dwelling unit.

6. No home occupation shall endanger the public health and safety and shall not interfere with other parcels in the neighborhood.
7. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the home occupation not normally associated with a typical residential use in the zoning district.
8. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises. No outdoor storage of supplies or finished products.
9. The home occupation shall not involve manufacturing, processing, the repair of large appliances, vehicles, or motors, the construction of equipment and machinery, or other activities that are typically only permitted in the industrial zoning districts.
10. The home occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises such as is typical for a residential use in the zoning district.
11. Items may be sold or offered for sale on the premises by appointment only and to one customer at a time.
12. Minimum required parking: No additional parking shall be needed beyond that required for the dwelling unit.
13. Application: An application for a home occupation permit shall be made to the Zoning Administrator or designated agent on forms provided by the Zoning Administrator's office. Additional information may be required by the Plan Commission, the building or health inspectors or the Village Board.

(2) *Conditional uses.* See also section 115-19.

1. Bed and breakfast establishments
2. Governmental, religious and cultural uses such as fire and police stations, schools, churches, cemeteries and libraries Churches, and public and parochial schools
3. Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums
4. Nurseries and greenhouses (growth and sales)
5. Public recreational and community center buildings
6. Telephone buildings, exchanges and lines, electric substations and transformers, provided there is no service garage or storage yard; and telephone, telegraph and power transmission poles and lines and necessary appurtenances, provided microwave radio relay structures are not permitted unless the location thereof has first been approved by the Village Board. The setback requirements of this section shall not be applied to the necessary and customary construction, reconstruction, maintenance and repair of public utility poles and lines
7. Transportation, utility, communication, or other uses that is not required under state or federal law
8. Railroad rights-of-way and passenger depots, not including switching, storage, freight yards and siding
9. Other conditional uses of a similar nature

- (3) *Lot, yard and building requirements.* See also section 115-3.
- a. Lot frontage: minimum 75 feet.
 - b. Lot area:
 1. One-family: minimum 8,000 square feet.
 2. Two-family: minimum 10,000 square feet.
 - c. Principal building:
 1. Front yard: minimum 25 feet.
 2. Side yards: minimum total, 25 feet.
 3. Minimum side: ten feet.
 4. Rear yard: minimum 25 feet.
 5. Building height: maximum 35 feet.
 - d. Accessory buildings:
 1. Front yard: Not allowed
 2. Side yards: minimum five feet.
 3. Rear yard: minimum five feet.
 4. Building height: maximum 15 feet.
 5. Garage: maximum 1,000 square feet.
 6. Garden shed: maximum 200 square feet.
 - e. Off-street parking: minimum two spaces per unit. See also section 115-21.

Sec. 115-10. - R-2 Residential District.

The R-2 district is intended to provide a quiet, pleasant and relatively spacious living area for single-family, two-family and multifamily dwellings protected from traffic hazards and intrusion.

- (1) *Permitted uses.*
- a. Single-family dwellings.
 - b. Two-family dwellings.
 - c. Multifamily dwellings (subject to plan approval by the Plan Commission)
 - d. Family Day Care out of a residential home
 - e. Professional home offices.
 - f. (Upon notification of the Village Board) Transportation, utility, communications, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a Conditional Use Permit for those uses
 - g. Professional or announcement signs not over four-square feet in area, except public or religious institutions may have for their own use an announcement sign or bulletin board not over eight square feet in area. Signs placed by the public authorities for the guidance or warning of traffic and signs not over six square feet in area pertaining to the lease, hire or sale of a building or premises or the protection of persons or property are permitted but no advertising sign of any other character shall be permitted in the R-1 residential district. All permitted signs, except public signs for the guidance of traffic, shall be located within the lot lines and at least 15 feet from the inside sidewalk line and no such sign shall be illuminated, except by order of the Village Board.

h. Home occupations

1. The home occupation shall be conducted by a resident who is a member of the immediate family who uses the location of the home Occupation as their principal residence and shall have no more than one non-resident employee.
2. The home occupation shall be conducted only within the enclosed area of the dwelling unit or garage.
3. No structural alterations or construction involving features not customarily found in dwellings are allowed.
4. The percentage of the gross floor area of the dwelling and garage that may be devoted to the home occupation shall not exceed 25 percent.
5. There shall be no exterior evidence of the home occupation except for the permitted nameplate sign not to exceed two square feet or sign as defined in section 115-9(1)(e). There shall be no exterior alterations which change the character of the structure as a single-family dwelling unit.
6. No home occupation shall endanger the public health and safety and shall not interfere with other parcels in the neighborhood.
7. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the home occupation not normally associated with a typical residential use in the zoning district.
8. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises. No outdoor storage of supplies or finished products.
9. The home occupation shall not involve manufacturing, processing, the repair of large appliances, vehicles, or motors, the construction of equipment and machinery, or other activities that are typically only permitted in the industrial zoning districts.
10. The home occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises such as is typical for a residential use in the zoning district.
11. Items may be sold or offered for sale on the premises by appointment only and to one customer at a time.
12. Minimum required parking: No additional parking shall be needed beyond that required for the dwelling unit.
13. Application: An application for a home occupation permit shall be made to the Zoning Administrator or designated agent on forms provided by the Zoning Administrator's office. Additional information may be required by the Plan Commission, the building or health inspectors or the Village Board.

(2) *Conditional uses.*

- a. Bed and breakfast establishments
- b. Governmental, religious and cultural uses such as fire and police stations, schools, churches, cemeteries and libraries Churches, and public and parochial schools
- c. Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums
- d. Nurseries and greenhouses (growth and sales)
- e. Public recreational and community center buildings

- f. Telephone buildings, exchanges and lines, electric substations and transformers, provided there is no service garage or storage yard; and telephone, telegraph and power transmission poles and lines and necessary appurtenances, provided microwave radio relay structures are not permitted unless the location thereof has first been approved by the Village Board. The setback requirements of this section shall not be applied to the necessary and customary construction, reconstruction, maintenance and repair of public utility poles and lines
 - g. Transportation, utility, communication, or other uses that is not required under state or federal law
 - h. Railroad rights-of-way and passenger depots, not including switching, storage, freight yards and siding
 - i. Other conditional uses of a similar nature
- (3) *Lot, yard and building requirements.* See also section 115-3.
- a. Single-family dwellings. Same as for R-1 district.
 - b. Two-family dwellings. Same as for R-1 district.
 - c. Multifamily dwellings.
 - 1. Lot frontage: minimum 100 feet.
 - 2. Lot area: minimum 10,800 square feet.
 - d. Principal building.
 - 1. Front yard: minimum 25 feet.
 - 2. Side yards: minimum ten feet.
 - 3. Rear yard: minimum 25 feet.
 - 4. Building height: Maximum 35 feet.
 - e. Accessory building.
 - 1. Front yard: Not allowed.
 - 2. Side yards: minimum five feet.
 - 3. Rear yard: minimum five feet.
 - 4. Building height: Maximum 15 feet.
 - 5. Number of stories: Maximum two.
 - 6. Lot area per dwelling unit: minimum 3,600 square feet.
 - f. Multi-family floor area per dwelling unit.
 - 1. One-bedroom unit: minimum 600 square feet.
 - 2. Two-bedroom unit: minimum 800 square feet.
 - 3. Three-bedroom unit: minimum 1,000 square feet.
 - g. Off-street parking: Two spaces per unit. See also section 115-21.

Sec. 115-11. - R-3 Mobile Home Park and Mobile Home Subdivision District.

- (a) *Permitted uses.* Mobile home parks.
- (b) *Conditional uses.* None.
- (c) *Mobile home park requirements.*

- (1) *Park requirements.*
 - a. A minimum of five acres.
 - b. 40-foot minimum setbacks on all sides.
 - c. A hard surface road no less than 24 feet wide serving all mobile home spaces.
 - d. Electricity, cable television and public sewer and water servicing all mobile home spaces.
 - e. A central hard surface parking lot with one parking space for each three mobile home spaces.
 - f. A separate building providing laundry facilities.
 - g. An on-site manager's office.
- (2) *Space requirements.*
 1. Space frontage: minimum 50 feet.
 2. Space area: minimum 4,000 square feet.
 3. Front yard: minimum 25 feet.
 4. Side yards: minimum ten feet.
 5. Rear yard: minimum 25 feet.
 6. Off-street parking: Two spaces per mobile home.

Sec. 115-12. - C-1 General Commercial District.

The C-1 district is intended to provide an area for the business and commercial needs of the village. Subject to plan approval by the Plan Commission

- (1) Permitted Uses
 1. Antique dealers and sales, arts and crafts
 2. Appliance stores
 3. Bakeries
 4. Barber & beauty shops
 5. Bars, taverns, cocktail lounges, club houses and lodges
 6. Beverage stores
 7. Breweries
 8. Broadcasting studios
 9. Book and music stores
 10. Butcher shop, meat counter and processor
 11. Candy, nut and confectionery sales
 12. Carpet and tile sales
 13. Caterers
 14. Cellular phone sales and service
 15. Christmas tree and wreath sales
 16. Coffee shops and snack bars
 17. Dancing schools

18. Department stores
19. Electrician services
20. Financial institutions
21. Florist
22. Funeral homes & crematories
23. Furniture stores & upholstery shops
24. Gift, novelty and souvenir sales
25. Governmental, institutional, religious, churches or nonprofit community uses
26. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums
27. Group day care center
28. Hardware stores
29. Heating services
30. Laundry and dry-cleaning services
31. Liquor stores
32. Medical, optical & dental clinics
33. Night clubs and dance halls
34. Office supply stores
35. Parking lots (5 or more stalls)
36. Pet shops
37. Pharmaceutical sales
38. Photography services
39. Print shops
40. Professional offices
41. Restaurants, supper clubs, ice cream sales and soda sales
42. Sale of bait for fishing and sporting goods and supplies
43. Sporting goods stores
44. Tattoo parlors
45. Temporary Portable Storage container (less than 6 months, less than 20% of lot)
46. Veterinary clinic
47. Wineries
48. Any uses determined similar to the above with approval of the Plan Commission and Village Board.

(2) Conditional Uses

1. Accessory buildings
2. Athletic clubs and gyms
3. Automobile and truck sales, repair services, and accessory installation

4. Bed and breakfast establishments
5. Commercial recreation facilities such as but not limited to, arcades, archery ranges, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, skating rinks, escape rooms, racket ball and curling
6. Drive-in establishments serving food or beverages for consumption outside the structure
7. Farm equipment sales and service
8. Finished products or parts from previously prepared materials are manufactured, including processing, fabrication, assembly, treatment, packaging, incidental storage, and administrative offices. The term includes, but not limited to, furniture production, metal fabrication, apparel manufacturing, printing and publishing.
9. Home occupation
10. Light food preparation, packaging and sales of agricultural products occurs
11. Light industrial and/or accessory to indoor sales and service
12. Maintenance service
13. Rental services
14. Residential dwelling units not to exceed one per principal use when accessory to the principal structure
15. Residential quarters for the owner, commercial tenant, employee or caretaker located in the same building as the business. Refer to Section 115-10, R-2 district.
16. Tobacco stores
17. Variety stores
18. Wholesaling establishments
19. Any uses determined similar to the above with approval of the Plan Commission and Village Board.

(3) *Lot, yard and building requirements.*

- a. Building height: maximum 45 feet.
- b. Within the C-1 district, there shall be no minimum required standards or setbacks in order to provide flexibility in the redevelopment of the downtown area. However, new buildings shall be subject to the off-street parking and loading requirements of section 115-21. The requirements for one-, two- and multifamily dwellings shall be the same as for the R-2 district.
- c. An owner or occupant of the building/parcel shall be allowed to display wares on a portion of the sidewalk; provided, however, that there must be at least five feet of sidewalk kept clear for public use of the sidewalk and said wares cannot be displayed in an area larger than three feet adjoining the building, and no more than 20 percent of the front yard area may be used for the display of wares or conduct of such business.

Sec. 115-13. - C-2 Highway Commercial District.

The C-2 district is established to provide for the establishment of principally motor vehicle-oriented or dependent commercial activities in nonresidential settings. Lot dimensional requirements are established

to provide for the orderly grouping of commercial uses and for adequate off-street parking. Subject to plan approval by the Plan Commission

(1) Permitted Uses

1. Antique dealers and sales, arts and crafts
2. Appliance stores
3. Assisted living and nursing home facilities
4. Athletic clubs and gyms
5. Car washes
6. Bakeries
7. Barber & beauty shops
8. Bars, taverns, cocktail lounges, club houses and lodges
9. Beverage stores
10. Breweries
11. Boat and boat storage
12. Broadcasting studios
13. Building supplies sales
14. Book and music stores
15. Butcher shop, meat counter and processor
16. Candy, nut and confectionery sales
17. Carpet and tile sales
18. Caterers
19. Cellular phone sales and service
20. Christmas tree and wreath sales
21. Coffee shops and snack bars
22. Commercial greenhouse, landscape and nursery business
23. Contractor storage yards and offices
24. Dancing schools
25. Department stores
26. Drive-in establishments serving food or beverages for consumption outside the structure
27. Drive-in theaters
28. Electrician services
29. Financial institutions
30. Florist
31. Food and meat lockers
32. Funeral homes & crematories
33. Fuel service station
34. Furniture stores & upholstery shops
35. Gift, novelty and souvenir sales
36. Governmental, institutional, religious, churches or nonprofit community uses

37. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums
38. Grocery stores/supermarkets
39. Group day care center
40. Hardware stores
41. Heating services
42. Hospitals
43. Hotels/Motels
44. Laundry and dry-cleaning services
45. Liquor stores
46. Long term outdoor display and sales
47. Medical, optical & dental clinics
48. Mobile home sales
49. Mobile and Radio Broadcast services (must comply with section 116)
50. Night clubs and dance halls
51. Office supply stores
52. Parking lots (5 or more stalls)
53. Pet shops
54. Pharmaceutical sales
55. Photography services
56. Plumbing & septic services
57. Portable storage facility
58. Print shops
59. Private schools
60. Professional offices
61. Public assembly uses, such as amphitheaters, arenas, field houses, gymnasiums, natatoriums, auditoriums, exhibit halls, music halls, legitimate theaters, motion picture theaters, and stadiums.
62. Publishing offices
63. Restaurants, supper clubs, ice cream sales and soda sales
64. Sale of bait for fishing and sporting goods and supplies
65. Sandwich & burger establishments (fast food)
66. Solar energy systems when the primary intent is for export & sale of energy
67. Sporting goods stores
68. Tattoo parlors
69. Telecommunications
70. Temporary Portable Storage container (less than 6 months, less than 20% of lot)
71. Veterinary clinic
72. Wineries

73. Any uses determined similar to the above with approval of the Plan Commission and Village Board.

(2) Conditional Uses

1. Accessory building
2. Amusement parks
3. Animal boarding and breeding (includes licensed dog kennels)
4. Automobile and truck sales, repair services, and accessory installation
5. Bed and breakfast establishments
6. Commercial recreation facilities such as but not limited to, arcades, archery ranges, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, skating rinks, escape rooms, racket ball and curling
7. Farm equipment sales and service
8. Finished products or parts from previously prepared materials are manufactured, including processing, fabrication, assembly, treatment, packaging, incidental storage, and administrative offices. The term includes, but not limited to, furniture production, metal fabrication, apparel manufacturing, printing and publishing.
9. Golf courses with accessory uses
10. Home occupation
11. Industrial Equipment
12. Light food preparation, packaging and sales of agricultural products occurs
13. Light industrial and/or accessory to indoor sales and service
14. Maintenance service
15. Outdoor storage yard or wholesaling
16. Pawn shops
17. Private airport
18. Public passenger transportation depots such as heliports, bus and rail depots, except airports, airstrips and landing fields
19. Race tracks and exhibition areas for motorized and non-motorized vehicles and equipment
20. Recreational, religious and/or youth camps
21. Rental services
22. Residential dwelling units not to exceed one per principal use when accessory to the principal structure
23. Residential quarters for the owner, commercial tenant, employee or caretaker located in the same building as the business. Refer to Section 115-10, R-2 district.
24. Resort establishment
25. Road side stands for farm produce
26. Tobacco stores
27. Transportation, utility, communication, or other uses that are not required under state or

federal law

28. Variety stores
29. Wholesaling establishments
30. Wind energy systems when the primary intent is for export and the sale of energy
31. Any uses determined similar to the above with approval of the Plan Commission and Village Board.

(3) *Lot, yard and building requirements.*

- a. Lot frontage: minimum 100 feet.
- b. Lot area: minimum 20,000 square feet.
- c. Front yard: minimum 25 feet, 50 feet if parking is permitted.
- d. Side yards: minimum 20 feet.
- e. Rear yard: minimum 20 feet.
- f. Front parking setback: 15 feet.
- g. Building height: maximum 35 feet.
- h. Number of stories: maximum 2½.
- i. The requirements for one-, two- and multifamily dwellings shall be the same as for the R-2 district.
- j. An owner or occupant of the building/parcel shall be allowed to display wares on a portion of the sidewalk; provided, however, that there must be at least five feet of sidewalk kept clear for public use of the sidewalk and said wares cannot be displayed in an area larger than three feet adjoining the building, and no more than 20 percent of the front yard area may be used for the display of wares or conduct of such business.

(4) *Off-street parking and loading requirements.* See section 115-21.

Sec. 115-14. - M-1 Industrial District.

The M-1 district is intended to provide for manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the village as a whole by reason of noise, dirt, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory controls as will reasonably ensure compatibility in this respect. Subject to plan approval by the Plan Commission.

(1) *Permitted uses.*

1. Automotive repair, service and storage of automobile accessories, except the wrecking of motor vehicles.
2. Blacksmithing, tinsmithing and sheet metal work Blacksmithing, welding and repairs
3. Boat storage, sale of boats, motors, fuel, marine supplies, servicing of boats and motors and the manufacture of boats or motors
4. Bottling plants
5. Breweries, wineries and distilleries
6. Enameling and painting
7. Farm machinery manufacturing plants
8. Food storage warehouses

9. Freight yards and trucking terminals
10. Fuel stations
11. Governmental uses such as but not limited to, police or fire stations, or buildings used for the storage or repair of road maintenance equipment
12. Indoor sales and service – accessory to light industrial
13. Knitting mills and the manufacture of products from finished fabrics
14. Laboratories
15. Light Manufacturing, finished products or parts from previously prepared materials are manufactured, including processing, fabrication, assembly, treatment, packaging, incidental storage, and administrative offices. The term includes, but not limited to, furniture production, metal fabrication, apparel manufacturing, printing and publishing.
16. Manufacture, fabrication, packing and packaging and assembly of products from furs, glass, leather (but not tanning of hides or manufacture of leather), metals, paper (but not the manufacture of paper or pulp), plaster, plastic (but not the manufacture of plastic), textiles and wood (but not the manufacture of paper or pulp)
17. Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food (except meat rendering plants, slaughtering and first processing of meat and fowl, first processing of fish, cabbage processing and the vining of peas)
18. Manufacture of furniture, home supplies and appliances, instruments, jewelry, office supplies, pharmaceuticals, sporting goods, tobacco products and toiletries
19. Nurseries, greenhouses and landscaping businesses
20. Printing and publishing establishments
21. Processing and packaging of food products
22. Processing and packaging of recyclable materials
23. Recycling collection point
24. Retail sale of products if accessory to and in the same structure as the principal use
25. Self-service storage facility
26. Transportation, utility, communication, or other uses that is not required under state or federal law
27. Warehousing
28. Welding shops
29. Wholesaling

(2) *Conditional uses.*

1. Adult-entertainment establishments
2. Automobile repair facilities

3. Contractors shop and/or office
4. Crematories
5. Energy refineries
6. Farm machinery sales, service and storage facilities
7. Feed mills, granaries and elevators
8. Food and meat lockers
9. Food production facilities
10. Heavy industrial. Land uses which meet one or more of the following criteria: (1) are not conducted entirely within an enclosed building, (2) are potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and (3) Pose a significant safety hazard (such as danger of explosion). Example of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product 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
11. Incinerators
12. Manufacturing establishments engaged in the fabrication, processing, assembly or packaging of a product which is not specified as a permitted use in the Industrial District
13. Manufacturing, processing, packaging or storage of chemicals, explosives, batteries, asphalt, cement, flammables, paint, poison, rubber, dyes, plastics and radioactive materials
14. Other uses similar in character to the permitted uses, giving due consideration to such items as noise, odor, pollution, traffic and parking, safety, hours and type of operation
15. Outdoor storage of raw materials or finished products.
16. Parking lots (See Section 115.21)
17. Portable sawmill and debarking operations
18. Salvage & junk yards (See Section 20.160)
19. Solar energy systems when the primary intent is for export and the sale of energy
20. Storage and warehousing of fuel and materials, but not the storage of wrecked or dismantled vehicles and junk or the storage of explosives
21. Storage for wholesaling indoor and outdoor
22. Warehousing, except the storage of chemicals, explosives, flammables and radioactive materials
23. Wholesale establishments
24. Wind energy systems when the primary intent is for export and the sale of energy

(3) *Lot, yard and building requirements.*

- a.
 1. Lot frontage: minimum 100 feet.
 2. Lot area: minimum one acre.
 3. Front yard: minimum 40 feet.
 4. Parking lot setback: minimum 15 feet.
 5. Side yards:
 - (i) Principal building: minimum 20 feet.
 - (ii) Accessory building: minimum five feet.
 6. Rear yard: minimum 25 feet.
 7. Building height: maximum 35 feet
- b. An owner or occupant of the building/parcel shall be allowed to display wares on a portion of the sidewalk; provided, however, that there must be at least five feet of sidewalk kept clear for public use of the sidewalk and said wares cannot be displayed in an area larger than three feet adjoining the building, and no more than 20 percent of the front yard area may be used for the display of wares or conduct of such business.

(4) *Off-street parking and loading requirements.* See section 115-21.

(5) *Performance standards.* See section 115-22.

Sec. 115-15. - PDD Planned Development Districts.

- (a) *Intent.* Planned development district regulations are intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of a site than is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of amenities, and preservation of the natural qualities of open spaces. The planned development procedure requires a high degree of cooperation between the developer and the village. The procedure described herein is designed to give the developer general plan approval before completing all detailed design work while providing the village with assurances that the project will retain the character envisioned at the time of approval.
- (b) *General provisions.* The Plan Commission may recommend and the Village Board may, upon the request of the owners, establish planned development districts which will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling types and mixed compatible uses.
 - (1) *Permitted uses.* Permitted and accessory uses in the planned development district shall be the same as those permitted in the underlying existing zoning district in which the PDD is located. If a developer desires uses different than those permitted by the existing zoning, the developer shall simultaneously petition for rezoning of the underlying existing zoning to a zoning district which permits the desired uses.
 - (2) *Mixed uses.* A mix of different uses within a planned development district may be permitted if the Plan Commission and the Village Board determine that the mix of uses is compatible and necessary to achieve the objectives of the PDD.
 - (3) *Number of buildings on a lot.* The planned development district may allow more than one building on a lot.

- (4) *Density.* The planned development district may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. However, the density of use shall not exceed the density permitted in the underlying existing zoning district.
 - (5) *Minimum area for a planned development district.* Planned development districts are intended to provide flexibility to encourage more creative design for all sizes of sites than would be permitted under conventional zoning. To achieve this goal, there is no minimum area for a PDD.
 - (6) *Temporary uses.* Real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure.
- (c) *Application procedure and required information.*
- (1) *Preliminary consultation.* An applicant shall meet with the Plan Commission and appropriate village staff members for a preliminary consultation prior to formally submitting a rezoning petition for planned development zoning. The purpose of this preliminary consultation is to discuss the proposed request and review the local regulations and policies applicable to the project and discuss the land use implications of the proposal. (2) *Rezoning petition and general development plan.* The applicant shall submit a rezoning petition in accordance with the application procedure described in section 115-29 of this chapter. In addition to the required information noted in section 115-29, a general development plan shall be submitted to the Plan Commission and the Village Board for review 30 business days prior to any rezoning hearing. The general development plan shall show the locations of buildings, common open space, parking and drive areas, recreation facilities, principal landscaping features and other major components of the proposed project.
 - (3) *Other information.* In addition, other documents or related information or plans showing the architectural designs of buildings may be required by the Plan Commission and the Village Board. This information shall also be submitted to the Plan Commission and the Village Board for review at least 30 business days prior to any rezoning hearing. Other related information may include, but is not limited to, maintenance standards, plans of operation and economic impact and market feasibility.
 - (4) *Public inspection.* The general development plan and related information shall be available for public inspection prior to any rezoning hearing on the proposed project.
- (d) *Conditions and restrictions.*
- (1) The Plan Commission may recommend and the Village Board may adopt, by resolution, conditions and restrictions for planned developments that specify permitted uses, set bulk regulations and density standards for lot coverage and dwelling unit size and distribution and yard setbacks.
 - (2) Conditions and restrictions adopted to govern any planned development may include nonstandard or nonuniform requirements, regulations and provisions recommended by the Plan Commission and approved by the Village Board. Such nonstandard requirements, regulations and provisions shall be designed to ensure proper development and appropriate operation and maintenance of specific developments on specific sites.
 - (3) Developers shall agree, by a developer's agreement, with the village to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific planned development.
- (e) *Detailed plans and information.* After planned development district zoning has been granted and the general development plan, together with conditions imposed, has been approved, detailed site plans and information covering that portion of the total project which is intended for construction shall be submitted to the Plan Commission for approval prior to the issuance of building permits. The detailed plans and information shall conform substantially to the general development plan and to the resolution of conditions and restrictions which were approved at the time of rezoning. A public hearing is required and notification of all adjacent land owner within 100 feet of the property.

(f) *Commencement of project.*

- (1) After the Plan Commission has approved the detailed site plans, construction of private and public construction may commence in accordance with section 113-10.
- (2) No building permit shall be issued until all applicable fees and assessments required in section 113-12 have been paid and either all public and private construction has been completed and approved or a developer's agreement has been approved by the Village Board. For staged development, such developers' agreements shall provide for the construction of improvements and the use of common areas outside of the subject stage.
- (3) After the Plan Commission has approved the plans, the project shall be commenced within one year unless the time is extended in writing by the commission. In the event the project is not so timely commenced, the approval of the commission shall be deemed to be automatically revoked.

(g) *Maintenance of project.*

- (1) Should the owner of a planned development fail to properly operate or maintain the business or premises to the extent that a nuisance is caused to occupants or neighbors, or constitutes a nuisance to nearby properties, the Plan Commission may refuse to approve subsequent stages of development until such time as they determine that the situation and/or the method of operation has been corrected.
- (2) Should the owner of a planned development fail to adequately perform maintenance functions such as snow and ice removal, weed cutting or trash disposal, the village shall have the right to perform such functions or to contract for their accomplishment at the property owner's expense.

(h) *Changes or revisions.*

- (1) All proposed changes, revisions and additions to any aspect of an approved planned development project shall be submitted to the Plan Commission for its review. The Plan Commission shall determine if the change, revision or addition is minor or if it materially affects the intended design of the project and the impact of the project on neighboring uses.
- (2) If the change is determined to be minor, the Plan Commission shall review the request and pass its findings to the Village Board, which may approve the change without a public hearing. The Plan Commission's decision on minor changes shall be rendered at a meeting subsequent to the meeting at which the requested change was initially presented to the Plan Commission.
- (3) If the requested change is determined by the Plan Commission to be substantial because of its effect on the intended design of the project or on neighboring uses, a public hearing shall be held by the Plan Commission to review and pass its findings to the Village Board for final approval.

- (i) *Application of the subdivision and platting code.* To the extent applicable, any planned development shall be subject to the procedures and regulations of chapter 113 governing the division and platting of land. However, the design standards and required improvements established in chapter 113 may be modified or waived upon recommendation by the Plan Commission and approval by the Village Board where strict compliance would result in not achieving the design flexibility necessary to achieve the objectives of the planned development.

Sec. 115-16. – Public District.

The primary purpose of this district is to provide for the needs of the public and institutional uses and structures.

- (1) Permitted Uses

1. Community centers
2. Crop farming natural resources and open space areas
3. Fire & police stations
4. Flowage and wildlife ponds
5. Government offices/municipal buildings
6. Hiking trails, bike paths and walkways
7. Libraries
8. Museums
9. Picnic grounds
10. Piers and docks
11. Public parks
12. Publicly owned and operated schools, parks, picnic areas, and similar uses
13. Transportation, utility, communication, or other uses (including buildings) that is not required under state or federal law

(2) Conditional Uses

1. Boat launching areas
2. Bridle paths and hiking trails
3. Public Campgrounds and recreational camps. Prior to granting a Conditional Use Permit for the development or improvement of a campground, the Village Board, after review by the Plan Commission, shall make the following determinations:
 - a. The maximum number of campsites shall be 15 per acre.
 - b. Minimum dimensions of a campsite shall be 25 feet wide by 40 feet long.
 - c. Each campsite must be separated from other campsites by a yard not less than 15 feet.
 - d. There shall be a minimum of 1 automobile parking space for each campsite.
 - e. In addition to the requirements of Section 7.5 of this Ordinance, there shall be a minimum yard setback of 40 feet from all exterior lot lines of the campground.
 - f. It shall conform to the requirement of the Wisconsin Administrative Code which shall apply until amended and then apply as amended.
4. Cemeteries
5. Churches, synagogues and temples
6. College dormitories
7. Correctional and rehabilitation facilities exempt from the provisions of State Statutes 301.16(3)
8. Crop farming, forestry and open space
9. Dog parks

10. Forest and indigenous game reserves
11. Golf courses and country clubs
12. Sportsmen club meeting facilities, no outdoor firearm discharge
13. Nursery schools
14. Orphanages
15. Private elementary and high schools
16. Private Parks
17. Rectories, convents and monasteries
18. Riding academies
19. Riding stables
20. Roadside stands for farm produce
21. Sale of bait and sporting goods and supplies, excluding camping trailers and tents
22. Indoor Skeet, trap and shooting ranges
23. Transportation, utility, communication, or other uses that is not required under state or federal law
24. Universities and colleges
25. Transportation, utility, communication, or other uses that are not required under state or federal law
26. Stormwater management facilities

Sec. 115-17. - A Agricultural District.

The A Agricultural District provides exclusively for agricultural uses. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services.

(1) *Permitted uses.*

1. Bed and breakfast establishments
2. Blacksmithing
3. Christmas tree and wreath wholesale
4. Farm equipment sales and service (implements of husbandry)
5. Farm machinery repair and storage
6. Fish hatchery
7. Home occupations
 - a) The home occupation shall be conducted by a resident who is a member of the immediate family who uses the location of the home Occupation as their principal residence and shall have no more than one non-resident employee.
 - b) The home occupation shall be conducted only within the enclosed area of the dwelling unit or garage.
 - c) No structural alterations or construction involving features not customarily found in dwellings are allowed.

- d) The percentage of the gross floor area of the dwelling and garage that may be devoted to the home occupation shall not exceed 25 percent.
 - e) There shall be no exterior evidence of the home occupation except for the permitted nameplate sign not to exceed two square feet or sign as defined in section 115-9(1)(e). There shall be no exterior alterations which change the character of the structure as a single-family dwelling unit.
 - f) No home occupation shall endanger the public health and safety and shall not interfere with other parcels in the neighborhood.
 - g) There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the home occupation not normally associated with a typical residential use in the zoning district.
 - h) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - i) The home occupation shall not involve manufacturing, processing, the repair of large appliances, vehicles, or motors, the construction of equipment and machinery, or other activities that are typically only permitted in the industrial zoning districts.
 - j) The home occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises such as is typical for a residential use in the zoning district.
 - k) Items may be sold or offered for sale on the premises by appointment only and to one customer at a time.
 - l) Minimum required parking: No additional parking shall be needed beyond that required for the dwelling unit.
 - m) Application: An application for a home occupation permit shall be made to the Zoning Administrator or designated agent on forms provided by the Zoning Administrator's office. Additional information may be required by the Plan Commission, the building or health inspectors or the Village Board.
10. Landscaping business
 11. Maple syrup processing
 12. Orchards & vineyards (with on-site sales of raw product)
 13. On-farm butchering for personal use
 14. One recreational vehicle intended for temporary parking (See Section 24.6(f))
 15. Park, playground, and play fields
 16. Plan nurseries (with no on-site sales)
 17. Pond (with required agency permits if applicable)
 18. Road side stands for sale of farm produce
 19. Saw mill and debarking operations
 20. Signs not over eight square feet in area which advertise the sale of farm products produced on the premises, provided such signs are located on the farm and comply with the setback regulations.
 21. Sod farming

22. (Upon notification of the Village Board) Transportation, utility, communications, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a Conditional Use Permit for those uses
23. Undeveloped natural resource and open space areas
24. Uses customarily accessory to a permitted agricultural use

(2) *Conditional uses.* See also section 115-19.

1. Agricultural uses. Within the context of agricultural uses, animal units mean domestic animals traditionally used in this state in the production of food, fiber or other animal products. Including cattle, swine, poultry, sheep, goats, equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink. Beekeeping, grazing, field crops, forestry, green houses (home use), orchards, tree & shrub nurseries, mushrooms, wild crop harvesting and other horticultural activities that provide on-site sales of raw products.
2. Agriculture accessory uses
3. Agriculture related uses
4. Animal boarding and breeding facilities including licensed dog kennels (See Section 6.36)
5. Animal, veterinary hospitals, clinics and services
6. Campgrounds and recreational camps. Prior to granting a Conditional Use Permit for the development or improvement of a campground, the Village Board, after review by the Plan Commission, shall make the following determinations:
 - a. The maximum number of campsites shall be 15 per acre.
 - b. Minimum dimensions of a campsite shall be 25 feet wide by 40 feet long.
 - c. Each campsite must be separated from other campsites by a yard not less than 15 feet.
 - d. There shall be a minimum of 1 automobile parking space for each campsite.
 - e. In addition to the requirements of Section 7.5 of this Ordinance, there shall be a minimum yard setback of 40 feet from all exterior lot lines of the campground.
 - f. It shall conform to the requirement of the Wisconsin Administrative Code which shall apply until amended and then apply as amended.
7. Canning and processing of specialty foods
8. Cereal preparation
9. Cheese or dairy processing plants
10. Christmas tree and wreath retail sales
11. Commercial landscape and nursery sales
12. Contractor offices and yards
13. Corn and soybean shelling and drying (commercial)
14. Dwellings, single-family or two-family, accessory to a principal permitted or conditional use
15. Equestrian trails & stables
16. Family day care home
17. Feed preparation for livestock and fowl

18. Fertilizer production, sales and storage
19. Flour and other grain mill preparation and blending
20. Fruit, vegetable, and specialty foods, contract sorting, grading, packaging, canning, drying and dehydrating, freezing and pickling
21. Fur bearing animals
22. Garden or nursery stores
23. Greenhouses (with or without on-site sales)
24. Golf courses
25. Grain elevators and storage of feed grains (commercial)
26. Grist mill services
27. Governmental, religious, or cultural uses such as town halls, police and fire stations, libraries, churches, cemeteries, schools, and parks
28. Hay baling and threshing services
29. Horticultural services
30. Housing for season agriculture workers
31. Indoor storage and wholesale
32. Kennels (See Section 6.36)
33. Large (greater than 2,000 gallons) on-farm fuel or agrichemical storage facilities
34. Licensed game farms, with no firearm discharge
35. Livestock sales facilities
36. Maple syrup processing plants.
37. Meat and game processing of specialty products
38. Milling of corn (wet)
39. Outdoor public recreation
40. Outdoor storage and wholesaling
41. Orchard & vineyards (with on-site sales of refined products)
42. Plant nurseries (with on-site sales)
43. Poultry and wild game dressing and packing provided that all operations be conducted within an enclosed building
44. Clubs or lodges.
45. Quarrying
46. Recreational, religious and/or youth camps
47. Residential dwelling units not to exceed one per principal use when accessory to the principal use (See Section 115.3(d))
48. Sale of bait for fishing and sporting goods and supplies
49. Seed production, processing and sales
50. Self-Service storage facilities
51. Shortening, table oils, margarine and other edible fat and oil production

- 52. Solar/Wind energy systems when the primary intent is for export and the sale of energy
- 53. Transportation, utility, communication, or other uses that are not required under state or federal law
- 54. Transportation-related activities primarily serving the basic agricultural industry
- 55. Temporary Portable Storage container (less than 6 months, less than 20% of lot)
- 56. Truck farming
- 57. Welding and/or repair shops
- 58. Wind energy systems for primarily on-site use
- 59. Winery (on-site sales)
- 60. Woodland management

(3) *Lot, yard and building requirements.*

- a. Lot frontage: minimum 200 feet.
- b. Lot area: minimum five acres.
- c. Residence yard and building requirements: same as R-1 district.
- d. Farm buildings:
 - 1. Front yard: minimum 300 feet.
 - 2. Side yards: minimum 300 feet.
 - 3. Rear yard: minimum 300 feet.
 - 4. Building height: maximum 50 feet.

(4) *Off-street parking and loading.* No off-street parking and loading permitted. (See Section 115.21)

(5) *Manure Storage Systems.* No liquid manure storage systems allowed in the Village.

(6) *Poultry Hatchery Services.* No hatchery services allowed in the Village.

Sec. 115-18. - CON Conservancy District.

The conservancy district is designed to encourage the preservation, conservation and development of marginal land areas in the village for a wide range of conservation and recreational practices. Lands included in the conservancy district are generally wooded or swampy lowlands which are difficult and expensive to serve with public utilities and facilities.

(1) *Permitted uses.*

- a. Agriculture uses, including animal and poultry husbandry, beekeeping, grazing, field crops, forestry, orchards, wild crop harvesting and horticulture.
- b. Wildlife preserves.
- c. Ponds and hatcheries.
- d. Recreational shelters.
- e. Public and private parks
- f. Natural resource management and open space areas

- (2) *Conditional uses.*
 - a. Filling, grading, lagooning and dredging.
 - b. Quarrying.
 - c. Transportation, utility, communication, or other uses that are not required under state or federal law
 - d. Accessory building.

- (3) *Height, yards and area.* In the conservancy district, height, yard and area requirements shall be those applying to the most proximate district.

Sec. 115-18. - Floodplain and Shoreland-Wetland Districts.
See chapter 109.

Sec. 115-19. - Conditional use permit.

- (a) *Application.* An application for a conditional use permit shall be made in duplicate to the Zoning Administrator or designated agent on forms provided by his/her office. Such application shall include, where applicable:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat or survey prepared by the registered land surveyor showing all of the information required for a land use permit and existing and proposed landscaping.
 - (4) Additional information as may be required by the Plan Commission, the building or health inspectors or the Zoning Administration or designated agent.

- (b) *Fees.* A filing fee, as prescribed by resolution as from time to time adopted by the Village Board, shall accompany each application and no application shall be deemed properly filed unless the fee is paid.

- (c) *Review and approval.*
 - (1) *Review by Plan Commission.* On receipt of the application, the Zoning Administrator or designated agent shall forward same to the Plan Commission, which shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.
 - (2) *Public hearing.* The Plan Commission shall hold a public hearing on the proposed conditional use. Notice of the time and place of such hearing shall be published as a class 2 notice not less than 15 nor more than 30 days preceding such hearing in one or more newspapers of general circulation in the village. The clerk-treasurer shall notify all abutting or opposite property owners, as listed by the developer in the original application, of the time, date and subject matter of the hearing, but failure to do so shall not invalidate any previous or subsequent action on the application.
 - (3) *Review by highway agencies.* Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways or interstate and controlled-access trafficways and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency having jurisdiction over such trafficway. The Plan

Commission shall request such review and await the highway agency's recommendations for a period not to exceed 60 days before taking final action.

- (4) *Plan Commission Action.* The Plan Commission may take action on the application at the time of the public hearing or may continue the proceedings at its discretion or at the applicant's request. The Plan Commission shall recommend to the Board the conditional use as originally proposed, may recommend the proposed conditional use with modifications, or recommend to deny approval of the proposed conditional use. The requirements and conditions described, must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration or renewal. The applicant and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.
- (d) *General standards.* No conditional use shall be recommended by the Plan Commission for the approval of the Village Board unless the commission finds:
- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values within the neighborhood.
 - (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 - (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) The conditional use in all other respects conforms to the applicable regulations of the district in which it is proposed to be located.
- (e) *Issuance.* After review and public hearing, the Plan Commission shall recommend to the Village Board and the Board may authorize the Zoning Administrator or designated agent to issue a conditional use permit for a conditional use, provided such uses or structures are in accordance with the purpose and intent of this chapter and are not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community.
- (f) *Conditions of issuance.* Such conditions as landscaping, architectural design, type of construction, commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission if it finds them necessary to fulfill the purpose and intent of this chapter.

If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the ordinance or those imposed by the Plan Commission, the Village shall grant the conditional use permit. Any condition imposed must be related to the purpose of this ordinance and be based on substantial evidence.

If the application is approved by the Plan Commission, the Zoning Administrator or designated agent shall prepare a written conditional use permit incorporating all conditions adopted by the Plan Commission and shall issue the permit after verifying the applicant has agreed to meet the general and specific conditional use requirements in the permit for initiation of development activity on the subject property. The requirements and conditions described, must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration or renewal.

The applicant and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Village's decision to approve or deny the permit must be supported by substantial evidence. Furthermore, if an applicant for a conditional use permit agrees to meet all of the requirements and conditions specified by the Plan Commission, the Village shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and based on substantial evidence.

- (g) *Exceptions to the regulations.* The Village Board may, after holding a public hearing on the matter, authorize the location of any of the following buildings or uses in any district from which they are excluded by this chapter, provided each such building or use shall comply with all other regulations for the district in which it is proposed to be located (in authorizing the location of such buildings or uses, the Village Board may establish such conditions and safeguards as will further and protect the general purpose and intent of this chapter):
- (1) Cemeteries.
 - (2) Hospitals and clinics, but not veterinary hospitals or clinics.
 - (3) Institutions, public or private, of an educational, philanthropic or charitable nature, including libraries, museums, sanitariums and asylums.
 - (4) Private clubs and lodges, except those the chief activity of which is a service customarily carried on as a business.
 - (5) Public utility buildings, structures and lines, including microwave relay structures and their appurtenances, for such purposes as are reasonably necessary for the public convenience and welfare.
 - (6) Railroad siding and structures.
 - (7) Sewage disposal plants.
 - (8) Storage garages and/or parking areas in connection with a housing development project.
- (h) *Effect of Denial.* No application which has been denied (either wholly or in part) shall be resubmitted for a period of 6 months from the date of denial, except on grounds of new evidence or proof of change of factors.
- (i) *Time Limits on the Development of Conditional Use.* The start of construction of a conditional use shall be initiated within 180 days of approval by Plan Commission 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. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require approval by Plan Commission and shall be based upon a showing of acceptable justification (substantial evidence) as determined by Plan Commission.
- (j) *Discontinuing an Approved Conditional Use.* If the authorized use fails to be in operation or use for 365 continuous days such failure shall automatically constitute a revocation of the conditional use. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.
- (k) *Modify or Revoke Conditional Use.* Upon its own motion or other complaint, the Plan Commission may investigate a potential violation of a conditional use permit and may convene a Public Hearing, giving notice to the holder of the Conditional Use permit and advising the permit holder of the purpose of the hearing, which may be to modify, revoke, or reaffirm the Conditional Use Permit. Following the Public Hearing, the Plan Commission may act to modify, revoke, or reaffirm the

Conditional Use permit and may direct the Zoning Administrator or designated agent to take any necessary action accordingly. The basis for permit termination or revocation must be supported by substantial evidence.

- (l) *Termination of an Approved Conditional Use.* Any use not in compliance with the terms of this Ordinance or the conditions of a conditional use permit is a violation of this Ordinance and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission. The basis for permit termination must be supported by substantial evidence.

The requirements and conditions described must be reasonable and, to the extent practical, measurable and may include conditions such as the permit's duration or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.

Sec. 115-20. - Construction site erosion control.
See chapter 103, article I and chapter 105

Sec. 115-21. - Traffic, parking and access.

- (a) *Loading requirements.* In all business and industrial districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.
- (b) *Parking requirements.* In all districts and in connection with every use, except in the C-1 General Commercial District, there shall be provided at the time any use or building is erected, enlarged, extended or increased off-street parking stalls for all vehicles in accordance with the following:
- (1) *Access.* Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten feet wide for one- and two-family dwellings and a minimum of 24 feet for all other uses.
 - (2) *Size.* The size of each parking space shall be not less than ten feet by 20 feet, exclusive of the space required for ingress and egress.
 - (3) *Location.* The location is to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.
 - (4) *Surfacing.* All off-street parking areas shall be graded and surfaced so as to be dustfree and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
 - (5) *Curbs or barriers.* Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot line.
 - (6) *Number of parking stalls required.*

1.	Single- and two-family dwellings and mobile homes	2 stalls/dwelling unit
2.	Multifamily dwellings	2 stalls/dwelling unit
3.	Hotels and motels	1 stall/guestroom plus 1 stall/3 employees
4.	Hospitals, clubs, lodges, sororities, dormitories, lodginghouses and boardinghouses	1 stall/2 beds plus 1 stall/3 employees
5.	Sanitariums, institutions, rest and nursing homes	1 stall/5 beds plus 1 stall/3 employees
6.	Medical and dental clinics	3 stalls/doctor plus 1 stall/employee
7.	Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall/5 seats
8.	Colleges, secondary and elementary schools	1 stall/2 employees plus 1 stall/student auto permitted
9.	Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall/150 square feet of floor area
10.	Manufacturing and processing plants, laboratories and warehouses	1 stall/2 employees
11.	Financial institutions and businesses, governmental and professional offices	1 stall/200 square feet of floor area plus 1 stall/2 employees
12.	Funeral homes	1 stall/4 seats plus 1 stall/vehicle used in the business
13.	Bowling alleys	5 stalls/alley

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Parking stalls are not required to be provided in the C-1 district, but when they are provided, they shall conform to requirements of size, access, surfacing and barriers, but not number of stalls or location as specified above.

- (c) *Driveways.* All driveways installed, altered, changed, replaced or extended after the effective date of the ordinance from which this chapter is derived shall meet the following requirements:
- (1) Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway. This requirement shall not apply in the following zoning districts:
 - a. C-1 General Commercial District.
 - b. C-2 Highway Commercial District.
 - c. M-1 Industrial District.
 - (2) Vehicular entrances and exits to drive-in banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 100 feet from any pedestrian entrance or exit to a school, church, hospital, park, playground, library or public emergency shelter.
- (d) *Highway access.* No direct private access shall be permitted to the existing or proposed rights-of-way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

Sec. 115-22. - Performance standards to limit, restrict and prohibit uses outside premises or district.

This chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following performance standards:

- (1) *Air pollution.* No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color-visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mine's Information Circular 7718 in the industrial districts.
- (2) *Fire and explosive hazards.* All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.
- (3) *Glare and heat.* No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial districts which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- (4) *Liquid or solid wastes.* No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.
- (5) *Noise and vibration.* There shall be no noise or vibration over 70 decibels emanating from any unsanctioned activities beyond the boundaries of the immediate site determined to be a nuisance by the building inspector. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this section.
- (6) *Odors.* No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises.
- (7) *Radioactivity and electrical disturbances.* No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Sec. 115-23. - Signs.

- (a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a permit, except those signs accepted in subsection (b) of this section, and without being in conformity with the provisions of this section. The sign shall also meet all the structural requirements of the building code.
- (b) All signs are prohibited in the R-1, R-2, R-3 and C districts, except the following and shall be approved by the Zoning Administrator or designated agent:

- (1) Signs over show windows or doors of a nonconforming business establishment announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length.
 - (2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (3) Name, occupation and warning signs not to exceed four square feet, located on the premises.
 - (4) Bulletin boards for public, charitable or religious institutions not to exceed eight square feet in area, located on the premises.
 - (5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 - (6) Official signs such as traffic control, parking restrictions, information and notices.
 - (7) Temporary signs or banners when authorized by the Plan Commission.
- (c) Signs are permitted in the C-1, C-2 and M-1 districts, subject to the following restrictions and shall be approved by the Plan Commission and Village Board:
- (1) Wall signs placed against the exterior walls of buildings shall not extend more than 15 inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height above the mean centerline street grade.
 - (2) Projecting signs fastened to, suspended from or supported by structures shall not:
 - a. Exceed 100 square feet in area for any one premises.
 - b. Extend more than six feet into any required yard.
 - c. Extend into any public right-of-way.
 - d. Be less than ten feet from all side lot lines.
 - e. Exceed a height of 20 feet above the mean centerline street grade.
 - f. Be less than nine feet above the sidewalk nor 15 feet above a driveway or an alley.
 - (3) Ground signs shall not exceed 40 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, and shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.
 - (4) Roof signs shall not exceed ten feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 square feet on all sides for any one premises.
 - (5) Window signs shall be placed only on the inside of business buildings and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
 - (6) Billboards are permitted within a corridor that is adjacent to S.T.H. 117, S.T.H. 47 and S.T.H. 29 and that extends parallel along those rights-of-way the entire length that is located within the village limits and extends perpendicular from those rights-of-way a distance of 200 feet. Signs are not permitted within the highway right-of-way.
 - a. Billboards shall be set back a minimum of 25 feet from the right-of-way.
 - b. Signs shall not be located within 500 feet of the beginning or ending of pavement widening at the exit or entrance ramps to the main traveled way.
 - c. Billboards shall not be located within 2,000 feet of another billboard, as measured along the highway right-of-way.

- d. Billboards shall not be located within 500 feet of a residential district, as measured along the highway right-of-way.
 - e. Signs shall not exceed 50 feet in height above the centerline of the adjacent street pavement and shall have a minimum clearance of eight feet from ground level to the bottom of the sign. Signs shall not exceed a maximum area per side of 675 square feet and a total area of 1,350 square feet. Signs shall have no more than two sides.
 - f. Illumination of billboards shall be shaded, shielded or directed so that the light intensity or brightness will be minimized to the surrounding areas. Such illumination shall be direct and the source of light shall not be exposed when facing a residential zone. There shall be no direct illumination upon a roadway and no glare or source of light shall be visible.
 - g. No sign shall be erected without first obtaining a sign permit from the director of municipal operations. Signs shall be maintained in a safe structural condition. Any sign found not to be structurally safe will cause the applicable sign permit to be revoked; and, if the necessary repairs are not completed in a timely manner, the sign may be removed by the village and all costs of that removal shall be charged to the sign owner.
- (7) Combinations of any of the signs in this subsection shall meet all of the requirements for the individual sign.
- (d) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. 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. No sign shall be placed so as to obstruct or interfere with traffic visibility.
 - (e) Signs lawfully existing at the time of the adoption or amendment of this section may be continued although the use, size or location does not conform with the provisions of this section. However, it shall be deemed a nonconforming use or structure and the provisions of section 115-6 shall apply.

Sec. 115-24. - Adult-oriented establishments.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or any form of consideration or electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store or adult video store means any commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult cabaret means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity or semi-nudity, topless dancers, strippers, male or female impersonators or similar entertainers;
- (2) Live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas; or
- (3) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities, or specified anatomical areas.

Adult entertainment means any exhibition of any motion pictures, live performance, display or dance of any kind which has as its dominant theme or any actual or simulated "specified sexual activities," or "specified anatomical areas," as defined in this subsection.

Adult mini-motion picture theater means an enclosed building with a capacity of less than 50 persons used for presenting materials having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities, or specified anatomical areas, as defined in this subsection, for observation by patrons therein.

Adult motel means a hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities, or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
- (2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- (3) Permits a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

Adult motion picture theater means an enclosed commercial establishment with a capacity of 50 or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined in this subsection, for observation by patrons therein.

Adult-oriented establishment means any premises, including, but not limited to, adult arcades, adult book stores, adult motion picture theaters, adult mini-motion picture theaters, adult theaters, adult motels or adult cabarets. The term "adult-oriented establishment" further means any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult-oriented entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. The term "adult-oriented establishment" further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio,

exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other of like import.

Adult theater means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas, as defined in this subsection, for observation by patrons therein.

Booth, room or cubicle means such enclosures as are specifically offered to the public or members of an adult-oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, the term "booth," "room," or "cubicle" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, are not open to any persons other than employees, nor shall this definition apply to hotels, motels or other similar establishments licensed by the state pursuant to Wis. Stats. ch. 50.

Employee means a person who performs any service on the premises of an adult-oriented establishment on a fulltime, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.

Escort agency means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Establishment includes any of the following:

- (1) The opening or commencement of any adult-oriented establishment as a new business.
- (2) The conversion of an existing business, whether or not an adult-oriented establishment, to any adult-oriented establishment.
- (3) The additions of any adult-oriented establishment to any other existing adult-oriented establishment.
- (4) The relocation of any adult-oriented establishment.

Licensee means a person in whose name a license to operate an adult-oriented establishment has been issued, as well as the individual listed as an applicant on the application for a license and, in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult-oriented establishment.

Nude model studio means any place where a person who appears semi-nude, in a state of nudity or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. The term "nude model studio" shall not include a proprietary school licensed by the state or a college, junior college or university supported entirely or in part by public taxation or a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation, or in a structure:

- (1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing.

- (2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
- (3) Where no more than one nude or semi-nude model is on the premises at any one time.

Nudity or state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

Operator means any person, partnership or corporation operating, conducting, maintaining, employed by or owning any adult-oriented establishment.

Person means an individual, proprietorship, partnership, corporation, association or other legal entity.

Public indecency means a person, who knowingly or intentionally, in a public place:

- (1) Engages in sexual intercourse;
- (2) Engages in deviate sexual conduct;
- (3) Appears in a state of nudity;
- (4) Fondles the genitals of self or another person; or
- (5) Commits public indecency, a misdemeanor.

Public place means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. The term "public place" includes, but is not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities utilized by any religious social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place. The term "public place" shall not include enclosed single-sex public restrooms, enclosed single-sex functional showers, lockers and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors' offices, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein. The term "public place" does not include a private facility which has been formed as a family-oriented clothing optional facility, properly licensed by the state.

Semi-nude or in a semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female rear of the body which lies between two imaginary lines running parallel to the ground when a person is standing, the first or top of such line drawn at the top of the cleavage of the nates and second or bottom line drawn at the lowest visible point of the cleavage or the lowest point of the curvature of the fleshy protuberance, whichever is lower, and between two imaginary lines on each side of the body, which lines are perpendicular to the ground and to the horizontal lines described above, and which perpendicular lines are drawn through the point at which each nate meets the outer side of each leg. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

Sexually oriented business means an adult arcade, adult book store, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

Specified anatomical areas means:

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

Specified criminal activity means any of the following offenses: Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance or any similar offenses to those described in this definition under the criminal or penal code of other states or countries for which:

- (1) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
- (2) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction is of a felony offense; or
- (3) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

The fact that conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

Specified sexual activities means the simulated or actual:

- (1) Showing of human genitals in a state of sexual stimulation or arousal.
- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus.
- (3) Fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

(b) *Location of adult-oriented establishments.*

- (1) A person commits a misdemeanor if that person operates or causes to be operated an adult-oriented establishment in any district other than the commercial district in the southeast quarter of the southwest quarter of section 5-26-17E as defined and described in this chapter.
- (2) A person commits an offense if the person operates or causes to be operated an adult-oriented establishment within 1,000 feet of:
 - a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
 - b. A public or private educational facility, including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school.

- c. A boundary of a residential district, as defined in this chapter, or a public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the village which is under the control, operation or management of the village park and recreation authorities.
 - d. The property line of a lot devoted to a residential use, as defined in this chapter.
 - e. An entertainment business which is oriented primarily towards children or family entertainment.
- (3) A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of an adult-oriented establishment within 500 feet of:
- a. Another adult-oriented establishment.
 - b. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the state.
- (4) A person commits a misdemeanor if that person causes or permits the operation, establishment or maintenance of more than one adult-oriented establishment in the same building, structure or portion thereof, or the increase of floor area of any adult-oriented establishment in any building, structure or portion thereof containing another adult-oriented establishment.
- (5) For the purpose of subsection (b)(2) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult-oriented establishment is conducted to the nearest property line of the premises of a use listed in subsection (b)(2) of this section. Presence of a village, county or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this subsection.
- (6) For purposes of subsection (b)(3) of this section, the distance between any two adult-oriented establishments shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- (7) Any adult-oriented establishment lawfully operating on May 15, 1997, that is in violation of subsections (b)(1) through (6) of this section shall be deemed a nonconforming use. The nonconforming use shall be permitted to continue for a period not to exceed one year unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If two or more adult-oriented establishments are within 500 feet of one another and otherwise in a permissible location, the adult-oriented establishment which was first established and continually operating at a particular location is the conforming use, and the later establishment is nonconforming.
- (8) An adult-oriented establishment lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult-oriented establishment license, of a use listed in subsection (b)(2) of this section, within 500 feet of the adult-oriented establishment. This provision applies only to the renewal of a valid license and does not apply when an application for a license is submitted after a license has expired or been revoked.
- (c) *Reference.* See chapter 4.
- (d) *Conformance with chapter.* In all zones where adult-oriented establishments are permitted, all regulations and requirements of this chapter shall be met. Additionally, all provisions of the zoning district in which the establishment is located shall also be met.

Sec. 115-25. - Fences.
See section 103-13.

Sec. 115-26. - Land use permits

- (a) *Required.* No building shall hereafter be erected, moved or structurally altered without a land use permit therefor.
- (b) *Application.*
 - (1) *Location sketch.* All applications for a land use permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building will be erected, altered or moved, the existing or intended use of each building or part of a building, the number of families the building is intended to accommodate and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this chapter.
 - (2) *Survey.* All dimensions shown relating to the location and size of the lot, shall be based upon an actual survey conducted by a certified land surveyor. Should no new land division be required, the Zoning Administrator may waive the requirement for a survey based on the determined accuracy of other existing lot information including but not limited to GIS parcel mapping, previous surveys, legal descriptions or other mapped information from recognized sources. In waiving the survey requirement hereunder, the Village will rely on other third-party source information. In so doing, the Village makes no representation, warranty, certification or guaranty as to the location of any property line.
- (c) *Action on application.* Except as otherwise provided in this chapter, the zoning administrator shall issue or refuse to issue a land use permit within ten days after receipt of an application therefor. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal.
- (d) *Fee.* The fee for a land use permit as prescribed as per resolution as from time to time duly adapted by the Village Board and listed on the Village fee schedule.

Sec. 115-27. - Plan Commission.
See chapter 2.

Sec. 115-28. - Board of zoning appeals.

- (a) *Membership.*
 - (1) See chapter 2.
 - (2) *Officers.* The village president shall designate the chairperson of the board. The clerk-treasurer or deputy clerk-treasurer shall serve as secretary to the board.
- (b) *Appeals to board.*
 - (1) Appeals to the board of zoning 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 administrative officers. Such appeal shall be taken within 30 days from either the date of actual notice of said decision to the person aggrieved or from the date of the mailing of a copy of said decision to him, whichever is earlier, by filing with the officer from whom the appeal is taken and with the board, a notice of appeal specifying the grounds thereof. Filing with the board shall be accomplished by filing with the clerk-treasurer.

- (2) The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
 - (3) The board shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof by publication once in the village's official newspaper, said publication to be not less than five days before said hearing nor more than 15 days before said hearing and shall give notice to the parties in interest and shall decide the same within a reasonable time.
 - (4) A filing fee, as prescribed by resolution as from time to time adopted by the Village Board, shall accompany each appeal, and no such appeal shall be deemed properly filed unless the fee is paid.
- (c) *Powers of board.* The board shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the administrative official.
 - (2) To hear and decide special exceptions to the terms of this chapter upon which the board is required to consider.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will 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.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this chapter for such public utility purposes which are reasonably necessary for public convenience and welfare.
 - (5) To reverse or affirm, wholly or in part, or modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the administrative official. The concurring vote of four members of the board shall be necessary to reverse any order, requirement or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.
- (d) *Other powers.* In addition to the foregoing, the board shall have the following specific powers:
- (1) To grant a permit for a temporary building for commerce or industry in a residential district which is incidental to the residential development, such permit to be issued for a period of not more than six months.
 - (2) To grant a permit for the extension of a district boundary for a distance of not more than 25 feet where the boundary of a district divides a lot in single ownership at the time of the adoption of this chapter.
 - (3) To permit the temporary storage, as defined herein, of an item otherwise prohibited under section 115-3.
 - (4) To interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan as shown on the official map accompanying and made a part of this chapter where the street layout actually on the ground varies from the street layout on the aforesaid map.
 - (5) To call on any other village department for assistance in the performance of its duties, and it shall be the duty of such other department to render such assistance as may be reasonably required.
- (e) *Powers limited.* Except as specifically provided, no action of the board shall have the effect of permitting in any district uses prohibited in such district; nor shall such board be permitted

to take any action which would, in effect, create a buildable lot smaller than the minimum lot size or area otherwise required by the village.

Sec. 115-29. - Changes and amendments.

- (a) *Authority.* Whenever the public necessity, convenience, general welfare or good zoning practice require, the village may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.
- (b) *Initiation.* A change or amendment may be initiated by the Village Board, the Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- (c) *Petitions.* Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the clerk-treasurer and shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
 - (1) A plot plan showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
 - (2) The owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
 - (3) Additional information required by the Plan Commission.
 - (4) A filing fee, as prescribed by resolution as from time to time adopted by the Village Board, shall accompany each application and no such application shall be deemed properly filed unless the fee is paid.
- (d) *Recommendations.* The Plan Commission shall hold a public hearing as provided for in Wis. Stats. § 62.23(7)(d), and review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board.
- (e) *Council action.* After careful consideration of the Plan Commission recommendations, the Village Board shall vote on the passage of the proposed change or amendment. If the Village Board denies the proposed change or amendment, a similar petition for such change or amendment may not be submitted for a period of one year.
- (f) *Protest.* In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20 percent or more of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the members of the Village Board voting on the proposed change.

Sec. 115-30. - Enforcement.

- (a) *Zoning Administrator to enforce chapter.* The Zoning Administrator or designated agent, with the aid of the police department, shall enforce the provisions of this chapter.
- (b) *Designated.* The director of public works shall be the Zoning Administrator for the village unless a separate appointment is made to such position by the village president, subject to confirmation by the Village Board.

Sec. 115-31. - Violation and penalties.

- (a) Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Zoning Administrator or designated agent shall promptly report all such violations to the village attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.
- (b) In addition, any person who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be subject to a penalty as provided by section 1-6.

This Ordinance shall take effect upon passage and posting as provided by law.

Adopted: December 4, 2019

Published: December 21, 2019

Russ Gehm
Village President

Attest:

Michelle Maroszek
Village Clerk