

# CHAPTER 1

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## ZONING ORDINANCE<sup>1</sup>

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### 1.01 INTRODUCTION

#### A. Authority

In accordance with the authority granted by Sections 61.35, 62.33, 87.30 and 144.26 of the Wisconsin Statutes, the Village Board which shall hereinafter be cited as Governing Body, of the Village of Oostburg, which shall hereinafter be cited as Municipality, does hereby ordain as follows:

#### B. Purpose

The purpose of this Ordinance is to adopt minimum requirements to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Municipality; to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes; and for said purposes to divide the Municipality into districts of such number, shape and area as are deemed best suited to carry out the said purposes.

#### C. Abrogation and Greater Restrictions

It is not the intent of this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions the provisions of this Ordinance shall apply.

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<sup>1</sup>Adopted as part of the Development Codes of the Village of Oostburg. Adopted by Ordinance 2-1974, on November 11, 1974. See Minutes of the Village Board, Vol. 4 pg. 422.

D. Interpretation

The provisions of this Ordinance shall be interpreted and applied as minimum requirements, shall be construed in favor of the Municipality and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

E. Repeal

All other ordinances or parts of ordinances of the Municipality inconsistent or conflicting with this Ordinance to the extent of their inconsistency only, are hereby repealed.

F. Title

This Ordinance shall be known as, referred to, or cited as "**ZONING ORDINANCE, VILLAGE OF OOSTBURG, WISCONSIN.**"

G. Effective Date

This Ordinance shall be effective after notice, public hearing, and adoption by the Governing Body as required by Section 62.23 (7) (d) of the Wisconsin Statutes.

H. Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the remainder of this Ordinance.

**1.02 GENERAL PROVISIONS**

A. Jurisdiction

Jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Municipality.

B. Compliance

Except as otherwise provided the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and use of any land shall be in compliance with the regulations established herein for the district in which such buildings or land are located.

C. Sewage Disposal

Sewage disposal facilities shall be connected to the sewage disposal system of the Municipality. In any district where public sewage service is not available, the width and area of all lots shall be sufficient to permit the use of an onsite sewage disposal system designed in accordance with Section H65 of the Wisconsin Administrative Code. In no case, however, shall the minimum lot size required in the Zoning District in which such structure is to be located be reduced below the specified minimum.

D. Site and Use Restrictions

- a. No lot shall be so reduced that the dimensions and yard requirements imposed by this Ordinance cannot be met.
- b. No part of the yard or open space required for a given building shall be included as a part of the yard or other space required for another building.
- c. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sills, cornices and ornamental features projecting not more than 48 inches; except that in commercial areas as permanent awning and its accessory columns or struts may project not more than five feet into a required front or side yard.

- d. Open or enclosed fire escapes may project into a required yard not more than 5 feet and into a required court not more than 3 1/2 feet, provided it be so located as not to obstruct light or ventilation.

E. Height Exceptions

Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, ~~wireless or broadcasting towers, masts or aorials and necessary mechanical appurtenances~~<sup>2</sup> are hereby excepted from the height regulations of this Ordinance and may be erected in accordance with other regulations and ordinances of the Municipality.

If any such structure shall be an Alternative Tower Structure as defined in Section 1.10, the height including antennas and towers shall be no more than 20 feet higher than the existing structure when located within 500 feet of any parcel zoned R-1, R-2, or R-3. See Section 1.07 FF. for additional requirements for communication towers and antennas.<sup>3</sup>

F. Vision Clearance Triangle

In each quadrant of every street intersection there shall be designed a vision clearance triangle, bounded by the inner street right-of-way lines and a line connecting them 15<sup>4</sup> feet from their intersection. Within this triangle no object shall be allowed above the height of two and one half (2 1/2) feet above the streets if it obstructs the view across the triangle. This provision shall not apply to tree trunks, posts, or wire fences.

G. Loading Requirements

In any Commercial or Industrial District, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the public street shall at all times be free and unobstructed to the passage of vehicular and pedestrian traffic. Such space shall be provided as follows:

Gross Floor Area (Square Feet)	Loading and Unloading Space Required in Terms of Square Feet of Gross Floor Area
0 - 1,500	None
1,501 - 10,000	One (1) Space
10,000 and above	One (1) Space plus One (1) space for each 20,000 square feet in excess of 10,001 square feet.

All spaces shall be at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height.

H. Parking Lots

- 1. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

<sup>2</sup> Deleted through Ordinance 9-1998, on July 13, 1998. Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pg. 1159.

<sup>3</sup> Added by Ordinance 9-1998, on July 13, 1998. Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pg. 1159.

<sup>4</sup> Amended by Ordinance No. 1-2020 on September 14, 2020. See Minutes of the Village Board, Vol. 30, p. 2010.

2. No parking lot shall be constructed or reconstructed unless and until a Land Use Permit is issued. Applications for a permit shall be submitted with two (2) copies of plans for the development and construction of the parking lot.
3. Adequate ingress to the parking lot shall be provided and all parking spaces shall be provided adequate access by means of maneuvering lanes. Provision of adequate ingress and egress or such other officials as may be designated by the Governing Body.
4. All open off-street automobile parking areas either created or redesigned and rebuilt subsequent to the adoption of this Ordinance, containing two or more rows of parking stalls and an area of 10,000 square feet or more, shall provide and maintain canopy-type shade trees along with other forms of vegetation hardy to this region, in tree islands and planting buffer strips totaling not less than three (3) per cent of the surfaced parking area. The minimum size of each tree island or planting strip shall be not less than 50 square feet. The size, type and location of the islands and planting strips and the plant material shall be indicated on the plans required for obtaining a Land Use Permit.

I. Parking Requirements

The following table of parking requirements for various uses shall be applied to all new developments: Allocation of said parking areas shall be indicated on the plans required for obtaining a Land Use Permit.

USES	PARKING REQUIREMENTS
Single-Family Residential	2 sp. per dwelling unit
Elementary Schools	1 sp. per 2 employees
Jr. or Sr. High School	1 sp. per 2 employees plus 1 sp. per 10 students
Libraries	1 sp. per 800 gross sq. ft.
Auditoriums (school)	1 sp. per 8 seats
School Gyms, Stadiums, etc.	1 sp. per 8 seats
Institutions for Care of the Aged	1 sp. per 4 beds plus 1 sp. per 2 employees plus 1 sp. per doctor on staff
Hospitals	1 sp. per 2 beds plus 1 sp. per 2 employees plus 1 sp. per doctor on staff
Mobile Home Parks	2 sp. per lot
Philanthropic and Charitable Uses	1 sp. per 2 employees, plus adequate number to serve public (as determined by Building Inspector)
Private Clubs	1 sp. per lodging room plus spaces equal to 30% of capacity in persons
Non-commercial Community Center	Parking spaces equal to 30% of capacity in persons
Radio and TV Stations	1 sp. per 2 employees

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Churches, etc.	1 sp. per 6 seats
Apartment Hotels	1 sp. per dwelling unit
Boarding Houses, etc. Multi-Family Residential	1 sp. per 3 rooming units, plus 1 sp. for manager 1.5 sp. per dwelling unit except that in housing developments for the elderly this ratio shall .5 spaces per dwelling unit
Taverns and Restaurants	Parking sp. equal to 30% of persons
Service Stations	1 sp. per 2 employees plus manager
Resorts	1 sp. per 2 employees plus to 20% of capacity or 1 unit whichever is greater
Bowling Alleys	5 sp. per alley plus 1 sp. per 300 gross sq. ft. used for bars, restaurants, etc.
Travel Trailer Parks	1.5 sp. per travel trailer site
Campgrounds	1 sp. per campsite
Pool Halls, Dance Halls, Pools, Skating Rinks, etc.	Parking sp. equal to 30% of the capacity in persons
Medical and Dental Clinic	3 sp. per staff member
Auto Sales	2 sp. per employee
Post Office	1 sp. per 2 employees, plus 1 sp. for 300 gross sq. ft. in excess of 4,000 sq. ft.
Commercial Schools (Music, Dance, etc.)	1 sp. per 2 employees, plus 1 sp. per 5 students
Indoor Theater	1 sp. per 6 seats up to 400 seats, plus 1 sp. for 4 seats over 400
Funeral Parlors	8 sp. per chapel or parlor, plus 1 sp. per funeral vehicle
General Commercial District	1 sp. per 200 gross sq. ft. in excess of 2,000 sq. ft. or 6 sp. for each 1,000 gross sq. ft. in integrated center
Animal Hospitals and Kennels	2 sp. per employee
Car Wash	1 sp. per 3 employees plus 1 sp. for manager plus sp. equaling 5 times the capacity of the wash
Cartage and Express Facilities	1 sp. per vehicle operated plus 1 sp. per 2 employees
Contractor or Construction Office	1 sp. per 1 employee
Laundries	1 sp. per 3 employees

Printing and Publishing	1 sp. per 3 employees
Warehousing and Wholesaling	1 sp. per 3 employees
Hotels	1 sp. per 3 rooms
Laboratories	1 sp. per 3 employees
Motels	1 sp. per unit plus 1 sp. for manager
Riding Stables	1 sp. per 1 employee and enough additional space for public (as determined by Building Inspector)
General Industry	1 sp. per 1.3 employees (Max. number of employees at one time in the plant)

**1.03 SIGNS**

A. Compliance

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Land Use Permit except those signs excepted below and without being in conformity with the provisions of this Ordinance. The sign shall also meet all the structural requirements of the Building Code.

B. Signs in Residential Districts

1. All signs are prohibited in all Residential Districts except the following:

Signs Over Show Windows or Doors of a non conforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.

- b. Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- c. Name, Occupation and Warning Signs not to exceed two (2) square feet located on the premises.
- d. Bulletin Boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.
- e. Memorial Signs, tables, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- f. Official Signs, such as traffic-control, parking restrictions, information and notices.
- g. Temporary Signs when authorized by the Building Inspector for a period not to exceed 30 days.

C. Signs in Commercial and Industrial Districts

1. Signs are permitted in all Commercial and Industrial Districts subject to the following restrictions:

- a.<sup>5</sup> Wall Signs placed against the exterior walls of a building shall not extend more than ten (10) inches outside of a building's wall surface, shall not exceed five hundred (500) square feet in area for any one premise and shall not exceed twenty (20) feet in height above the mean centerline street grade.
- b. Projected Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for any one premises; shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet above the mean centerline street grade; fifteen (15) feet above a driveway or an alley.
- c. Ground Signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which they are located, and shall not exceed one hundred (100) square feet on all sides for any one premises.
- d. Roof Signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed three hundred (300) square feet on all sides for any one premises.
- e. All Signs shall advertise, promote, or represent only establishments, goods, or services located, sold, or manufactured within one hundred (100) feet.
- f. Combination of any of the above signs shall meet all the requirements for the individual sign.

D. General Restrictions

1. No sign except those permitted in Subsection 1.03 (B) above shall be permitted to face a Residential District except the RD Residence District within one hundred (100) feet of each district boundary.
2. 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.
3. Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a non-conforming use or structure and the non conforming use provisions of this Ordinance shall apply.

**1.04 ZONING DISTRICTS AND MAPS**

A. Zoning Districts

The following Zoning Districts are hereby established:

1. Residential Districts
  - RD Rural Development District
  - R-I Residential Single-Family (Low Density)

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<sup>5</sup> Ammended by Ordinance 1-1995, Adopted 03/13/1995, See Minutes of the Village Board, Vol. 10, pg. 1074.

R-1-A Residential Single-Family (Medium Density)<sup>6</sup>

R-2 Residential Single-Family (High Density)

R-3 Residential Two-Family District

R-4 Residential Multi-Family District<sup>7</sup>

2. Commercial District

B-1 General Commercial District

B-2 Highway Commercial District

3. Industrial District (I)

4. Business Park District (BPD)<sup>8</sup>

B. Maps

The boundaries of the aforesaid districts are hereby established as shown on the "Official Zoning Map", of the Municipality. Such map, together with a copy of this Ordinance, shall be available for public inspection in the office of the Clerk of the Municipality. The map shall be certified by the Chief Executive of the Municipality and attested by the Clerk of the Municipality. Any changes in zoning district boundaries shall be recorded on the map. No change shall be effective until so recorded.

C. Boundaries

1. The district boundaries are either streets or alleys, unless otherwise shown and where the designation on the Zoning Map indicates that the various districts are approximately bounded by the centerline of a street or alley, such street or alley centerline shall be construed to be the district boundary line.

2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the Zoning Map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.

3. In unsubdivided property, the district boundary lines shown on the Zoning Map shall be determined by use of the scale shown on such map.

D. Annexed Territory

Any land which may be annexed to the Municipality in the future shall be placed in the RD-Rural Development District until special action of the Governing Body shall definitely assign such land to another district.

E. Residential Districts

1. RD-Rural Development

Intent: This district provides a holding zone for areas that may be required for future urban development. These areas will be zoned in accordance with the use designation appearing on the Master Plan map where logical extension of utilities and facilities can be insured. This will discourage haphazard and premature development from occurring at the fringes of the community.

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<sup>6</sup>Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>7</sup> Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>8</sup> Added by Ordinance 7-1998, Adopted July 13, 1998, Published August 22, 1998. See Minutes of the Village Board Vol. 12, pg. 1159.



2. R-1 Residential, Single-Family, Low Density

Intent: This district provides for a larger lot development for a lower density, more open living environment.

3. R-1-A Residential, Single-Family, Medium Density<sup>9</sup>

Intent: This district provides a cross between the larger lots of the R-1 district and the higher density of the R-2 district.

4. R-2 Residential, Single-Family, High Density

Intent: This district provides for lots to accommodate the needs of currently developing single-family areas and provides for future residential developments of a similar character.

5. R-3 Residential, Two-Family<sup>10</sup>

Intent: This district provides for the conversion of single-family structures to two-family uses in the established portions of the Municipality where larger two-story homes predominate and also provide new areas for modern two-family development.

Special Requirements: The following special requirements shall apply to two-family uses:

The recreation space ratio, defined as the minimum square footage of recreation space required for each square foot of floor area, shall be not less than .14.

The floor area ratio, defined as the maximum square footage of total floor area permitted for each foot of land area, shall be not more than .325.

The open space ratio, defined as the minimum square footage of open space required for each square foot of floor area, shall be not less than 2.2.

The living space ratio, defined as the minimum square footage of non-vehicular outdoor space required for each square foot of floor area, shall be not less than 1.4.

6. R-4 Residential, Multi-Family<sup>11</sup>

Intent: This district provides for the conversion of single-family structures to multi-family uses in the established portions of the Municipality where larger two-story homes predominate and also provide new areas for modern multi-family development.

Special Requirements: The following special requirements shall apply to multi-family uses:

The recreation space ratio, defined as the minimum square footage of recreation space required for each square foot of floor area, shall be not less than .14.

The floor area ratio, defined as the maximum square footage of total floor area permitted for each foot of land area, shall be not more than .325.

The open space ratio, defined as the minimum square footage of open space required for each square foot of floor area, shall be not less than 2.2.

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9 Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

10 Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

11 Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

The living space ratio, defined as the minimum square footage of non-vehicular outdoor space required for each square foot of floor area, shall be not less than 1.4.

F. Commercial Districts

1. B-1 General Commercial

Intent: This district provides for the continued development of the principal business and shopping functions in the Municipality.

2. B-2 Highway Commercial

Intent: This district provides appropriate areas for highway oriented commercial uses and those requiring large lots for off street parking and outdoor display or storage of merchandise.

G. Industrial District

1. (I) General Industrial

Intent: This district recognizes existing industrial development within the Municipality and reserves additional lands in appropriate location for possible new or relocated industries.

H. Business Park District<sup>12</sup>

1. BPD Business Park District

Intent: The Business Park District is intended to provide for the development of compatible manufacturing, warehouse, service business and office uses. The physical and operational characteristics of uses in this District are based on performance standards which would not be detrimental to the public health, safety or welfare or detrimental to the surrounding area as a result of noise, vibration, external lighting, odor, particulate emissions, other visible emissions, hazardous pollutants, traffic, physical appearance, or other similar factors. All uses in this District must comply with applicable local, state, and federal codes and standards. Uses in the District are also intended to provide ample off-street parking and loading areas, and landscaped planting screens in those areas adjacent to or abutting residential areas or other non-commercial uses, to prevent adverse effects upon the adjoining areas.

**1.04.01 LOW IMPACT BUSINESS DISTRICT<sup>13</sup>**

- (a) Intent. The Low Impact Business District (LIB) is intended to provide for office and service business uses consistent with the Village's Land Use Plan that have low impacts related to the generation of traffic, noise, trucking and other operational characteristics. This type of district is intended to be located in areas served by high traffic arterials and should include amenities such as ample off-street parking areas, landscape screening from adjacent non-business uses and high-quality architectural appearance. It is intended that office uses predominate in this district and that service businesses be allowed only as conditional uses and must be compatible with office uses and not exhibit noxious or unattractive characteristics. This district has been established to encourage and promote office uses in an environment that is of the high quality and character to result in attractive building groupings at appropriate locations along major roadways. It is also the intent of this district to provide adequate buffering as a transition to adjacent or nearby residential areas.

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<sup>12</sup> Added by Ordinance 7-1998, Adopted July 13, 1998, Published August 22, 1998. See Minutes of the Village Board Vol. 12, pg. 1159.

<sup>13</sup> Added by Ordinance 13-2001, Adopted December 10, 2001. See Minutes of the Village Board Vol. 13, pg.1255.

- (b) Permitted Principal Uses.
  - (1) Banks and financial institutions.
  - (2) General headquarters offices.
  - (3) Medical and dental clinics and offices.
  - (4) Office services including copying services, blueprinting, and similar functions.
  - (5) Other professional, administrative and public service offices.
  - (6) Real estate, insurance, financial or tax consultant office.
  - (7) Personal services used including, but not limited to, tailor, barber, beauty salon, shoe repair, dry cleaning, or similar service uses.
  - (8) Research establishments and laboratories.
  - (9) Studios for photography, painting, music, sculpture or dance.
  - (10) Travel agencies.
  - (11) Essential Services.
- (c) Conditional Uses.
  - (1) Club, lodge or other fraternal organization.
  - (2) Day care facilities.
  - (3) Drive-in facilities to serve permitted uses.
  - (4) Funeral parlors.
  - (5) Health clubs, indoor athletic facilities.
  - (6) Television and appliance sales and repair service.
  - (7) Retail specialty stores including, but not limited to, the sale of gifts, antiques, flowers, books, jewelry, wearing apparel, cameras, computers, or craft shops making articles exclusively for sale on the premises.
- (d) Prohibited Uses.
  - (1) Any wholesale or retail business, commercial enterprise, trade or industry that is, in the opinion of the Plan Commission, obnoxious or offensive by reason of excessive traffic, dust, smoke, odor, gas or noise or which is hazardous, harmful, offensive or adverse to the environment or to the property values of the neighborhood or the community.
  - (2) Drive-in or fast food establishments where food, drink or refreshments are served or sold and the nature of the business operations is such, or the facilities are designed to, in any way, encourage the consumption of the same on any part of the premises used for automobile parking.
- (e) Permitted Accessory Uses.
  - (1) Off-street parking and loading areas.
  - (2) Garages for storage of vehicles or equipment used in conjunction with the principal use.
  - (3) Ground-mounted and building-mounted dish antennae.
  - (4) Outdoor storage of materials and/or vehicles and/or equipment accessory to the principal use. All such outdoor storage areas shall be screened or fenced from view from nearby public streets and from nearby residential areas in accord with a site plan depicting such screening or fencing.

- (5) Service buildings or structures accessory to the principal use.
- (6) Signs in accord with the Sign Code.
- (f) Dimensional Requirements.
  - (1) Minimum lot area: 20,000 square feet
  - (2) Minimum lot width: 100 feet
  - (3) Minimum setback:
    - Principal building:
      - Front yard: 25 feet
      - Corner side yard: 25 feet
      - Interior side yard: 10 feet
      - Rear yard: 25 feet
      - Shore yard: In accord with Shoreland Zoning Provisions
    - Accessory buildings and structures:
      - Front yard: Not permitted
      - Corner side yard: Not permitted
      - Interior side yard: 5 feet
      - Rear yard: 5 feet
      - Shore yard: In accord with Shoreland Zoning Provisions
  - (4) Maximum building height: 35 feet
  - (5) Maximum lot coverage: A maximum of 80% of the lot area may be covered by buildings, parking and drive areas, and a minimum of 20% of the lot area shall be landscaped open space. Any drive areas required for fire access lanes may be located within the 20% open space.
- (g) Buffer Yard Requirements. Along a side or rear property line abutting or across the street from a residential use, the developer shall provide and maintain a planting area a minimum of 10 feet in width containing hedges, evergreens, and shrubbery, or suitable vegetation of sufficient density to produce a total year-round visual screen consistent with the topography, the existing vegetation, and the use of the adjacent land. Wherever possible, the developer shall make every effort to retain existing natural screening, such as vegetation and topography.
  - (1) All evergreen vegetation to be installed shall not be less than five feet in height at the time of planting and shall be of such species that expected height at maturity shall not be less than 8 feet.
  - (2) All deciduous material to be installed shall not be less than eight feet in height and two-inch caliper at planting.
  - (3) All plant material shall be guaranteed for two years. All plant material that dies shall be replaced by the developer.
- (h) Other Development Requirements to Minimize Impacts.
  - (1) Utilities. All utility lines (electrical, telephone, etc.) shall be placed underground.
  - (2) Lighting Facilities. Lighting shall not produce unreasonable glare or hazardous interference on abutting properties or highways, and light poles shall not be higher than 16 feet, and shall not shine lighting onto adjacent properties.

- (3) Landscape Planting. Shade trees and other plant materials satisfactory to the Plan Commission shall be provided along the street frontage occupied by developments in the Low Impact Business District, in other nonpaved areas of the site, and within traffic-barrier islands installed in the parking lot. Emphasis shall be placed on the used of shade trees. No shrubs shall be used that will interfere with drivers' sight distances at driveway intersections.
- (4) Trash and Refuse Area. Trash and refuse shall be stored either inside the building or within an opaque screened area, which shall be at least six feet high.
- (i) Parking Requirements. The requirements of Section 1.02 H. and I. of the Municipal Zoning Code shall apply to this District.
- (j) Site Plan Requirements. The requirements of Section 2.09 of the Municipal Developmental Code shall apply to this District.

#### **1.04.02 INSTITUTIONAL/PUBLIC FACILITIES DISTRICT**

- (a) Intent. The Institutional/Public Facilities District (IPF) is intended to regulate areas where public, quasi-public or institutional uses are located. Because used in the IPF District are diverse and include a wide range of activities, their operational characteristics may require special regulations and site improvements to enhance their compatibility with nearby areas.

Such uses may include areas where existing or proposed government or public service activities are conducted, including schools, religious and other non-profit activities. The IPF District may also include privately owned and for-profit institutional uses which are quasi-public in nature.

- (b) Permitted Principal Uses.

- (1) Art galleries (Public).
- (2) Cemeteries and mausoleums.
- (3) Churches, synagogues, temples and similar places of religious worship.
- (4) Community and public buildings.
- (5) Convention centers.
- (6) Day care facilities.
- (7) Essential services.
- (8) Fire stations.
- (9) Golf Courses (Public)
- (10) Gymnasiums
- (11) Hospitals.
- (12) Libraries.
- (13) Lodges, private clubs, labor and civic or fraternal organizations.
- (14) Medical clinics
- (15) Municipal building and facilities, including storage facilities.
- (16) Museums.
- (17) Nursing homes.
- (18) Police stations.

- (19) Public administrative offices.
  - (20) Public service buildings.
  - (21) Public utility offices.
  - (22) Public parks.
  - (23) Sanatoriums.
  - (24) Schools, colleges, universities (public or private).
  - (25) Swimming pools.
  - (26) Visitor centers.
  - (27) Wastewater pumping and treatment facilities (publicly owned).
  - (28) Water storage facilities.
  - (29) Water pumping and treatment facilities (publicly owned).
  - (30) Waysides.
- (c) Conditional Uses.
- The following may be permitted only after the approval of a Conditional Use Permit in accord with the provisions of Section 1.90 C.
- (1) Assisted living facilities for the elderly.
  - (2) Bars accessory to a permitted use.
  - (3) Community based residential facilities.
  - (4) Community living arrangements.
  - (5) Communications towers and antennas.
  - (6) Congregate housing for the elderly.
  - (7) Country clubs and private golf courses.
  - (8) Food service accessory to a permitted use.
  - (9) Funeral homes and crematories.
  - (10) Pedestrian walkways connecting adjacent institutional uses. Such walkways may be located in required side yard or rear yard setbacks.
  - (11) Private parks and other private recreational facilities both indoor and outdoor.
  - (12) Recycling facilities (publicly owned).
  - (13) Residential care facilities for the elderly.
  - (14) Residential uses accessory to churches or other similar places of religious worship.
  - (15) Wildlife sanctuaries.
  - (16) Zoos.
- (d) Permitted Accessory Uses.
- (1) Off-street parking and loading areas.
  - (2) Garages for storage of vehicles or equipment used in conjunction with the principal use.
  - (3) Ground-mounted and building-mounted dish antennae.

- (4) Outdoor storage of materials and/or vehicles and/or equipment accessory to the principal use. All such outdoor storage areas shall be screened or fenced from view from nearby public streets and from nearby residential areas in accord with a site plan depicting such screening or fencing.
- (5) Service buildings or structures accessory to the principal use.
- (6) Signs in accord with the Sign Code.

(e) Prohibited Uses.

- (1) Any business, commercial enterprise, trade, industry or use that is, in the opinion of the Plan Commission, obnoxious or offensive by reason of dust, smoke, odor, gas or noise or which is hazardous, harmful, offensive or adverse to the environment or to the property values of the neighborhood or the community.

(f) Dimensional Requirements.

- (1) Minimum lot area: 20,000 square feet
- (2) Minimum lot width: 100 feet
- (3) Minimum setback:

Principal building:

- Front yard: 30 feet
- Street side yard: 30 feet
- Total side yard: 20 feet or 25% of lot width, whichever is greater, 10 foot minimum side yard width
- Rear yard: 25 feet
- Shore yard: In accord with Shoreland Zoning

Provisions

Accessory buildings and structures:

- Front yard: Not permitted
- Street side yard: Not permitted
- Interior side yard: 5 feet
- Rear yard: 5 feet
- Shore yard: In accord with Shoreland Zoning

Provisions

- (4) Maximum building height: 35 feet
- (5) Maximum lot coverage: A maximum of 80% of the lot area may be covered by buildings, parking and drive areas, and a minimum of 20% of the lot area shall be landscaped open space. Any drive areas required for fire access lanes may be located within the 20% open space.

- (g) Dimensional Requirements for Lots Platted prior to the adoption of the IPF District. Dimensional requirements for existing buildings and structures on IPF lots platted prior to the adoption of the IPF District may be continued to avoid non-conforming circumstances. This applies to minimum lot area, minimum lot width, setbacks, side yards, rear yards and shore yards for existing buildings and structures on IPF District lots existing prior to the adoption of this district. However, any additions or new structures on such lots shall meet the minimum dimensional requirements listed above in Section (f).

- (h) Redevelopment Sites. Dimensional requirements for existing lots which are being redeveloped with new buildings and structures shall meet the minimum dimensional requirements listed above in Section (f).
- (i) Number of Structures on a Lot. More than one principal structure may be permitted on a lot with Plan Commission approval.
- (j) Parking Requirements. The requirements of Section 1.02 H and I, of the Municipal Code shall apply to this District.
- (k) Site Plan Requirements. The requirements of Section 2.90 of the Municipal Developmental Code shall apply to this District.

**1.05 DISTRICT LOT AND YARD REGULATIONS**

It shall be unlawful to erect or alter any building unless the following minimum lot, yard areas and bulk controls are provided and maintained in connection with such building.

District	Min. Area (Sq. Ft.)	Max. Bldg. Height (Ft.) <small>k</small>	Min. Lot Width (Ft.)	Min. Front Yard (Ft.)	Min. Rear Yard (Ft.)	Min. Side - Int. <sup>b</sup> (Ft.)	Min. Side - Corner <sup>b</sup> (Ft.)	Total Side Yard (Ft.)
<b>RD</b>	87,120	30	270	35 <sup>a</sup>	35	100	100	
<b>R-1</b>	12,150 <sup>c,i,j</sup>	30	90	30 <sup>a</sup>	30 <sup>d</sup>	12	30	24
<b>R-1-A<sup>14</sup></b>	9,600 <sup>c,i,j</sup>	30	70	30 <sup>a</sup>	20 <sup>d</sup>	8	30	20
<b>R-2</b>	7,350 <sup>c,i,j</sup>	30	70	30 <sup>a</sup>	20 <sup>d</sup>	8	30	20
<b>R-3<sup>15</sup></b>	9,600 <sup>b,c,e,g</sup> .i,j per dwelling unit	40	80	30 <sup>a</sup>	20 <sup>d</sup>	8	30	20
<b>R-4<sup>16</sup></b>	12,150 <sup>b,e,i,j</sup> per dwelling unit	40	90	30 <sup>a</sup>	30 <sup>d</sup>	8	30	24
<b>B-1</b>	None	40	None	None	None	None	None	
<b>B-2</b>	21,780	30	90	50 <sup>f</sup>	20	20	30	

<sup>14</sup> Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>15</sup> Modified by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>16</sup> Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.



<b>I</b>	21,780	None	90	20	20	10	20	
<b>LIB<sup>n</sup></b>	20,000	35	100	25	25	10	25	
<b>IPF<sup>m</sup></b>	20,000	35	100	30	25	10	30	20 <sup>l</sup>

- a. Where adjacent structures have front yard set-backs different from those required, the minimum front yard setback shall be the average setback of such structures, but in no case shall the front yard setback be less than 20 feet;
- b. Buildings over two stories in height shall require five feet for each additional story in addition to the required minimum size yard;
- c. A one-family dwelling may be erected on a lot having less than the minimum required area and width provided the lot existed by virtue of a recorded plat or deed at the time of passage of this Ordinance; however, in no event shall a one-family dwelling be erected on a lot less than 6,000 square feet in area or less than 60 feet in width. Such a lot shall be in separate ownership from abutting lands. If abutting land and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance;
- d. Detached residential garages shall have a minimum Rear yard and Side yard (5) ft.
- e. Multi-family dwellings must also comply with the Land Use Intensity standards given in Section 1.04, (E)(5 or 6 respectively) of this Ordinance;
- f. May be used for parking development;
- g. For single-family use the lot and area requirements of the R-2 district shall apply;
- h. R-1, R-2, R-3 Districts on corner lot side yard can be substituted for rear yard;
- i. A garage not attached shall not exceed 900<sup>17</sup> sq. ft. of garage space per dwelling unit, and not more than 14<sup>18</sup> ft. in height;
- j. A second accessory building, a storage building shall not exceed 170<sup>19</sup> square feet in size and shall have a rear + side yard minimum of 5 ft. Not to exceed 12<sup>20</sup> ft. in height.
- k. When a maximum building height is specified, see Section 1.07 FF. For height requirements and regulations pertaining to towers and antennas.
- l. 20 feet or 25% of lot width, whichever is greater, 10 foot minimum side yard width.
- m. See section 1.01.02 for details relating to lots platted prior to adoption of the IPF District. Also see this section for a more detailed list of lot requirements for the IPF district.
- n. See section 1.04.01 for a more detailed list of lot requirements for the LIB district.

<sup>17</sup> Changed by Ordinance 1-2020, Adopted September 14, 2020. See Minutes of the Village Board, Vol. 30, p. 2010.

<sup>18</sup> Changed by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>19</sup> Changed by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>20</sup> Changed by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

**1.06 DISTRICT USE CLASSIFICATION LIST**

In the following list of uses an "X" means that the use is permitted in the zoning district subject to the general provisions of the zoning ordinance. An "O" means that the use will be permitted only if a Conditional Use Permit is granted by the Governing Body. For uses not included on this list, application shall be made to the Board of Appeals for interpretation.

	RD	R-1	R-1-A <sup>21</sup>	R-2	R-3	R-4 <sup>22</sup>	B-1	B-2	I	BPD <sup>23</sup>	LIB <sup>24</sup>
Abrasives manufacture									O	O	
Acetylene manufacture									O		
Acid manufacture									O		
Agriculture - crops only	X	O	O	O	O	O		O	X		
Agriculture - general	X								X		
Agriculture feeding & process	O								O		
Airport	O								O		
Alkalies manufacture									O		
Ammonia manufacture									O		
Amusement parks	O							O			
Antennas <sup>25</sup>	O						O	O	O	O	
Appliance sales & repair							X				
Asphalt manufacture									O		
Automobile laundry							O	X			
Automobile repair							O	O	X		
Automobile sales							O	X			
Auto wrecking & salvage									O		
Bakery							X				
Bank							X			X	
Bar							X	X			
Barbershop							X				
Battery manufacturer									O		
Beauty Salon							X				
Bedding manufacture									O	O	
Beverage bottling & manufacture									O	O	
Bone distillation									O		
Bowling alley							X	X			
Brewery									O	O	
Building material sales & storage							O	O	X	O	
Business service establishment							X			X	X
Cafe							X				

<sup>21</sup>Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>22</sup>Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>23</sup> Added December 8,2003. See Minutes of the Village Board Vol. 15, pg. 1341.

<sup>24</sup> Added December 8,2003. See Minutes of the Village Board Vol. 15, pg. 1341.

<sup>25</sup> Adopted by Ordinance 9-1998, on July 13, 1998. Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pg. 1159.

Campgrounds	O											
Candle manufacture									O	O		
Cannery									O			
Catalog order store							X			X	X	
Cement manufacture									O			
	RD	R-1	R-1-A <sup>26</sup>	R-2	R-3	R-4 <sup>27</sup>	B-1	B-2	I	BPD <sup>28</sup>	LIB <sup>29</sup>	
Cemetery	O	O	O	O	O	O			O			
Charcoal manufacture									O			
Chemicals manufacture									O			
Church	O	O	O	O	O	O	O				O	
Cleaning, pressing and dyeing									O		O	
Clothing store							X					
Cocktail lounge							X	X				
Commercial storage							O	O	X	X		
Communication Towers <sup>30</sup>	O						O	O	O	O		
Concrete products manufacture									X			
Confections manufacture									O	O		
Contractors office							O	O	X	O	O	
Cosmetics manufacture									O			
Dairy plant									O			
Dental Office							X			O	X	
Department store							X					
Disinfectant manufacture									O			
Drive-in food service establishment								X				
Drive-in theater								O				
Drug store							X					
Dry cleaning establishment							O	X				
Dry goods store							X					
Dye manufacture									O			
Electric generating plants	O								O			
Electrical appliance manufacture									O	O		
Equipment repair and storage							O	O	X	O		
Excavating operations	O								O			
Feed mill									O			
Feed store							O		X			
Fertilizers manufacture									O			
Financial institution							X			X	X	

<sup>26</sup>Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>27</sup>Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>28</sup> Added December 8, 2003. See Minutes of the Village Board Vol. 15, pg. 1341.

<sup>29</sup> Added December 8, 2003. See Minutes of the Village Board Vol. 15, pg. 1341.

<sup>30</sup> Adopted by Ordinance 9-1998, on July 13, 1998. Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pg. 1159.

Developmental Code - Chapter 1

Flammables manufacture and storage									O		
Freight terminal								O	X		
Freight yard									O		
Fruit Store							X				
	<b>RD</b>	<b>R-1</b>	<b>R-1-A<sup>31</sup></b>	<b>R-2</b>	<b>R-3</b>	<b>R-4<sup>32</sup></b>	<b>B-1</b>	<b>B-2</b>	<b>I</b>	<b>BPD<sup>33</sup></b>	<b>LIB<sup>34</sup></b>
Fruit and vegetable stand	O							X			
Fuel manufacture and sales									O		
Fuel storage	O								O		
Funeral parlor							X				X
Furniture store							X				
Fur products manufacture									O		
Gas station							O	X			
Gift store							X	X			
Glass products manufacture									O	X	
Golf course	X	O	O	O	O	O			O		
Government office							X			X	X
Grain processing									O		
Greenhouse - commercial	O								X		
Greenways	X	X	X	X	X	X	X	X	X	X	X
Grocery store							X				
Guest house	O	O	O	O	O	O					
Hair products manufacture									O		
Hardware store							X				
Home occupation	O	O	O	O	O	O					
Hospital					O	O	O				
Hotel							X				
Implement sales and service							O	X	X	O	
Insecticide manufacture									O		
Insurance office							X			X	X
Jewelry store							X				
Junk yard	O								O		
Laboratory									O	O	O
Laundromat							X	X			
Leather products manufacture									O		
Library	O	O	O	O	O	O					
Lime products manufacture									O		
Loan institution							X			X	X
Luggage store							X				
Lumber sales and storage							O	X	X	O	

31 Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

32 Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

33 Added December 8, 2003. See Minutes of the Village Board Vol. 15, pg. 1341.

34 Added December 8, 2003. See Minutes of the Village Board Vol. 15, pg. 1341.

Developmental Code - Chapter 1

Machine manufacture									O	X	
Machine shop									O	X	
Magazine store							X				
Meat products manufacture									X		
Medical office							X			X	X
	<b>RD</b>	<b>R-1</b>	<b>R-1-A<sup>35</sup></b>	<b>R-2</b>	<b>R-3</b>	<b>R-4<sup>36</sup></b>	<b>B-1</b>	<b>B-2</b>	<b>I</b>	<b>BPD<sup>37</sup></b>	<b>LIB<sup>38</sup></b>
Metal fabrication									O	O	
Mobile home park											
Mobile home sales								X	X		
Motel							X	X			
Music store							X				X
Nursery school		O	O	O	O	O	O				O
Nursing home					O	O	O				
Open spaces	X	X	X	X	X	X	X	X	X	X	X
Organization headquarters							X			X	X
Packaged beverage store							X	X			
Packing and packaging									X	O	
Paint shop								O	X		
Paper products manufacture									O	O	
Parking areas	O	O	O	O	O	O	O	O	O	O	O
Personal service establishment							X				O
Pet shop							X				O
Planned unit development				O	O	O	O	O	O		
Plastic products manufacture									X	X	
Playgrounds		X	X	X	X	X	O				
Plumbing sales and service							O	X	X	O	O
Poultry processing									O		
Printing							O		X	X	
Professional laundry								O	X		
Professional offices							X	O		X	X
Public transportation terminal							O		X		
Publisher							O		X	O	
Radio station	O						O		X	X	X
Radio - TV sales and service							O			O	O
Railroad depots							O		X		
Real estate office							X			X	X
Repair garage							O	X	X		
Residential, Existing							X				
Residential, multi-family					X	X	O <sup>39</sup>				

<sup>35</sup>Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>36</sup>Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>37</sup> Added December 8, 2003. See Minutes of the Village Board Vol. 15, pg. 1341.

<sup>38</sup> Added December 8, 2003. See Minutes of the Village Board Vol. 15, pg. 1341.

<sup>39</sup> Added June 20, 2019. See Minutes of the Village Board Vol. 29, pg. 1960.

Developmental Code - Chapter 1

Residential, single-family	X	X	X	X	X	X					
Restaurant							X	X			
Rooming house					X	X	X				
Rubber products manufacture									O	O	
Sausage manufacture									O	O	
Schools	O	O	O	O	O	O	O				
	<b>RD</b>	<b>R-1</b>	<b>R-1-A<sup>40</sup></b>	<b>R-2</b>	<b>R-3</b>	<b>R-4<sup>41</sup></b>	<b>B-1</b>	<b>B-2</b>	<b>I</b>	<b>BPD<sup>42</sup></b>	<b>LIB<sup>43</sup></b>
Second hand stores							O				
Seeds processing									O		
Sewage treatment plant	O								O		
Shoe store							X				
Shooting range	O										
Slaughter house									O		
Sporting goods store							X				
Stable	X								O		
Stockyard									O		
Superette							X				
Supermarket							X				
Swimming pool	O	O	O	O	O	O					
Tavern							X	X			
Textile manufacture									O	X	
Theater							X				
Toiletries manufacture									O		
Travel trailer park	O										
Trucking terminal								O	X		
Utility lines (except antennas and communication towers)	X	X	X	X	X	X	X	X	X		
Utility pumping stations	X	X	X	X	X	X	X	X	X	X	
Variety store							X				
Vegetable processing											
Warehousing							O	O	X	X	
Wholesale outlets							O	O	X	O	O
Woods product manufacture									O	X	

**1.07 SPECIAL REGULATIONS**

The following regulations shall apply to all zoning districts unless specifically stated otherwise.

**A. Performance Standards**

<sup>40</sup>Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>41</sup>Added by Ordinance 1-1993, Adopted June 14, 1993, Published June 19, 1993. See Minutes of the Village Board Vol. 9, pg. 1008.

<sup>42</sup> Added December 8, 2003. See Minutes of the Village Board Vol. 15, pg. 1341.

<sup>43</sup> Added December 8, 2003. See Minutes of the Village Board Vol. 15, pg. 1341.

The following regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual non-compliance with such regulations shall be made by the Governing Body or its duly appointed agent. In addition all manufacturing uses listed in the conditional use classification in the industrial district regulations shall give evidence of ability to comply with the following standards before the issuance of a land use permit or certificate of compliance. Continued compliance shall be required during the operation of such uses and activities. No use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with or further conflict with the performance standards established hereafter.

1. Residual Features

No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.

2. Glare

Any lighting used to illuminate an offstreet parking area or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

3. Explosives

No activities involving the storage, utilization or manufacture of materials, goods or products which could decompose by detonation shall be permitted except such as are specifically licensed by the Governing Body.

4. Vibration

No activity or operation shall cause earth vibrations perceptible beyond the limits of the lot upon which the operation is located.

5. Activity Within Enclosed Buildings

All fabrication, manufacturing, processing or production shall be undertaken substantially within enclosed buildings.

6. Screening

Where outdoor storage of materials, goods and products exists within the Industrial District, such storage shall be effectively screened from adjacent residential districts and public streets by a solid fence, compact hedge or similar opaque landscaped element. Such screening shall not extend within 15 feet of any street or driveway. The screening shall be placed along property lines or, in the case of screening along a street, 15 feet from the street right-of-way or adjacent property line with landscaping between the screening and pavement. A louvered fence shall be considered "solid" if it blocks direct vision.

7. Refuse

All waste material, debris, refuse, or garbage not disposed of through the public sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

8. Landscaping

In all but the B-I and I Zoning Districts, all developed uses shall provide a landscaped yard along all streets. Such yard shall be kept clear of all structures

and storage except off street parking. Such yard shall be at least eight feet in depth along all streets, measured from the street right-of-way. Except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.

B. Planned Unit Developments (PUD)

1. Planned unit developments are permitted in those districts specified in Section 1.06 as conditional uses. A successful applicant for a conditional use permit under this section may be allowed to modify the lot size, setback and yard requirements within the district in which the project is located. All other district requirements shall be complied with as well as any fire, building, plumbing or electrical codes and applicable subdivision regulations.
2. The Original Application shall be as follows: a preliminary plan shall be submitted with the original application. In addition to meeting the requirements of Subsection 1.07 (B)(l) above, this preliminary plan shall show the overall plan for development; including grading, landscaping, exterior design and location of buildings, lots, all common structures, facilities, utilities, access roads, streets, sidewalks, parking and open spaces. There shall also be fee receipt from the Municipal Treasurer in the amount established in the Village's fee schedule<sup>44</sup>. In addition the following data shall be summarized and attached:
  - a. Total land area (square feet);
  - b. Total number of living units for residential development;
  - c. Total floor area on all floors of proposed buildings measured by outside walls multiplied by number of floors;
  - d. Total building area at ground level including garages, carports and other community facilities;
  - e. Total uncovered open space including paved areas in streets, walks and driveways;
  - f. In residential developments the total recreation space defined as total open space minus paved areas in streets, walks and driveways but including tennis courts, swimming pools and floor area of recreation facilities;
  - g. In residential developments the total occupant car spaces defined as offstreet parking spaces without time limit.
3. The Planning Commission shall in writing and giving reasons for its actions, approve or tentatively approve with suggestions for revisions or deny the original application within 90 days. In the event that the original application is denied the applicant must resubmit an original application to receive consideration. In the event the Planning Commission approves or tentatively approves with suggestions for revision, the applicant shall submit a final plan for final approval within six (6) months. After six (6) months the applicant must resubmit an original application in order to be eligible for further consideration.
4. Public Hearings on final applications shall be held within ninety (90) days of the receipt of the final application.
5. Final Plans shall be submitted within six (6) months after favorable action by the Planning Commission. In approving the application for recommendation for

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<sup>44</sup> Changed by Ordinance 8-2011, on August 8, 2011. Published August 9,2011. See Minutes of the Village Board, Vol. 21, pg. 1677.



approval by the Governing Body, the Planning Commission shall make the following determinations based on the final plan:

- a. That the tract to be developed is at least ten (10) acres in the case of planned unit residential development of exclusively single-family dwelling units; at least five (5) acres in the case of planned unit residential development containing multifamily dwelling units; and at least two (2) acres for non-residential planned unit developments;
  - b. That the tract to be developed is in single or corporate ownership;
  - c. That the height of the proposed structures conforms to the maximum set forth in the district regulations for the district in which the project is to be developed;
  - d. That the overall density of residential projects defined as the number of living units per acre does not exceed the district regulations for the district in which it is to be developed;
  - e. That a certificate attested by the Municipal Engineer showing the availability of adequate public sewer and water is present;
  - f. That landscaping and grading will be done to assure adequate drainage;
  - g. That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the turning and effective use of snow plows, garbage and fire trucks, loading and unloading and other pickups and deliveries without blocking traffic;
  - h. That there will be a minimum number of conflicts between pedestrian and vehicular traffic;
  - i. That the design of open spaces and housing in residential projects will provide both easy access and privacy;
  - j. That no structure will be more than 200 feet from a street, parking area, or other right-of-way on which a fire truck may be operated;
  - k. That adequate lighting will be provided;
  - l. That the final plans include the planting of adequate trees and shrubs where not already present;
  - m. That the design of the development is in harmony with existing surroundings and will not be detriment the neighborhood;
  - n. That the applicant has bonded himself and his contractor (s) to provide the improvements shown on the plans
  - o. That in a single-family planned unit residential development adequate deed restrictions are present, running in favor of the Municipality, or an automatic home owners association and individual homeowners for the proper maintenance, care and preservation of the exterior design, all common structures, facilities, utilities, access and open spaces by the original and all subsequent owners of property within the development;
  - p. That in a multi-family planned residential unit development, the owner or ownership has deeded the recreation space to the Municipality for the Municipality to maintain or has covenant to be binding on all future ownership;
6. In Reviewing Original and Final Plans and applications, the Planning Commission may seek technical assistance from such sources as it deems necessary.

7. Any modifications in the original plan shall be made only by agreement between the developer and the Planning commission.

C. Mobile Home Parks

1. Mobile home parks are permitted as conditional uses in the districts specified in Section 1.06 of this Ordinance.
2. The minimum size of a mobile home park shall be 10 acres.
3. It shall conform to the requirements of Chapter 77, Wisconsin Administrative Code.
4. Unless adequately screened by existing vegetative cover it shall be screened by: A temporary planting of fast growing material, capable of reaching a height of 15 feet or more, such as hybrid poplar; and a permanent evergreen planting such as White or Norway Pine, the individual trees to be such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.
5. The provisions of the Municipality's Mobile Home Ordinance shall be met in addition to the applicable provisions of this Ordinance.

D. Travel Trailer Parks and Campgrounds

1. Travel trailer parks and campgrounds may be permitted as conditional uses in the districts specified in Section 1.06 of this Ordinance.
2. The minimum size of a travel trailer park or campground shall be 5 acres.
3. The maximum number of travel trailers or campsites shall be 15 per acre.
4. Minimum dimensions of a travel trailer site or campsite shall be 25 feet wide by 40 feet long.
5. No travel trailer or campsite shall be occupied for a period of more than 30 consecutive days.
6. Each travel trailer site or campsite shall be separated from other travel trailer spaces or campsites by a yard not less than 15 feet wide.
7. Parking shall be provided in accordance with Section 1.02,(I).
8. There shall be a minimum yard setback of 40 feet at all lot lines of trailer park or campground.
9. It shall conform to the requirements of Chapter 77, Wisconsin Administrative Code.
10. The screening provisions for mobile home parks are met.

E. Protection of Shoreland and Watercourses

1. General
  - a. The purposes of this section are to prevent and control water pollution; protect spawning grounds, fish and aquatic life; and to preserve shore cover and natural beauty.
  - b. The provisions of this section shall apply to the shorelands of all navigable waters.
  - c. Lakes, ponds, or flowages shall be considered as navigable for the purposes of this Ordinance if they are listed in the Wisconsin Division publication "Wisconsin Lakes 218-64".

- d. Rivers or streams shall be considered navigable for the purposes of this Ordinance if they are indicated as "continuous" on the United States Geological Quadrangle Survey Maps.
2. Setbacks from the Water
    - a. For lots that abut on navigable waters all buildings and structures except piers, marinas, boat houses and similar uses which require a lesser setback as determined by the Board of Appeals, shall be set back at least one hundred (100) feet from the high water line and elevated at least two (2) feet above the experienced high water elevation unless otherwise specified by a flood plain zoning ordinance.
    - b. Seepage, pits and soil absorption fields shall be set back at least fifty (50) feet from the normal high water elevation. The Building Inspector shall determine the normal high water elevation or line where not established. Furthermore, it shall be the duty of the Building Inspector to determine that the design, location and construction of private sewage disposal facilities are in conformation with applicable State and Municipal codes.
  3. Filling, Grading and Lagooning
    - a. A conditional use permit shall be required for any filling or grading:

Of the bed of a navigable body of water. In addition a permit shall be obtained from the Department of Natural Resources or any other State agency having jurisdiction under the provisions of Section 30.11 and 30.12 Wisconsin Statutes.

Of any area which is within 300 feet horizontal distance of a stream and 1,000 feet of a lake and which has surface drainage toward the water and which there is:

Filling of more than 500 square feet of any wetland which is contiguous to the water. For purposes of this section a wetland shall be defined as any area where ground water is at or near the surface a substantial part of the year.

Filling or grading on slopes of 20 per cent or more.

Filling or grading of more than 1,000 square feet on slopes of 12-20 per cent.

Filling or grading of more than 2,000 square feet on slopes of 12 per cent or less.
    - b. A conditional use permit shall be required before constructing, or commencing work on any artificial waterway, canal ditch, lagoon, pond, lake or similar waterway which is within 500 feet of the high water mark of a navigable body of water or where the purpose is ultimate connection with a navigable body of water. This requirement does not apply to soil conservation practices such as terraces, diversions and grassed waterways which are used for sediment retardation.
    - c. In granting a condition use permit for filling, grading, or lagooning, the Planning Commission may attach the following conditions in addition to those specified elsewhere in this Ordinance:
      - The smallest amount of bare ground be exposed for the shortest time feasible.

- Temporary ground cover such as mulch be used and permanent cover such as sod be planted.
- Diversions, silting basins, terraces and other methods
- Dredging to a firm bottom before filling.
- Dredging be conducted in such a manner as to avoid creation of fish trap conditions.
- Fill is stabilized according to accepted engineering standards.
- Fill will not restrict a floodway or destroy the storage capacity of a flood plain.
- Walls of a channel or artificial watercourse be stabilized to prevent slumping.
- Sides of channels or artificial watercourses be constructed with side slopes of two horizontal to one vertical or flatter, unless vertical bulk heading is provided.

F. Gasoline (Motor Fuel) Stations

Motor fuel stations shall be subject to the following standards:

1. The setback of any overhead canopy or weather protection, free standing or projecting from the station structure, shall be not less than ten (10) ten feet from the street right-of-way nor less than twenty (20) feet from an adjacent property line.
2. The total height of any overhead canopy or weather protection shall not exceed twenty (20) feet in height.
3. Open dead storage of motor vehicles, other than motor vehicles for rent, shall not be permitted for a period of more than forty-eight (48) hours.
4. All goods for sale by a motor fuel station convenience store, other than those generally required for the operation and maintenance of motor vehicles, shall be displayed within the principal motor fuel station structure.
5. Each motor fuel station shall be architecturally designed so as to be as compatible as possible with the general architectural intent of the area in which it is located.
6. For the purpose of architectural appropriateness each and every side of a motor fuel station shall be considered as a front face.
7. The entire motor fuel station site, other than that part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage and such surfaces shall be designed to meet the requirements of a minimum four (4) ton axle load.
8. Wherever a motor fuel station abuts an "R" District, a fence or compact evergreen hedge, which is a minimum twenty-five (25) per cent opaque and not less than six (6) feet high, and maintained along the side and rear property line that abuts the "R" District. Application of this provision shall not require a fence within fifteen (15) feet of any street right-of-way.
9. All trash, waste materials and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the motor fuel station.
10. All interior curbs shall be constructed within the property lines to separate driving and parking areas from landscaped areas. Such curbing shall be constructed of concrete and shall be of six (6) inch non-surmountable design.

11. All rental campers, trailers or motor vehicles shall be stored within the rear and/or side yard not adjacent to the street. Said rentals shall not be stored within the front yard setback nor the side yard adjacent to the street.
12. All outside parking spaces shall be located to the side and/or rear of the principal structure.
13. All outdoor illumination shall be provided with lenses, reflectors or shades which will concentrate the light upon the premises so as to prevent any undue glare or rays of light therefrom being directly visible upon any adjacent street, roadway or private property occupied for residential purposes.
14. Notwithstanding anything to the contrary in other sections of this Ordinance the following requirements shall be observed for signs for motor fuel stations:
  - a. Motor fuel stations shall have no more than one (1) pedestal type business identification sign not to exceed twenty-six (26) feet in height erected within any yard, except that no part of said sign shall be less than six (6) feet from a property line measured as a horizontal distance. No part of said sign surface shall be less than sixteen (16) feet vertical distance from the grade of the nearest driveway or parking area. The pedestal shall not be less than five (5) feet from a driveway at its nearest point. Said sign shall have no more than three (3) faces and shall not exceed more than one hundred (100) square feet per face.
  - b. Motor fuel stations may have two (2) additional signs. Said signs shall have no more than two (2) faces and shall not exceed more than thirty (30) square feet per face. The top of said sign shall not be more than twenty (20) feet in height.
15. Notwithstanding anything to the contrary in other sections of this Ordinance, the following minimum requirements shall be observed for yards and setbacks for motor fuel stations:

Lot Width	Front Yard	Side Yard Adjacent To Another Lot	Side Yard Adjacent To Street	Rear Yard	Pump Set- back
150 ft.	60 ft.	30 ft.	60 ft.	30 ft.	25 ft.

G. Private Swimming Pools<sup>45</sup>

1. Definitions--The following words, terms and phrases, when used in this paragraph, shall have the following meanings, except where the context clearly indicates a different meaning:

**Swimming pool** means a body of water in an artificial or semi artificial receptacle, whether located indoors or outdoors, used or intended to be used for the purpose of swimming or diving and has walls greater than three (3') feet in height measured from the floor of the pool. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

**Movable swimming pool** means a pool with walls less than or equal to three (3') feet in height measured from the floor of the pool, or less than or equal to twelve (12') feet in diameter, and which is readily movable once drained of water.

<sup>45</sup> Changed by Ordinance 4-2007. See Minutes of the Village Board Vol. 17, Page 1501.

2. Permit--Required.

No swimming pool, except for a movable swimming pool, shall be constructed, altered, remodeled or improved within the village unless a permit therefore shall first be obtained from the building inspector. The fees shall be as set forth in Table 4.1 of the Developmental Code.

3. Location and Setback.

The swimming pool may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property in which it is located and shall not be allowed in the front yard.

4. Fences.

(a) General. All outdoor swimming pools shall be completely surrounded by a fence or wall pursuant to the technical requirement of subpart (c) below, which provide supplemental layers of protection so as to exclude uninvited children and animals.

(b) Exceptions. The fence or wall requirement of subpart (a) above, does not apply to pools with an approved dome or lockable cover which complies with ASTM F1346-91.

(c) Fence and Wall Technical Requirements:

1. Walls, Fences, and Structures as Barriers-

Barrier walls and fences may be stand-alone walls and fences or may be in combination with a structural pool, spa or hot tub walls, or a building/dwelling wall to form the barrier around the swimming pool, spa or hot tub.

1.1 Dimensions

The top of the wall/fence shall be at least forty-eight inches (48") above grade measured on the side of the wall/fence which faces away from the swimming pool, spa or hot tub. The maximum vertical clearance between grade and the bottom of the wall/fence shall be four inches (4") above grade measured on the side of the wall/fence which faces away from the swimming pool, spa or hot tub.

1.2 Chain-link fence

Where a chain-link fence is provided as the barrier, the perpendicular distance between parallel sides of the link shall not exceed two and one-quarter inches (2 ¼") which corresponds to a two and one-quarter inches (2 ¼") mesh size for chain-link fencing as contained in specifications for residential fencing of the Chain Link Fence Manufacturers Institute (CLFMI) (See Figure 3 in Appendix A).

### 1.3 Picket/Ornamental fence

Where a picket/ornamental fence is provided as the barrier, the horizontal open-air spacing between pickets shall be a maximum of four inches (4") between all vertical pickets and support posts; the maximum vertical opening between grade and the lowest part of the horizontal bottom rail, or pickets, of the fence shall not exceed a maximum of four inches (4"). Decorative details shall not provide climbability. Minimum opening between decorative details shall be one and three-quarter inches (1¾") or greater.

1.3.1. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches (45"), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-quarter inches (1¾") in width. Decorative cutouts shall not exceed one and three quarters inches (1¾") in width (*See Figure 1 in Appendix A.*)

1.3.2 Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches (45") or more, spacing between vertical members shall not exceed four inches (4"). (*See Figure 2 in Appendix A.*) Decorative cutouts shall not exceed one and three-quarter inches (1¾") in width.

### 1.4 Pedestrian access gates

Access gates in the barrier shall comply with the requirements of Paragraphs 1.1 through 1.5, be self-closing, self-latching, accommodate a locking device and shall open outward away from the pool, spa or hot tub except when natural topography or other conditions dictate that it opens inward. Release of the latch on the self-latching device for the gate shall be activated either:

(a) at a height no less than fifty-four inches (54") above grade for chain-link access gates and at a height no less than fifty-four inches (54") above the horizontal bottom rail of a picket/ornamental access gate, or

(b) be located on the pool, spa or hot tub side of the gate at a distance no less than three inches (3") below the top of the gate. Where a self latching device is also self-locking and is opened by means of a key, electronic opener, or integral combination lock, it may be located at any height on the gate, so long as it does not negate the function of the gate; and said gate need not comply with 1.4.1 and 1.4.2 below.

1.4.1 Chain-link access gate. Where the gate is a chain link-type, and where the release of the self-latching device is activated in accordance with Paragraph 1.4., alternative (b), there shall be no opening greater than one-half inch (1/2") in

diameter within eighteen inches (18") of where the latch release is activated when the gate is closed.

1.4.2 Picket/Ornamental access gate. Where the gate is a picket/ornamental-type such that the distance between vertical members is greater than one and three-quarter inches (1<sup>3</sup>/<sub>4</sub>" ), and where the release of the self-latching device is activated in accordance with Paragraph 1.4 alternative (b), there shall be no opening in the gate/fence greater than one-half inch (1/2") in diameter within eighteen inches (18") of where the latch release is activated when the gate is closed.

1.5 Other Access gates

Gates other than pedestrian access gates need not have a self-closing, self-latching feature but shall be provided with a means to secure the gate when it is not in use.

2. Pool Wall as Barrier for Above ground/On ground Pools.

2.1 Pool wall

An aboveground/onground pool wall, itself, may be the barrier if the pool structure is on grade and the wall is at least forty-eight inches (48") in height. Other types of barriers can be mounted on the pool structure or can be a barrier that surrounds the pool at ground level. Where the barrier is mounted on the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (4"). Where an aboveground/onground pool wall is less than forty-eight inches (48") above the ground, it is not considered a barrier and therefore, a barrier, in accordance with Paragraphs 1.1 through 1.5, shall be provided.

2.2 Ladders or Steps

Where an aboveground/onground pool structure is used as a barrier or where the barrier is mounted on the pool structure, and the means of access to the pool is a ladder or steps, then

2.2.1. the ladder or steps shall be capable of being secured, locked or removed to prevent access, or

2.2.2. the ladder or steps shall be surrounded by a barrier which meets the requirements of Paragraphs 1.1. through 1.5 or

2.2.3. a lockable self-closing and self-latching gate at deck level shall be provided.

H. Animal Hospital

Animal Hospital shall be located no closer than one hundred (100) feet to any residential district, restaurant, hotel or motel in any district and shall show that



adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premise.

I. Guest Houses

Guest houses without kitchen facilities may be constructed in rear yards, provided that they are a minimum of ten (10) feet from any other building and provided all other yard requirements of this Ordinance for a principal building are complied with.

J. Home Occupation

Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed twenty-five (25) per cent of the area of any floor, uses only household equipment and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as baby-sitting, millinery, dressmaking, canning, laundering and crafts. It shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment but not for the general practice of his profession. Home occupation does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, photographic studios, commercial stables or kennels.

K. Country Club; Golf Course

1. No building shall be located within one hundred (100) feet of any property line.
2. Facilities such as restaurants and bars may be permitted when conducted and entered from within the building.
3. Swimming pools, tennis courts and the like shall be located not less than twenty-five (25) feet from any property line and adjoining property in any Residence or Commercial District shall be effectively protected by a wall, hedge and/or screen planting.

L. Poultry Farm

1. Any building housing poultry shall be distant not less than two hundred (200) feet from every lot line.
2. Proponent shall show that odor, dust, noise, drainage, shall not constitute a nuisance or hazard to adjoining property or uses.

M. Animal Feed Yards

Animal feed yards, animal sales yards, riding academies and public stables shall be located no closer than two hundred (200) feet from any property line, shall provide automobile and truck egress, shall provide parking and loading spaces, so designed as to minimize traffic hazard and congestion. Proponent shall show that odor, dust, noise, drainage shall not constitute a nuisance or a hazard to adjoining property or uses.

N. Agricultural Processing Plants

Agricultural processing plants in any District which process agricultural products produced on the premises or within a contiguous area shall be so located as to provide convenient trucking access with a minimum of interference to normal traffic, shall provide parking and loading spaces. Proponent shall show that adequate measures shall be taken to control odor, dust, noise and waste disposal so as not to constitute a nuisance and shall show that the proposed source of water will not deprive others of normal supply.

O. Drive-in Theater

Drive-in theaters shall be located only on major or secondary thoroughfares, shall provide ingress and egress so designed as to minimize traffic congestion, shall be located sufficiently distant from any Residence District except the RD Residence District or existing dwelling and so screened from such district or dwelling that any noise shall not disturb residents and shall maintain lighted signs and other lights only in such a way as not to disturb neighboring residents.

P. Amusement Parks

Golf driving ranges and amusement parks shall be located on major or secondary thoroughfares or non-residential streets. Flood lights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property. Golf driving platforms shall be not less than two hundred (200) feet from any adjacent Residence District except the RD Residence District or existing dwelling. A temporary certificate may be renewed for a period of one year at the expiration of such certificate, provided all requirements of this Ordinance have been and can continue to be complied with.

Q. Cemeteries

Cemetery, crematory, mausoleum, columbarium shall provide entrance on a major street or road with ingress or egress so designed as to minimize traffic congestion, shall provide required off-street parking space and shall provide a minimum six (6) foot high wall or minimum three (3) foot thick six (6) foot high evergreen hedge or provide a minimum twenty (20) feet of permanently maintained planting strip on all property lines abutting any R-District or residential street.

R. Airports

Airports or heliports or landing strips for aircraft shall be located no closer than six hundred (600) feet from any dwelling; shall provide runways only so oriented that aircraft landing and taking off do not pass directly over dwellings; shall be located so that air or land traffic shall not constitute a nuisance to neighboring uses. Proponents shall show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations or bright lights; proponents shall show that the field in question comes up to standards of the Federal Aviation Agency for the particular class of field.

S. Community Building, Social Halls, Lodges, Fraternal Organizations and Clubs

1. All buildings must be a minimum of twenty (20) feet from the side lot lines and fifty (50) feet from the rear lot line.
2. There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity other than from within the building.
3. Any such use must be located on a major or secondary thoroughfare or be able to provide access without causing heavy traffic on local residential streets.

T. Private Stables (Not Allowed)

U. Nursing Homes

1. Approval must be obtained from proper agencies concerning health and safety conditions and said home must be licensed by such agencies.
2. Said use must meet space requirements specified for multi-family residential uses in Section 1.04.

V. Retail Sales for Guests Only

Community buildings, private clubs, lodges, social or recreational establishments may engage in retail sales for guests, provided that:

1. There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity other than from within the building.
2. That there be no harm to adjacent existing or potential residential development due to excessive traffic generation or noise or other circumstances.

W. Hospitals and Churches

Hospitals, churches or other religious or eleemosynary institution shall be located on a major street on a minimum parcel of one-half (1/2) acre, shall maintain a ten foot wide minimum landscaped strip on all property lines abutting all Residence Districts except the RD Residential District and on all residential streets.

X. Fertilizer Plants

Fertilizer plants and yards shall be no closer than two hundred (200) feet to any Residence District, except the RD Residence District, shall provide automobile parking and truck loading area together with ingress and egress so designed to minimize traffic hazard and congestion, shall show that odor, dust, noise and drainage shall not constitute a nuisance to surrounding properties.

Y. Shooting Clubs

A shooting club shall not be located within one (1) mile of any developed residential, commercial or industrial area, or place of public assembly. A temporary certificate will be granted, to be in force for one (1) year only, such a certificate may be resumed for a period of one (1) year at the expiration of each temporary certificate, provided above requirements are met.

Z. Inflammable Liquid Storage in I-Districts

Aboveground storage of materials or products rated as fast-burning, or which produce flammable or explosive vapors or gases in quantities over one thousand (1,000) gallons will only be permitted in the I-Districts provided that such storage area is not less than six hundred (600) feet distant from any other zoning district. Such storage area must be provided with adequate safety devices against the hazard of fire and explosion and adequate fire suppression and fire fighting equipment and devices standard to the industry and shall meet the requirements of other applicable Municipal Ordinances, but in no event shall more than 10 gallons be stored in any areas other than I-District and motor fuel stations.

AA. Circus

A circus or carnival involving temporary assemblages of over three hundred (300) people and their automobiles may only be permitted in any district provided that such establishment may not be located on a street developed with residences, within five hundred (500) feet of such residences or less than two hundred (200) feet from such residences, in any case for all such uses.

BB. Amusement Center

Amusement center, bowling alley, dance hall and similar places of amusement shall provide parking with ingress and egress designed so as to minimize traffic congestion, shall not be less than twenty (20) feet from any property line, provide a minimum six (6) foot solid board fence or masonry wall separating parking area from abutting residential property and shall show that adequate controls or measures will be taken to prevent offensive noise and vibration.

CC. Nursery Schools

Nursery school, day care center for more than five (5) children shall maintain a minimum six (6) foot high solid board fence combined with a minimum three (3) foot wide shrub planting area or a minimum six (6) foot high masonry wall on any property line abutting a residential district. A nursery shall be located only on a minimum 10,000 foot lot and shall not develop excessive traffic on local residential streets.

DD. Temporary Tract Offices

Temporary tract office in any district shall be located on the property to which it is appurtenant, shall be limited to a six months period at the expiration of which time the applicant may request a further extension of time. Otherwise the tract office shall be removed at the expense of the owner.

EE. Excavations

1. The excavations from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be a permitted use in any district established by this Ordinance unless and until a land use permit shall first have been secured therefore, except for the following defined extractions and deposits.
  - a. Excavations for the foundation or basement of any building or for a swimming pool for which a land use permit and a building permit have been issued, or deposits on the earth of any building or construction materials to be used in a structure for which such zoning permit and building permit have been issued.
  - b. Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than 10 feet in vertical height, or when less than one thousand (1,000) cubic yards of earth is removed from the premises.
  - c. Grading in a subdivision which has been approved by the Municipality in accordance with the Municipal Subdivision Ordinance and any amendments thereto.
  - d. Excavations by any public agency or public utility for the installation, operation, inspection, repair or replacement of any of its facilities.
2. Any quarry existing and operating as such on the effective date of this Ordinance shall obtain a new use permit and conform with the provisions of this Ordinance within one (1) year of the adoption of this Ordinance.
3. The Governing Body shall have the power to grant conditional land use permits, revocable and valid for specified periods of time, to permit extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals or building or construction materials as set forth herein above.
4. The Building Inspector shall make such inspections as he deems necessary or as are required by the Planning Commission to ensure that all work is in accordance with the use permit. All inspection services shall be paid for by the applicant at the actual cost to the Municipality.
5. The conditions under which a use permit for excavation from or depositing on the earth of said materials may be issued, may include but are not limited to any requirements deemed necessary to protect the public health, safety, comfort, convenience or general welfare including insurance against liability arising from production or activities or operations incident thereto; completion of the work and cleaning up and planting in accordance with approved plans;

designation of area in which work may be done; designation of the slope to which excavation may be made or the grade of filling; provisions for controlling dust; hours during which operations may proceed; precautions which must be taken to guide safe traffic movements in and around and by said operation; enclosure by fences of exterior boundaries of property to be used; posting of a good and sufficient bond to assure compliance with the use permit and any other conditions deemed necessary by the Planning Commission.

FF. Communication Towers and Antennas<sup>46</sup>

1. Applicability. This section applies to all 'Communication Towers' and 'Antennas' as defined in Section 1.10 of this Zoning Ordinance, except for:
  - a. Any device that does not exceed 35 feet in height or such other height limitation that may apply to the zoning classification in which the device will be sited.
  - b. Any device not exceeding 70 feet in height for reception of television signals or owned and operated pursuant to a license granted by the FCC.
  - c. Pre-existing towers and antennas.
2. Purpose. The purpose of this section is to:
  - a. Protect safety by such methods as prohibiting the siting of antennas and towers in or near residential areas, and providing height and setback restrictions;
  - b. Promote aesthetics by minimizing the number of towers in the Village, requiring towers to be sited and configured in ways that minimize their adverse visual impact, and by encouraging the utilization of alternative tower structures rather than free-standing towers whenever feasible; and
  - c. Encourage commerce by implementing rules that will not restrict the ability of telecommunications providers to furnish their services quickly, effectively, and economically.
3. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.
4. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the governing authority an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within three miles of the border thereof, including specific information about the location, height, and design of each tower. The governing authority may share such information with other applicants applying for administrative approvals or Conditional Use Permits under this article, or other organizations seeking to

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<sup>46</sup> Added by Ordinance 9-1998, on July 13, 1998. Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pg. 1159.

locate antennas within the jurisdiction of the governing authority, provided, however, that the governing authority is not by sharing such information in any way representing or warranting that such sites are available or suitable.

5. Aesthetics and Lighting.
  - a. If a tower is not subject to FAA regulations, towers shall either have a galvanized steel finish, or be painted to a neutral color so as to reduce visual obtrusiveness. If FAA regulations apply, FAA regulations shall be followed.
  - b. At a tower site, the design and construction of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and pre-existing improvements.
  - c. If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment shall be of neutral colors that are identical to, or closely compatible with, the colors of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting and alternatives, and shall approve the design that would cause the least disturbance to surrounding areas.
  - e. Communication towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than 6 feet above the ground on a placard no larger than 1-1/2 square feet, or as required by the FCC.
6. Federal and State Requirements. All communication towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal or state government with the authority to regulate towers and antennas.
7. Building Codes and Safety Standards. The owner of a tower shall ensure that it is built and maintained in compliance with the latest standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the administrative agency of the State of Wisconsin with jurisdiction.
8. Setbacks. All alternative tower structures, communication towers, and antennas shall be set back from residential dwellings one foot for each foot of overall structure height including antennas, provided that this one-to-one setback requirement may be increased or decreased on a site-by-site basis by the governing authority in its sole discretion.
9. Conditional Use Permits. All antennas and communication towers subject to this section shall require a Conditional Use Permit. Applications for Conditional Use Permits shall be made in accordance with Section 1.09 C. of this Zoning Ordinance and with the following:
  - a. Factors. The governing authority shall consider the following factors in determining whether to issue a Conditional Use Permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby:
    - (1) Height of the proposed tower;

- (2) Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider's equipment.
  - (3) Proximity of the tower to residential structures and residential district boundaries within 1,000 feet of the tower;
  - (4) List of nature of uses on all adjacent parcels and all other parcels within 1,000 feet of the tower;
  - (5) Surrounding topography within 1,000 feet of the tower;
  - (6) Surrounding tree coverage and foliage within 500 feet of the tower;
  - (7) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - (8) Proposed ingress and egress;
  - (9) Availability of suitable existing towers and other structures as discussed below.
- b. Availability of Existing Towers or Structures. No new tower shall be permitted unless the applicant demonstrates to the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- (1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna,
  - (5) The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
  - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- c. Landscaping. The governing authority shall require towers and their appurtenant structures to be surrounded by appropriate landscaping designed to minimize the visual impact of the towers and structures. Appropriate landscaping plans shall be determined after consideration of the surrounding topography, existing trees and shrubs, and visibility of the tower and structures from nearby parcels. Standard minimum landscaping requirements shall consist of a buffer strip at least four feet in width surrounding the tower and structures that is planted with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view from nearby parcels. The governing authority may

impose greater requirements or may reduce these requirements for a particular site.

10. Removal of Abandoned Towers and Antennas. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
11. Special Assessments. Pursuant to the Village's police power and pursuant to authority granted by sec. 66,60, Stats., any costs incurred by the governing authority in ensuring compliance with the Conditional Use Permit or with any other requirement of this section shall be billed to the Conditional Use Permit holder, and to the current titleholder of the land if different from the Permit holder. Any amounts not paid within thirty (30) days of billing shall accrue interest at 1.5 % per month compounded monthly. Any amounts not paid within ninety (90) days of billing shall be entered on the tax assessment roll as a special assessment for the parcel(s) upon which the tower and/or antenna are located.

GG. Business Park District Uses, Requirements, and Standards<sup>47</sup>

The following regulations shall apply to Business Park District only:

1. Permitted Uses
  - (a) Uses involving the manufacture and fabrication of goods within the the confines of a building and in which any noise, vibration, heat, or flash produced in any process is confined within a building at all times. Any odors produced or emitted in any process must meet applicable federal and state regulations for air emissions. See the Performance Standards for the Business Park District.
  - (b) Uses providing a service in which noise, vibration, heat, or flash produced on the premises by such service uses is confined within a building at all times. Any odors produced or emitted must meet applicable federal and state regulations for air emissions.
  - (c) Business, professional, clerical, or general offices.
  - (d) Research laboratories.
2. Permitted Accessory Uses.
  - (a) Retail sales of products integral with and incidental to a service or manufacturing business located on the same premises.
  - (b) Off-street parking and loading areas.
  - (c) Garages or buildings used for the storage of vehicles or equipment used in conjunction with the operation of a permitted use.
  - (d) Ground-mounted and building-mounted dish antennas.

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<sup>47</sup> Added by Ordinance 7-1998, Adopted July 13, 1998, Published August 22, 1998. See Minutes of the Village Board Vol. 12, pg. 1159.



- (e) Food service areas or cafeterias incidental to permitted use, but not restaurants.
- (f) Outdoor storage of materials or manufactured products, trucks, trailers, and equipment accessory to the principal use. All such outdoor storage areas shall be screened from view from nearby public streets and from nearby residential areas in accord with a site plan requiring such screening or fencing.

3. Conditional Uses

The following uses may be permitted only if approved by the Plan Commission in accordance with the provisions of Chapter 9 of the Developmental Codes of the Village, which contains standards to guide the Plan Commission in determining whether or not to grant approval of such uses:

- (a) Indoor athletic facilities.
- (b) Day care facilities.
- (c) Medical clinics.
- (d) Veterinary offices and small animal hospitals without outdoor kennels.
- (e) Banks, credit unions, and similar financial institutions.
- (f) Public or municipal buildings.
- (g) Public utility structures.
- (h) Buildings for the storage of goods and materials, where such goods or materials are stored inside a building, provided such buildings are not mini-warehouse buildings subdivided into more than three (3) multiple warehouse and storage facilities containing less than one thousand five hundred (1,500) square feet each and available for sublease.
- (i) Communication towers and antennas.
- (j) On lots adjacent to and having frontage on Center Avenue right-of-way (County Road AA) storage and dispensing of fuels and petroleum products.<sup>48</sup>
- (k) On lots located adjacent to and having frontage on Center Avenue right-of-way (County Road AA) retail uses and wholesale buying clubs unrelated to products manufactured on the premises.<sup>49</sup>
- (l) New and used car and truck sales on lots located adjacent to and having frontage on Center Avenue right-of-way (County Road A), including lots with 66' wide access easement rights to Center Avenue.<sup>50</sup>
- (m) Indoor sport shooting ranges.<sup>51</sup>
- (n) Automobile repair shops on lots with 66' wide access easement rights to Center Avenue.
- (o) Retail sales, service and rentals.<sup>52; 53</sup>

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<sup>48</sup> Added by Ordinance 1-2014, Adopted 1/13/2014. See Minutes of the Village Board, p. 1771.

<sup>49</sup> Added by Ordinance 1-2014, Adopted 1/13/2014. See Minutes of the Village Board, p. 1771.

<sup>50</sup> Added by Ordinance 2-2015, Adopted 9/14/2015. See Minutes of the Village Board, p. 1828.

<sup>51</sup> Added by Ordinance 1-2016/17, Adopted 5/2/2016. See Minutes of the Village Board, p. 1850.

<sup>52</sup> Added by Ordinance 4-2017/18, Adopted 10/9/2017. See Minutes of the Village Board, p. 1904.

<sup>53</sup> Amended by Ordinance 1-2023; Adopted 3/13/23. See minutes of the Village Board.

4. Prohibited Uses
  - (a) Automobile storage or salvage or recycling yards, or similar uses.
  - (b) Churches, synagogues, schools, or similar institutional uses or places of religious worship.
  - (c) Drop forges, ferrous and brass foundries, grain elevators, refineries, tanneries.
  - (d) Stockyards, slaughterhouses, rendering plants, asphalt and concrete plants.
  - (e) Fertilizer storage or packaging.
  - (f) Principal uses involving the storage, utilization, or manufacture of hazardous materials or products which decompose by detonation.
  - (g) Storage and dispensing of fuels and petroleum products, except as allowed by Section 1.07 GG.3.(j) of this Code.<sup>54</sup>
  - (h) Retail uses and wholesale buying clubs unrelated to products manufactured on the premises, except as allowed by Section 1.07 GG.3.(k) of this Code.<sup>55</sup>
  - (i) Truck terminals.
  - (j) Contractor's yards and the outdoor storage of construction equipment.
  - (k) Mini-warehouses.
  - (l) New and used car and truck sales, except as allowed by Section 1.07 GG.3.(l) of this Code.<sup>56</sup>
  - (m) Solid or liquid waste disposal, dumping, incineration, medical waste storage or disposal, or similar waste management uses.
  - (n) All types of residential uses, except guard's quarters.
  
5. Performance Standards

Uses in the Business Park District shall comply with the provisions and Performance Standards set forth in Chapter 9 of the Developmental Codes of the Village.
  
6. Number of Buildings Per Lot

Each lot shall contain a maximum of one principal building. There shall be no limit on the number of accessory buildings provided the lot coverage and open space requirements described in subsection 8 are complied with.
  
7. Lot Area and Width
  - (a) Lots shall be a minimum of 40,000 square feet in area.
  - (b) Lots shall not be less than two hundred (200) feet in width at the building setback line.
  
8. Lot Coverage and Open Space

To achieve an attractive appearance and to provide green areas for stormwater management and sedimentation control, lot coverage by

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<sup>54</sup> Added by Ordinance 1-2014, Adopted 1/13/2014. See Minutes of the Village Board, p. 1771.

<sup>55</sup> Added by Ordinance 1-2014, Adopted 1/13/2014. See Minutes of the Village Board, p. 1771.

<sup>56</sup> Added by Ordinance 2-2015, Adopted 9/14/2015. See Minutes of the Village Board, p. 1828.

buildings, accessory structures, and surface parking and driveways shall occupy a maximum of seventy percent (70%) of the lot area. Landscaped open space not covered by buildings, accessory structures, and surface parking and driveways shall occupy a minimum of thirty percent (30%) of the lot area. The open space may include stormwater retention/detention areas.

9. Setback and Yards

- (a) A minimum street yard (front yard) setback of forty (40) feet from any existing or planned public street right-of-way shall be required.
- (b) There shall be a minimum interior side yard of not less than twenty five (25) feet on a side.
- (c) There shall be a minimum street side corner lot setback of not less than forty (40) feet from any existing or planned public street right of-way.
- (d) There shall be a minimum rear yard of not less than twenty-five (25) feet,
- (e) Accessory uses, accessory buildings, or accessory structures shall be located in side or rear yards only, and shall be setback a minimum of ten (10) feet from a side or rear lot line.
- (f) Outdoor storage areas shall be located in side or rear yards only, and shall be setback a minimum of ten (10) feet from a side or rear lot line.
- (g) Parking lots located in side or rear yards shall be setback a minimum of ten (10) feet from a side or rear lot line. This includes parking lots in corner lot side yards.
- (h) Parking lots located in front yards shall be set back a minimum of ten (10)<sup>57</sup> feet from the street right-of-way line.
- (i) Setbacks and buffer yards adjacent to residential districts. On Business Park District lots adjacent to a residential district, all outdoor storage areas, accessory buildings, or accessory uses including parking lots shall provide a greater setback to provide a buffer yard. Any such uses shall be setback a minimum of twenty five (25) feet from a property line adjacent to or abutting a residential district. The buffer yard area shall be landscaped or fenced, or a combination thereof, to screen such uses in accord with a site plan requiring such screening or fencing.

10. Building Height

No building or parts of a building shall exceed thirty-five (35) feet in height. Accessory buildings or structures shall not exceed fifteen (15) feet in height. The maximum height of communication towers or antennas structures shall comply with Section 1.07 FF. of the Zoning Ordinance of the Developmental Codes of the Village.

11. Site Plan and Architectural Approval Required

No building, structure, or improvement shall be constructed or placed on any lot, nor shall any building, structure, or improvement be remodeled or altered, until site and architectural plans for such improvements have been reviewed and approved by the Plan Commission in accord with the requirements of this section and Chapter 9 of the Developmental Codes of the Village relating to performance standards for the Business Park District.

12. Business Park District Regulations to Control in Case of Discrepancy

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<sup>57</sup> Changed by Ordinance 10-2011, Adopted 11/14/2011. See Minutes of the Village Board Vol. 21, page 1690

The specific uses, requirements, and standards contained in Section 1.07 GG. of the Zoning Ordinance of the Developmental Codes of the Village shall be applicable and control development in all Business Park District(s). Any provisions of Chapter 1 of the Developmental Codes of the Village that are in conflict or inconsistent with the specific Business Park District regulations contained in Section 1.07 GG. of the Zoning Ordinance of the Developmental Codes of the Village shall be inapplicable and shall not control development in Business Park District zoned areas.

HH. OUTDOOR FURNACES<sup>58</sup>

1. DEFINITION

An Outdoor Furnace is defined as an accessory structure or appliance:

- a. ordinarily located outside the principal structure, and intended
- b. to transfer or provide heat via liquid, or other means, by burning wood or other forms of fuel, for heating any principal or accessory structure on the premises.

This definition does not include fire pits, barbecues, fryers or chimneys used for recreational purposes.

2. PROHIBITED IN ALL DISTRICTS

The construction and use of an Outdoor Furnace is prohibited in all zoning districts within the Village of Oostburg.

**1.08 NONCONFORMING USES, STRUCTURES AND LOTS**

A. Existing Nonconforming Uses

1. The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance.
2. Only that portion of the land 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 Ordinance.
3. Total lifetime structural repairs or alterations shall not exceed fifty (50) per cent of the Municipality's equalized 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 Ordinance.
4. Substitutions of New Equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

B. Abolishment or Replacement

1. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) per cent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

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<sup>58</sup> Added by Ordinance 4-2005, on July 11, 2005. Published August 22, 2005. See Minutes of the Village Board, Vol. 17 pg. 1401

2. A Current File of all nonconforming uses shall be maintained by the Building Inspector listing the following: owner's name and address; use of the structure or land; and assessed value, at the time of its becoming a nonconforming use.

C. Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance 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 Ordinance; 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 Ordinance.

D. Changes and Substitutions

Once a nonconforming use of structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals 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 Board of Zoning Appeals.

E. Substandard Lots

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel, providing such lot or parcel was of record in the County Register or Deeds office before the effective date or amendment of this Ordinance.

1. Such lot or parcel shall be in a separate ownership from abutting lands. If abutting lands and the substandard lots are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

<b>Lot:</b>	Width:	Minimum 60 feet
	Area:	Minimum 6,000 square feet
<b>Building:</b>	Height:	Maximum 30 feet
<b>Yards:</b>	Street:	Minimum 30 feet; the second street yard on corner lots shall not be less than 30 feet
	Rear:	Minimum 25 feet
	Side:	Total of 20 feet of side yard; minimum of 1 side = 8 feet

F. Nonconforming Lots, Structures and Uses in Industrial Districts

In the Industrial District single-family detached dwellings and their accessory structures may be erected on any legal lot or parcel of record at the time of the adoption of this Ordinance. The burden of proof shall be on the applicant for a Land Use Permit or Certificate of Compliance showing that said lot was of record in the County Register of Deeds office prior to the adoption of this Ordinance. No further subdivision for residential purposes is permitted in Industrial Districts. Any Building or Structure erected after the adoption of this Ordinance under this section shall conform to the requirements of Section 1.08 (C) and Section 1.08 (E) shall not be subject to the repair and termination provisions of Section 1.08 (A) and Section 1.08 (B).

**1.09 ADMINISTRATION AND ENFORCEMENT**

A. Zoning Administrator

1. Appointment

It shall be the duty of the Building Inspector acting as the Zoning Administrator to enforce the provisions of this Ordinance. He shall be aided by the police department.

2. Duties

The specific duties of the Zoning Administrator shall include:

- a. Providing zoning information upon request.
- b. Receiving applications for land use prints and certificates of compliance.
- c. Receiving applications for conditional use permits, variances, amendments, and appeals, referring such applications to the appropriate public body, notifying affected property owners of the required public hearings, and publishing notice of such hearing.
- d. Conducting inspections.
- e. Investigating violations.
- f. Keeping the zoning map and text up-to-date.

B. Land Use Permits and Certificates of Occupancy

1. Land Use (Zoning) Permit

- a. No structure, water or land shall hereafter be used, no land use shall be substantially changed and no structure shall be erected, moved, or structurally altered, without full compliance with the terms of this Ordinance and other applicable regulations until a Land Use Permit has been issued.
- b. All applications for a Land Use permit shall be made to the Building Inspector and shall be accompanied by plans in duplicate, drawn to scale, showing the name and address of the property owner; location, actual shape and dimensions of the lot to be built upon; high water mark of any abutting water course; centerline of abutting streets and highways; the exact size and location on the lot of the proposed or existing building and accessory building; the lines within which the building shall be erected, altered or moved; the existing and 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 Ordinance. Fees for such permits shall be established by the Governing Body.
- c. The Building Inspector shall issue or refuse to issue a land use permit within 10 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.

2. Certificate of Compliance

- a. No vacant land shall be occupied or used and no building No vacant hereafter erected, altered or moved shall be occupied until a Certificate of Compliance shall have been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance. Such certificate shall be applied for when application is made for a land use permit and shall be issued within 10 days after the completion of the work specified in such land use permit application but only if the building or premises and the proposed use thereof conform with all the requirements of this Ordinance.

- b. Under such rules and regulations as may be established by the Governing Body, the Building Inspector may issue a temporary certificate of compliance for part of a building.
- c. Upon written request from the owner, the Building Inspector shall issue a certificate of compliance for any building or premises existing on the effective date of this Ordinance provided that onsite inspection shows that the extent and kind of use made of the building or premises conforms to the provisions of this Ordinance.

C. Conditional (Special) Use Permits

1. Issuance

After review and public hearing the planning commission may recommend to the Governing Body and the Governing Body may authorize the Building Inspector to issue a conditional (special) use permit for a conditional use provided that such uses or structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community.

2. Application

a. Applications for Conditional Use Permits shall be made in duplicate to the Building Inspector on forms provided by his office. Such applications shall be forwarded to the Planning Commission on receipt by the Building Inspector. Such applications shall include where applicable:

- Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.
- 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.
- Plat of Survey prepared by a registered land surveyor showing all of the information required for a Land Use Permit and existing and proposed landscaping. Additional Information as may be required by the Planning Commission, Municipal Engineer, Building or Health Inspectors.
- Fee Receipt from the Village Clerk/Treasurer in the amount established in the Village's Fee Schedule.<sup>59</sup>

3. Review and Approval

- a. The Planning Commission 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.
- b. The Planning Commission shall hold a public hearing on the proposed conditional use. Notice of time and place of such hearing shall be published not less than fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in one or more newspapers of general circulation in the Municipality. The Municipal Clerk shall notify all abutting or opposite property owners, as listed by the developer in the original application, of the time, date

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<sup>59</sup> Changed by Ordinance 8-2011, on August 8, 2011. Published August 9,2011. See Minutes of the Village Board, Vol. 21, pg. 1677.

and subject matter of the hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

- c. Any Development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways and within fifteen hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highways agency that has jurisdiction over the traffic way. The Planning Commission shall request such review and await the highway agency's recommendations for a period not to exceed sixty (60) days before taking final action.

#### 4. General Standards

No conditional use shall be recommended by the Planning Commission for approval to the Governing Body unless the Commission shall find:

- a. That 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;
- b. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood;
- c. That 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.
- d. That adequate utilities, access road, drainage and/or necessary facilities have been or are being provided.
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- f. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

#### 5. Conditions

Conditions such as landscaping, architectural design, type of construction, 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 Planning Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

#### D. Board of Appeals

##### 1. Establishment

A Board of Appeals shall be appointed as specified in Section 62.23 (7) (e) of the Wisconsin Statutes. The members shall serve without compensation and shall be removable by the Chief Executive of the Municipality for cause upon written charges and upon public hearing. The Board of Appeals shall make and file in the office of the Municipal Clerk its own rules and procedures consistent with Wisconsin Statutes.

##### 2. Powers

The Board of Appeals shall have the following powers:

- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector.



- b. To hear and decide special exceptions to the terms of this Ordinance upon which the Board of Appeals is required to pass.
- c. To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance 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 the Ordinance shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
- d. 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 Ordinance, for such purposes which are reasonably necessary for public convenience and welfare.
- e. The Board of Appeals may reverse or affirm wholly or in part or may modify any 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 Building Inspector. The concurring vote of 4 members of the Board of Appeals shall be necessary to reverse any order, requirement, decision 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 requirement of this Ordinance. The grounds of every such determination shall be stated and recorded. No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

E. Appeals and Variances

1. General

Any person aggrieved or any office, department, board or commission of the Municipality affected by any decision of the Building Inspector under this Ordinance may appeal to the Board of Zoning Appeals by filing a notice of appeal with the Building Inspector and with the Board specifying the grounds of appeal within 30 days after the decision or action complained of. The Board of Appeals after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purposes and intent, only in the specific instances hereinafter set forth, where the Board of Appeals makes findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

2. Application for Variance and Notice of Hearing

Whenever a variance is requested, the procedure therefor shall be as follows:<sup>60</sup>

- (a) Application. The owner or representative thereof shall file a written application with the Building Inspector.
- (b) Contents of Application. The application for variance shall describe the premises involved, list the reasons justifying granting the variance and shall review the standards for variances set forth in the Code (3 below) and how the request addresses those standards and have attached the following:

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<sup>60</sup>Section IX, E, (a) - (d) added by Ordinance 3-1989. Adopted May 8, 1989, and published May 18, 1989. See Minutes of the Village Board, Vol. 7, pg. 835, 837-838.

- (i) Plot Plan drawn to a scale of 1 inch equals 100 feet 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 two hundred (200) feet of the area proposed to be rezoned.
- (ii) Owners' Names and Addresses of all properties lying within two hundred (200') feet of the area proposed to be rezoned.
- (iii) Fee Receipt from the Village Clerk/Treasurer in the amount established in the Village's Fee Schedule.<sup>61</sup>
- (c) Hearings. The Village Board shall hold a public hearing on any requested change in the Zoning Code after publishing a Class I notice at least ten (10) days prior to the hearing and by mailing to all of the interested parties a copy of the notice of hearing.
- (d) Determination. The Village Board shall make a determination with regard to the application within ninety (90) days from the filing thereof. Failure to act within such time shall be determined a denial of the application."

3. Standards for Variance

The Board of Appeals shall not vary the regulations of this Ordinance other than those herein authorized unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. Because of the particular physical surroundings, topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
- b. The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification;
- c. The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
- d. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property;
- e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located; and
- f. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

4. Conditions

The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

5. Authorized Variances

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<sup>61</sup> Changed by Ordinance 8-2011, on August 8, 2011. Published August 9, 2011. See Minutes of the Village Board, Vol. 21, pg. 1677.

Variances from the regulations of this Ordinance shall be granted by the Board of Appeals only in accordance with the standards established herein and may be granted only in the following instances and in no others:

- a. To permit any yard or setback less than a yard or a setback required by an applicable regulation;
- b. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 80 per cent of the required area and width;
- c. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- d. To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 per cent of the applicable regulations, whichever number is greater;
- e. To increase by not more than 25 per cent the maximum distance that required parking spaces are permitted to be located from the use served; and
- f. To increase by not more than 10 per cent the maximum gross floor area of any use so limited by the applicable regulations.

F. Planning Commission Duties in Zoning Administration

1. The duties of the Planning Commission in zoning administration shall be:
  - a. To hold public hearings on applications for amendments to this Ordinance. The Commission shall not have the authority to make changes or amendments to this Ordinance; it shall act in an advisory manner to the Governing Body making its recommendation in all cases referred to it, and transmitting them to such Governing Body for final action.
  - b. To hold public hearings on applications for conditional use permits provided for within this Ordinance and to transmit its recommended action to the Governing Body for final action.
2. Where the Governing Body designates all the members of the Governing Body to sit as members of a Planning Committee, then the phrase Planning Commission used in this Ordinance shall be interpreted to mean the Planning Committee.

G. Amendments.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board of Trustees may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto.

1. Initiation.

A change or amendment may be initiated by a Village Board Resolution or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

2. Petitions.

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, 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:

- (a) Plot Plan drawn to a scale of 1 inch equals 100 feet 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 two hundred (200) feet of the area proposed to be rezoned.
- (b) Owners' Names and Addresses of all properties lying within two hundred (200') feet of the area proposed to be rezoned.
- (c) Fee Receipt from the Village Clerk/Treasurer in the amount established in the Village's Fee Schedule.<sup>62</sup>

3. Hearings.

The Village Plan Commission shall hold a public hearing on any requested change in the Zoning Code after publishing a Class 2 notice prior to such hearing listing the time, place, and the changes or amendments proposed.

4. Recommendations.

The Village Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied.

5. Village Board's Action.

Following such hearing and after careful consideration of the Village Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.

6. Protest.

In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of twenty (20%) percent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20%) percent or more of the land immediately adjacent extending one hundred (100') feet therefrom, or by the owners of twenty (20%) percent or more of the land directly opposite thereto extending one hundred (100') feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

H. Violations and Penalties

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit no less than \$25.00 nor more than \$200.00 and the costs of prosecution for each violation and in default of payment of such forfeiture costs shall be imprisoned in the County jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Sections 236.30 and 236.31 of the Wisconsin Statutes shall be available to the Municipality.

## 1.10 DEFINITIONS

- A. For the purpose of this Ordinance, certain words are defined as follows: words used in the present tense include the future; the singular number includes the plural number

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<sup>62</sup> Changed by Ordinance 8-2011, on August 8, 2011. Published August 9, 2011. See Minutes of the Village Board, Vol. 21, pg. 1677.

and the plural number includes the singular. The word "building" includes the word "structure", the word "shall" is mandatory and not directory.

3. Accessory Building. A building or portion of a building subordinate to the main building but not part of the main building and used for a purpose customarily incidental to the permitted use of the main building.
4. Agricultural Use. Agricultural uses include farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
5. Alley. A street or thoroughfare affording only secondary access to abutting property.
6. Alternative Tower Structure<sup>63</sup>. Man-made structures to which towers and/or antennas may be attached that camouflage or conceal the presence of the tower and/or antenna, including by way of illustration but not limitation elevated tanks, electric transmission poles or towers, non-residential buildings, clock towers, bell steeples, and silos. See Communication Tower.
7. Antenna.<sup>64</sup> Exterior apparatus designed for transmitting and/or receiving communications signals through electromagnetic waves, digital signals, analog Signals, radio frequencies (excluding radar), or any other form of wireless telecommunication signal, including radio, television, telephone, microwave, cellular, and PCS signals. See Antenna Array.
8. Antenna Array.<sup>65</sup> A set of interconnected antennas installed on one tower by one telecommunications provider that receive and/or transmit one type of telecommunications signal.
9. Basement. That portion of any structure located partly below the average adjoining lot grade.
10. Building. Any structure used, designed, or intended for the protection, shelter, enclosure or support of persons or property.
11. Building, Height of. 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 gable of a gambrel, hip or pitch roof.
12. Co-Location.<sup>66</sup> Location of antennas or antenna arrays operated by more than one wireless communication service provider on a single tower or alternative tower structure.
13. Communication Tower.<sup>67</sup> Any Structure that supports one or more antennas, including self-supporting lattice towers, guyed towers, monopole towers, and

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<sup>63</sup> Added by Ordinance 9-1998, on July 13, 1998. Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pg. 1159.

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<sup>67</sup> Added by Ordinance 9-1998, on July 13, 1998. Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pg. 1159.

alternative tower structures, and further including all bases and supports for the structure of the tower.

14. Conditional Use. A use of land, water or building which is allowable only after the issuance of a special permit by the Governing Body under conditions specified in this Ordinance.
15. Corner Lot. A lot abutting two or more streets at their intersection.
16. Density. Number of living units per acre allowable under the schedule of district regulations.
17. Detached Structure. A structure surrounded by an open space on the same lot.
18. Dwelling, Single-Family. A detached building designed for or occupied exclusively by one family. Excludes mobile home units
19. Dwelling, Multi-Family. A building or portion thereof designed for and occupied by two or more families.
20. Essential Services.<sup>68</sup> Services provided by public and private utilities necessary to serve a principal use or to service a principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communications systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
21. FAA.<sup>69</sup> Federal Aviation Administration.
22. Family. A group of persons living together as a single related by blood or marriage and household entity.
23. FCC.<sup>70</sup> Federal Communications Commission.
24. Floor Area. Area in square feet of all floors in all buildings including elevators and stairways. Measured from outside of exterior wall to outside of exterior wall and multiplied by the number of floors. Includes basements which are used in the primary function of the building.
25. Floor Area Ratio. The square footage of floor area on all floors for each square foot of lot area.
26. Frontage. The smallest dimension of a lot abutting a public street measured along the street line.
27. Garage, Private. An accessory building or space for the storage only of not more than three motor driven vehicles per dwelling.
28. Garage, Public. Any building or premises, other than a private or storage garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.
29. Garage, Storage. Any building or premises used for storage of motor driven vehicles and where no vehicles are serviced, repaired, hired, or sold.

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<sup>68</sup> Added by Ordinance 14-2001, on December 10,2001. See Minutes of the Village Board, Vol. 13, pg.1255.

<sup>69</sup> Added by Ordinance 9-1998, on July 13, 1998. Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pg. 1159.

<sup>70</sup> Added by Ordinance 9-1998, on July 13, 1998. Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pg. 1159.

30. Governing Authority.<sup>71</sup>The Village Board of the Village of Oostburg, or in cases in which authority has been delegated by ordinance to the Planning Commission, the Planning Commission.
31. Home Occupation. 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 occupation, 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 and that no person other than a member of the immediate family living on the premises is employed.
32. Hotel-Motel. A building in which lodging, with or without meals, is offered to transient guests for compensation.
33. Living Space Ratio. The square footage of open space, less the space used for vehicular movement, that exists for each square foot of building floor area.
34. Loading Area. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
35. Lot. 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 space required by this Ordinance.
36. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.
37. Lot Lines. The lines bounding lots as defined herein.
38. Lot Width. The shortest distance between side lot lines measured at the building setback line.
39. Minor Structures. Any small, movable accessory erection or construction such as birdhouses; tool houses; pethouses; play equipment; arbors; and walls and fences under four (4) feet in height.
40. Mobile Home. Any vehicle designed, used or so constructed as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a residence or sleeping place for one or more persons.
41. Nonconforming Use. A building or premises lawfully used or occupied at the time of passage of this Ordinance or amendments thereto, which use of occupancy does not conform to the regulations of this Ordinance or any amendment.
42. Open Space. Total area in square feet of all uncovered open space of the land area within the site to be developed plus one half (1/2) of covered open spaces such as park shelters and carports.
43. Open Space Ratio. The square footage of site "open space" provided for each foot of building floor area.
44. Pre-Existing Antenna or Tower.<sup>72</sup> Any antenna or tower constructed prior to the effective date of this ordinance.
45. Principal Building. The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

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<sup>71</sup> Added by Ordinance 9-1998, on July 13, 1998. Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pg. 1159.

<sup>72</sup> Added by Ordinance 9-1998, on July 13, 1998. Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pg. 1159.

46. Recreation Space. Total area in square feet which is countable as open space but is not paved in streets, walks or driveways and is suitable for recreation pursuits. The smallest countable recreation area is 1,000 square feet. That part of a recreation area having a dimension of less than twenty (20) feet shall not be included as countable recreation space.
47. Recreation Space Ratio. The square footage of space for active recreation provided for each square foot of building area.
- 47.5 Residential Existing. Any single- or multi-family residence which existed prior to September 1, 2005.
48. Setback. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereto.
49. Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, professional business, commodity, or product and which is visible from any public street or highway.
50. Street. All property dedicated or intended for public or private street purposes or subject to public easements.
51. Story. 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.
52. Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.
53. Structure. Anything constructed or erected, the use of which permanent location on the ground.
54. Structural Alterations. Any change in the supporting members of a building or any substantial change in the roof or in the exterior walls.
55. Vision Clearance. An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting points determined by measurements from the corner of each street line.
56. Yard. Any open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
57. Yard, Front. A yard extending the full width of the lot between the front lot line and the nearest part of the main building.
58. Yard, Rear. 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.
59. Yard, Side. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

## 1.11 FENCES<sup>73</sup>

### A. Definitions:

- (1) **“Fence”** means a vertical screen device used to provide privacy or containment. A fence includes gates and any tree or shrub hedge which is a barrier and used as a boundary or means of protection or confinement; however, shrub fences will not be

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<sup>73</sup> Added by Ordinance 2-2020 (19/20). Published 03/10/2020. See Minutes of the Village Board, Vol. 30, p. 1991.



considered as fences when used as a buffer zone between commercial, industrial and residential lots. A solid fence must be constructed where screening is required.

- (2) **“Residential Fence”** means a fence permitted in residential districts
- (3) **“Security Fence”** means a fence in all districts, except residential districts.
- (4) **“Decorative Fence”** means a fence used for ornamental rather than privacy or containment purposes which is more than 50% open and less than 3 feet in height, such as split rail fences used for ornamental purposes. For purposes of this section, chain link and picket fences are not considered to be decorative fences.
- (5) **“Front Yard”** means the front yard which extends between side lot lines across the front along the adjoining side yard to a point intersecting with the front corner of a house or garage. For purposes of this section, on a corner lot, any yard abutting a roadway should be considered a front yard.

**B. Permit Required.** No fence, except decorative fences, shall be erected unless a permit has first been obtained by the owner from the Building Inspector. A permit is not required for painting, maintenance, or repair or replacement of fewer than sixteen (16) lineal feet of a fence.

**C. Permit Fee.** A fee shall be charged for each permit issued under the provisions of this section according to the Schedule at Table 4.1.

**D. Construction Generally.** All fences shall be constructed of sound and suitable material and shall be so constructed as to present a neat and sightly appearance. Acceptable materials for residential fence construction include wood, stone, brick, wrought iron, chain link and woven wire. No barbed wire, razor wire or single wire fences are permitted in residential districts. No above ground electrical or battery-operated fences of any kind are permitted in residential districts. No fence shall have sharp or pointed pickets dangerous to life or limbs in residential yards.

Fences or walls shall comply with the vision triangle requirements.

Fences shall be constructed so that the structural supporting elements are located on the side which is visible to the fence owner (inside) so that the structure/supporting elements of the fence are less visible to adjoining properties and public right of ways.

**E. Height and Yard Regulations.**

- (1) Residential fences shall not exceed a height of six feet (6') and shall not be closer than five (5') feet to any public right of way. Residential fences shall be permitted in rear and side yards only. Decorative fences shall be permitted in all yards.
- (2) Security fences shall not exceed ten feet (10') in height and shall not be located closer than two feet (2') to any public right of way and shall be an open type similar to woven wire or wrought iron fencing.
- (3) Decorative fences shall not exceed three feet (3') in height and shall not be located closer than two feet (2') to any public right of way, and shall not be placed in any manner which presents a hazard to pedestrians or vehicular traffic on any public or private right-of-way, and shall be permitted in any yard.