

Chapter 550

ZONING

[HISTORY: Adopted by the Village Board of the Village of Plover 6-4-1985 as Ch. 17 of the 1985 Code. Amendments where noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 212.
Junk dealers and salvage yards — See Ch. 340.
Massage establishments — See Ch. 362.
Mobile homes and mobile home parks — See Ch. 374.
Rummage and garage sales — See Ch. 431.
Annexations — See Ch. 524.
Floodplain and shoreland-wetland zoning — See Ch. 530.
Official Map — See Ch. 538.
Subdivision of land — See Ch. 545.

§ 550-1. Authority.

These regulations are adopted under the authority granted by § 62.23(7), Wis. Stats.

§ 550-2. Short title.

This chapter shall be known as, referred to or cited as the "Zoning Code, Village of Plover, Wisconsin."

§ 550-3. Purpose.

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

§ 550-4. Intent.

It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lesson congestion in and promote safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Village; and provide for the administration and enforcement of this chapter and provide penalties for its violation.

§ 550-5. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously

adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

§ 550-6. Interpretation.

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

§ 550-7. Definitions.

The following words, phrases and terms, wherever they occur in this chapter, shall be interpreted as follows:

ACCESSORY USE OR STRUCTURE — A use or detached structure subordinate to the principal use of a structure, land or water and which is located on the same lot serving a purpose customarily incidental to the principal use of the principal structure.

AGRICULTURE — The use of land for agricultural purposes, including farming, pasturage, agriculture, horticulture, floriculture, viticulture and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities and shall contain a minimum of three acres in size.

ALLEY — A public or private right-of-way primarily designated to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

ANIMAL HOSPITAL OR POUND — Land or buildings devoted to the care, feeding or examination of animals by a veterinarian or person charged with the responsibility of caring for impounded animals.

APARTMENT — A room or suite of rooms located in a multiple dwelling or a series of detached units, including apartment motels, which shall include a bath and kitchen accommodations, intended or designed for use as an independent residence by a single family or individual.

APARTMENT BUILDING — A multiple-family dwelling originally designed and constructed to accommodate three or more apartments, designed with more than one dwelling unit connecting to a common corridor or entranceway, in contrast to single- or two-family dwellings converted for multiple-family use or attached row dwelling (party wall type) as defined herein.

APARTMENT HOTEL — A hotel in which at least 90% of the hotel accommodations are occupied by guests on a week-to-week or longer time period basis.

AUTOMOBILE SALVAGE YARD — Any lot or place, which is exposed to the weather, upon which more than five motor vehicles of any kind, incapable of being operated, are placed. This shall include tractor and machinery wrecking or used parts yards. All automotive salvage yards shall comply with applicable local, state and federal regulations governing the same. [Added by Ord. No. 8-98]

BASEMENT — A story of a structure all or partly below ground level.¹

BAZAAR — A fair for the sale of goods.

BOARDINGHOUSE — A building other than a hotel where rooms are provided and meals are served for compensation for not more than eight persons.

BUILDING — Any structure built, used, designed or intended for the support, shelter, protection or enclosure of persons, animals, chattels or property of any kind and which is permanently affixed to the land. When a building is divided into separate parts by unpierced walls extended from the ground up, each part shall be deemed a separate building.

BUILDING, ATTACHED — Any structure that has a common wall with the main building.

BUILDING, DETACHED — A building surrounded by open space on the same lot.

BUILDING HEIGHT — The vertical distance from the adjacent grade, or its equivalent, opposite the center of the front of a building to the highest point of the topside of the roof.

BULKHEAD — A structure or partition to resist pressure or to shut off water.

BULKHEAD LINE — A geographic line along a reach of a navigable stream that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Ch. 30, Wis. Stats., and which allows filling on the landward side, except where floodway regulations would prohibit such filling.

CAMPING TRAILER — Any trailer designed and used for temporary living or sleeping purposes.

CANOPY — A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather. The provisions of this chapter concerning canopies shall apply only to canopies located on lands outside of street rights-of-way.

CELLAR — A story having more than 1/2 of its height below the mean level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurements.

CERTIFICATE OF COMPLIANCE — The written approval of the Community Development Manager certifying that the applicant's structure or building complies with all applicable provisions of this chapter. The certificate of compliance may consist of a standardized independent form bearing the signature of the Community Development Manager or it may be represented as a part of the building permit or land use permit.²

CHANNEL — A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

CLINIC — A building or buildings used by two or more physicians and/or dentists, osteopaths, chiropractors and allied professions for outpatient care of persons requiring such professional

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

service.

CLUB, FRATERNITY, LODGE AND MEETING PLACE OF A NONCOMMERCIAL NATURE — A nonprofit association of persons who are bona fide members paying dues which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

COMMUNITY DEVELOPMENT MANAGER — The officer designated by the Village Board as the officer responsible for enforcing and administering all requirements of this chapter.

CONCESSION STAND — A structure devoted to the sale of confections, snacks or other light meals and providing no inside seating or drive-in service for the customers.

CONDITIONAL USE — See "use, conditional."

CONDOMINIUM — Individual ownership of a unit in a multiunit building (as an apartment building).

CONSERVATION STANDARDS — Guidelines and specifications for soil and water conservation practices and management enumerated in the technical guide prepared by the USDA Soil Conservation Service for Portage County adopted by the County Soil and Water Conservation District Supervisors and containing suitable alternatives for the use and treatment of land based upon its capabilities.

CONVALESCENT HOME, REST HOME or NURSING HOME — A building having accommodations and where care is provided for invalid, infirm, aged, convalescent or physically disabled or injured persons, not including insane and mental cases or inebriate or contagious cases.

DWELLING, ATTACHED — Three or more dwellings attached by party walls.³

DWELLING, DETACHED — A residential building which is entirely surrounded by open space on the same lot.

DWELLING, DUPLEX (TWO-FAMILY) — A residential building containing two dwelling units.

DWELLING, MULTIPLE — A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartments, apartment hotels and group housing.

DWELLING, SINGLE-FAMILY — A residential building containing one dwelling unit.

DWELLING UNIT — A group of rooms constituting all or part of a dwelling which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers and which include complete kitchen facilities permanently installed.

FAMILY — One or more persons occupying a dwelling unit as a single, nonprofit housekeeping unit, who are living together as a bona fide stable and committed living unit, being a traditional

³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

family or the functional equivalent thereof, exhibiting the generic character of a traditional family.⁴

FARM — A use of land for agricultural purposes, including customary accessory farm uses and up to two residences.

FARMER'S MARKET — An area designated by the Village to be used by producers of farm products for sale of such products.

FRONTAGE — See "lot line, front."

GARAGE, PRIVATE — A garage used for storage purposes only and having a capacity of not more than three automobiles or not more than two automobiles per family housed in the building to which such garage is accessory, whichever building size is greater.

GARAGE, PUBLIC — A garage other than a private garage.

GARDEN PLOT — A parcel used for the growing of vegetables, flowers, etc., used for human consumption, but not for commercial sale.

GASOLINE FILLING STATION — Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles and other items customarily associated with the sale of such products, for the rendering of services to motor vehicles and the making of repairs to motor vehicles, except major repairs.

GRADE — The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GREEN SPACE — Land required to provide aesthetic, safe and usable area for open space or outdoor recreation use.

GROSS FLOOR AREA — The square feet of floor space within the outside line of walls which includes the total of all space on all floors of a building. It does not include porches, garages or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

GROUND FLOOR — That level of a building on a sloping or multilevel site which has its floor line at or not more than 4 1/2 feet above exit discharge grade.

GROUND-MOUNTED SOLAR ENERGY SYSTEMS — A solar energy system mounted on a race or pole that rests or is attached to the ground. See §550-43(M). [Added by Ord. No. 6-19]

GUEST, PERMANENT — A person who occupies or has the right to occupy a hotel or motel or apartment home accommodation as his domicile and place of permanent residence.

HALFWAY HOUSE, REHABILITATION CENTER or HOME FOR ADJUSTMENT — A use providing board and room, recreational, counseling and other rehabilitative services to individuals of either sex who, by reason of addiction to drugs or alcohol, or social adjustment problems, require specialized attention and care in order to achieve personal independence. Individuals participating in a work release or similar program from a state institution and under

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the supervision of a county, state or local agency shall be included within this definition.

HOME OCCUPATION — A lawful occupational activity carried on within a dwelling or an accessory building by a member or members of the family who occupy the dwelling where the occupation is clearly secondary and incidental to the use of the dwelling for living purposes. Physical changes made to the structure, or the equipment used, shall be typical to a residential dwelling unit, and the residential character of the dwelling shall be maintained. [Amended by Ord. No. 8-98]

HOME OCCUPATION, MAJOR — A home occupation that does not meet the definition of "home occupation, minor" as defined in this section or which utilizes more than 25% of the gross floor area of the dwelling unit; limits employees to those family members who reside at the residence and a maximum of one nonfamily, nonresident employee, who would be in addition to family employees who reside at the residence; includes no use of equipment which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, x-rays or electrical disturbance to radio or television equipment, or hazard to the public; does not generate substantial volumes of vehicular or pedestrian traffic; accommodates both dwelling and home occupation parking on the property and off the street; and includes no outdoor storage of goods, materials or equipment. The Village Board may impose additional conditions it deems necessary to ensure that the neighborhood is not negatively impacted by the home occupation. [Added by Ord. No. 8-98]

HOME OCCUPATION, MINOR — A home occupation that does not involve the selling of merchandise, supplies, or products, except that orders previously made by telephone or at a sales party may be filled on premises; has no visible exterior evidence of the conduct of the operation; utilizes no more than 25% of the gross floor area of the dwelling unit; limits employees to those family members who reside at the residence; includes no use of equipment which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, x-rays or electrical disturbance to radio or television equipment, or hazard to the public; does not generate substantial volumes of vehicular or pedestrian traffic; accommodates both dwelling and home occupation parking on the subject property and off the street; and includes no outdoor storage of goods, materials or equipment. [Added by Ord. No. 8-98]

- A. Direct sale of products off display shelves or racks is prohibited; persons may pick up orders placed earlier as described above.
- B. Prior to commencement of minor home occupation activities, an applicant must receive written accessory use approval from the Community Development Manager which states that the proposed home occupation meets all the requirements of a minor home occupation as defined above. If all requirements listed above are not met, such use shall be considered a major home occupation and shall require conditional use approval.

HOTEL — An establishment which is open to transient guests, as compared to a boarding, rooming or lodging house, and is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, the furnishing and laundering of linens, and telephone and secretarial or desk service.

INDUSTRIAL PARK — A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be

promoted or sponsored by private developers, community organizations or governmental organizations.

JUNK OR SALVAGE YARD — An area not established entirely within an enclosed building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. All junkyards shall comply with applicable local, state and federal regulations governing the same. [Amended by Ord. No. 8-98]

LAND USE PERMIT — The written approval of the Community Development Manager certifying that the applicant's plans and proposed use comply with all applicable provisions of this chapter. The land use permit may consist of a standardized independent form bearing the signature of the Community Development Manager or it may be integrated with the building permit application.⁵

LOADING AREA — Any area where trucks are parked, maneuvered, or loaded or unloaded of materials or equipment.

LOADING SPACE — An off-street space or berth on the same lot with a building, or contiguous to a group of buildings and abutting on or affording direct access to a public street or alley, for the temporary parking of a commercial vehicle while loading or unloading cargo. No part of any public street or right-of-way shall be a part of or used as loading space.

LODGING HOUSE or ROOMING HOUSE — A residential building or portion thereof, other than a motel, apartment hotel or hotel, containing lodging rooms which accommodate persons with or without meals for compensation on a weekly or monthly basis, not exceeding 20 in number, who are not members of the keeper's family.⁶

LODGING ROOM (ROOMING UNIT) — A room rented as sleeping and living quarters, but without cooking facilities, with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this chapter.

LOT — A parcel of land which is either a lot of official record or zoning lot. Every building or use shall be located on a single lot of official record, and there shall not be more than one principal building on one lot of official record, except that the Plan Commission may authorize more than one principal building on one lot of official record after its review and approval of such a proposal.

LOT AREA, GROSS — The area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a lake or river.

LOT, CORNER — A lot located at the intersection of two streets or a lot bounded on two sides by a curving street two chords of which form an angle of 120° or less measured on the lot side.

LOT DEPTH — The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

LOT, INTERIOR — A lot other than a corner or reversed corner lot.

LOT LINE, FRONT — That boundary of a lot which is along any existing or dedicated public street or, where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the front lot line. In the case of landlocked or partially landlocked land, the front lot line shall be that lot line that faces the access to the lot.

LOT LINE, REAR — That boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line. If there is an alley abutting on a rear yard, the rear lot line shall be the center line of such alley. In case of irregular or triangular lots, where none of the lines bounding the rear of the lot are at an angle less than 45° to the front lot line, the rear lot line shall be a line 15 feet long within the lot, parallel to the front lot line or the main chord thereof, and at the maximum distance from the front lot line.

LOT LINE, SIDE — Any boundary of a lot which is not a front lot line or a rear lot line.

LOT LINE, ZERO — Any residential development wherein the lot line is a common or party wall.

LOT OR PLAT OF OFFICIAL RECORD — A parcel of land or subdivision of parcels which is recorded in the office of the Portage County Register of Deeds or a single lot or parcel described by metes and bounds or by certified survey map, the description and deed of which have been so recorded.

LOT, REVERSED CORNER — A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH — A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT WIDTH — The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

LOT, ZONING — A single tract of land which, at the time of filing for a land use or building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under the ownership and/or legal control of the person applying for the land use and/or building permit. A zoning lot shall be large enough to meet the various yard, area, setback and parking requirements of this chapter. A zoning lot may be composed of one or more lots of official record under the ownership of the applicant for a land use or building permit.

MOBILE HOME — Long-term living quarters designed, built or intended to be transported as a single housing unit, as defined herein. A mobile home is not a modular or double-wide type of housing unit. There shall be no more than one dwelling unit in a single mobile home unit. Mobile homes shall be permitted only in mobile home parks or in the A District. No commercial business shall be carried on in a mobile home or trailer constructed as a mobile home except when used as a temporary office upon obtaining a permit for a period of 90 days or unless authorization is granted by the Village Board after recommendation by the Plan Commission.

MOBILE HOME LOT — A parcel of land rented or sold for the exclusive use of the occupants

of a single mobile home and only in a mobile home park.

MOBILE HOME PARK — A tract of land designed, maintained or intended for the purpose of supplying a long term location or accommodations for one or more mobile homes, and upon which any mobile home, coach or mobile home coaches are parked, and shall include all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the mobile home park facilities. Mobile home parks shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection, display and sale. Mobile home parks shall meet the mobile home licensing requirements pursuant to Chapter 374 of this Code.

MODULAR HOME or MANUFACTURED HOME — A nonmobile housing unit that is basically fabricated at a central factory and transported to a building site where final placement is made, permanently affixing the unit to the site.

MOTEL — A combination or group of two or more detached, semidetached or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations.

NONCONFORMING USE — Any use of land, buildings or structures, lawful at the time of the enactment of this chapter, which does not comply with all the regulations of this chapter or any amendment hereto governing use of the zoning district in which such use is located.

ORDINARY HIGH-WATER MARK — The highest point on the bank of a normal stage channel or shore of a lake at which the water level has been for a sufficient period of time to leave a definite mark.

PARKING LOT — A building or premises containing one or more vehicle parking spaces, excluding parking for single- and two-family residences.

PARKING SPACE — An unobstructed and clearly marked area of 160 square feet, not counting turning, ingress and egress areas. Each such parking space shall be located off the public street but accessible thereto. A loading space is not a parking space.

PATIO HOUSE — A single-family residence constructed lot line to lot line and oriented about a central court.

PLANNED DEVELOPMENT DISTRICT — A type of development allowed to achieve greater design flexibility. See § 550-32 of this chapter.

PROFESSIONAL HOME OFFICE — A residence of a clergyman, architect, landscape architect, professional engineer, registered land surveyor, lawyer, real estate agent, artist, teacher, author, musician or persons in other recognized professions used to conduct their professions where the office does not exceed 20% of the area of any one floor of the residence and no more than one nonresident person is employed.

PUBLIC WAY — Any sidewalk, street, alley, mall, highway or other public thoroughfare.

REHABILITATION CENTER — See "halfway house."

REST HOME — See "convalescent home."

ROOF-MOUNTED SOLAR SYSTEM – A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. See §550-43(M) [Added by Ord. No. 6-19]

SELF-STORAGE FACILITY — A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time. [Added by Ord. No. 21-05]

SETBACK — The minimum horizontal distance between the street right-of-way line and the nearest point of a building.

SHOPPING CENTER — A retail center designed primarily for the purpose of retailing and providing a wide range of goods and services of both the convenience and durable nature, such as apparel, furniture, and banking and financial service, for a trade area serving the entire community and extending beyond such center; it may include a number of separate businesses and stores within one or more structures under the ownership and management of one or more individual business and/or of a separate developer or corporation.

SIGN — Any structure or device displaying advertising in the form of lettering, pictures, symbols or other media. See Chapter 447, Signs, of this Code.

SPORTS COMPLEX — A development containing any of the following: health club facilities, racquetball courts, tennis courts (indoor or outdoor), lounge area, baseball or softball facilities, ice skating or similar functions (indoor or outdoor) and, in conjunction with the above, parking, eating and/or drinking facilities.

STORY — That part of a building between any floor and the floor next and above, and if there is no floor above, then the ceiling above. A basement is a story if its ceiling is six feet more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premises.

STORY, HALF — A space under a sloping roof which has the line of the intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than 2/3 of the floor area is finished off for use. A half story containing an independent apartment or living quarters shall be deemed a full story.

STREET — A public thoroughfare which affords the principal means of access to abutting property.

STREET LINE — A dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURAL ALTERATION — Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

STRUCTURE — Anything constructed or erected, the use of which requires permanent location on the ground.

SUBSTANTIAL VOLUME — An amount in excess of that which is normally generated in a typical residential neighborhood. [Added by Ord. No. 8-98]

TOWNHOUSE — A multiple-family dwelling, usually with the living room, dining room and kitchen on the ground floor and with sleeping rooms on the second floor. Townhouses provide flexibility by allowing several ground-floor, single-family dwelling units to be constructed in one

structure around a street or court. This type of construction provides low lot coverage with concentrated dwelling units often in combination with unified open space for use by the townhouse residents.

TRAILER — A movable or portable unit to be towed on its own chassis and which is used for recreational purposes and is not designed for permanent or long-term residency.

TRUCK GARDEN or TRUCK FARM — A farm devoted to the production of vegetables or other field products as cash crops.

USE — The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained. (See also zoning district requirements.)

USE, CONDITIONAL — A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such conditional use may or may not be granted.

USE, PERMITTED — A use which may be lawfully established in a particular district or districts, provided that it conforms to all requirements, regulations and standards of such district.

USE, PRINCIPAL — The main use of land or buildings, as distinguished from a subordinate, or considered a variance. Variances may be considered and granted by the Board of Zoning Appeals only.

UTILITIES — Public and private utilities such as water wells, water and sewage pumping stations, water storage tanks, electric power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

VISION CLEARANCE — An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

WIND GENERATOR or WINDMILL TOWER — Any structure erected for the sole purpose of using the wind as a renewable energy source. Installation of the same shall require a certificate to be filed with the Building Inspector by a qualified contractor or engineer testifying to the structural adequacy of the installation.

YARD — An open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

YARD, CORNER SIDE — A side yard which adjoins a public street.

YARD, FRONT — A yard extending along the full length of the front lot line between the side lot lines.

YARD, INTERIOR SIDE — A yard which is located immediately adjacent to another zoning lot

or to an alley separating such side yard from another zoning lot.

YARD, REAR — A yard extending the full width of the lot between the rear lot line and the nearest part of the main building.⁷

YARD, SIDE — A yard extending from the front yard, or the front lot line if there is no front yard, to the rear yard which is the minimum horizontal distance between a building and the side lot line.

ZONES — All zones established by this chapter are as shown on Village's Official Zoning Map which is incorporated herein by reference thereto. Zoning districts apply to all lands in the Village.

ZONING LOT — See "lot, zoning."

§ 550-8. Compliance required.

Except as may be otherwise specifically provided, the use, size, height and location of buildings now existing or hereafter erected, converted, enlarged or structurally altered, the provision of open spaces and the use of land shall be in compliance with the regulations established herein for the district in which such land or building is located.

§ 550-9. Land use permit, building permit and certificate of compliance.

A. Land use permit.

- (1) Permit required. A land use permit shall be obtained from the Community Development Manager before any new land use subject to the provisions of this chapter may be initiated.
- (2) Exceptions. A land use permit shall not be applicable to the remodeling of the interior or exterior of a structure, which remodeling does not include the enlargement of the structure or which remodeling does not conflict with any other provision of this chapter. The Community Development Manager is authorized and responsible for making the determination of nonapplicability and shall certify thereto in appropriate cases, which determination may be appealed to the Board of Zoning Appeals.
- (3) Application. All applications for a land use permit shall be accompanied by location sketches in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of the proposed or existing or intended use; and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this chapter. All dimensions shown relating to the location and size of the lot shall be based upon an actual survey.
- (4) Issuance. The Community Development Manager 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.

⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Building permit. No building permit shall be issued pursuant to Chapter 212, Building Construction, of this Code until a land use permit is issued under Subsection A above. Land use and building permits shall also be coordinated with the issuance of permits for signs under Chapter 447 of this Code.
- C. Certificate of compliance.
 - (1) No building or addition thereto constructed after the effective date of this chapter and no addition, alteration, reconstruction, extension, enlargement, conversion or structural alteration to a previously existing building shall be occupied or used for any purpose until a certificate of compliance has been issued by the Community Development Manager. No change in a use shall be made until a certificate of compliance has been issued by the Community Development Manager. Every certificate of compliance shall state that the use or occupancy complies with all the provisions of this chapter.
 - (2) No certificate of compliance for a building, or portion thereof, constructed after the effective date of this chapter shall be issued until construction is completed so as to be fit for human habitation and the premises inspected and certified by the Community Development Manager to be in conformity with this chapter and specifications upon which the building permit was issued.
 - (3) No vacant land shall be occupied or used and no building hereafter erected, altered or moved on the floodplains of any river or stream until a certificate of compliance shall have been issued by the Community Development Manager. The Community Development Manager shall require the applicant to submit a certification by a registered professional engineer or land surveyor that the finished fill and building floor elevations, floodproofing measures or other flood protection factors were accomplished in compliance with the provisions of Chapter 530, Floodplain and Shoreland-Wetland Zoning, of this Code. The Community Development Manager shall, within 10 days after receipt of such certification from the applicant, issue a certificate of compliance only if the building or premises and the proposed use thereof conform to all the requirements of this chapter.

§ 550-10. Exceptions and interpretation.

The regulations specified in this chapter shall be subject to the following exceptions and interpretations:

- A. Use of existing lots of record. In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record as of the effective date of this chapter, provided that such lot abuts on at least 60 feet of an existing street.
- B. Height modifications.
 - (1) Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this chapter but may be regulated by Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations where applicable. [Amended 12-30-1997]

- (2) Special structures such as elevator penthouses, grain elevators, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, solar connectors, substations and smokestacks are exempt from the height limitations of this chapter.
 - (3) Utilities, water towers and electric power communication transmission lines are exempt from the height limitations of this chapter.
 - (4) The height of observation towers and agricultural structures such as barns, silos and windmills shall not exceed two times their distance from the nearest lot line.
 - (5) Single- and two-family dwellings in residential districts may be increased 10 feet in height when side yards of 15 feet or more are provided, but they shall not exceed three stories in height.
- C. Area requirements. In any district where neither public water supply nor sanitary sewer is accessible; the lot area requirements shall not be less than 20,000 square feet. All other lot requirements of the district in which such lots exist shall apply.
- D. Double frontage lots. Buildings on through lots extending from street to street shall provide the required street setback on both streets.

§ 550-11. Nonconforming uses and structures.

- A. Nonconforming uses of land. Where, on the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this chapter.
 - (2) No such nonconforming use shall be moved in whole or part to any other portion of the lot or parcel occupied by such use on the effective date of adoption or amendment of this chapter.
 - (3) If any such nonconforming use is discontinued for a period of 12 months, any future use of the premises shall conform to this chapter.
- B. Nonconforming structures. Where a lawful structure exists on the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No structure may be enlarged or altered in a way which increases its nonconformity.
 - (2) The total structural repairs or alterations in a nonconforming structure shall not during its life exceed 50% of the fair market value of the structure unless permanently changed to a conforming use.

§ 550-12. Floodplain and floodway zoning requirements. [Amended by Ord. No. 10-09]

There are hereby established a Floodplain Zoning District and a Floodway Zoning District, as described on the Official Village of Plover Floodplain Zoning Map. Within these districts the provisions of Chapter 530, Floodplain Zoning and Chapter 543 Shoreland-Wetland Zoning, of this Code shall apply in addition to those imposed by this chapter.

§ 550-13. Districts established; Official Zoning Map; interpretation of district boundaries.

- A. Establishment of districts. In order to carry out the purpose and provisions of this chapter, the districts designated in §§ 550-15 through 550-35 of this chapter are hereby established and may be known by their accompanying abbreviated symbols.
- B. Incorporation of maps. The locations and boundaries of the districts are shown on the Village Zoning Map dated June 1, 1985, and referred to by reference as the "Official Zoning Map, Village of Plover, Wisconsin." Such map, together with all explanatory matter and regulations thereon, is an integral part of this chapter and all amendments thereto. Official copies of the Zoning Map, together with a copy of this chapter, shall be kept by the Community Development Manager and shall be available for public inspection during office hours. Any changes or amendments affecting district boundaries or explanatory matter shall not be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.
- C. District boundary and map amendments. Ordinance Nos. 1-85, 24-86, 12-87, 14-87, 23-87, 25-87, 1-88, 4-88, 28-88, 36-88, 1-89, 2-89, 6-89, 7-89, 24-89, 32-89, 36-89, 38-89, 4-90, 9-90, 14-90, 15-90, 16-90, 1-91, 16-91, 20-91, 21-91, 22-91, 23-91, 30-91, 33-91, 34-91, 36-91, 39-91, 3-92, 5-92, 11-92, 17A-92, 23-92, 32-92, 35-92, 11-93, 14-93, 17-93, 21-93, 24-93, 2-94, 12-94, 17-94, 18-94, 20-94, 27-94, 28-94, 1-95, 5-95, 9-95, 11-95, 13-95, 29-95, 5-96, 10-96, 1-97, 6-97, 12-97, 21-97, 23-97, 1-98, 3-98, 5-98, 9-98, 13-98, 20-98, 21-98, 25-98, 29-98, 2-99, 4-99, 5-99, 9-99, 10-99, 12-99, 14-99, 16-99, 19-99, 20-99, 25-99, 2-00, 4-00, 6-00, 7-00, 12-00, 13-00, 15-00, 19-00, 22-00, 25-00, 26-00, 1-01, 4-01, 7-01, 11-01, 12-01, 17-01, 1-02, 4-02, 9-02, 15-02, 16-02, 19-02, 20-02, 1-03, 8-03, 12-03, 15-03, 18-03, 21-03, 1-04, 4-04, 5-04, 6-04, 9-04, 15-04, 16-04, 2-05, 6-05, 9-05, 10-05, 14-05, 16-05, 20-05, 23-05, 30-05, 1-07, 3-07, 7-07, 10-07, 11-07, 1-08, 5-08, 9-08, 8-09, 3-10, 7-10, 17-10, 6-11, 2-13, 7-13, 8-13, 10-13, 13-13, 14-13, 1-16 and 4-16.
- D. Boundaries of districts. When uncertainty exists with respect to the boundaries of the various districts as shown on the map, the following rules shall apply:
 - (1) When the width or length of boundaries is not clear, the scale of the map shall determine the approximate dimensions.
 - (2) When the regulations of this chapter and Chapter 530, Floodplain and Shoreland-Wetland Zoning, of this Code conflict with one another, the most restrictive combination of such regulations shall control.
 - (3) District boundaries are normally lot lines and the center of streets, highways, railroads or alleys.
 - (4) The Board of Zoning Appeals, in accordance with the provisions of this chapter, shall

hear and decide the precise location of a district boundary line when such line cannot otherwise be determined through a certified survey.

§ 550-14. Community living arrangements; family day-care homes.

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

Use	Districts Permitted	Statutory Restrictions
Foster family home (domicile) licensed under § 48.62, Wis. Stats., up to 4 children	All residential districts	None
Other foster homes	All residential districts	§ 62.23(7)(i)1 and 2, Wis. Stats.
Adult family home (domicile) as defined in § 50.01(1), Wis. Stats., and certified under § 50.032(1m), Wis. Stats., up to 4 adults, or more if all adults are siblings [Added 6-13-1988]	All residential districts	None
Other adult family homes [Added 6-13-1988]	All residential districts	§ 62.23(7)(i)1 and 2, Wis. Stats.
Community living arrangement, up to 8 persons	All residential districts	§ 62.23(7)(i)1, 2 and 9, Wis. Stats.
Community living arrangement, 9 to 15 persons	Multifamily districts	§ 62.23(7)(i)1, 2 and 9, Wis. Stats.
Family day-care home licensed under § 48.65, Wis. Stats., up to 8 children	All 1- and 2-family districts and planned residential development district	§ 66.1017, Wis. Stats.

- C. Conditional uses. All community living arrangements and family day-care homes not permitted in Subsection B above. See § 550-38 of this chapter.

§ 550-15. C Conservancy District.

- A. Purpose. The C Conservancy District is established to provide protection to environmentally sensitive lands such as floodplains, wetlands, shorelands and well fields. It is also intended that this district include and regulate all flood lands known to be within the one-hundred-year flood zone as required by § 87.30, Wis. Stats., Ch. NR 116, Wis. Adm. Code, and Federal Register Rules § 1910.3, enacted pursuant to the National Flood

Insurance Program.

B. Permitted uses.

- (1) Truck gardening, field crops, hay fields and garden plots.
- (2) Pasturing of horses associated with residential uses, provided that sheltering is provided for such horses.
- (3) Public parks and playgrounds.
- (4) Study and research of plant material, fish and wildlife.
- (5) Bicycling and hiking trails.
- (6) Railroad rights-of-way.

C. Conditional uses.

- (1) Open space leisure, instructional or recreational activities requiring disruption of natural conditions, including the placement of structures or devices not natural to the area.
- (2) Any corporate or municipal utility structure, substation, transmission line or pipeline.
- (3) Dams, dikes, drainage channels, reservoirs, bulkheads and other structures or devices for the control of flowing or standing water.
- (4) Private or public roads or streets.
- (5) Any public or private filling, grading, lagooning or dredging consistent with any state or federal floodplain or wetland regulations, if applicable.
- (6) Pine plantations and orchards.

D. Tree and shrubbery cutting regulated. The cutting of trees and shrubbery shall be regulated to protect scenic beauty, control erosion and reduce the flow of pollutants and nutrients from the shoreline.

- (1) In a strip 50 feet inland from the normal high-water line of navigable streams and lakes and 25 feet inland from all other natural and man-made drainage courses, no more than 30 feet in any 200 feet shall be clear cut. In other conservancy areas, trees and shrub cutting shall be governed by consideration of the effect on water quality and basic aesthetic quality and should be in accord with accepted timber management practices.
- (2) These provisions shall not apply to the removal of dead, diseased or dying trees or to silvicultural thinning.
- (3) Commercial harvesting of trees shall be allowed in accordance with accepted forest management practices and the other specified standards of this section. Commercial harvesting of trees is not permitted within the twenty-five-foot or fifty-foot strips of Subsection D(1) above.

- E. Standards and requirements. See Chapter 530 of this Code relating to the floodplain district. These standards are intended to promote the health, safety and general welfare of the public through the protection of water quality, prevention of erosion and siltation, and the preservation of natural open spaces and plant material for the maintenance of aesthetic living environment and the maintenance of air quality.

§ 550-16. A Agricultural District.

- A. Purpose. The A Agricultural District is established for the purpose of permitting and protecting agricultural activities. This district can provide some assurance to landowners and farmers that they are not subject to the urban-type regulations which would interfere with their farm operations. The Agricultural District is also intended to provide a means for preserving and protecting good agricultural lands which have prime production capabilities. This district is further intended to be available to the Village Board to guide the location and timing of urban land development by applying such a district in remote areas of the Village not immediately serviceable by public utilities and other services.
- B. Permitted uses.
- (1) Farms over 40 acres, including customary accessory activities and buildings, field crops and farm animals.
 - (2) Irrigation machinery and operations.
 - (3) Public parks and open space.
 - (4) Public or private forest lands and wildlife lands.
 - (5) Two single-family farm residences per farm, one of which may be a mobile home.
 - (6) Single-family nonfarm residences on lots of 10 acres or more.
 - (7) Greenhouses and plant material nurseries.
 - (8) Temporary roadside vegetable and produce stands for sale of such products grown on the same premises.
 - (9) Customary erosion and water control devices and agricultural land treatment measures.
 - (10) Signs as permitted in Chapter 447 of this Code. [Amended by Ord. No. 15-97]
 - (11) Any use permitted in the Conservancy District.
 - (12) Field crops.
- C. Conditional uses.
- (1) Corporate utility structures or substations.
 - (2) Ponds, man-made lakes and borrow pits.
 - (3) Dams, dikes, and flood-control structures.

- (4) Trap and sport shooting ranges and gun clubs.
- (5) Wind or solar energy systems. [Amended by Ord. No. 5-13]
- D. Minimum standards for the A Agricultural District.
 - (1) See the Table of Minimum Standards at the end of this chapter.
 - (2) Signs. See Chapter 447 of this Code.

§ 550-17. R-1 Single-Family Residential District.

- A. Purpose. The R-1 Single-Family Residential District is established to provide for low-density residential land usage and accessory uses, particularly in fringe areas of the Village, to reduce the need for a cost of public services such as sewer and water, or to be applied in those areas of the Village where natural environmental conditions present physical development problems, such as from high groundwater, bedrock, clay soils, etc. A further purpose is to help preserve the open space and natural scenic and ecological qualities in special areas such as along shorelines, wetlands, bluffs, community parks or other areas identified by the Plan Commission and otherwise consistent with the Village Comprehensive Plan.
- B. Permitted uses.
 - (1) Single-family dwellings.
 - (2) Any permitted uses in the C Conservancy District except § 550-15B(1) and (2).
 - (3) Signs as permitted in Chapter 447 of this Code. [Amended by Ord. No. 15-97]
 - (4) Tennis courts not located in the required front yard setback.
 - (5) Customary accessory uses.
- C. Conditional uses.
 - (1) Communication and utility structures or substations.
 - (2) Home occupation, major, and professional home offices. [Amended by Ord. No. 8-98]
 - (3) Wind energy systems. [Amended by Ord. No. 5-13; Ord. No. 6-19]
 - (4) Parking of commercial vehicles with a manufacturer's weight rating of 8,000 pounds or more. [Added by Ord. No. 16-97]
- D. Minimum standards for the R-1 District. See the Table of Minimum Standards at the end of this chapter. There shall be a setback of at least 100 feet from the boundary of any Conservancy District to the nearest point of any dwelling or garage located within this low-density residential district. This setback shall take precedence over any front, side or rear yard setback requirements of this district where a portion of the Conservancy District is located on a residential lot.

§ 550-18. R-2 Single-Family Residential District.

- A. Purpose. The R-2 Single-Family Residential District is established to provide the population density and uses primarily for single family living which is expected to accommodate the numerous residential developments already at the density of this District, and the District would accommodate other housing not on Village sewer. This District is to be located consistent with the Village Comprehensive Plan.
- B. Permitted uses. [Amended by Ord. No. 15-97; Ord. No. 9-03]
- (1) Any permitted use in the R-1 and C Districts, except permitted uses enumerated in § 550-15B(1) and (2) of this chapter.
 - (2) Single-family detached dwellings.
 - (3) Private noncommercial recreational areas and facilities.
 - (4) Parks, playgrounds and athletic fields.
 - (5) Railroad rights-of-way exclusive of switching, storage, freight yards or sidings.⁸
 - (6) Cemeteries.
 - (7) Customary accessory uses.
 - (8) Signs as permitted in Chapter 447 of this Code.
- C. Conditional uses. [Amended by Ord. No. 16-97; Ord. No. 8-98; Ord. No. 9-03]
- (1) Gardening and community garden plots.
 - (2) Public or institutional community centers, senior centers or youth centers.
 - (3) Public and parochial, elementary, junior and senior high schools.
 - (4) Nursery schools.
 - (5) Churches, convents, chapels, temples, synagogues, and parish or rectory homes.⁹
 - (6) Communication and utility structures or substations of any public utility, including transmission or pipe lines.
 - (7) Fire stations.
 - (8) Home occupation, major, and professional home offices.
 - (9) Wind energy systems. [Amended by Ord. No. 5-13; Ord. No. 6-19]
 - (10) Parking of commercial vehicles with a manufacturer's weight rating of 8,000 pounds or more.
- D. Minimum standards for the R-2 District. See the Table of Minimum Standards at the end of

8. Editor's Note: Original § 17.18(2)(f), which immediately followed this subsection and listed family day care, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 550-14, Community living arrangements; family day-care homes.

9. Editor's Note: Original § 17.18(3)(f), which immediately followed this subsection and listed day care for nine or more children and adult day care, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 550-14, Community living arrangements; family day-care homes.

this chapter.

§ 550-19. R-3 Single-Family Residential District.

- A. Purpose. The R-3 Single-Family Residential District is established to provide an additional choice of density for single-family living having smaller lots. This district is intended to be provided for all lands where sewer, and eventually water, are or will be required. Other areas where this district could be located should be consistent with land use standards and the Village Comprehensive Plan.
- B. Permitted uses.
 - (1) Any permitted use in the R-2 District.
 - (2) Customary accessory uses.
 - (3) Signs as permitted in Chapter 447 of this Code. [Amended by Ord. No. 15-97]
- C. Conditional uses.
 - (1) Any conditional use in the R-2 District.
 - (2) Historical museums.
 - (3) Wind systems. [Amended by Ord. 5-13; Ord. No. 6-19]
 - (4) Parking of commercial vehicles with a manufacturer's weight rating of 8,000 pounds or more. [Added by Ord. No. 16-97]
- D. Minimum standards for the R-3 District. [Added by Ord. No. 5-85; amended by Ord. No. 24-91]
 - (1) Permitted uses. See the Table of Minimum Standards at the end of this chapter.
 - (2) Conditional uses. As set by the Plan Commission and Village Board.
 - (3) Parking. See § 550-41.
 - (4) Signs. See Chapter 447 of this Code.

§ 550-20. R-4 Single- and Two-Family Residential District.

- A. Purpose. The R-4 Single- and Two-Family Residential District is established to provide for both single-family and two-family residences and is intended particularly to act as a transition district between lower intensity uses such as permitted in the C, A, R and PDD Districts and higher intensity such as R-5, R-6 and all B and M Districts consistent with the Village Comprehensive Plan. This district is intended to be provided for all lands where sewer, and eventually water, are or will be required.
- B. Permitted uses.
 - (1) All permitted uses in the R-3 District.
 - (2) Two-family dwellings.

- (3) Customary accessory uses. [Amended by Ord. No. 15-97]
 - (4) Signs as permitted in Chapter 447 of this Code.
 - (5) Zero lot line development. In addition to the minimum standards set forth in Subsection D below, all two-family dwellings shall provide separate water, sewer and utility lateral service and metering. If separate sewer laterals are not practicable, the owners and/or future owners of the living units shall execute a cross access and maintenance/repair expense sharing agreement in a form acceptable to the Village. Land divisions shall comply with Chapter 545, Subdivision of Land. [Amended by Ord. No. 20-00]
- C. Conditional uses.
- (1) All conditional uses permitted in the R-3 District.
 - (2) Governmental administrative and protective facilities such as municipal halls and fire and police stations.
 - (3) Parking of commercial vehicles with a manufacturer's rating of 8,000 pounds or more. [Added by Ord. No. 16-97]
- D. Minimum standards for the R-4 District. See the Table of Minimum Standards at the end of this chapter. [Amended by Ord. No. 24-91; Ord. No. 14A-95]

§ 550-21. R-5 Residential District; mobile home parks and manufactured residences.

- A. Purpose. It is intended that the R-5 Residential District provide for the location of all mobile home parks and for single-family manufactured residences sited on individually owned lots and which do not comply with the requirements of other single-family districts.
- B. Permitted uses. Mobile home parks and related facilities licensed pursuant to Chapter 374 of this Code (see § 550-40, Mobile home park requirements, of this chapter).
- C. Conditional uses.
- (1) Sale of mobile homes.
 - (2) Single-family manufactured residences (see Subsection D below).
 - (3) Parking of commercial vehicles with a manufacturer's rating of 8,000 pounds or more. [Added by Ord. No. 21A-97]
- D. Single-family manufactured residence requirements.
- (1) Building requirements. In addition to the licensing requirements relating to manufactured homes, each residence shall:
 - (a) Be attached to a permanent foundation.
 - (b) Have a roof with a minimum one-foot overhang, covered with shingles or tile and at a pitch of at least 1:3.
 - (c) Have an exterior wall surface finished with materials which are similar in

appearance to materials used on existing dwellings located in the surrounding area. The reflection from such exterior wall surface shall not be greater than from siding painted with white semigloss exterior enamel.

- (2) Minimum dimensional requirements.
 - (a) Residence: 900 square feet.
 - (b) Height: may not exceed 1 1/2 stories, 25 feet.
 - (c) Lot area: 6,000 square feet.
 - (d) Lot width: 60 feet; 70 feet for corner lot.
 - (e) Rear yard: 25 feet.
 - (f) Side yard: sum of 15 feet, six-foot minimum.

§ 550-22. R-6 Multifamily Residential District.

- A. Purpose. The R-6 Multifamily Residential District is established to provide a medium-density, mixed-residential district intended to provide a transition between lower-density detached housing areas and more intense nonresidential land usage consistent with the Village Comprehensive Plan. Land, in addition to that required as the minimum standards for this district, shall be provided in an aesthetic, safe and usable fashion within the boundaries of such development.
- B. Permitted uses.
 - (1) All permitted uses in the R-4 District.
 - (2) Multifamily dwellings.
 - (3) Townhouses and garden apartments.
 - (4) Religious and charitable institutions.
 - (5) Funeral homes.
 - (6) Customary accessory uses.
 - (7) Signs as permitted in Chapter 447 of this Code. [Amended by Ord. No. 15-97]
 - (8) Zero lot line development. In addition to the minimum standards set forth in Subsection D below, all two-family dwellings shall provide separate water, sewer and utility lateral service and metering. If separate sewer laterals are not practicable, the owners and/or future owners of the living units shall execute a cross access and maintenance/repair expense sharing agreement in a form acceptable to the Village. Land divisions shall comply with Chapter 545, Subdivision of Land. [Added by Ord. No. 20-00]
- C. Conditional uses.
 - (1) Conditional uses permitted in the R-4 District, except truck gardens.

- (2) Hospitals and clinics.
 - (3) Rest homes, nursing homes and homes for the aged.
 - (4) Boarding, lodging and rooming houses.
 - (5) Private clubs, lodges, fraternities, and sororities, except those the principal use of which is a service customarily carried on as a business.¹⁰
 - (6) Parking of commercial vehicles with a manufacturer's weight rating of 8,000 pounds or more. [Added by Ord. No. 21A-97]
- D. Green space required. Apartment development shall be required to provide 1,200 square feet of green space per unit. [Added by Ord. No. 24-91]
- E. Minimum standards. [Amended by Ord. No. 14A-95]
- (1) One- and two-family residences. See the Table of Minimum Standards at the end of this chapter.
 - (2) Group of structures functioning as unified development. See the Table of Minimum Standards for Unified Development in the R-6 District at the end of this chapter.

§ 550-23. R-7 Multifamily Residential District.

- A. Purpose. The R-7 Multifamily Residential District is established to provide a mixed-use district of high-density living that permits high-rise housing and also allows a variety of nonresidential office-type or professional uses. It is intended that this district will generally be acceptable as a buffer use between lower-density residential uses and commercial and industrial uses and in areas capable of handling higher traffic volumes and areas subject to higher land values than in lower-density residential districts with such districts located consistent with the Village Comprehensive Plan.
- B. Permitted uses.
- (1) Any permitted uses in the R-6 District, except single-family residences.
 - (2) Multifamily dwellings.
 - (3) Professional and medical offices, as follows:
 - (a) Accountants.
 - (b) Architects.
 - (c) Art, music and dance studios and shops.
 - (d) Artist and photographer studios.
 - (e) Barber and beauty shops.
 - (f) Engineer offices.

¹⁰. Editor's Note: Original § 17.22(3)(f), which immediately followed this subsection, was repealed by Ord. No. 20-00.

- (g) Medical and dental offices.
 - (h) Insurance offices.
 - (i) Business and tax consultants.
 - (j) Sales offices.
 - (k) Law offices.
 - (l) Offices for professional and interest group associations.
 - (m) Real estate offices.
 - (n) Psychiatrist offices.
 - (o) Union offices.
 - (p) Credit unions.
 - (q) Pottery shops not over 1,000 square feet.
- (4) Customary accessory uses.
 - (5) Signs as permitted in Chapter 447 of this Code. [Amended by Ord. No. 15-97]
 - (6) Zero lot line development. In addition to the minimum standards set forth in Subsection D below, all two-family dwellings shall provide separate water, sewer and utility lateral service and metering. If separate sewer laterals are not practicable, the owners and/or future owners of the living units shall execute a cross access and maintenance/repair expense sharing agreement in a form acceptable to the Village. Land divisions shall comply with Chapter 545, Subdivision of Land. [Added by Ord. No. 20-00]
- C. Conditional uses.
- (1) Conditional uses permitted in the R-4 District.
 - (2) Boarding, lodging and rooming houses.
 - (3) Private clubs, lodges, fraternities and sororities, except those the principal use of which is a service customarily carried on as a business.¹¹
 - (4) Parking of commercial vehicles with a manufacturer's weight rating of 8,000 pounds or more. [Added by Ord. No. 21A-97]
- D. Limitations on sales activities. Uses permitted in this district shall not include any retail or wholesale operations from the premises, except for incidental sales not significant in the operation of the business.
- E. Green space requirements. Same as for the R-6 District.
- F. Minimum standards for the R-7 District. See the Table of Minimum Standards for the R-7

11. Editor's Note: Original § 17.23(3)(d), which immediately followed this subsection, was repealed by Ord. No. 20-00.

District at the end of this chapter. [Amended by Ord. No. 14A-95]

§ 550-24. Intensive residential development. [Added by Ord. No. 19-92]

- A. Applicability. In addition to all other requirements relating to residential developments or all the requirements relating to planned development districts, the provisions of this section shall apply to each multifamily residential development of 10 or more units. No multifamily residential development of 10 or more units shall be approved, recorded or developed, in any way, without compliance with the terms of this section. This section shall apply to any multifamily residential development of 10 or more units, whether intended as individual dwellings for rent to individual tenants or for sale as condominium units to purchasers.
- B. Approval required; application. Each application for approval of multifamily residential development of 10 or more units shall contain, in addition to compliance with all other requirements of this chapter, including compliance with the site plan review provisions of this chapter and the long-range land use plan of the Village, the following additional requirements:
- (1) A minimum lot area of not less than 43,650 square feet for every 10 units in the proposed development shall be provided. Each additional living unit in the proposed multifamily building or buildings shall be allotted additional increased lot area on a pro rata basis.
 - (2) No multifamily development of 10 units or more shall exceed a height of 35 feet above the natural grade of the land on the downhill side of the structure.
 - (3) A written survey shall be obtained from the Fire Chief as to the available fire protection for residents of the proposed development as to structures in excess of two stories in height.
 - (4) A written survey shall be provided by the developer of the effect the planned multifamily intensive development will have on the existing traffic pattern on the neighboring streets and highways.
 - (5) Provisions for appropriate screening shall be provided in the site plan in the form of berms, natural plantings and other sound and vision barriers to provide an aesthetic buffer between the proposed intensive multifamily development and any noncompatible adjacent development.
 - (6) A written statement shall be provided by the project's developer of the uses of the surrounding adjacent properties and the impact, if any, of the proposed project on adjacent property values due to noncompatibility of mixed uses.
 - (7) The architectural exterior of the proposed structure shall be, as near as reasonably possible, aesthetically compatible with that of the surrounding neighboring properties.

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12. Editor's Note: Original § 17.231(2), Review fee, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 550-25. B-1 Neighborhood Business District. [Amended by Ord. No. 16-98]

A. Purpose. The B-1 Neighborhood Business District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of the local neighborhood and for which the appearance and operation are compatible with the character of the surrounding area.

B. Permitted uses, provided that there is no outdoor display or storage.

- Artist and photographer studios
- Art, music and dance studios and shops
- Bakeries where not more than 50% of the gross floor area is devoted to processing of bakery goods and not employing more than 5 persons at any one time
- Banks, saving and loan associations and other financial institutions
- Barber and beauty shops
- Book or stationery stores
- Business offices
- Business and tax consultants
- Camera and photographic supply stores
- Clothing stores
- Confectioneries and ice cream stores
- Convenience food stores not over 3,000 square feet in size
- Delicatessens
- Drugstores
- Essential services, except for communication and utility structures and substations as noted in Subsection C below
- Florists
- Furniture and upholstery shops
- Gift stores
- Hardware stores and lawn and garden shops not over 3,000 square feet in size
- Hobby and craft shops
- Insurance sales offices
- Jewelry stores
- Law offices
- Meat markets
- Medical and dental clinics
- Messenger services
- Newspaper and magazine stores
- Office supplies and business machines
- Optical stores
- Pet stores and pet grooming
- Print shops not over 3,000 square feet in size
- Professional offices
- Real estate sales offices
- Restaurants
- Sales offices
- Self-service laundry and dry-cleaning establishments
- Shoe stores and leather goods stores

Single-family residences if attached to a permitted use and to be occupied by the owner, manager or caretaker of the permitted use
Sporting goods stores
Stockbrokers and security dealers
Tailor or dressmaking shops
Taxidermists
Tobacco stores
Travel agencies
Variety stores
Videotape sales and rental

C. Conditional uses.

Ballrooms and dance halls
Communication and utility structures and substations of any public utility
Gas and service stations
Liquor stores and carry-out beer
Multifamily dwellings
Outdoor display or storage
Rest homes, nursing homes and homes for the aged
Single-family dwellings
Taverns and nightclubs
Temporary uses
Two-family dwellings

D. Minimum standards for the B-1 District.

- (1) Parking and loading requirements. See §§ 550-41 and 550-42 of this chapter.
- (2) Sign requirements. Signs as permitted by Chapter 447 of this Code.
- (3) Site plan approval required. See § 550-39 of this chapter.
- (4) Performance standards. See § 550-44 of this chapter.
- (5) Other requirements for the B-1 District. See the Table of Minimum Standards for the B-1 District at the end of this chapter.

§ 550-26. B-2 General Business District. [Amended by Ord. No. 16-98; by Ord. No. 12-09]

- A. Purpose. The B-2 General Business District is intended to provide for the orderly and attractive grouping at appropriate locations of businesses offering a wider range of retail products and services than are provided in the B-1 Neighborhood Business District. The character, appearance, and operation of any business in the district should be compatible with any surrounding areas.
- B. Permitted uses, provided that the building area does not exceed 60,000 square feet (except

office buildings) and that there is no outdoor display or storage.¹³

Any use permitted in the B-1 Neighborhood Business District
Animal hospitals and veterinary clinics with no outside kennels
Antique and collectors stores
Appliance stores and repair shops
Art galleries
Building, plumbing, electrical and general contracting offices and sales outlets
Catering services
Churches, convents, chapels, temples, synagogues and parish or rectory houses
Dog obedience training facilities when conducted entirely within an enclosed structure
Electronic equipment sales, service and repair shops
Food stores
Funeral homes
Furniture stores
General retail uses, including department stores
Hotels and motels
Interior decorators
Janitorial supplies and services
Physical fitness and health centers
Radio and television broadcast or recording studios, not including transmitting towers
Taverns and cocktail lounges
Testing laboratories

C. Conditional uses.

Any conditional use permitted in the B-1 Neighborhood Business District
Any permitted use in the B-2 General Business District with a building area in excess of 60,000 square feet; this does include office buildings
Auditoriums, stadiums, iceodromes and arenas
Bakeries less than 6,000 square feet in size
Boarding, lodging and rooming houses
Commercial recreational facilities, such as archery ranges, arcades, bowling alleys, clubs, driving ranges, go-cart tracks, golf courses, miniature golf facilities, indoor tennis and racquetball courts, pool and billiards halls, skating rinks, and other open air recreational uses and facilities
Dog kennels
Gasoline service stations and automotive repair shops
Governmental (Village) administrative and protective facilities
Libraries, museums and senior centers
Motorcycle and recreational vehicle sales and service with limited outdoor display
Public or private parking lots and parking structures
Public passenger transportation terminals, such as bus and rail depots, but not including airports, airstrips, and landing fields; any such use shall be located not less than 500 feet from any residential district boundary

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Railroad spurs
Sign companies, including the fabrication and repair of all types of signs
Wholesale and distributing establishments
Wind generators and windmill towers

D. Minimum standards.

- (1) Parking and loading requirements. See §§ 550-41 and 550-41 of this chapter.
- (2) Sign requirements. Signs as permitted by Chapter 447 of this Code.
- (3) Site plan approval required. See § 550-39 of this chapter.
- (4) Performance standards. See § 550-44 of this chapter.
- (5) Other requirements for the B-2 District.
 - (a) All residential uses. Same as B-1 District.
 - (b) All other uses.
 - [1] Lot area: 20,000 square feet.
 - [2] Lot width: 100 feet.
 - [3] Height of structure: 35 feet.
 - [4] Side yard: none, unless it abuts an R District, then 10 feet minimum required.
 - [5] Street setback: 10 feet minimum.
 - [6] Rear yard: 20 feet minimum.
 - [7] Building coverage: 30%.

§ 550-27. B-3 Specialized Business District.

- A. Purpose. The B-3 Specialized Business District is established to provide areas for specialized and unique retail or commercial establishments providing individual services. This district is primarily intended to accommodate those uses dependent on Village-wide usage.
- B. Permitted uses. All permitted uses in the B-2 District.
- C. Conditional uses.
 - (1) Any establishment providing or catering to various disciplines of massage and/or relaxation.
 - (2) Any establishment engaged in the sale of x-rated books, films or other paraphernalia.
 - (3) Any theater other than a drive-in.
- D. Minimum standards. [Amended by Ord. No. 16-98]

- (1) Parking and loading requirements. See §§ 550-41 and 550-42 of this chapter.
- (2) Sign requirements. Signs as permitted by Chapter 447 of this Code.
- (3) Site plan approval required. See § 550-39 of this chapter.
- (4) Performance standards. See § 550-44 of this chapter.
- (5) Other requirements for the B-3 District.
 - (a) All uses. Same as the B-2 District.

§ 550-28. B-4 Highway Business District. [Amended by Ord. No. 16-98; by Ord No. 10-09]

- A. Purpose. The B-4 Highway Business District is intended to provide for the orderly and attractive grouping at appropriate locations along federal, state and county highway routes of those business and customer services which are logically related to and dependant upon highway traffic or which are specifically designed to serve the needs of such traffic.
- B. Permitted uses.
 - (1) Any use permitted in the B-2 General Business District, except no building area limitations.
 - (2) Bowling alleys.
 - (3) Building supply stores, excluding lumberyards.
 - (4) Equipment rental with only inside storage facilities.
 - (5) Garden centers, including greenhouses and nurseries.
 - (6) Hotels and motels.
 - (7) Theaters (family-oriented).
- C. Conditional uses.
 - (1) Any conditional use permitted in the B-2 General Business District, except residential.
 - (2) Automotive, truck, motorcycle, recreational vehicle, and marine sales and service.
 - (3) Car washes.
 - (4) Lumberyards.
 - (4a) Temporary uses including but not limited to temporary sales of automotive, truck, motorcycle, recreational vehicle, marine, and trailer sales.
 - (5) Trailer sales and rental.
 - (6) Truck stops, not for the purpose of transferring or off-loading of goods or long-term storing or parking of vehicles.
 - (7) Tractor and other farm implement sales and service.

D. Minimum standards.

- (1) Parking and loading requirements. See §§ 550-41 and 550-42 of this chapter.
- (2) Sign requirements. Signs as permitted by Chapter 447 of this Code.
- (3) Site plan approval required. See § 550-39 of this chapter.
- (4) Performance requirements. See § 550-44 of this chapter.
- (5) Other requirements.
 - (a) Lot area: 35,000 square feet.
 - (b) Lot width: 120 feet.
 - (c) Height of structure: 35 feet maximum.
 - (d) Side yard: 10 feet minimum.
 - (e) Street setback: 40 feet minimum.
 - (f) Rear yard: 25 feet minimum.
 - (g) Building coverage: 35%.

§ 550-29. M-1 Light Manufacturing District.

- A. Purpose. The M-1 Light Manufacturing District is established to provide for those manufacturing or other industrial uses having a lower intensity of activity as compared with permitted uses of the M-2 District. It is intended that this district be located as a buffer between heavy manufacturing uses and commercial or high-density residential uses or at other locations consistent with land use planning principles, industrial location standards and the Village Comprehensive Plan and policies.
- B. Permitted uses. [Amended by Ord. No. 15-87; Ord. No. 21-05]
- (1) Photograph processing.
 - (2) Sign companies, including fabrication and repair of all types of signs.
 - (3) Transfer, storage, moving, freight and parcel delivery operation and excavating contractors.
 - (4) Warehouses, except self-storage facilities.
 - (5) Lumberyards, provided that such uses are enclosed by a minimum eight-foot-high fence.
 - (6) Building, plumbing, electrical and general contractor offices and storage yards.
 - (7) Sheet metal, welding, body and machine shops.
 - (8) Greenhouses and nurseries.
 - (9) Mobile home sales.

- (10) Repair shops.
- (11) Processing, bottling and distribution facilities for nonalcoholic beverages.
- (12) Sausage manufacturing and sales.
- (13) Preparation, assembly and packaging of frozen foods.
- (14) Manufacturing and assembling of commercial and household fixtures, cabinets and counters, excluding furniture.
- (15) Fish hatcheries.
- (16) Manufacturing of pottery or similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- (17) Industrial research laboratories.
- (18) Ice, brick and stone sales and storage.
- (19) Bag, carpet and rug cleaning and commercial laundries.
- (20) Flammable liquids, underground storage only, not to exceed 25,000 gallons and located not less than 200 feet from any residential district.
- (21) Truck gardening and field crops.
- (22) Bakeries.
- (23) Railroad rights-of-way and spur tracks.
- (24) Truck, terminal and storage facilities and shops, including governmental motor pool uses and garages.
- (25) Wholesale and distributing establishments.
- (26) Bottling and distributing plants for nonalcoholic beverages.

C. Conditional uses. [Amended by Ord. No. 11-87; Ord. No. 3-97; Ord. No. 8-97; Ord. No. 21-05]

- (1) Single-family residences housing a custodian, watchman or caretaker and his family, whose employment is directly related to a permitted use of the M-1 District.
- (2) Racetracks for stock cars, snowmobiles, minibikes and other motorized vehicle demonstrations and exhibitions.
- (3) Public fairgrounds.
- (4) Municipal and nonmunicipal utility substations, structures or facilities.
- (5) Junk, iron or rag storage or baling where the premises upon which such activities are conducted is wholly enclosed with a building, wall or fence not less than eight feet high completely obscuring the activity, but not including automobile, tractor or machinery wrecking or used parts yards.
- (6) Military reserve and National Guard armories and training grounds.

- (7) Fertilizer blending.
- (8) Wind generators or windmill towers.
- (9) Sports complexes.
- (10) Coal sales and storage.
- (11) Circus, carnival or similar transient enterprises.
- (12) Ambulance sales and service.
- (13) Bait shops.
- (14) Self-storage facilities.
- (15) Sales, rental, storage and distribution of household and commercial fuel tanks.
- (16) Farm implement and trailer sales and repair, excluding rebuilding, salvage, wrecking, storage or junking operations if such activities are the primary land area use or the primary revenue-producing element of the permitted use.

D. Minimum standards.

- (1) Parking and loading requirements. See §§ 550-41 and 550-42 of this chapter.
- (2) Sign requirements. See Chapter 447 of this Code. [Amended by Ord. No. 15-97]
- (3) Minimum standards for M-1 Light Manufacturing District. See the Table of Minimum Standards at the end of this chapter.

§ 550-30. M-2 Heavy Manufacturing District.

A. Purpose. The M-2 Heavy Manufacturing District is established to provide for those manufacturing or other industrial uses having more intensity than the M-1 District. It is intended that this district generally be located distant from nonmanufacturing uses; that it be buffered by the M-1 District or by major highways, rivers, open space or high-intensity commercial uses; and that all M-2 Districts be located consistent with the Village Comprehensive Plan.

B. Permitted uses. [Amended 7-11-1987; by Ord. No. 21-05]

- (1) Railroad yards, switching yards, repair facilities, roundhouses, administrative offices and other related rail facilities.
- (2) Manufacturing and sale of products, primarily from wood, including furniture products.
- (3) Manufacturing, bottling and distribution of alcoholic and nonalcoholic beverages.
- (4) Truck terminals, municipal garages and shop facilities.
- (5) Paper product manufacturers.
- (6) Brick, tile and terra cotta manufacturing.

- (7) Plastic manufacturers.
- (8) Warehouses, except self-storage facilities.
- (9) Sheet metal, body and machine shops.
- (10) Metal fabrication.
- (11) Wholesale distributors.
- (12) Manufacturing and assembling of motor vehicle parts.
- (13) Pallet manufacturing.
- (14) Preparation, assembly and packaging of foods.
- (15) Brick and stone sales and storage.
- (16) Flammable liquids storage to be used in conjunction with a permitted use.
- (17) Any permitted use in the M-1 District.

C. Conditional uses. [Amended 7-11-1987; by Ord. No. 30-97; Ord. No. 8-98; by Ord. No. 21-05]

- (1) Private or public sanitary landfills.
- (2) Asphalt batch plants.
- (3) Petroleum products manufacturing, refining or storing.
- (4) Chemical manufacturing.
- (5) Municipal utility substations, structures and facilities.
- (6) Nonmunicipal utility substations, structures or facilities.
- (7) Meat packing or processing plants.
- (8) Other manufacturing, processing or storage uses determined by the Plan Commission and the Village Board to be generally similar to the permitted uses of this district and to be consistent with the Village Comprehensive Plan.
- (9) Wholesale gasoline sales and storage.
- (10) Sand and gravel pits.
- (11) Solid waste transfer facilities.
- (12) Storage and distribution of petroleum components.
- (13) Refining, processing or smelting of mineral or ores.
- (14) Single-family dwelling housing a custodian, watchman or caretaker and his family, whose employment is directly related to a permitted use of this district.
- (15) Wastewater disposal plant.
- (16) Paint manufacturers.

- (17) Coal sales and storage.
- (18) Any conditional use in the M-1 District.
- (19) Wind generators or windmill towers.
- (20) Junk, iron or rag storage or baling where the premises upon which such activities are conducted is wholly enclosed within a building, wall or fence not less than eight feet high completely obscuring the activity, including automobile, tractor or machinery wrecking or used parts yards.
- (21) Circus, carnival or similar transient enterprises.
- (22) Municipal structures and facilities.
- (23) Municipal police firing range.
- (24) Automobile salvage where the premises upon which such activities are conducted is wholly enclosed within a building, wall or fence not less than eight feet in height completely obscuring the activity, including tractor and machinery wrecking or used parts yards.
- (25) Concrete ready-mix plants and distribution activities.
- (26) Manufacturing, storage and sale of concrete products.
- (27) Fertilizer mixing, blending, bagging, storage and sales.

D. Minimum standards.

- (1) Parking and loading requirements. See §§ 550-41 and 550-42 of this chapter.
- (2) Signs. See Chapter 447 of this Code. [Amended by Ord. No. 15-97]
- (3) Minimum standards for the M-2 Heavy Manufacturing District. See the Table of Minimum Standards at the end of this chapter.

§ 550-31. M-3 Manufacturing/Business District.

A. Purpose. The M-3 Manufacturing/Business District is established to provide for a compatible mix of light manufacturing and commercial uses in a business park setting. It is intended that this district generally be located by major highways.

B. Permitted uses.

- (1) Industrial research laboratories.
- (2) Machine shops.
- (3) Metal fabrication.
- (4) Plastic manufacturing.
- (5) Warehousing.
- (6) Preparation, assembly and packaging of foods.

- (7) Wholesale distributing establishments.
 - (8) Business and corporate offices.
 - (9) General retail.
 - (10) Restaurants.
 - (11) Art, music and dance studios and shops.
 - (12) Exhibition halls.
 - (13) Hobby and craft shops.
 - (14) Medical and dental clinics.
 - (15) Sporting goods stores.
 - (16) Physical fitness and health studios.
- C. Conditional uses.
- (1) Hotel and motels.
 - (2) Taverns and cocktail lounges.
 - (3) Commercial recreational facilities (indoor and outdoor).
 - (4) Motorcycle, recreational vehicle, and marine sales and service.
 - (5) Gasoline and diesel fuel sales.
 - (6) Other uses not listed as permitted or conditional and determined to be similar or compatible by the Plan Commission.
- D. Minimum standards.
- (1) Parking and loading requirements. See §§ 550-41 and 550-42 of this chapter.
 - (2) Signs. See Chapter 447 of this Code.
 - (3) Minimum standards for the M-3 Manufacturing/Business District. See the Table of Minimum Standards at the end of this chapter.

§ 550-32. PDD Planned Development District.

- A. Purpose. The purpose of the PDD Planned Development District is to encourage and provide a means for effectuating desirable development, redevelopment, rehabilitation and conservation in the Village by allowing for greater flexibility, better utilization of topographical and natural site characteristics, and more economical and stable development with variations in siting, land use and types of dwellings and commercial buildings. The regulations contained herein are established to permit latitude in the development of a building site if such development is found not to be harmful, offensive or otherwise adverse to the environment, property values or character of the neighborhood in which it is to be located and if found to be in accordance with the purpose, spirit and intent of this

chapter. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses and structures and open space for developments conceived and implemented as comprehensive and unified projects. Economic considerations, amenities and compatibility of a planned development district are to be assured through adoption of a development plan.

- B. Application to existing uses. This section shall operate as a conditional use and as an alternative to permitted uses and regulations applicable to existing districts and shall be applicable to existing districts only when such lands are zoned under a planned development district by action of the Village Board.
- C. Standards and requirements.
 - (1) Uses permitted. All uses which are presently permitted in this chapter and such other uses which, in the opinion of the Plan Commission and the Village Board, are felt to be compatible with the permitted uses referred to herein, and which will effectuate the intended purpose of this chapter, shall be permitted.
 - (2) Lot area. The minimum lot area which may be permitted for application of the planned development district shall be 100,000 square feet, except when undertaken in conjunction with a public improvement, in which case 25,000 square feet will be the minimum.
 - (3) Standards. Standards for land area per dwelling unit, land coverage by building, density, front, side, and rear yard setback requirements, building height requirements, aesthetic considerations and other requirements deemed necessary by the Plan Commission and the Village Board shall be determined by standards established in the applicable existing zoning district most similar in nature and function to the proposed planned development district, as determined by the Plan Commission and the Village Board. Exceptions to these standards are permissible when the Plan Commission and the Village Board find that such exceptions will:
 - (a) Encourage a desirable living environment.
 - (b) Not adversely affect property values of adjacent or neighboring lands or the character of the same but rather will be compatible with existing uses and structures found thereon.
 - (c) Not unreasonably impact school facilities or other public facilities or services without adequate provision being made to minimize or relieve such impact.
 - (d) Not create a traffic or parking demand incompatible with existing or proposed facilities to serve it.
 - (e) Be of benefit to the Village and be in the public interest.
 - (f) Promote the intended purpose of the district and of this chapter.
 - (4) Development plan and specifications. The development plan required under this section shall contain such information as the Plan Commission and the Village Board may deem necessary and may include the following:

- (a) A plat or survey of the development area by a registered land surveyor with a recordable legal description, including all existing utilities and recorded easements.
- (b) A plot plan showing location of all structures, all other features to be constructed and all other uses of land, to scale, and with sufficient detail to determine the extent of each use of said structures and land.
- (c) A topographic map with a contour interval of not more than two feet and sufficient spot elevations to determine the nature of the grade in the proposed development.
- (d) Building plans in sufficient detail such that the use of each floor can be determined and the bulk of the building and the aesthetic nature of the building may be determined.
- (e) A planting plan sufficient in detail to indicate the nature of all landscaping to be done in the proposed development.
- (f) A statement of the various stages, if more than one is intended, by which the development is proposed to be constructed or undertaken, and the time limit of the completion of each stage, together with a description of the real property to be included in each stage. If more than one stage is proposed, a plot shall be furnished showing the physical location of each stage.
- (g) A statement of the proposed changes, if any, in locations of levels of streets or alleys and any proposed street or alley closings or vacations.
- (h) A statement related to the adequacy of public facilities and utilities.
- (i) A statement of the proposed method of financing the development in sufficient detail to evidence the probability that the developer will be able to finance or arrange to finance the development.
- (j) Such other data or plans as deemed necessary by the Village staff in the pre-petition conference.

D. Procedure. [Amended by Ord. No. 21-01]

- (1) Preapplication conference. Prior to official submittal of an application for consideration of a planned development district, the developer or his agent shall meet with the Community Development Manager, or his designee, and other staff for a preliminary discussion as to the scope and nature of the proposed development and to consider alternate solutions to the development of a given area.
- (2) Application. Following the preliminary consultation with the Community Development Manager, or his designee, a rezoning application may be made to the Village by the owner for approval of a specific project plan under the provisions of these regulations and for a change in zoning to a planned development district. Such application for approval of a plan and for a change of zoning shall be processed in accordance with the procedures set forth in § 62.23(7)(d), Wis. Stats. The applicant shall include in the application evidence satisfactory to the Village that the applicant

is or has the legal right to become the owner of all lands in the proposed planned development area upon compliance with prescribed conditions at a date to be established by the Village Board.

- (3) Referral to Plan Commission. The Village Clerk, upon receipt of the application, shall schedule a public hearing and refer the application to the Plan Commission. The recommendation of the Plan Commission shall be made to the Village Board within 60 days after filing the application.
- (4) Recommendation of Plan Commission. In making its recommendation, the Plan Commission may recommend a denial of the development plan and development schedule as submitted or may recommend approval of said plan and schedule subject to specified amendments.
- (5) Approval.
 - (a) The Village Board, after receiving the recommendations of the Plan Commission, may, by ordinance, approve the development plan as presented or modified and, by ordinance, rezone the area included in said plan to a planned development district, provided that the Board finds that the facts submitted with the application and presented at the hearings establish that:
 - [1] The development plan is in accord with the intent and purpose of this chapter and is in the public interest.
 - [2] The area to be developed is not less than 100,000 square feet or that it is undertaken in connection with a public improvement, in which case it is not less than 25,000 square feet and will be developed in an efficient and economically satisfactory manner and will contribute to the improvement of the area in which the development is to be located.
 - [3] The various stages, if any, by which the development is proposed to be constructed or undertaken, as stated in the development plan, are practical and in the public interest.
 - [4] Public facilities and utilities, existing or proposed, either in conjunction with the plan or separately, are or will be adequate by the time the development plan is completed.
 - [5] The proposed changes, if any, to the Village Official Map with regard to street and alley location, levels, closing or vacations are necessary, desirable and in the public interest.
 - [6] That the development, as proposed, will create an environment of sustained desirability and stability, will not be detrimental to present and potential surrounding uses, and will not adversely affect neighboring property values or be incompatible with the character of the surrounding area but will have a beneficial effect which could not be achieved in other zoning districts.
 - [7] Any exception from the standard requirements of this chapter is warranted

by the design and amenities incorporated in the development plan.

[8] The area surrounding said development may be planned and zoned in coordination and substantial compatibility with the proposed development.

[9] The proposed method of financing the development is feasible and that it is probable that the developer will be able to finance or arrange to finance the development.

- (b) If, from the facts presented, the Village Board is unable to make the necessary findings, the application shall be denied.
- (c) The Village Board may conditionally approve a plan subject to modification and/or subject to a showing that the method of financing the development plan is feasible and that it is probable that the proponents of the plan will be able to finance or arrange to finance the development plan, such showing to be made at a time thereafter to be determined by the Village Board but prior to giving of final approval hereunder.
- (d) The Village Board may rezone hereunder to take effect upon final approval of a plan filed pursuant to the provisions of this section and/or subject to the issuance of a building permit for the implementation of a plan approved by the Village Board in accordance with the provisions of this section.
- (e) At the time of adopting any ordinance establishing a planned development district, the Village Board shall make appropriate arrangements with the applicant as may be permitted under the law which will assure the accomplishment and completion at scheduled times of the development plan, in accordance with approvals given.
- (f) If no development has occurred to effectuate a planned development within a time limit, if any, established by the Village Board, the Plan Commission shall review the action and determine whether or not the continuation of a given planned development is in the public interest. Upon its determination, it shall make recommendations to the Village Board in accordance therewith.
- (g) Upon receipt of the recommendation of the Plan Commission, in the event that no development has occurred to effectuate a planned development within a time limit established, the Village Board shall determine what action, if any, shall be taken, including whether or not the area shall be rezoned to its former classification.
- (h) Any changes or additions to the original approved development plan shall require resubmittal and approval of the Plan Commission, and, if such changes or additions are substantial in the opinion of the Community Development Manager, such plan as modified shall be considered as an original application and the requirements for the same shall govern prior to final approval of such modifications.

A. Purpose. The purpose of this district is to control access points along Post Road (State Highway Business 51) for development or redevelopment of property to provide for greater traffic safety for the public and Village residents. The Traffic and Access Management Plan was developed with the Village of Whiting and the Department of Transportation.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

COMMERCIAL OR MANUFACTURING REDEVELOPMENT — Any change, expansion of or addition to an existing building or structure.

RESIDENTIAL REDEVELOPMENT — An addition that increases square footage of the building or structure, or assessed value of the building, by greater than 35%.

C. Application of regulations. The regulations specified in this overlay district shall only apply to the lands located within District "T" which lie within the Village corporate limits as shown on the map (Figure 2) set forth in this chapter.¹⁴ The Village of Plover Plan Commission shall review all requested access points.

D. Post Road Traffic and Access Management Overlay District regulations.

(1) Setbacks. Required street setbacks for buildings, parking, signs, landscaping, drainage structures, or any other permanent structure shall be measured from the future Post Road right-of-way as depicted on the Official Map if different from the existing right-of-way line. Note: Post Road is depicted with a right-of-way of 120 feet on the Official Map.

(2) Lot width. All lots shall have a minimum lot width of 100 feet on Post Road.

(3) Access for corner lots.

(a) Access for corner lots with less than 200 feet of frontage on Post Road will be permitted only on the side street.

(b) Access for corner lots with greater than 200 feet of frontage on Post Road will be permitted as follows:

[1] Access shall be allowed on the side street. Side street access is recommended to be set back a minimum of 110 feet from the center of the existing Post Road right-of-way.

[2] Access shall be permitted on Post Road at or near the property line furthest from the intersection, provided that the access shall function as a shared access with the adjacent property. Shared access locations may be allowed to be completed with the future/ultimate development of the adjacent parcel.

[3] A formal shared access agreement with the adjacent property owner must be presented as part of the approval process, including agreements with the respect to costs of construction and maintenance (cost sharing). The access shall also include a design of the access that meets or exceeds

14. Editor's Note: The District "T" map is included at the end of this chapter.

minimum design standards as described in Subsection D(7). The access agreement, including any restrictions on access, shall be recorded in the Portage County Register of Deeds office. If the adjacent property owner has previously prepared this agreement, a copy of that agreement and concurrence to the proposed location of the access from the adjacent owner must be submitted.

- (4) Access for non-corner lots.
 - (a) One shared access point shall be approved at or near the property line. Shared access point will be coordinated with adjacent properties. Shared access locations may be allowed to be completed with the future/ultimate development of the adjacent parcel.
 - (b) A formal shared access agreement with the adjacent property owner must be presented as part of the approval process, including agreements with the respect to costs of construction and maintenance (cost sharing). The access shall also include a design of the access that meets or exceeds minimum design standards as described in Subsection D(7). The access agreement, including any restrictions on access, shall be recorded in the Portage County Register of Deeds office. If the adjacent property owner has previously prepared this agreement, a copy of that agreement and concurrence to the proposed location of the access from the adjacent owner must be submitted.
- (5) Access widths. New or modified access widths, including shared access, shall correspond with Wisconsin Department of Transportation statutes of thirty-foot normal and thirty-five-foot maximum widths.
- (6) Access separation. The minimum separation for access points shall be 150 feet.
- (7) Driveway specifications. The driveway that is located within the right-of-way shall meet or exceed the following minimum specifications: six inches of crushed aggregate base material overlaid with four inches of asphaltic surface.
- (8) Sidewalk location. Sidewalk shall be located within one foot of the future Post Road right-of-way as depicted on the Official Map if different from the existing right-of-way.
- (9) Off-street loading. All freight deliveries and pickups along Post Road shall be made off street. (Off-street deliveries of mail service are encouraged.)
- (10) Stormwater drainage. Post development stormwater drainage onto Post Road shall not exceed predevelopment stormwater drainage.
- (11) Department of Transportation review. The Department of Transportation shall have final approval of all access points as part of its permitting process. The Department of Transportation may consider additional traffic control measures as part of the driveway permit or subdivision review processes, depending on anticipated traffic volume and its impact to adjacent properties. When necessary, the affected parties, including the Village, Department of Transportation, property owners and adjacent property owner(s) shall meet to discuss the need for additional traffic controls

measures.

- E. Variances. Property owners may request a variance from the above requirements. A variance application shall be submitted to the Village of Plover. The Village shall forward the variance application to the Department of Transportation District 4 Maintenance Supervisor and to the Village of Whiting President or designee for comment within two working days of submittal of the requested variance. The Department of Transportation and the Village of Whiting will have five working days from receiving a copy of the requested variance to make comments or request a joint review. No response within the five working days may be interpreted as nonobjection. The Plan Commission shall then act on the variance request.

§ 550-33.1 Post Road Development Overlay District. [Added by Ord. No. 7-14]

- A. Purpose. The State of Wisconsin and the Village of Plover are making significant investments in upgrades to the Post Road/Business 51 street and streetscape and in doing so the Village of Plover anticipates significant development and redevelopment along this corridor and therefore new development standards are applied to this area. The Post Road Development Overlay District will include properties adjacent to Post Road from Tommy's Turnpike/Porter Road to 650 feet south of Plover Road as identified in EXHIBIT "PRD"

The Village of Plover Zoning Code shall be applied to all properties based on their zoning classification except where modified by the following conditions, restrictions, and design standards. It shall apply to all buildings, developments, and uses that are constructed and/or altered which are located in the Post Road Development Overlay District.

- B. Building and Lot Surface Ratios. In the Post Road Development Overlay District, the total of the first floor area of all buildings, parking lots, access drives, loading areas, and other areas of hard-surfacing shall not exceed seventy-five percent (75%) of the total lot area.
- C. Construction Requirements and Standards for Commercial and Manufacturing Buildings
 - (1) Commercial and Manufacturing Buildings Under 25,000 Square Feet
 - (a) Building Materials Allowed. The exterior materials shall be limited to architectural precast concrete, architectural concrete block, stone aggregates, brick, or stone. Exterior Insulated Finish Systems (EIFS), or equivalent exterior architectural finish, such as Dryvit Systems, Inc., may also be used on the exterior of buildings, but shall not exceed coverage of more than seventy-five (75%) of any single wall or elevation of a building. Metal wall systems are not allowed.
 - (2) Commercial and Manufacturing Buildings Over 25,000 Square Feet

- (a) All new retail or commercial service buildings, with a total gross floor area (GFA) of 25,000 square feet or larger shall be subject to the requirements below. This 25,000 square foot parameter shall apply to individual freestanding buildings, and to groups of buildings or developments in which the combined total of all structures within a development (regardless of diverse lotting, use, or tenancy) combine to more than 25,000 square feet. The term within a development shall mean single building or multi-building projects that share a common theme, share common ingress or egress, share common parking areas and/or other aspects that bind them together as a unified project. All additions to existing retail and commercial service buildings within Post Road Development Overlay District, which bring the total building size or development over 25,000 square feet, shall also be subject to these requirements.

When applying the requirements below, the Village Plan Commission and staff shall also consider relevant design recommendations in any element of the Village Comprehensive Plan or other adopted Village plans.

- [1] Facades and Exterior Walls. The following requirements shall apply to all facades and exterior walls that are visible from a public street:

[a] Facades (for the front elevation and any side elevations abutting public streets within the development) greater than one hundred fifty feet (150') in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of any façade shall exceed one hundred fifty horizontal feet (150').

[b] Exterior Walls.

- i. Predominant exterior building materials shall be high quality materials, including, but not limited to brick; wood; stone; tinted and textured concrete masonry units; and exterior insulation and finish systems (EIFS).
- ii. Façade colors shall be low-reflectance subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors, shall only be used as an accent color.
- iii. Building trim and accent areas may feature brighter colors, including primary colors.

- iv. Predominant exterior building materials shall not include “smooth-faced” concrete block, or “smooth faced” tilt-up concrete panels.
 - v. The Plan Commission may determine that additional accent material is necessary on other wall surfaces based on the visual exposure of the structure.
- (3) Roofs.
 - (a) Rooflines along the front elevation shall be varied with a change in height every two hundred (200) linear feet in the building length.
 - (b) Roofs shall have no less than two (2) of the following features: Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. The average height of parapets shall not exceed fifteen percent (15%) of the height of the supporting wall, and parapets shall not at any point exceed one third (1/3) of the supporting wall. Parapets shall feature three dimensional cornice treatments.
 - (c) The following standards are considered very desirable architectural features for large buildings, but are not mandatory requirements:
 - [1] Overhanging eaves, extending no less than three feet (3’) past the supporting walls. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot (1’) of vertical rise for every three feet (3’) of horizontal run, and less than or equal to one foot (1’) of vertical rise for every one foot (1’) of horizontal run.
 - [2] Three (3) or more roof slope planes, with varying lengths and designs.
- (4) Customer Entrances.
 - (a) Each principal building on a site shall have a clearly defined, highly visible customer entrance featuring no fewer than three (3) of the following for buildings over 25,000 square feet and no fewer than two (2) of the following for buildings 25,000 square feet or less:
 - Canopies or porticos
 - Overhangs
 - Recesses/Projections
 - Arcades
 - Raised corniced parapets over the door

- Display windows
- Peaked roof forms
- Arches
- Outdoor patios
- Architectural details, such as tile work and moldings that are integrated into the building
- Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

- (5) Exception Policy Related to Construction Requirements and Standards Under Sections C (1) through C (4) Above. It is the desire of the Village of Plover to attract positive, aesthetic building designs and investment in the Village, through the application of the above required standards. These standards are not intended to discourage innovative architecture or construction, or prohibition of specific corporate architecture commonly employed by corporate franchises. Exceptions to the above required construction standards must be reviewed and approved by the Village of Plover Plan Commission. In reviewing and acting on exceptions to the above standards, the Plan Commission will consider whether or not the overall general intent of the standards is being adhered to, and the positive and/or negative effect that exceptions to the standards would have on the Village and the Post Road Development Overlay District.
- (6) Outdoor Storage, Trash Collection, Loading Areas, and Mechanical Equipment.
- (a) Areas for outdoor storage, utility meters, HVAC equipment, trash collection (i.e. dumpsters) or compaction, loading, or other such uses shall not be readily visible from public or private abutting rights-of-way. Specifically trash collection areas will be screened with a durable material (not wood) and shall be maintained.
 - (b) No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within fifteen feet (15') of any public or private street, public sidewalk, or internal pedestrian way.
 - (c) Loading docks, truck parking, and other service functions shall be incorporated into the overall design of the building, and the use of screening landscaping so that the visual and acoustic impact of these functions are significantly screened and primarily and out of view from adjacent properties and public streets. Screening materials shall not be different from or inferior to the principal materials of the building and landscape.
 - (d) Permanent areas outside the building for the storage and sale of seasonal inventory shall be defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall

conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the colors and materials of the covering shall conform to those used as predominant materials and colors on the building(s). No temporary outdoor storage or sale of inventory from unscreened areas, or areas not designated for such use on the approved site plans, shall be allowed.

- (7) Lighting. On-site exterior lighting shall meet the following standards:
 - (a) Total cut-off luminaries with angles of less than ninety (90) degrees shall be required for all pole and building security lighting to ensure no fugitive up lighting occurs.
 - (b) At a minimum, as measured over ambient lighting conditions on a clear night, exterior lighting shall not exceed more than 0.5 foot-candles above ambient levels along all property lines, and shall not exceed an average illumination level of 5.0 foot-candles, nor provide below a minimum of 0.9 foot-candles in public parking and pedestrian areas.
 - (c) The color and design of pole lighting standards shall be compatible with the building and the Village's public lighting in the area, and shall be similar throughout the entire development site. The maximum height for all poles shall be forty feet (40').
- (8) Off-Street Parking Requirements. General provisions for off-street parking is in Municipal Code Section 550-41
 - (a) Exception. In reviewing the off-street parking requirements the Plan Commission can consider exceptions to the above standards. The Plan Commission will consider whether or not the overall general intent of the standards is being adhered to, and the positive and/or negative effect that exceptions to the standards would have on the Village and the Post Road Development Overlay District.

D. Construction Requirements and Standards for Residential Buildings

- (1) General requirements for residential development is provided in the under lying zoning district.
 - (a) Exception. Exterior Building Materials. The exterior of a building shall at least fifty percent (50%) of any single wall or elevation of a building facing a street provided with materials such as architectural precast concrete, architectural concrete block, stone aggregates, brick, stone, wood or other appropriate accent material as approved by Plan Commission. The Plan Commission may determine that additional accent

material is necessary on other wall surfaces based on the visual exposure of the structure.

§ 550-34. Wellhead Protection Overlay District. [Added by Ord. No. 29-92; amended by Ord. No. 6-01; Ord. No. 9-01]

A. General.

- (1) Purpose. The residents of the Village depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the district is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields and to promote the public health, safety and general welfare of the residents of the Village.
- (2) Statutory authority. Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410, effective May 11, 1984, which specifically added groundwater protection to the statutory authorization for municipal planning and zoning to protect public health, safety and welfare.
- (3) Application of regulations. The regulations specified in this district shall apply only to lands located within Districts A (inner zone), B (intermediate zone) and C (outer zone) and which also lie within the Village corporate limits as shown on the map (Figure 1) set forth in this chapter.¹⁵

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

AQUIFER — A saturated, permeable geologic formation that contains and will yield significant quantities of water.

DISTRICT A (inner zone, two-year time of travel) — The area around a well in which it is determined or estimated that groundwater and potential contaminants will take two years or less to reach the pumping well. The two-year time of travel (TOT) for the Plover well fields is established based on flow path modeling contained in the report titled "Plover Wisconsin Wellhead Protection Plan, July 1990," prepared by Becher-Hoppe, Inc., and "Plover Wisconsin Well 3 and 4 Wellhead Protection Plan, May 2001," prepared by Earth Tech, Inc.

DISTRICT B (intermediate zone, ten-year time of travel) — The recharge area upgradient of District A (the inner zone) within the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take 10 years to reach a pumping well. The ten-year time of travel (TOT) for the Plover well fields is established based on flow path modeling contained in the report titled "Plover Wisconsin Wellhead Protection Plan, July 1990," prepared

¹⁵. Editor's Note: This map is on file at the office of the Village Clerk. Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

by Becher-Hoppe, Inc., and "Plover Wisconsin Well 3 and 4 Wellhead Protection Plan, May 2001," prepared by Earth Tech, Inc.

DISTRICT C (outer zone, greater than ten-year time of travel) — The remainder of the recharge area upgradient of District B (the intermediate zone) that contributes water from beyond the ten-year TOT capture zone. District C for the Plover well fields is established based on flow path modeling contained in the report titled "Plover Wisconsin Wellhead Protection Plan, July 1990," prepared by Becher-Hoppe, Inc., and "Plover Wisconsin Well 3 and 4 Wellhead Protection Plan, May 2001," prepared by Earth Tech, Inc. [Added by Ord. No. 21-01]

RECHARGE AREA — Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

WELL FIELD — A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

- C. District boundary established. The boundary of the Wellhead Protection Overlay District is hereby established as shown on the map titled "Village of Plover Wellhead Protection Overlay District" dated June 1, 2001.¹⁶
- D. Groundwater Protection Overlay District A (inner zone).
 - (1) Intent. The primary portion of the Village recharge area to be protected is the land with District A as shown in Figure 1 on the map set forth in this chapter. These lands are subject to the most stringent land use and development restrictions because of close proximity to the well and the corresponding high threat of contamination.
 - (2) Permitted uses. The following uses are permitted uses within District A. Uses not listed here or in Subsection D(4) below are to be considered prohibited uses.
 - (a) Parks and playgrounds, provided that there are no on-site waste disposal or fuel storage tank facilities.
 - (b) Wildlife areas.
 - (c) Nonmotorized trails, such as biking, skiing, nature and fitness trails.
 - (d) Residential development served by municipal sanitary sewer.
 - (3) Design standards.
 - (a) The following standards and requirements shall apply to all uses permitted within District A. Sewered residential uses are allowed to have a maximum area of manicured lawn and grass as shown below:

Lot Area	Lawn Area (square feet)
16,000 square feet	6,000
1/2 acre	8,000
3/4 acre	11,000

¹⁶. Editor's Note: This map is on file at the office of the Village Clerk.

1 acre	14,000
1 1/2 acres	20,000
2 acres	26,000

- (b) Maximum lawn areas for lot sizes not listed shall be based on the average percentage of lawn area allowed on the two nearest lot sizes listed.
- (4) Conditional uses. The following uses may be permitted on a case-by-case basis, provided that adequate groundwater protection and monitoring measures, as determined by the Utility Committee, Plan Commission and Village Board, are instituted: [Amended by Ord. No. 21-01]
 - (a) Commercial and industrial uses served by municipal sanitary sewer, except those listed as prohibited in Subsection D(5) below.
- (5) Prohibited uses. All uses not enumerated in Subsection D(2) above or uses permitted under a conditional use permit granted under Subsection D(4) above are prohibited uses within District A, including the uses listed below, which are prohibited based upon the high probability that activities routinely associated with these uses will cause groundwater contamination. [Amended by Ord. No. 21-01]
 - (a) Underground petroleum and chemical storage tanks of any size.
 - (b) Septage and/or sludge/biosolids spreading.
 - (c) Animal waste land spreading.
 - (d) Animal waste facilities.
 - (e) Animal confinement facilities (except veterinary hospitals and clinics).
 - (f) Vehicular fueling facilities.
 - (g) Vehicle repair establishments, including auto body repair.
 - (h) Bus, motor freight, or truck terminals.
 - (i) Landfills or waste disposal facilities.
 - (j) Wastewater treatment facilities.
 - (k) Spray wastewater facilities.
 - (l) Junkyards or auto salvage yards.
 - (m) Bulk fertilizer and/or pesticide facilities.
 - (n) Asphalt products manufacturing.
 - (o) Recycling facilities.
 - (p) Cemeteries.
 - (q) Chemical processing or manufacturing plants.

- (r) Foundries or forge plants.
 - (s) Metal reduction or refinement plants.
 - (t) Mining operations.
 - (u) Petroleum products storage and processing.
 - (v) Woodworking or wood products manufacturing if it involves the use of hazardous materials.
- (6) Where any of the uses listed in Subsection D(5) above exist within District A on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Utility Committee, Plan Commission, and Village Board and an appropriate permit issued by the Community Development Manager prior to any work being initiated. Expansion of the prohibited use will not be allowed.

E. Groundwater Protection Overlay District B [intermediate zone (ten-year TOT)].

- (1) Intent. A secondary portion of the Plover recharge area to be protected is the land which lies within the ten-year groundwater travel zone upgradient from the Plover well field as shown on the district map as set forth in this chapter. Land use restrictions within District B are less restrictive than in District A because of longer flow times and a greater potential for remediation, dilution and attenuation. Uses not listed as permitted or conditional uses are to be considered prohibited uses.
- (2) Permitted uses. The following uses are permitted within District B: [Amended by Ord. No. 21-01]
 - (a) All uses listed as permitted uses in District A.
 - (b) Aboveground petroleum product storage tanks up to 660 gallons.
 - (c) Unsewered (single-family) residential uses.
- (3) Design standards. The following standards and requirements shall apply to all uses permitted within District B. [Amended by Ord. No. 21-01]
 - (a) Minimum lot size.
 - [1] Minimum lot size for unsewered residential uses shall be two acres, except for the following:
 - [a] Existing lots on record on the effective date of this section.
 - [b] Developments which will be served by municipal sewer within five years of the approval of the development.
 - [2] In order to provide for efficiently serving these developments with municipal sewer, lots of smaller than two acres can be approved, provided that sufficient land area will be maintained in an undeveloped state such that no more than one residence is allowed for each two acres of the overall development.

- (b) All commercial and industrial uses are allowed a maximum of 50% of the lot area to be maintained in manicured lawn or grass. However, the area of the lot in manicured lawn or grass shall not exceed the area of impervious surfaces on the lot. Golf courses are exempt from this requirement.
- (c) Sewered residential uses are allowed to have a maximum area of manicured lawn or grass as shown below. Maximum lawn areas for lot sizes not listed shall be based on the average percentage of lawn area allowed on the two nearest lot sizes listed.

Lot Area	Lawn Area (square feet)
16,000 square feet	6,000
1/2 acre	8,000
3/4 acre	11,000
1 acre	14,000
1 1/2 acres	20,000
2 acres	26,000

- (d) Unsewered residential uses are allowed to have a maximum area of manicured lawn or grass as shown below. Maximum lawn areas for lot sizes not listed shall be based on a weighted average of the percentage of lawn area allowed on the two nearest lot sizes listed. If lots smaller than two acres are approved with the intention of sewer service provision within five years, maximum area in manicured lawn or grass shall be allowed as in Subsection E(3)(c) above.

Lot Area	Lawn Area (square feet)
2 acres	8,000
3 acres	21,000
4 acres	31,000
5 acres	44,000

- (e) All petroleum storage tanks shall provide leakproof containment not less than 125% of the tank volume.
- (f) All storm drainage shall be retained on site or discharged to a municipally operated storm drain. If retained on site, stormwater shall be discharged to infiltration basins where it will percolate through at least six inches of topsoil. Use of dry wells or other subsurface drains for stormwater drainage is prohibited. The bottom of any infiltration basin shall be a minimum of five feet above highest groundwater.
- (g) Pesticide and fertilizer storage is permitted at the location of retail sales of these products, provided that the products are delivered in retail quantity containers and no repackaging and/or mixing is done on site.
- (h) Pesticide and fertilizer storage is permitted at the location of agricultural use of these products.

- (4) Conditional uses. The following uses may be permitted on a case-by-case basis, provided that adequate groundwater protection and monitoring measures, as determined by the Plan Commission and the Village Board, are instituted: [Amended by Ord. No. 21-01]
- (a) Commercial and industrial uses served by municipal sanitary sewer, except those listed as prohibited in Subsection E(5) below.
 - (b) Spray wastewater facilities.
- (5) Prohibited uses. All uses not enumerated in Subsection E(3) above or uses permitted under a conditional use permit granted under Subsection E(4) above are prohibited uses within District B, including the uses listed below which are prohibited based upon the high probability that activities routinely associated with these uses will cause groundwater contamination.
- (a) Underground petroleum and chemical storage tanks of any size.
 - (b) Unsewered commercial and/or industrial development (except golf courses).
 - (c) Septage and/or sludge/biosolids spreading.
 - (d) Animal waste facilities.
 - (e) Animal confinement facilities (except veterinary hospitals and clinics).
 - (f) Vehicular fueling facilities.
 - (g) Bus, motor freight or truck terminals.
 - (h) Landfills or waste disposal facilities.
 - (i) Wastewater treatment facilities.
 - (j) Auto salvage yards.
 - (k) Bulk fertilizer and/or pesticide facilities.
 - (l) Asphalt products manufacturing.
 - (m) Garage and vehicular towing.
 - (n) Public and municipal maintenance garages.
 - (o) Chemical processing or manufacturing plants.
- (6) Where any of the uses listed in Subsection E(5) above exist within District B on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Utility Committee, Plan Commission and Village Board and an appropriate permit issued by the Community Development Manager prior to any work being initiated. Expansion of the prohibited use will not be allowed.

F. Groundwater Protection Overlay District C [outer zone (greater than ten-year TOT)]. [Amended by Ord. No. 21-01]

- (1) Intent. The intent of this subsection is to protect the remainder of the recharge area upgradient of District B, including surface water basins that may contribute to well recharge as shown on the district map set forth in this chapter. Management measures in this district are the least restrictive of the districts. Agricultural best management practices minimizing use of pesticides and fertilizers are strongly encouraged.
- (2) Permitted uses. The following uses are permitted within District C: all uses listed as permitted uses in District B.
- (3) Conditional uses. The following uses may be permitted on a case-by-case basis, provided that adequate groundwater protection and monitoring measures, as determined by the Utility Committee, Plan Commission and Village Board, are instituted:
 - (a) Commercial and industrial uses, except those listed as prohibited in Subsection F(4) below.
 - (b) Spray wastewater facilities.
 - (c) Septage and/or sludge/biosolids spreading.
 - (d) Animal waste facilities.
 - (e) Animal confinement facilities.
 - (f) Landfills or waste disposal facilities.
- (4) Prohibited uses. All uses not enumerated in Subsection F(2) above or uses permitted under a conditional use permit granted under Subsection F(3) above are prohibited uses within District C.

G. Penalties. Any person who fails to comply with the provisions of this section shall, upon conviction thereof, be subject to a penalty as provided in § 550-49 of this chapter. In addition, failure to comply with the provisions of this section can be subject to the penalties set forth in § 1-5 of this Code. [Amended by Ord. No. 21-01¹⁷]

§ 550-35. Historic preservation. [Added by Ord. No. 13-96]

- A. Authority. These regulations are adopted under the authority granted by § 62.23(7)(em), Wis. Stats.
- B. Purpose and intent. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archaeological or historic interest or value are a public necessity and are required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:
 - (1) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the Village's cultural, social, economic, political and architectural history.

¹⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Safeguard the Village's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (3) Stabilize and improve property values and enhance the visual and aesthetic character of the Village, protect and enhance the Village's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

CERTIFICATE OF APPROPRIATENESS — The certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction or demolition of an historic structure, historic site or any improvement in an historic district.

COMMISSION — The Historic Preservation Commission created under this section.

HISTORIC DISTRICT — An area designated by the Village Board on recommendation of the Commission that contains two or more historic improvements or sites.

HISTORIC SITE — Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which an historic event has occurred and which has been designated as an historic site under this section, or an improvement parcel or part thereof on which is situated an historic structure and any abutting improvement parcel or part thereof used as and constituting part of the premises on which the historic structure is situated.

HISTORIC STRUCTURE — Any improvement which has a special character of special historic interest or value as part of the development, heritage or cultural characteristics of the Village, state or nation and which has been designated as an historic structure pursuant to the provisions of this chapter.

IMPROVEMENT — Any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

D. Historic Preservation Commission. The Plan Commission is hereby designated to serve as the Historic Preservation Commission.

E. Historic structure, historic site and historic district designation criteria.

- (1) For purposes of this section, an historic structure, historic site or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic architectural, archaeological or cultural significance to the Village, such as historic structures, sites or districts which:
 - (a) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community.
 - (b) Are identified with historic personages or with important events in national, state or local history.
 - (c) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, methods of construction or of

indigenous materials or craftsmanship.

- (d) Are representative of the notable work of a master builder, designer or architect who influenced his age.
 - (e) Have yielded, or may likely yield, information important to prehistory or history.
- (2) The Commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation, provided that such are in conformance with the provisions of this section.

F. Powers and duties of Commission.

- (1) Designation. The Commission shall have the power, subject to Subsection G below, to designate historic structures and historic sites and to recommend designation of historic districts within the Village limits. Such designations shall be made based on Subsection E above. Historic districts shall be approved by the Village Board. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this section.
- (2) Regulation of construction, reconstruction, alteration and demolition.
- (a) No owner or person in charge of an historic structure, historic site or structure within an historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certification of appropriateness has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.
 - (b) Upon filing of any application for certification of appropriateness with the Commission, the Commission shall approve the application unless:
 - [1] In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done.
 - [2] In the case of the construction of a new improvement upon an historic site within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within such district.
 - [3] In the case of any property located in an historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district.
 - [4] The building or structure is of such architectural or significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people in the Village and state.

- [5] In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
- (c) If the Commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property and district, it shall issue the certificate of appropriateness. The Commission shall make this decision within 45 days of the filing of the application.
 - (d) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the Village. A building permit or other municipal permits shall be invalid if it is obtained without the presentation of the certificate required for the proposed work.
 - (e) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of an historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (3) Appeals. Should the Commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Village Board within 30 days. In addition, if the Commission fails to issue a certificate of appropriateness, the Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this section.
- (4) Recognition of historic structures, sites and districts. At such time as an historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property, at Village expense, a suitable plaque declaring that such property is an historic structure, site or district.

G. Procedures.

- (1) Designation of historic structures and historic sites.
- (a) The Commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after the application of the criteria in Subsection E above. At least 10 days prior to the hearing, the Commission shall notify the owners of record, as listed in the office of the Assessor, who are owners of property in whole or in part or in part situated within 200 feet of the boundaries of the property affected.
 - (b) The Commission shall then conduct such public hearings and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission

may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the Commission may designate the property as either an historic structure or an historic site or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner(s). Notification shall also be given to the Village Clerk, Building Inspector and Village Assessor. The Commission shall cause the designation or rescission to be recorded, at Village expense, in the office of the Portage County Register of Deeds.¹⁸

(2) Creation of historic district.

(a) For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the Village to be designated as historic districts and shall prepare an historic preservation plan for each area. An historic district may be designated for any geographic area of particular historical, architectural or cultural significance to the Village, after application of the criteria in Subsection E above. Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

(b) Review and adoption procedures.

[1] The Historic Preservation Commission shall hold a public hearing when considering the plan for an historic district. Notice of the time, place and purpose of the public hearing shall be sent by the Village Clerk to the Trustees of the district(s) in which the historic district is located and the owners of record, as listed in the office of the Village Assessor, who are owners of the property within the proposed historic district or situated in whole or in part within 200 feet of the boundaries of the proposed historic district. Said notice is to be sent at least 10 days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.

[2] The Village Board, upon receipt of the recommendation(s) from the Historic Preservation Commission, shall hold a public hearing, notice to be given as noted in Subsection G(1) above, and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

H. Interim control. No building permit shall be issued by the Building Inspector for alteration, construction, demolition or removal of a nominated historic structure, historic site or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Village

¹⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Board unless such alteration, removal or demolition is authorized by formal resolution of the Village Board as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

- I. Violations and penalties. Any person who fails to comply with the provisions of this section shall, upon conviction thereof, be subject to a penalty as provided in § 550-49 of this chapter. Each day a violation exists or continues shall constitute a separate offense. Notice of violation shall be issued by the Building Inspector.¹⁹

§ 550-36. Wireless communication facilities. [Added by Ord. No. 28-97]

- A. Purpose. This section is intended for the purpose of establishing regulations for wireless communication facilities that minimize adverse impacts to the community as follows:
- (1) Encourage the location of antenna support structures in nonresidential zoning districts.
 - (2) Minimize the total number of antenna support structures within the community.
 - (3) Encourage the joint use of new and existing antenna support structures.
 - (4) Encourage the attachment of antennas to existing structures.
 - (5) Identify appropriate locations for wireless communication facilities.
 - (6) Ensure that antennas and antenna support structures are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening and innovative camouflaging techniques.
 - (7) Avoid damage to adjacent properties from antenna support structure failure through careful engineering and locating of such structures.
 - (8) Facilitate the provision of wireless communication facilities.
 - (9) Enhance the ability to provide wireless communication facilities to the community quickly, effectively and efficiently.
- B. Exceptions. The provisions of this section do not apply to radio or television reception antennas or satellite or microwave parabolic antennas not used by wireless communications service providers, receive-only antennas, antennas less than 70 feet in height and owned and operated by a federally licensed amateur radio station operator, towers or antennas lawfully in existence in the Village on the date this section became effective, facilities of any cable television company holding a valid and current franchise or commercial radio and/or television broadcasting facilities.
- C. Building Code. The construction and installation of antenna support structures, antennas, and antenna arrays, the installation or placement of antenna arrays on buildings and the placement of antennas on alternative support structures shall be subject to requirements of

¹⁹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the Building Code,²⁰ requirements of the Electronics Industries Association/Telecommunications Industries Association and any additional standards applicable thereto published by the Electronics Industries Association.

- D. Site plan review by Plan Commission. All antenna support structures, antennas, antenna arrays and wireless communication facilities shall be subject to site plan review. The following requirements are in addition to the requirements in § 550-39 of this chapter:
- (1) Lighting. No antenna support structure shall be artificially lighted except as required by the Federal Aviation Administration or other governmental agency.
 - (2) Signage. There shall be no signs, symbols, flags, banners, devices or effects attached to or painted thereon or inscribed upon any antenna support structures or antennas.
 - (3) Finish. All lattice towers and monopole towers shall be finished in a nonreflective neutral color or otherwise as directed by the Plan Commission.
 - (4) Support facility requirements.
 - (a) All support facilities, including buildings used for switching and other support functions, shall be placed in close proximity to the support structure on which the antennas are proposed.
 - (b) Support facilities, including all equipment enclosures, shelters, cabinets, boxes or vaults designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, and provisions for air conditioning, ventilation or auxiliary electrical generators shall be completely screened with trees, shrubs, fences or other decorative materials planted to a minimum width of five feet so as to be obscured from view from adjacent properties and from the street. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
 - (c) Support facilities shall be kept locked at all times and shall be clearly labeled as to the owner, operator or person to be contacted in the event of an emergency.
- E. Co-location. All wireless communication service providers shall cooperate with each other in co-locating additional antennas on antenna support structures and/or on existing buildings or other alternative antenna support structures. Wireless communications service providers shall exercise good faith in co-locating with other providers and sharing antenna sites, provided that such shared use does not give rise to substantial technical level impairment of the ability to provide wireless communication service. Such good faith shall include sharing of technical information to evaluate the feasibility of co-location. All antenna support structures shall be available for use by the owner or initial user thereof, together with as many other wireless communication service providers as may be technically accommodated. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating with other providers, the Village may require a third party technical study at the expense of either or both of such providers.

20. Editor's Note: See Ch. 212, Building Construction.

F. Location of antennas for wireless communication services.²¹

- (1) Rooftop antennas. Antenna arrays may be mounted on the top and attached to roofs of existing buildings or structures that are at least 30 feet or more in height above the street grade upon which such building fronts or may be attached to the facades of buildings, existing towers, or other structures; provided, however, that such antenna structure and arrays shall not add more than 20 feet to the total height or elevation of such building or structure from the street grade. Antenna arrays so mounted shall be obscured from view from the street upon which such building or structure fronts by the use of screening material designed, painted and maintained in a manner that will blend with the appearance of the building or structure.
- (2) New freestanding antennas. No new antenna support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Plan Commission that no existing antenna support structure, alternative support structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's wireless communication needs. An applicant shall provide the information requested by the Community Development Manager for submittal to the Plan Commission relating to the availability of suitable existing antenna support structures, alternative antenna support structures or alternative technology. Evidence submitted to demonstrate facts may consist of the following:
 - (a) That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the applicant's engineering requirements;
 - (b) That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the applicant's engineering requirements;
 - (c) That existing antenna support structures and alternative antenna support structures are not of sufficient structural strength to support the applicant's proposed antennas and related equipment;
 - (d) That the applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing antenna support structure or alternative antenna support structure, or the antennas on the existing antenna support structure or alternative antenna support structure would cause interference with the applicant's proposed antennas;
 - (e) That the fees, costs or contractual provisions required by the owner in order to share an existing antenna support structure or alternative antenna support structure or to adapt an existing antenna support structure or alternative antenna support structure for co-location sharing are unreasonable; costs exceeding new antenna support structure development are presumed to be unreasonable; and/or
 - (f) That an alternative technology that does not require the use of towers or buildings for height, such as a cable microcell network using multiple low-

21. Editor's Note: See the table titled "Antenna Attached to Existing Tower or Structure" at the end of this chapter.

powered transmitters/receivers attached to a wire line system, is unsuitable. Costs for alternative technology that exceed new antenna support structure development shall not be presumed to render the technology unsuitable.²²

- G. Publicly owned property. In addition to all other locations permitted or permitted as a conditional use, antenna and appurtenant structures may be permitted on all publicly owned property, including land owned by the Village, the Stevens Point School District and Portage County, subject to approval of the Village Board. Wireless communication facilities on publicly owned property shall be subject to Subsections C and D above.
- H. Removal of abandoned antenna support structures.
 - (1) Any antenna support structure that has had no antenna mounted upon it for a period of 180 successive days, or if the antenna(s) mounted thereon is not operated for a period of 180 successive days, shall be considered abandoned. The owner thereof shall remove such structure and any accompanying equipment enclosure within 90 days after the receipt of notice from the Village to do so. During the 90 days the owner may apply and, for good reason, be granted an extension of time on such terms as the Plan Commission shall determine. If such structure and equipment enclosure are not removed within the permitted 90 days, the Village may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which such structures are situated in an amount equal to the cost of removal. Any notice given under this section is subject to appeal to the Village Board.
 - (2) In the event that more than one wireless communication service provider is using the support structure, this provision shall not become effective until all users cease use of such structure.

§ 550-37. Community Development Manager.

- A. Position created. There is hereby created the position of Community Development Manager, who shall have the powers and duties as outlined herein.
- B. Appointment. See § 110-14 of this Code.²³

§ 550-38. Conditional uses.

- A. General. Uses listed as permitted by conditional permit may be authorized in the district in which permitted upon application to the Plan Commission and subject to the Village Board's authorization of a conditional use permit. The Plan Commission shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the Village and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area; its physical attractiveness; the movement of traffic; the demand for related services; and the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, smoke or odor and other factors.

22. Editor's Note: See the table titled "Freestanding New Antenna Location" at the end of this chapter.

23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

B. Procedure.

- (1) Application. A request for a conditional use permit shall be submitted in writing to the Community Development Manager, who shall promptly refer the application to the Plan Commission. The application shall be accompanied by the same information as is required for a building permit. The Plan Commission may require such other information as may be necessary to determine and provide for enforcement of this chapter.
- (2) Plan Commission review. The Plan Commission shall review the site; existing and proposed structures and architectural plans; parking areas and driveway locations; highway access and traffic generation and circulation; drainage and sewerage systems; operation; conditions which shall affect the maintenance of safe and healthful conditions; prevention and control of water pollution, including sedimentation; the location of the site with respect to floodplains; and the compatibility of the proposed use with use of adjacent land.
- (3) Additional conditions. Upon consideration of the factors listed above, the Plan Commission may recommend such conditions in addition to those listed elsewhere in this chapter as it deems necessary in furthering the purpose of this chapter. Such conditions may include specifications for, without limitation because of specific enumeration, landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, increased setback and yards, type of shore cover, specified sewage disposal and water supply systems, planting screens, signs or any other requirements necessary to fulfill the purpose and intent of this chapter.

C. Hearing. The Plan Commission shall schedule a public hearing and publish a Class 1 notice as specified in Ch. 985, Wis. Stats., within 30 days after an application is filed. [Amended by Ord. No. 13-99]

D. Recommendation of Plan Commission. The Plan Commission shall report its recommendation to the Village Board within 30 days after the hearing. Its recommendation shall be in writing signed by the majority and shall include an accurate description of the use permitted, of the property on which it is permitted and any and all conditions made applicable thereto.

E. Grant or denial by Village Board. The Village Board shall review the recommendation of the Plan Commission and, within 30 days of receipt of such recommendation, shall grant or deny the permit. In addition, the Board may modify or add to the conditions recommended by the Plan Commission.

F. Recordation. When a conditional use is approved, an appropriate record shall be made of the land use and building permits and such conditional use shall be applicable solely to the conditions recommended by the Plan Commission.

G. Termination. In the event that a permitted conditional use, subsequently, does not conform to the conditions of the original permit granted, the conditional use permit shall be terminated by action of the Village Board and may be considered by the Board as a

violation of this chapter.

§ 550-39.Site plan review. [Added by Ord. No. 2-90; amended by Ord. No. 11-91]

- A. Purpose. This section is intended for the purpose of promoting compatible development and stability of property values, fostering the attractiveness and functional utility of the community as a place to live and work, preserving the character and quality of the built environment by maintaining the integrity of those areas which have a discernible character or are of a special historic significance, protecting certain public investments in the area, and raising the level of community expectations for the quality of its environment.
- B. Preliminary consultation. Prior to the preparation and official submittal of the site plan and supporting data, the applicant shall meet with the Plan Commission and/or its staff for a preliminary consultation. The purpose of this preliminary consultation is to have an informal discussion of the proposed project, a review of the regulations and policies applicable to the project and a discussion of the land use implications of the project.
- C. Site plan review principles and standards. To implement the purpose set forth in Subsection A above, the Plan Commission shall review the site, existing and proposed structures, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading (in the case of commercial and industrial uses), highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. The Plan Commission will approve said site plans only after determining that:
 - (1) The proposed use conforms to the uses permitted in that zoning district.
 - (2) The dimensional arrangement of buildings and structures conforms to the required area, yard, setback and height restrictions of this chapter.
 - (3) The proposed use conforms to all use and design provisions and requirements, if any, as found in this chapter for the specified uses.
 - (4) There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.
 - (5) The proposed on-site buildings, structures and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, noise, outside storage of any incendiary device or smoke-producing appliance or noxious fumes, lighting and parking as specified by this chapter.
 - (6) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes, or where they assist in preserving the general safety, health, welfare and appearance of the neighborhood.
 - (7) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing or landscaping, as

- provided or required in this chapter.
- (8) Land, buildings and structures are readily accessible to emergency vehicles and the handicapped.
 - (9) The site plan is consistent with the intent and purpose of this chapter, which is to promote the public health, safety and general welfare, to encourage the use of lands in accordance with their character and adaptability, to avoid the overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property and to facilitate existing community development plans.
 - (10) The site plan is consistent with the public goals, objectives, principles, standards, policies and urban design criteria set forth in the Village's adopted community master plan or components thereof.

D. Compliance. [Amended by Ord. No. 14A-95; Ord. No. 3-00]

- (1) No use or structure, except single-family dwellings, shall hereafter be erected, moved, reconstructed, extended, enlarged, altered or changed until the Plan Commission has reviewed and approved plans for the site or structure. Site plan approval shall also be required prior to condominium plat approval and approval for a mobile home park. All buildings subject to site plan review pursuant to this subsection shall have a minimum of 20% of the finished front wall surface, excluding windows and doors, constructed of brick, stone, stucco, wood or other appropriate accent material as approved by the Plan Commission. The Plan Commission may determine that additional accent material is necessary on other wall surfaces based on the visual exposure of the structure.
- (2) The Plan Commission may modify specific site plan requirements such as accent material, landscaping (including yard sprinklers), water retention, parking, and time of compliance as stipulated elsewhere in this section but cannot reduce any required yard, setback, or green space. This section shall be applicable to all previously approved site plans. [Amended by Ord. No. 20-00]

E. Applications for site plan review. Five copies of all site plan data shall be submitted to the Village Clerk at least five business days prior to the next regularly scheduled Plan Commission meeting. Plans shall be of sufficient quality and content to ensure a review by all Village departments; however, changes may be required by the Village staff after their review prior to review by the Plan Commission. Site plan data to be submitted with all applications shall include the following: [Amended by Ord. No. 32-91]

- (1) Site plans drawn to an engineering scale not smaller than 50 feet to the inch with the name of the project noted. Any new building of \$50,000 or more and any renovation over \$20,000 shall provide a colored rendering showing both the front and side elevation as well as any permanent paving material.
- (2) Owner's and/or developer's name and address as well as the proposed numbering system to be used for mail or delivery for all multiple housing units or buildings as well as multiple storefronts.
- (3) Architect's and/or engineer's name and address noted.

- (4) Date of plan submittal.
- (5) Scale of drawing, North arrow, site size information (area in square feet or acres) and building area and coverage noted on the plan.
- (6) Existing and proposed topography shown at a contour interval of not less than two feet at National Geodetic Vertical Datum, indicating proposed grade and location of improvements.
- (7) The characteristics of soils, particularly if filling has occurred in the last seven years, as related to contemplated specific uses.
- (8) All building and yard setback lines indicated.
- (9) Where applicable, both the one-hundred-year recurrence interval floodplain and the floodway indicated. Where applicable, wetland areas indicated.
- (10) All driveways, curb cuts and both ingress and egress locations indicated. More than one driveway or driveways in excess of 25 feet in width need Plan Commission approval if subject to site plan review. Additional curbing may be required based on the Plan Commission review. [Amended by Ord. No. 11-96; Ord. No. 30-97]
- (11) The proposed location of all signage to be placed on the site.
- (12) The location and type of all outdoor lighting proposed to illuminate the area.
- (13) Total number and location of off-street parking spaces noted.
- (14) The type, construction materials, and size and location of all structures. All building dimensions must be shown. Location of dumpster and recycling areas and the type of screening proposed must be shown for residential projects larger than four units. Dumpsters are prohibited for residential projects of four units or fewer. Residential projects of four units or fewer must provide space for storing individual garbage and recycling containers for each unit within the garage or separate outbuilding. [Amended by Ord. No. 2-92; Ord. No. 15-97]
- (15) Indicate height of buildings.
- (16) Existing and proposed street names indicated.
- (17) Indicate existing and proposed public street rights-of-way and/or reservations and widths.
- (18) Indicate and locate all easements on the subject property.
- (19) Zoning classification noted.
- (20) Locate existing and general location of proposed sanitary sewers, storm sewers, water mains and fire hydrants (existing and proposed), and proposed electrical service easements and cable television. In addition, all locations for the proposed connection to such utilities should be indicated on the site plan.
- (21) Locate any proposed stormwater management facilities, including detention/retention areas. All buildings or developments located adjacent to Village storm sewer must

drain their water on site and then connect to the storm sewer by underground connection.

- (22) Locate trees six inches or larger that will be included in the site plan.
- (23) Note location, extent and type of proposed landscaping and landscape plantings as well as any proposed buffer areas for adjoining properties pursuant to Subsection F below.
- (24) Note location of pedestrian sidewalks and walkways.
- (25) A graphic outline of any development staging which is planned.
- (26) If the development abuts an existing or planned arterial highway, all driveway locations of all adjoining property within 200 feet of the subject property shall be indicated on the site plan.

F. Landscaping.

- (1) Intent. The purpose of requiring landscaping as an integral element of urban development is to:
 - (a) Provide vegetation to visually soften paved areas and buildings.
 - (b) Establish positive environmental conditions by providing shade; air purification; oxygen regeneration; ground quality; noise, glare and heat abatement; and protection from the forces of erosion.
 - (c) Buffer uncomplimentary land uses, lessen the impact of high-intensity uses and generally enhance the quality and appearance over the entire site of the project.
- (2) General conditions and approvals. All site development plans submitted in accordance with Subsection E above shall include a landscape plan.
- (3) Landscape plan requirements. All landscape plans shall contain the following information:
 - (a) North arrow and scale.
 - (b) Topographic information based upon United States government datum and final grading adequate to identify and properly specify planting for areas needing slope protection, such areas having a slope in excess of three feet of length to one foot of rise.
 - (c) The location, size and surface of materials of all structures and parking areas.
 - (d) The location, type, size, quantity and common name of all proposed landscape materials.
 - (e) The location, size and common name of all existing plant materials to be retained on the site. Plant materials shall be drawn to a scale to reflect approximate mature sizes.
- (4) General requirements.

- (a) Residential development.
 - [1] All yards sodded or seeded on black dirt.
 - [2] Yard sprinkler system provided and green space maintained.
 - [3] Three trees and shrubs per dwelling unit for duplexes. Two trees and shrubs per unit for all other multifamily dwellings. Trees shall be a minimum of 1 1/2 inches in diameter and shrubs shall be a minimum of two years old. [Amended by Ord. No. 14A-95]
 - (b) Nonresidential development.
 - [1] All yards sodded or seeded on black dirt.
 - [2] Yard sprinkler system provided.
 - [3] A minimum of one tree shall be planted for every 40 linear feet of frontage. [Amended by Ord. No. 14-95]
- (5) District requirements.
- (a) Two-family and multifamily residential districts.
 - [1] The developer shall include foundation, garage, driveway, parking lot (including landscaped islands) and yard plantings.
 - [2] All two-family and multifamily residential developments which directly abut single-family residential development shall install a vegetative buffer. Two-family residential developments shall install vegetative buffers 18 inches to 24 inches in height whose potential height is four feet. Multifamily residential development buffer plants shall be a four-foot minimum height at the time of planting.
 - [3] In all platted lands, the developer shall backfill the public parkway with four inches of topsoil or other suitable landscaping material for the planting of street trees.
 - (b) Commercial or business districts.
 - [1] The developer shall include foundation and/or yard plantings.
 - [2] In all platted lands, the developer shall backfill the public parkway with four inches of topsoil suitable for the planting of street trees.
 - [3] All commercial or business developments which directly abut residential uses shall install a vegetative buffer. Buffer plants shall be a four-foot minimum height at the time of planting and shall be installed along the full length of the property line.
 - [4] All commercial or business developments shall install landscaping elements within the parking areas associated with the business. The following guidelines shall apply:

- [a] Provide a visual relief screen a maximum of three feet high and five feet wide when adjacent to a street in the form of a hedge, fence, planter, berm, dividers, shrubbery and trees or any combination. All landscaping to form such a visual relief shall be a minimum height of 18 inches at time of planting. Bark or other organic mulches or other inorganic material shall be retained within the planting area.
- [b] Provide perimeter landscaping appropriate to break up the visual expanse of paving and to provide shade.
- [c] Provide landscaped islands at major entrances and other appropriate areas to delineate internal traffic patterns for vehicular and pedestrian movement.
- [d] All freestanding signs shall be set in a landscaped base of appropriate size to provide shrubs and base plantings that will enhance and complement the sign.

(c) Industrial districts.

- [1] The developer shall include foundation and yard plantings.
- [2] In all platted lands, the developer shall backfill the public parkway with four inches of topsoil suitable for the planting of street trees.
- [3] All industrial developments which directly abut other nonindustrial uses shall install a vegetative buffer to a four-foot minimum height at the time of planting and which shall be installed along the full length of the property line.
- [4] The Plan Commission may require within parking areas landscaped islands at major entrances and other appropriate areas to delineate internal traffic patterns for vehicular and pedestrian movements.

(d) Institutional districts.

- [1] The developer shall include foundation and yard plantings.
- [2] In all platted lands, the developer shall backfill the public parkway with four inches of topsoil suitable for the planting of street trees.
- [3] All institutional developments which directly abut other noninstitutional uses shall install a vegetative buffer to a four-foot minimum height at the time of planting and which shall be installed along the full length of the property line.
- [4] Provide landscaped islands at major entrances and other appropriate areas to delineate traffic patterns for vehicular and pedestrian movements.

(e) Mobile home parks. See § 550-40J of this chapter.

(6) Landscape species.

- (a) Acceptable species. The publication titled "A Guide to Selecting Landscape Plants for Wisconsin" by E.R. Hasselkus, UW Extension Publication A2865, shall be used to determine the type of material acceptable for all landscape treatments.
 - (b) Unsuitable species.
 - [1] Honeysuckle.
 - [a] Lonicera x-bella.
 - [b] Lonicera marrowli.
 - [c] Lonicera tartarica.
 - [2] Buckthorn.
 - [a] Rhamnus cathartica.
 - [b] Rhamnus grangula (tall hedge).
 - [3] Any trees considered part of the elm species.
- G. Review procedures. Upon receipt of the site plan, the Plan Commission shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this chapter and other ordinances and plans for the Village, and demonstrates the adequacy of utility services. Upon demand by the applicant of the site plan, the Plan Commission shall, within 30 days of its initial submittal, approve it, conditionally approve it or deny approval. Denial of approval shall be limited to any defect in form or required information, or any violation of any provision of this chapter or any ordinance, or the inadequacy of any utility. The Plan Commission action shall be issued in writing by the Commission Secretary stating, in detail, the reasons for the Commission's action.
- H. Development agreement. Approval of a site plan by the Plan Commission shall constitute an agreement between the owner and the Village. The owner shall prepare the site, construct any buildings and make any improvements in accordance with the approved plan.
- I. Plan changes. Any substantial change to the plan may be cause for review by the Commission. Substantial change may include modification of one or more of the following factors:
 - (1) Land use.
 - (2) Ratio of different uses of buildings.
 - (3) Type and location of accessways and parking areas where off-site traffic is affected.
 - (4) Increase in the floor area proposed for nonresidential use by more than 5% where previously specified.
 - (5) Reduction of more than 5% of the area reserved for common open space and/or usable open space where previously specified.

- (6) Increase in the total ground area proposed to be covered by structures by more than 5% where previously specified.
 - (7) Any reduction of specific setback requirements.
 - (8) Reduction of project amenities provided such as recreational facilities, screening and/or landscaping provisions by more than 5% where previously specified.
- J. Developer's agreement. The Village may require a signed developer's agreement addressing, but not limited to, such elements of the project as density, required improvements, timing and phasing of the development and land dedication and/or park fees, consent and waiver for special improvements and public utilities. The developer also agrees to maintain, by adequate watering, fertilizing and appropriate trimming or mowing, all landscaping shown or specified during the approval process. [Amended by Ord. No. 32-91]
- K. Fees. Prior to site plan approval, the applicant for a site plan shall pay all professional fees incurred by the Village for review of a site plan by the Community Development Manager, the Village Attorney, the Village Engineer or the Village Administrator.
- L. Certificate of compliance.
- (1) Required. No certificate of compliance shall be granted until all improvements shown on an approved site plan have been completed in accordance therewith.
 - (2) Exceptions. Upon a finding by the Community Development Manager that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer and that temporary occupancy prior to completion will involve no health or safety hazard, the Community Development Manager may issue a temporary certificate of compliance bearing an expiration date, which date shall allow reasonable time for completion of all required improvements prior to the date of expiration of the temporary certificate of compliance. No temporary certificate of compliance shall be granted for a period longer than one year. No permanent certificate of compliance shall be issued by the Community Development Manager until all required improvements are completed.²⁴
- M. Appeals. Any person aggrieved by any decisions of the Plan Commission related to site plan review may appeal the decision to the Board of Zoning Appeals. Such appeal shall be filed with the Village Clerk within 30 days after filing of the decision with the Community Development Manager.
- N. Lapse of site plan approval. In the event that the project for which the site plan approval was granted is not completed within one year of such approval, the site plan approval shall lapse and there shall be no further development or construction. Upon application, the Plan Commission may renew the site plan as originally granted or require changes as deemed appropriate. [Amended by Ord. No. 22-92]
- O. Extent of authority. Nothing in this section shall be interpreted to give the Plan Commission power to authorize, in any district, any use of a building or structure not

24. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

permitted by law in that district; to issue any exception, variance or special permit; to approve any conditional use; or in any way to deviate from any other ordinances currently in force in the Village. Any development approved under the provisions of this section shall conform to all ordinances or regulations for the district in which the proposed development is located, specifically the required height and coverage and the required lot area per dwelling unit, usable open space, lot width and lot depth, yards and off-street parking and loading spaces. [Added by Ord. No. 22-92]

- P. Levying of special assessments to complete project. The Village may, at its option, upon lapse of site plan approval or upon a developer failing to comply in a timely fashion with the specific terms and timetable of a developer's agreement with the Village, enter onto the project site and complete those improvements provided for in the site plan as approved by the Village. These improvements may include, but are not limited to, landscaping, blacktopping, sewer and water laterals, and other improvements necessary under the site plan as approved. In the event that the Village exercises this option, the expenses incurred in so doing shall be reduced to a special assessment and levied upon the subject property. If the amount of said special assessment exceeds \$5,000, the property owner may, at his option, request that said special assessments be reduced to a ten-year payment schedule, with interest on said unpaid balance during the course of said payment schedule consistent with similar payment schedules for special assessments for the calendar year in which said special assessment was levied. [Added by Ord. No. 22-92]

§ 550-40. Mobile home park requirements.

- A. Site plan. At the time of application for a rezoning to the R-5 District and application for a mobile home park license under Chapter 374 of this Code, the applicant shall submit a site plan to the Community Development Manager containing the following:
- (1) The name and address of all owners and developers of the proposed mobile home park.
 - (2) The legal description and lot size, in acres, of the proposed mobile home park.
 - (3) The location and size of all mobile home spaces, storage areas, recreation areas and facilities, landscaping, existing tree growth, water areas, roadways, sidewalks and parking sites.
 - (4) Detailed landscaping plans and specifications.
 - (5) Plans for sanitary sewage disposal, surface drainage, water system, electrical service, gas service, streetlighting and topography diagrams.
 - (6) Location and size of all public roadways abutting the mobile home park and all street and sidewalk access from such street and sidewalk to the mobile home park.
 - (7) Preliminary road construction plans, specifications and elevations.
 - (8) Preliminary floor plans and elevations for all structures.
 - (9) Description and method of disposing of garbage and refuse.

- (10) Detailed description of proposed maintenance procedure and grounds supervision.
 - (11) Staging and timing of construction program, whether or not the entire area will be developed at one time or in stages.
 - (12) Such other reasonable information as shall be required by the Community Development Manager.
- B. Mobile home space requirements.
- (1) Each mobile home space shall have at least 6,000 square feet of land area for the exclusive use of the residents of the mobile home located on the space with a minimum width of 50 feet and a minimum depth of 120 feet.
 - (2) Frontage on approved roadway and the corner of each space shall be marked and each lot numbered.
- C. Yard requirements. All mobile homes shall comply with the following yard requirements:
- (1) No mobile home shall be parked closer than 10 feet to the side lot lines, 20 feet to the front lot line or 15 feet to the rear lot line.
 - (2) There shall be an open space of at least 20 feet between the sides of adjacent mobile homes.
- D. Parking. The following are minimum parking requirements for mobile home parks:
- (1) Each mobile home space shall have off-street parking space for two automobiles.
 - (2) Each mobile home park shall maintain a hard-surfaced off-street parking lot for guests of occupants of a size equivalent to one space for each five mobile home spaces.
 - (3) Access drives off roads to all parking spaces and mobile home spaces shall be hard surfaced in bituminous concrete or portland cement concrete designed to accommodate normal traffic.
 - (4) Automobiles shall not be parked nearer than five feet to any side lot line unless combined with a contiguous parking area.
- E. Utilities. The following minimum requirements for utilities shall be maintained:
- (1) The source of fuel for cooking, heating or other purposes at each mobile home shall be approved by the Building Inspector.
 - (2) All utility lines shall be underground except those essential for street or other lighting purposes as set forth in this section.
 - (3) There shall be no obstructions impeding the inspection of plumbing, electrical facilities, utilities or other related equipment.
 - (4) Garbage, waste and trash disposal plans must be approved by the Village Administrator and must conform to all state and local health and pollution control regulations.

- (5) The owner of a mobile home park shall pay all required sewer and utility connection fees to the Village Treasurer.
- F. Internal streets. All internal streets shall meet the following minimum requirements:
- (1) Streets shall be hard surfaced with bituminous concrete or portland cement concrete to accommodate the structural requirements in the Village streets as approved by the Village Engineer.
 - (2) All streets shall be developed with a roadbed of not less than 30 feet and a street surface of not less than 18 feet. Ancillary parking on one side may be allowed except at parking area entrances if the street width is at least 28 feet wide.
- G. Sidewalks. A thirty-inch portland cement concrete sidewalk shall be built and maintained by the owner providing access to all recreational areas, common use buildings and storage areas to the public street access. A forty-two-inch sidewalk or ramp with railing shall be supplied to 5% of the sites for use by the handicapped.
- H. Lighting. Artificial lights shall be maintained during all hours of darkness in all buildings provided for common facilities for occupants' use. The mobile home park grounds, streets and pedestrian areas shall be lighted from sunset to sunrise in accordance with a lighting plan approved by the Village Engineer.
- I. Recreation areas. All mobile home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and shall, where the topography permits, be centrally located. The size of such recreational area shall be a minimum of 10% of the land area of the mobile home park. All equipment installed in such area shall be owned and maintained by the owner or operator of the mobile home park at his expense. (See also Chapter 401, Parks and Recreation, § 401-2 of this Code.)
- J. Landscaping. The following minimum landscaping requirements shall be maintained in all mobile home parks:
- (1) Each space shall be properly landscaped with at least one tree. All yards shall be sodded or planted in grass. There shall be a minimum of 20 trees per gross acre in all areas of a mobile home park. Tree, grass and landscape materials shall be properly maintained and replaced to conform to the approved landscape plans and specifications.
 - (2) A visual screen consisting of a compact hedge, redwood fence, coniferous trees or other approved landscape materials or a screen fencing approved by the Building Inspector shall be installed and maintained around the periphery of the mobile home park to substantially inhibit the eye-level vision from the exterior when adjacent to any R-1, R-2 or R-3 District and shall be maintained free of rubbish, debris, weeds and paper.
 - (3) All areas shall be landscaped, and the landscape plan shall be approved by the

- K. Skirting. All mobile home units shall have skirts around the entire mobile home made of plastic, fiberglass or other comparable noncombustible material approved by the Building Inspector and shall be of a permanent color or painted to match the appropriate mobile home so as to enhance the general appearance thereof.
- L. Storage buildings. Any storage building in a mobile home park shall be anchored.
- M. Registration of occupants. The owner of a mobile home park shall keep a registration list available to the Village or its agent for inspection at reasonable times.
- N. Inspection. All mobile homes shall comply with state and Village fire, health and building regulations. Before a mobile home unit may be occupied, the owner shall secure the inspection and approval of the Building Inspector regarding compliance with such regulations.²⁶

§ 550-41.Off-street parking requirements.

- A. General provisions. Space for parking shall be provided in all districts in accordance with the following provisions; however, no parking area required hereunder shall be less than 1,000 square feet in area except for dwellings and retail stores and shops under 1,000 square feet of gross floor area. All floor areas used in this section are gross floor areas which shall include the ground floor plus other floor levels where the principal activity of the use is carried on.
- B. Multiple-use parking requirements. Where two or more distinguishable uses, as provided in this section, exist on a premises, the parking requirements shall be determined by combining the applicable space requirements of all individual uses as listed in Subsection D below.
- C. Similar uses. For uses not specifically mentioned in this section, the parking requirements shall be the same as the closest similar use enumerated in Subsection D below, as determined by the Community Development Manager.
- D. Parking spaces required.

Use	Number of Parking Spaces Required
Ice- and roller-skating rinks, bowling alleys, recreation centers, private clubs, lodges, pool halls, YMCA and YWCA	1 space for each 100 square feet of floor area
Restaurants, nightclubs, taverns, dance halls and golf club houses	1 space for each 100 square feet
Drive-in restaurants	20 spaces plus 5 spaces for each person employed to serve customers
Dwellings, 1- and 2-family	2 spaces per dwelling unit

25. Editor's Note: Original § 17.32(11), Mobile home stands required, and (12), Tie downs and anchors required on all mobile homes, which immediately followed this subsection, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

26. Editor's Note: Original § 17.33, which immediately followed this section, was repealed by Ord. No. 15-97.

Dwellings, multifamily	2 spaces per dwelling unit
Household equipment sales such as furniture, appliances, hardware, garden, greenhouses, plumbing and lighting	1 space for each 300 square feet
Retail stores such as grocery, drug, shoe, clothing, candy, gift, jewelry and auto supplies	1 space for each 200 square feet
Department stores and discount stores	1 space per 125 square feet
Shopping centers	1 space per 100 square feet leasable area
Hospitals	2 spaces for each patient bed
Medical and dental clinics	1 space for each 175 square feet
Nursing homes	1 space for each 1 1/2 beds
Hotels	1 1/4 spaces for each room
Motels	1 1/4 spaces for each room
Theaters with fixed seats	1 space for each 4 seats
Elementary and day-care schools	2 spaces per classroom or designated class area
Junior high school	2 spaces per classroom plus 1 space for each 8 permanent seats in the largest place of assembly
Senior high school	1 space for each 4 permanent seats in the largest place of assembly plus 1 space for each 200 square feet of gross office area
Auditorium, sports arena and convention center facilities with fixed seats	1 space for each 60 square feet
Industrial, wholesale and warehouse premises	1 space per 1,000 square feet of gross floor area used for warehousing and distribution plus 2 spaces per 1,000 square feet of gross floor area used for manufacturing plus 2.5 spaces per 1,000 square feet of office floor area
Motor vehicle, marine implement and trailer sales and repairs	1 space per 400 square feet, such spaces to be available for customer and employee parking only
Financial, business and professional offices, not including clinics and doctor and dental offices	1 space for each 200 square feet
Doctor and dental offices	1 space for each 100 square feet
Churches and synagogues	1 space for each 4 seats; if benches, 20 inches shall be 1 seat
Funeral homes and mortuaries	1 space for each 4 seats
Businesses which are primarily repair services	1 space for each 300 square feet
Gas and service stations	2 spaces for each service bay, each space to be in addition to gas pump service area

Laundromats	1 space for each 2 machines
Office and government administrative buildings	1 space for each 200 square feet
Trucking terminals and municipal garage and shop facilities	1 space for each 700 square feet of floor space
Libraries, museums, post offices and senior citizen and youth centers	1 space for each 400 square feet
Group quarters: boarding and rooming houses, fraternities and sororities	1 space for each resident family or manager and 1 additional space for each 2 residents
Group quarters: halfway houses and group homes	1 space for each resident supervisor or family and 1 space for each 1,500 square feet of floor space
Bus depot	1 space for each 50 square feet
Barber and beauty shops	1 space for each 80 square feet
Golf courses	1 space for each 2 acres
Miniature golf and driving ranges	1 space for each practice area, including nongolf attractions
Fair and circus grounds and/or racetracks	As required by the Plan Commission as part of the conditional use permit with final approval by the Village Board
Permitted home occupations	Minimum of 2 spaces in addition to those used by the family with such additional spaces to be available for customers at all times
U.S. Military Reserve or National Guard installations	1 space for each 1 1/2 authorized members
Fire station	1 space for each 1 1/2 firemen on the active roster of the Village Fire Department

E. Development and maintenance of parking lots. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

- (1) No part of any parking space in any district shall be closer than five feet to any established street right-of-way or alley right-of-way. Any parking lot in or adjoining a residential district shall be set back at least five feet from the residential district boundary or lot line and shall be effectively screen planted.
- (2) Any off-street parking space for more than two vehicles shall be adequately graded, surfaced and maintained to provide a durable and dustless surface. Twenty months is allowed for a new development to achieve a final finished parking lot, but adequate interim parking is provided as determined by the Community Development Manager. Any standards for parking lots or for more than two vehicles shall be deemed to be included in this subsection and under the jurisdiction of the Community Development Manager.

- (3) Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any residential district.
- (4) The owner of any commercial or industrial parking lot containing 60 or more spaces and abutting lands in a residential district shall submit a proposal to the Plan Commission for visually buffering or screening the lot from said residential lands. The Plan Commission, in conjunction with the parking lot owner, shall establish a reasonable plan for said buffering or screening, to be accomplished within 12 months of the establishment of the parking lot.
- (5) Any parking lot in any district of 60 spaces or more which faces upon a public street shall be visually screened or buffered for the following purposes:
 - (a) Safety (identifying areas of intended traffic movement).
 - (b) Beautification.
 - (c) Maintenance of green area.
 - (d) Reduction of excessive glare and reflection.
 - (e) Clear delineation of the traveled roadway, particularly along arterial highways and those parking lots where the Plan Commission determines there is a need to screen or buffer. The Plan Commission may require the developer or owner of said parking lot to submit a proposal for screening or buffering. The Plan Commission shall establish a reasonable plan for such buffering or screening to be accomplished within 12 months of the establishment of such parking lot.
- (6) Parking is prohibited in the space between the sidewalk and the curb or the equivalent space between the roadway and the street right-of-way boundary where sidewalk and curb are not installed.
- (7) Owners of any property subject to this section shall provide off-street parking for each car belonging to or driven by each person residing in the dwelling, with the owner, proprietor and/or manager responsible for renting or leasing only to the number of roomers and residents for which parking is provided.
- (8) Within all residential districts, parking is prohibited within five feet of the side and rear lot lines.
- (9) A parking space shall be eight feet wide and 20 feet long, plus driveway and turning space.
- (10) The requirements of this section regulating off-street parking space shall be minimum requirements.
- (11) Any parking lot of five spaces or more in any zoning district shall include one parking stall for each 50 spaces for handicapped parking. The width of the stalls for handicapped parking shall be at least 12 feet.

§ 550-42.Off-street loading requirements.

A. General provisions. In all business and manufacturing districts, for each building which is occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, funeral home, laundry, dry-cleaning or other uses similarly requiring the receipt of distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space plus additional loading spaces according to the following:

(1) Spaces required. The number of loading spaces required per size of structure in square feet is as follows:

Size	Spaces
Less than 10,000	1
10,000 to 20,000	2
20,000 to 40,000	3
40,000 to 70,000	4
70,000 to 110,000	5
Each 50,000 or fraction thereof over 110,000	1 additional

(2) Size of space required. Each loading space shall not be less than 10 feet in width and long enough to adequately accommodate the type of vehicles expected to use such loading space.

B. Location of loading space. Loading and unloading spaces for uses in all districts, including the B-1 District, shall be located on the same lot as the use they serve, with safe and convenient driveway access and maneuvering space, and such spaces shall be located or designed so that no vehicle will encroach upon or obstruct any part of a public street while loading or unloading.

§ 550-43. General standards.

A. Street frontage required. Except as otherwise permitted in this chapter, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least 60 feet on a least one street.

B. Accessory buildings. [Amended by Ord. No. 22-97; Ord. No. 21-01; Ord. No. 9-03; Ord. No. 14-03; Ord. No. 13-04; Ord No. 7-19]

(1) No accessory building(s) shall occupy more than 30% of the area of the rear yard.

(2) No more than two accessory buildings shall be permitted unless approved by the Village Board.

(3) An accessory building(s) is not permitted in the front yard or street yard unless a conditional use is approved.

(a) Exception. Those lots that are deemed a corner lot by the Community Development Manager shall be permitted to install an accessory structure in the side street yard with a minimum setback of 20 feet from the road right-of-way.

- (4) Size and setback.
 - (a) No accessory building(s) shall be more than one story.
 - (b) No accessory building shall exceed side wall height of nine feet or a building height of 15 feet unless a conditional use is approved.
 - (c) When an accessory building is 16 feet or less in both width and length, then the side yard and minimum setback shall be six feet from all property lines and 10 feet from an alley.
 - (d) When accessory building(s) is greater than 16 feet in width or length, the minimum side yard setback shall be 6 feet, and minimum rear yard setbacks shall be 10 feet.
 - (e) Accessory building(s) shall not be more than 40 feet in width or length in the R-1, R-2, R-3, R-4 and R-5 Zoning Districts unless a conditional use is approved.
 - (f) The total square footage of all accessory buildings shall not exceed 900 square feet in the R-1, R-2, R-3, R-4 and R-5 Zoning Districts unless a conditional use is approved.
- C. Corner lots. The setback requirements shall be observed on each street side of a corner lot; provided, however, that the buildable width of a lot shall not be reduced to less than 50 feet.
- D. Required yard area or setback. The yard or setback requirements stipulated elsewhere in this chapter may be modified as follows: [Amended by Ord. No. 3-00]
 - (1) Covered, unenclosed landing or stairs for residential structures may project into the street yard setback not to exceed six feet in any direction.
 - (2) Uncovered stairs, landings, handicap ramps, and fire escapes may project into any yard not to exceed six feet and not closer than three feet to any property line.
 - (3) Architectural projections, such as chimneys, flues, sills, eaves, and belt courses, may project into any required yard, but such projection shall not exceed two feet.
 - (4) Zero lot line development as approved by the Village.
 - (5) When the street setback of any lot or parcel abutting on a street shown as a proposed future street on the Village Official Map, the setbacks for a building or structure, parking, or other improvements with required setbacks shall be measured from the proposed right-of-way if different from the existing right-of-way line. [Amended by Ord. No. 20-00]
- E. Fences and vision triangle. [Amended by Ord. No. 13-99]
 - (1) Fences are a permitted accessory use in any district and may be erected provided that the fence is maintained in good repair, that the finished or decorative side of the fence shall face the adjoining property, and that the fence complies with the following requirements:

- (a) Residential fences are permitted, upon issuance of a building permit, in the side and rear yards of residential districts but shall not exceed a height of six feet and shall not extend into the front yard or street yard. No fence shall be located closer than two feet to any alley right-of-way line.

[1] Exception. The Community Development Manager may approve up to a six-foot-high fence in the street yard of a through lot when the fence will be adjacent to a street classified as an arterial. [Added by Ord. No. 9-03]

- (b) Ornamental fences, which is a fence that is 50% or less opaque, are permitted, upon issuance of a building permit, adjacent to the lot line in any district but shall not exceed the height of four feet when located in the front yard or street yard in a residential district. Ornamental fences shall not conflict with the vision triangle requirements set forth in Subsection E(2).

- (c) Security fences are permitted, upon the issuance of a building permit, adjacent to all property lines in all districts except residential districts but shall not exceed 10 feet in height. The Plan Commission shall determine, before the issuance of a building permit, the opacity of security fences, based upon consideration of the need to screen materials and upon safety considerations. Security fences shall comply with the vision triangle requirements as set forth in Subsection E(2).

- (2) Vision triangle is a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The size of the vision triangle shall be determined by the following table and figure:

- (a) Vision triangle table and figure requirement by street classification (measured along right-of-way).

	"A" (distance in feet)	"B" (distance in feet)		
		Local Street	Collector Street	Arterial Street
25	Local street	25	60	120 to 150
60	Collector street	25	60	120 to 150
120 to 150	Arterial street	25	60	120 to 150

\$TKSLLDIR/images/PL2796/2796-550 Vision Triangle.tif

- (b) The Plan Commission may reduce the distance requirements based on sufficient vision area provided in the right-of-way.

- F. Structures to have access. Every main building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so situated on lots as to provide safety and convenient access for servicing, fire protection and required off-street parking.
- G. Moving of structures. If a building or structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district which it is located after it is moved.

- H. More than one principal building or use per lot. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a zoning lot, and there shall not be more than one main building or use on one zoning lot, except that the Plan Commission may approve a conditional use for more than one main building or use on a zoning lot. [Amended by Ord. No. 4-89; Ord. No. 26-89]
- (1) Permit required; application. A request for a conditional use permit for more than one main building or use per zoning lot shall be submitted in writing along with a site or plot plan to the Community Development Manager, who shall promptly refer the application to the Plan Commission.
 - (2) Public hearing. The Plan Commission shall schedule a public hearing and publish a Class 1 notice, as specified in Ch. 985, Wis. Stats., within 30 days after an application is filed.
- I. Floor area. One- and two-family dwelling units shall have a minimum gross floor area of 900 square feet per unit.
- J. Waterline or wetland setbacks. There shall be a one-hundred-foot setback from the high-water line of any navigable stream to the nearest point of any permitted use or accessory use thereof. The high-water line is:
- (1) The established elevation line of the one-hundred-year flood when the location of such line is known from a floodplain study officially accepted by the Village Board; or
 - (2) The high-water line along a stream or wetland as established by the Community Development Manager when other accurate information on the location of a high-water line is not available. A surveyed meander line is not necessarily the high-water line.
- K. Permit issuance. No land use or building permit shall be issued for any use which would be in conflict with any other provision of this Code governing nuisances²⁷ or with any state or federal law.
- L. Satellite dishes. [Added by Ord. No. 10-87]
- (1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

DISH — That part of a satellite receiving antenna characteristically shaped like a saucer or dish.

DISH-TYPE SATELLITE SIGNAL RECEIVING ANTENNA — Also referred to as "satellite dishes," "earth stations," or "ground stations," one or more of the following:
 - (a) A signal receiving device (antenna, dish antenna or dish-type antenna) the purpose of which is to receive communications or other signals from satellites in earth orbit and/or other extraterrestrial sources.
 - (b) A low noise amplifier (LNA) which is situated at the focal point of the receiving

27. Editor's Note: See Ch. 388, Nuisances.

component, the purpose of which is to magnify, amplify, transfer and to transmit electronic or light signals.

- (c) A coaxial cable or wires, the purpose of which is to carry or transmit said signals to a receiver of electric current. Such wires shall be rated for applicable use.

GROUNDING ROD — A metal pole sized per Article 250, 1987 National Electric Code, permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

RECEIVER — A television set, radio receiver, decoder or any electronic component of the receiving unit.

- (2) Permit required. An application for the construction of a satellite dish shall be submitted to the Building Inspector, on forms supplied by the Inspector, by the owner of a lot or parcel or by the occupant thereof with the owner's written consent.
- (3) Fee. The fee shall be as provided in the Village Fee Schedule and shall accompany the application.²⁸
- (4) General requirements for satellite dishes.
 - (a) No satellite dish shall be constructed in any front yard and in front of the main structure and in any side yard or that portion of the side yard adjacent to the main structure. Also, side and rear setbacks shall be complied with, as specified in the zoning district where the dish is located.
 - (b) No satellite dish shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the dish.
 - (c) No satellite dish shall exceed 12 feet in diameter.
 - (d) All satellite dishes must be bonded to a grounding rod per Article 250, National Electric Code.
 - (e) All satellite dishes shall be erected the height of the roofline of the primary building on the lot.
 - (f) All satellite dishes shall be erected and designed so as to reduce the visual impact from surrounding property at street level and from public streets.
 - (g) No sign or other advertisement shall be placed on or near the satellite dish unless the sign complies with Chapter 447 of this Code.
- (5) Temporary placement permitted. A satellite dish may be temporarily located on a lot or parcel for the purpose of testing reception for a period not to exceed 10 days in any calendar year without a permit, provided the provisions of Subsection L(4) above are complied with.

28. Editor's Note: See Ch. A600, Fees.

M. Solar Energy Systems [Added by Ord. No. 6-19]

(1) Roof-Mounted Solar Energy Systems

- (a) Roof-Mounted Solar Energy Systems are a permitted accessory use in all zoning districts identified within Plover Municipal Code §550 provided that proper building and electrical permits are applied for, and granted, by the building inspector. Said Roof-Mounted Solar Energy Systems shall not extend higher than the maximum building height standards identified for each residential zoning district.

(2) Ground-Mounted Solar Energy Systems

- (a) Residential Districts. In any residential zoning district identified within Plover Municipal Code §550, the following standards shall apply:
- (i) Size and Setbacks. All ground-mounted solar systems under 900 sf that meet the minimum accessory building setbacks of the residential zoning district it is located in shall be a permitted use. Ground-mounted solar systems that exceed the square footage maximum or accessory building setback minimums shall be approved through a conditional use permit consistent with §550-38.
- (ii) Regulation. Ground-mounted solar systems shall be exempt from the total square footage regulations for accessory structures under §550-43(B)(4)(f), and from the lot coverage regulations within each residential zoning district.
- (b) Commercial & Manufacturing Districts. In any commercial and manufacturing zoning district identified within Plover Municipal Code §550, any ground-mounted solar energy systems shall be subject to site plan review consistent with §550-39.

§ 550-44. Performance standards. [Added by Ord. No. 10-92]

The previous sections permit specified uses in different zoning districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or districts. All structures, lands, air and waters shall hereafter, in addition to their use, site and sanitary regulations, comply with the following performance standards:

- A. Air pollution. No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mines' Information Circular 7718, except that for not more than four minutes during any six-hour period each stack or chimney may emit smoke of Ringelmann No. 3. No activity

shall emit more than 10 units per hour per stack or no chimney may emit up to 20 smoke units when blowing soot or cleaning fires.

- B. Fire and explosive hazards. All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire-extinguishing system. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Closed Cup Flash	Gallons
Over 187° F.	400,000
105° to 187° F.	200,000
Below 105° F.	100,000

- C. Glare and heat. No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- D. Water quality protection. No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant or aquatic life. In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Ch. NR 102, Wis. Adm. Code, for the Wisconsin River and Little Plover River and their use.
- E. Noise. [Amended by Ord. No. 25-97]
- (1) Purpose. The purpose of these noise regulations is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
 - (2) Applicability. The requirements of this subsection apply to uses and activities which create detectable noise, except that these standards shall not apply to noise created during construction of the principal use on the subject property or by incidental traffic, parking, loading, maintenance or agricultural operations. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound level [dB(A)] of noise radiated continuously from a facility exceed the values given in the table below at the lot line nearest to the subject property as measured by a sound meter where said lot abuts property within

any residential, business or planned development district.²⁹

Table 1 Maximum Permitted Noise Levels at Lot Lines for Noise Radiated

Continuously

Zoning District	Sound Level [dB(A)]
R-1, R-2, R-3, R-4, R-5, R-6, R-7, Intensive Residential Development District	60
B-1, B-2, B-3, B-4, Planned Development District	65
M-1, M-2, M-3	70

If the noise is not smooth and continuous or is present only during daytime hours, one or more of the corrections in Table 2 shall be added or subtracted from each of the decibel levels in Table 1.

Table 2 Adjustment Factors for Maximum Noise Levels

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

- F. Odors. No activity, with the exception of agricultural activity, shall omit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside its premises. The guide for determining odor measurement and control shall be Chapter 13, Air Pollution Abatement Manual, 1960, prepared by the Manufacturing Chemists' Association, Inc., Washington, D.C.
- G. Radioactivity and electrical disturbances. No activity shall omit radioactivity or electrical disturbances outside its premises that are dangerous or would adversely affect the use of neighboring premises.
- H. Vibration. No activity in any district shall emit vibrations that are discernible without instruments outside its premises. No activity shall emit vibrations which exceed the following displacement measured with a three-component measuring system:³⁰

29. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

30. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Frequency (cycles per second)	Displacement(inches)	
	Outside the Premises	Outside the District
0 to 10	0.0020	0.0004
11 to 20	0.0010	0.0002
21 to 30	0.0006	0.0001
31 to 40	0.0004	0.0001
41 to 50	0.0003	0.0001
Over 50	0.0002	0.0001

- I. Testing; fees. Should any testing be required to ensure the fact that these performance standards are being met, the fees for said testing shall be paid by the Village if no violation has occurred and by the offender if there is a violation.

§ 550-45.Board of Zoning Appeals.

- A. Membership. See § 21-2 of this Code.
- B. Organization. The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.
- (1) Meetings. Meetings shall be held at the call of the Chairperson, or the Vice Chairperson in his absence, and shall be open to the public.
 - (2) Secretary. The Secretary shall be the Village Clerk.
 - (3) Community Development Manager. The Community Development Manager shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
 - (4) Minutes. Minutes of the proceedings and a record of all actions shall be kept by the Secretary showing the vote of each member upon each question, the reasons for the Board's determination and its finding of fact. These records shall be immediately filed in the office of the Village Clerk and shall be a public record.
 - (5) Vote. The concurring vote of four members of the Board shall be necessary to correct an error, grant a variance, make an interpretation and permit a temporary use.
- C. Powers.
- (1) The Board of Zoning Appeals shall have the following powers:
 - (a) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Community Development Manager.
 - (b) Variances. To authorize, upon appeal in specific cases, such variances from the terms of this chapter as shall not be contrary to the public interest where, owing to special conditions, a literal enforcement shall result in unnecessary hardship so that the spirit and purposes of this chapter shall be observed and the public

safety, welfare and justice secure. The burden of proof for the any hardship shall rest entirely upon the applicant. Use variances shall not be granted. In every case where a variance from these regulations has been granted, the minutes of the Board meeting shall affirmatively show that an unnecessary hardship exists, and the records of the Board shall clearly show in what particular and specific respects an unnecessary hardship is created.

- (c) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
 - (d) Temporary uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Zoning Appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
 - (e) Other powers. Any other powers granted by this chapter or regulations of the Village.
- (2) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issuance of a permit.
 - (3) Assistance. The Board may request assistance from other Village officers, departments, commissions and boards.
 - (4) Oaths. The Chairperson may administer oaths and compel the attendance of witnesses.
- D. Appeals and applications. Appeals from the decision of the Community Development Manager concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board or bureau of the Village. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Community Development Manager. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the Secretary. Such appeals and applications shall include the following:
- (1) Name and address. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
 - (2) Information. All information required for a building permit.
 - (3) Additional information. Additional information required by the Plan Commission, Board of Zoning Appeals or the Community Development Manager.
 - (4) Fee receipt. Fee receipt from the Village Treasurer. (See § 550-47 of this chapter.)
- E. Hearings. The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give a Class 1 public notice thereof as specified in Ch. 985, Wis. Stats., and shall give due notice to the parties of interest, the Community Development Manager and the

Plan Commission. At the hearing, the appellant or applicant may appear in person, by agent or by attorney.

- F. Limitation on Board's powers. No variance to the provisions of this chapter shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:
 - (1) Exceptional circumstances. There shall be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general and recurrent nature as to suggest that this chapter should be changed.
 - (2) Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) Absence of detriment. The variance shall not create substantial detriment to adjacent property and shall not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
- G. Decision. The Board of Zoning Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Community Development Manager and the Plan Commission.
 - (1) Conditions. Conditions may be placed upon any land use permit ordered or authorized by the Board.³¹
 - (2) Variances. Variances or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.
- H. Review by court of record. Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Village Clerk.

§ 550-46.Mapping disputes.

The following procedure shall be used by the Board of Zoning Appeals in deciding contested cases in which the location of a zoning district boundary is disputed:

- A. When the location of a floodplain district boundary is established by experience, flood maps or engineering studies, the flood elevations or flood profiles for the point in question shall be the governing factor in locating the district boundary. If elevation or profiles are not available, the Board may examine any other available evidence that is relevant.
- B. In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical

31. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

evidence if he so desires. The Board shall not allow deviations from the boundary line, as mapped, unless the evidence clearly and conclusively establishes that the mapped location of the line is incorrect.

§ 550-47.Fees. [Amended by Ord. No. 4-85; Ord. No. 9-92; Ord. No. 14A-95; Ord. No. 21-05]

Fees shall be paid to the Village Treasurer upon filing the appropriate petition or application as provided in the Village Fee Schedule for the following:³²

- A. Conditional use.
- B. Zoning amendment.
- C. Variance.
- D. Planned development district.
- E. Zoning amendment with Comprehensive Plan amendment.
- F. Special Plan Commission and Village Board meetings. Special meetings of the Plan Commission and/or the Village Board may be called by the Village President. The costs shall be borne by the requester according to the Village Fee Schedule.

§ 550-48.Amendments.

- A. Authority. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.
- B. Initiation. A change or amendment may be initiated by the Village Board, the Plan Commission or by a petition of one or more owners or lessees of property within the area proposed to be changed.
- C. Petitions. Petitions for any change to the district boundaries or amendments to or variances from the regulations, together with the appropriate fee, shall be filed with the Village Clerk, shall describe the premises to be rezoned or the regulations to be amended, shall list the reasons justifying the petition, shall specify the proposed use and shall have attached the following:
 - (1) Plat plan. A plat plan drawn to scale of one 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 200 feet of the area proposed to be rezoned.
 - (2) Owners. Owners' names and addresses of all property lying within 200 feet of the area proposed to be rezoned.
 - (3) Additional information. Additional information required by the Plan Commission or

32. Editor's Note: See Ch. A600, Fees.

the Village Board.

- D. Recommendations. The Plan Commission shall, within 30 days, hold a public hearing and review all proposed changes and amendments and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made to the Village Board at a meeting subsequent to the public hearing. [Amended by Ord. No. 27-86]
- E. Hearings. The Plan Commission shall hold a public hearing after publishing a Class 2 notice, as specified in Ch. 985, Wis. Stats. [Amended by Ord. No. 27-86]
- F. Village Board action. Following such hearing and after careful consideration of the Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment. The acceptance or rejection of the Plan Commission's recommendation shall be by a majority vote of the Village Board.
- G. Protest. In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more of the area of land included in such proposed change, or by owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the members of the Village Board voting on the proposed change.

§ 550-49. Enforcement; violations and penalties.

- A. It shall be the duty of the Community Development Manager, with the aid of the Police Department and the Village Attorney, to enforce the provisions of this chapter.
- B. Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of this chapter shall be deemed an unlawful building structure or use. The Community Development Manager shall promptly report all such violations to the Village Attorney, who shall bring an action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.
- C. Every structure, building, fill, use or development placed or maintained in violation of this chapter is a public nuisance and the creation thereof may be enjoined and may be abated by action of the Village or any citizen thereof.
- D. Any person who violates, disobeys, omits or refuses to comply with or who resists the enforcement of any of the provisions of this chapter may also be required, upon conviction, to forfeit not less than \$10 nor more than \$500 for each offense, together with the cost of prosecution, and may be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed 30 days. Each day that a violation continues to exist shall constitute a separate offense.