

Chapter 225

Zoning

[HISTORY: Adopted ___ - ___ -2025 by the Village Board of the Village of Maple Bluff, in conjunction with the repeal of the previous version of Chapter 225.]

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This draft is subject to Plan Commission, Village Board, and public review, and may therefore change prior to adoption.

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Article 1 Introduction

§ 225-1-1 Title and effective date.

This chapter shall be known, cited, and referred to as “Chapter **225**” or the “Village of Maple Bluff Zoning Ordinance,” except as referred to herein, where it shall be known as “this chapter.” This chapter became effective upon passage and posting according to law, on the date of its repeal and re-enactment ([insert effective date of recreated chapter]).

§ 225-1-2 Jurisdiction, authority, and statutory references.

This chapter is applicable within the Village’s corporate limits and enacted pursuant to Wisconsin Statutes (“Wis. Stats.”), §§ 61.35 and 62.23. Specific statutory references are occasionally provided within this chapter as a means of assisting the reader. Such references are not to be considered as all inclusive, may not always be up to date, and shall not be construed so as to limit the application of this chapter.

§ 225-1-3 Chapter purpose.

This chapter is adopted for the following purposes, not listed in order of importance:

- A. Implementing the Village’s Comprehensive Plan as defined in § **225-9-3**;
- B. Preserving the identity of Maple Bluff as a small, attractive, independent, pedestrian-friendly lakeside community with a desirable and distinguishable character and sense of place;
- C. Balancing community interest in compatible land use and private property owner rights;
- D. Protecting the public health, safety, comfort, convenience, and general welfare;
- E. Securing safety from fire, panic, and other dangers;
- F. Promoting adequate light and air, including for solar and wind access;
- G. Encouraging the protection of the natural resources, scenic beauty, and the dark night sky;
- H. Preventing the overcrowding of land and undue concentration of population;
- I. Preserving and enhancing property values;
- J. Facilitating adequate transportation, water, sewage disposal, parks, and other public facilities;
- K. Promoting high quality and lasting urban design; and
- L. Managing growth and the impacts of land development and redevelopment.

§ 225-1-4 Severability, non-liability, and abrogation.

- A. The provisions of this chapter are separable in accordance with the following:
 - (1) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter not specifically included in said judgment.
 - (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.

§ 225-1-5 Application and interpretation.

through § 225-1-6 Floodplain, shoreland, and shoreland-wetland zoning.

- (3) If any requirement or limitation attached to an authorization given under this chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- B. This chapter shall not abrogate or interfere with any constitutionally protected vested right or abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted, issued, applied, or recorded pursuant to law.

§ 225-1-5 Application and interpretation.

- A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare; shall be liberally construed in favor of the Village; and shall not be construed to be a limitation or repeal of any other power possessed by the Village.
- B. Where property is affected by any regulation in this chapter and by other government regulations, the regulation that is more restrictive or that imposes a higher standard or requirement shall prevail. Where there are conflicts between regulations within this chapter, the regulation that is more restrictive or that imposes a higher standard or requirement shall prevail. A regulation imposed by this chapter is more restrictive than another if it prohibits or limits development to a greater extent or by means of more detailed specifications.
- C. Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof, for which a building permit has been issued before [insert effective date of recreated chapter] and the construction of which shall have been completed within one year from the date of such permit except where extended by the Building Inspector.
- D. All complete applications for any Village development approval submitted prior to [insert effective date of recreated chapter] shall be reviewed under the predecessor Chapter **225**, and any Village approval associated with such an application shall be valid and may be used to obtain a building permit for not more than six months after such approval, with construction completed within one year from the date of such building permit except where extended by the Building Inspector.
- E. The re-enactment of this chapter shall not adversely affect the Village's right to prosecute any violation of the predecessor Chapter **225** or Village actions thereunder, provided that the violation occurred while that predecessor was in effect.
- F. Except as provided in this chapter under provisions for substandard lots, nonconforming uses, structures, or lots pursuant to Article **7**, or by variance pursuant to § **225-8-7**, no building, structure, lot, or parcel shall be hereinafter used or occupied and no applicable permit granted that does not conform to the requirements of this chapter.

§ 225-1-6 Floodplain, shoreland, and shoreland-wetland zoning.

- A. The Village's floodplain zoning regulations are in Chapter **226** of the Code. The Village does not guarantee, warrant, or represent that only those areas designated as floodplain pursuant to Chapter **226** will be subject to periodic flooding, nor that areas of steep slope or other environmental concern will be mitigated by this chapter, and hereby asserts that there is no liability on the part of the Village for any flood damages, sanitation problems, or property or personal damages that may result from reliance on this chapter or Chapter **226**.

§ 225-1-6 Floodplain, shoreland, and shoreland-wetland zoning. *through* § 225-1-6 Floodplain, shoreland, and shoreland-wetland zoning.

- B. Pursuant to § 61.351, Wis. Stats., the Village hereby creates a shoreland-wetland zoning district for any and all wetlands of 5 acres or more that are located in the shoreland as defined in § **225-9-3**. Any use or activity that affects any such shoreland-wetland shall be subject to Village regulation under NR 117, Wis. Admin. Code. These and other wetlands are also subject to state and federal regulation not administered by the Village. Structure setbacks, vegetative buffers, and other regulations are applicable only to any shoreland annexed to the Village after May 7, 1982 pursuant to § 61.353, Wis. Stats. Activities in or over the shoreland, shoreline, or surface water may be subject to state and federal regulation not administered by the Village.

Article 2 Zoning Map and Districts

§ 225-2-1 Article purpose.

Lands within the jurisdiction of this chapter, aside from public and rail rights-of-way and Lake Mendota, are divided into zoning districts of such number and location as necessary to achieve compatibility of land uses and the purposes of this chapter. This article establishes the zoning map and describes the zoning districts, their purposes, permitted and conditional land uses, dimensional standards, and other applicable district-specific requirements.

§ 225-2-2 Zoning map.

- A. The Zoning Map on file with and maintained by the Zoning Administrator, together with all explanatory materials thereon, is hereby made part of this chapter. Such explanatory materials include the zoning district designation and the minimum principal building front, street side (but not interior side), and rear yard setback lines where indicated on said Zoning Map. The Zoning Map may in fact be more than one map file.
- B. Where any uncertainty exists as to the exact location of a zoning district boundary line, a minimum setback line, or other information shown on the Zoning Map, the location of such line or other information shall be determined by the Zoning Administrator.
- C. Public and railroad rights-of-way do not carry a zoning district designation. In the event of a public right-of-way vacation (or discontinuance) as may be approved by the Village Board, whereby such vacated right-of-way is attached to abutting real property, the Zoning Administrator shall initiate the process under § 225-8-2 to zone such lands in a manner consistent with the zoning district designation of the adjoining property.

§ 225-2-3 Listing and purpose of zoning districts.

- A. The “R-A” Residence zoning district is established to protect, promote, and maintain neighborhoods of single-family detached residences, with limited other land uses compatible with a single-family residential setting. The R-A district provides for the lowest residential densities in the Village, emphasizing large lots with abundant open space designed to generally maintain the current development pattern. The R-A district was typically referred to as the “A” Residence district under the predecessor Chapter 225.
- B. The “R-B” Residence zoning district is established to protect, promote, and maintain neighborhoods of single-family detached residences, with limited other land uses compatible with a single-family residential setting. The R-B district provides for moderate single-family residential densities designed to generally maintain the current development pattern. The R-B district was typically referred to as the “B” Residence district under the predecessor Chapter 225.
- C. The “CM” Commercial and Mixed Use district is established to accommodate office, retail, commercial service, mixed commercial/residential, and multiple-family residential uses, with scale, design, impacts, and location compatible with nearby residential neighborhoods and intended to create walkable, vibrant spaces. The CM district was typically referred to as the “A” Business district under the predecessor Chapter 225.
- D. The “CIR” Conservancy, Institutional, and Recreational district is established to accommodate recreational, public, semi-public, educational, religious, and other “gathering” type uses in a

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manner that is compatible with nearby residential neighborhoods. The CIR district was typically referred to as the Land Conservancy district under the predecessor Chapter **225**.

E. “PUD” Planned Unit Development district.

- (1) The “PUD” Planned Unit Development district is established to promote exceptional urban design while allowing for greater freedom, imagination, and flexibility in the development of land than one of the standard zoning districts listed above. Developments within the PUD district shall be characterized by coordinated, professional, unified, and creative site and building design; compatible uses within the project and with relation to surrounding lands; coordination of architectural styles, forms, and relationships; community-enhancing spaces and features; safe, efficient, and convenient, pedestrian and vehicular access; and environmental sustainability and energy efficiency.
- (2) The PUD district may be applied only to lots with frontage on North Sherman or Sherman Avenues, zoned CM prior to rezoning to PUD, or both.
- (3) The following modifications to normal requirements of this chapter may be proposed by an applicant and approved by the Village within each planned unit development:
 - (a) Any land use or combination of uses enumerated in Figure **225.2.1** may be permitted.
 - (b) Flexibility in any dimensional standard in Figure **225.2.2**.
 - (c) Flexibility in site and building design under Article **4** and signage under Article **5**.
 - (d) Flexibility in land division requirements under Article **6**.
- (4) All modifications authorized under subsection (3) shall be limited to those specified in the Village approved Specific Implementation Plan (SIP) for each PUD and enforced as part of this chapter. To the extent that such modifications are not specified in a Village approved SIP, the normal requirements associated with the affected categorical areas or most similar standard zoning district(s) shall prevail and be enforced within the PUD.

§ 225-2-4 Allowable land uses by zoning district.

- A. Figure **225.2.1** lists permitted, conditional, and temporary uses within each zoning district described in § **225-2-3**. Article **3** includes a description of each listed land use and performance standards for many uses.
- B. If any land use is not listed as a permitted, conditional, or temporary land use in a zoning district in Figure **225.2.1**, such land use shall be prohibited in such district except as may be allowed under subsection C. If such unlisted land use was lawfully established in the zoning district despite its prohibited status, such land use is a nonconforming use pursuant to § **225-7-2**.
- C. Where a proposed or existing land use is not encompassed by a use listed in Figure **225.2.1** and described in Article **3**, the Plan Commission is authorized to determine that such land use is similar enough to one of the land uses listed in Figure **225.2.1** to have the same permitted, conditional, or prohibited status in a zoning district. All such determinations shall be made by motion, kept on file by the Zoning Administrator, and based on an evaluation of how such land use compares to a land use listed in Figure **225.2.1** using the following factors:

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- (1) The relative characteristics of the unlisted land use, including materials, equipment, processes, and employment density for nonresidential uses and population density and scale for residential uses.
- (2) The relative amount of site area or building floor area devoted to the unlisted land use, and the relative size, scale, and density of the use.
- (3) For nonresidential uses, the relative type and amounts of activity, as measured by traffic, loading, sales, customer type, products or services produced or sold, hours of operation, seasonality of use, and other reasonably objective factors.
- (4) The relative performance of the land use against different standards in this chapter, such as noise, lighting, signage, and other factors which tend to have impacts beyond property lines.

Figure 225.2.1: Allowable Uses in Zoning Districts

Land Use Category (numbered) Land Use Type (lettered)	P = Permitted Use	C = Conditional Use ¹	T = Temporary Use ⁴	Empty = Prohibited in District	
	Zoning District ³				
	R-A Residence	R-B Residence	CM Commercial and Mixed Use ²	CIR Conservancy, Institutional, & Recreational ²	
1. Residential Land Uses (see § 225-3-2 for descriptions and standards for each land use)					
A. Single-Family Residence	P	P	P		
B. Two-Family or Townhouse Residence			P		
C. Multiple-Family Residence			C		
D. Executive Residence	P				
2. Institutional and Recreational Land Uses (see § 225-3-3 for descriptions and standards for each use)					
A. Institutional and Educational			C		C
B. Public Recreation			P		P
C. Country Club					P/C
D. Marina					P
E. Public Service or Utility	C	C	P		P
3. Commercial Land Uses (see § 225-3-4 for descriptions and standards for each land use)					
A. Office			P		
B. Sales, Service, or Rental			P/C		
B. Restaurant or Café			P		
C. Entertainment or Lodging			C		
D. Telecommunications Facility	C	C	C		C
4. Accessory and Temporary Uses and Structures (see § 225-3-5 for descriptions and standards)					
A. Detached Accessory Structure	P	P	P		P
B. Home Occupation	P/C	P/C	P/C		
C. Small Exterior Communication or Energy System	P	P	P		P
D. Outdoor Alcohol Area			C/T		C/T
E. Garage, Yard, Estate, and In-Home Sales	T	T	T		
F. Outdoor Assembly or Special Event	T	T	T		T
G. Temporary Portable Storage Container or Dumpster	T	T	T		T

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Notes associated with Figure 225.2.1:

- ¹ See other provisions of this chapter for other activities and situations that may require a conditional use permit. Where cell lists “P/C” or “C/T”, this means that use may be a permitted or a conditional use, or a conditional or a temporary use, depending on its characteristics as described in Article 3.
- ² Aside from essential services, any land use in the CM district having hours of operation extending before 6 a.m. or after 11 p.m. shall be a conditional use, regardless of how such use is listed in this figure.
- ³ Within the PUD Planned Unit Development district, any land use or combination of uses in this figure may be permitted, but only to the extent prescribed within a Village approved PUD Specific Implementation Plan.
- ⁴ Notwithstanding the limitations in this figure, the Board of Appeals has the authority to permit a temporary building in the R-A and R-B districts which is incidental to residential construction, with any such permit to be issued for a period of not more than one year.

§ 225-2-5 Dimensional standards by zoning district.

- A. Figure **225.2.2** lists dimensional standards within each zoning district, except as otherwise allowed, excepted, or limited elsewhere in this section. Figures **225.2.3** to **225.2.8** illustrate the dimensional standards in Figure **225.2.2**. Nonconforming lots and structures legally created before establishment of these requirements are addressed in Article 7.
- B. Permitted encroachments into principal building setbacks. The following building attachments and components are permitted to encroach into the minimum principal building setbacks specified in Figure **225.2.2**:
 - (1) Chimneys, flues, sills, pilasters, lintels, attached ornamental features, cornices, belt courses, ornamental features, eaves, buttresses, gutters, awnings, canopies, bay windows, and fire escapes, provided they do not extend more than 3 feet into any minimum principal building setback.
 - (2) Attached terraces, steps, porches, decks, stoops, balconies, or similar appurtenances (not including fire escapes), provided that they meet all of the following:
 - (a) Are completely uncovered by a roof or overhang.
 - (b) Do not extend above the floor level of the adjacent building entrance.
 - (c) Do not extend greater than 5 feet into the minimum front yard principal building setback and 3 feet into any other principal building setback, except that ramps required for handicapped accessibility may be as close as 2 feet from any parcel line where no higher than 4 feet from the established grade.
 - (3) Attached structures designed to prevent surface water from entering subsurface window wells, provided that such structure does not extend greater than 1 ½ feet above the ground surface.
- C. Permitted encroachments into accessory structure, fence and wall, and hard surface setbacks. The following structures and site features are permitted to encroach into the associated minimum setbacks in Figure **225.2.2**:
 - (1) Lawn ornaments or accessories (not including play equipment), nameplate and identification signs, retaining walls less than or equal to one foot above finished upland grade, and yard and ornamental lights, provided they comply with applicable illumination requirements of § **225-4-7**.

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- (2) A fence or wall connected to a neighboring fence or wall across parcel lines, provided that all owners enter into a written agreement that addresses maintenance, access, and liability responsibilities, with such agreement submitted to the Building Inspector before or with the application for building permit and recorded with the Register of Deeds prior to issuance of a building permit.
- (3) From any lot line that is also the ordinary high water mark line of Lake Mendota, the construction, maintenance, repair, reconstruction, replacement, restoration, or structural alteration of all or any part of any of the following:
 - (a) One of the following structures, following Building Board approval under § **225-8-5** and Article **4**, upon its finding that the proposed structure or alteration will not unreasonably impair the view of Lake Mendota from any neighboring principal building:
 1. A boathouse, all of which must be above the ordinary high water mark.
 2. An open sided structure that is not a boathouse, all of which structure must be located at least 35 feet from the ordinary high water mark, and be not greater than 200 square feet in area.
 - (b) A walkway, stairway, pier, and/or rail system providing pedestrian access to the shoreline, not greater than 5 feet in width.
 - (c) A fence where located along a bluff as defined in § **225-9-3**, or designed to provide security for public property.
 - (d) A navigational aid, park or interpretive sign, or boat launching facility located on public property.
 - (e) A utility transmission line, utility distribution line, pole, tower, pumping station, or well pumphouse cover.
- (4) Resurfacing of an existing hard surfaced driveway; driveway entrances to streets; and hard surfaces for walkways, driveways, and parking lots where shared between parcels in accordance with § **225-4-6**.
- (5) Any accessory structure erected for security by a public agency or on public property, and its associated fencing and mechanical equipment, which may encroach into the minimum front and street side yard setbacks in Figure **225.2.2**, following Building Board approval under § **225-8-5** and Article **4**.
- (6) A retaining wall with a height of 6 feet or fewer.
- (7) A gate, or posts or other markers fewer than 10 feet in length, located at a private driveway entrance to a public street or at property corners and entirely outside of the public right-of-way.
- (8) A fence or wall with a height of 3 feet or fewer intended to prevent catastrophic falls or to buffer vehicular headlights from interfering with enjoyment of the property on which it is placed or of adjacent properties.
- (9) A small wind energy system, which shall instead meet setback requirements in PSC 128.13(1), Wis. Admin. Code.

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- D. Structure height exceptions. The following structures are permitted to exceed the associated maximum height requirements in Figure **225.2.2**:
- (1) Chimneys, mechanical units and their required screening, and small exterior energy or communication systems mounted to or part of a building, which may extend no greater than 5 feet above the maximum building height.
 - (2) Fences, gates, and netting (but not walls) where required for security and erected by a public agency or on public property, by conditional use permit if not erected by a public agency.
 - (3) Water towers, telecommunication facilities, power and communication lines and poles, small exterior communication or energy systems, fire towers, monuments, flag poles, and security structures erected by a public agency or on public property. Outside of the CIR district, no monument, flag pole, or small exterior communication or energy system may extend greater than the maximum building height in Figure **225.2.2**, except as may be required under PSC 128, Wis. Admin. Code for small wind energy systems.
- E. Other dimensional standard provisions and allowances.
- (1) No top of swimming pool, its cover, or an associated building, deck, or surfaced terrace shall be greater than 2 feet above the height of the adjacent finished grade where located within any required minimum principal building setback area.
 - (2) Except where set back at least 80 feet from a public street, the following accessory structures shall be located only within the rear yard of the associated lot: boat houses; dog houses/shelters; dog or cat runs; sport courts and associated structures and equipment; swimming pools, changing rooms, and associated structures and equipment.
 - (3) Chapter **90** of the Code may contain minimum building separation and other requirements that affect building placement.
 - (4) § **225-3-3 D** includes unique setback provisions for the Maple Bluff Country Club property.
 - (5) Within the CIR district, any structure existing as of October 10, 2023 that would otherwise violate a minimum setback in Figure **225.2.2** shall be deemed a legal nonconforming structure pursuant to § **225-7-2** if the structure were built pursuant to a full and complete approval of the Zoning Administrator or other authorized Village official(s), unless it is shown that the approval was made on the basis of false or misleading information.
 - (6) § **225-3-5 C (3)** includes unique setback provisions for small exterior communication or energy systems.

Figure 225.2.2: Zoning District Dimensional Standards

Dimensional Standard	R-A Residence	R-B Residence	CM Commercial and Residential Mix	CIR Conservancy, Institutional, and Recreational
MINIMUM LOT/PARCEL AREA	11,000 sq. ft.	6,500 sq. ft.	Greater of 6,500 sq. ft., or 1,250 for each dwelling unit	None
MINIMUM LOT/PARCEL WIDTH	100 feet	75 feet	None	None
MAXIMUM FLOOR AREA PERCENTAGE				
By Right	Parcels greater than 1 acre: 15%; Parcels between 22,001 sq. ft. and 1 acre: 20% Parcels between 10,000 and 22,000 sq. ft.: 25% Parcels less than 10,000 sq. ft.: 30%		100%	30%
By Special Exception per § 225-8-5	Parcels greater than 1 acre: 20% Parcels between 22,001 sq. ft. and 1 acre: 25% Parcels between 10,000 and 22,000 sq. ft.: 35% Parcels less than 10,000 sq. ft.: 40%		125%	40%
MAXIMUM IMPERVIOUS SURFACE %	40%		90%	40%
MAXIMUM STRUCTURE HEIGHT				
For Principal Buildings	35 feet		45 feet	40 feet
For Fences and Walls	6 feet along and within 10 feet of the rear lot line; 4 feet in all other permitted locations (see below)			
For Other Accessory Structures including Pole-Mounted Lighting	15 ft, or the principal building height, whichever is lower		25 feet	25 feet
MIN. PRINCIPAL BUILDING SETBACKS				
Front Yard	As represented on Zoning Map		None, except 5 feet for buildings with dwelling units	Per Zoning Map
Street Side Yard	Per Zoning Map	Per Zoning Map	Same as front	Per Zoning Map
Interior Side Yard	7 ft for any one side, plus... Where parcel width ≤75 ft: total of 2 sides = 22.5' – 0.5' per each 1 foot of width less than 75 feet Where parcel width >75 ft: Total of 2 sides = 22.5' + 0.25' per each 1 foot of width greater than 75 feet	6 feet for any one side 14 feet total between two interior side yards	5 feet, except 12 feet where abutting a residential zoning district (20 feet for 3 rd story or greater)	10 feet
Any Yard Abutting Lake Mendota	As represented on Zoning Map			
Rear Yard not Abutting Lake	20% of lot depth, but never beyond 25 to 50 foot range, except where otherwise represented on Zoning Map	20% of lot depth, but never beyond 25 to 40 ft range, except where otherwise represented on Zoning Map	Same as interior side yard	25 feet
MIN. ACCESSORY STRUCTURE SETBACKS	(not including fences and walls)			
Front and Street Side Yard	Same as minimum setback for principal buildings			
Interior Side Yard	5 feet			
Any Yard Abutting Lake Mendota	Same as minimum setback for principal buildings			
Rear Yard not Abutting Lake	5 feet			
DETACHED GARAGES	Not greater than 1 detached garage per parcel, with no detached garage greater than 750 sq. ft.			
MIN. FENCE OR WALL SETBACKS				
From Front Lot Line	Not closer than the actual setback of the principal building on the parcel			
From Lake Mendota	Same as minimum setback for principal buildings			
From Other Rear and Side Lot Lines	6 in., except same as min. setback for principal buildings where fence opacity is greater than 60%			
MIN. HARD SURFACED AREA SETBACK	2 feet, except same as minimum setback for principal buildings where abutting Lake Mendota			

NOTES:

1. See § 225-2-5 for unique or additional requirements, allowances, exceptions, and encroachments associated with the dimensional standards in this figure.
2. See Figures 225.2.3 to 225.2.8 for illustrations of the dimensional standards in the above table. Such figures are not intended to show separate or additional standards from those included in the above table.
3. "Zoning Map" is a separate map file(s) maintained by the Zoning Administrator.

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Figure 225.2.3: Illustration of Minimum Principal Building Setback Areas (by Yard) and Building Envelopes for Different Lot Scenarios



Figure 225.2.4: Illustration of Yards and Setbacks on Typical Lot

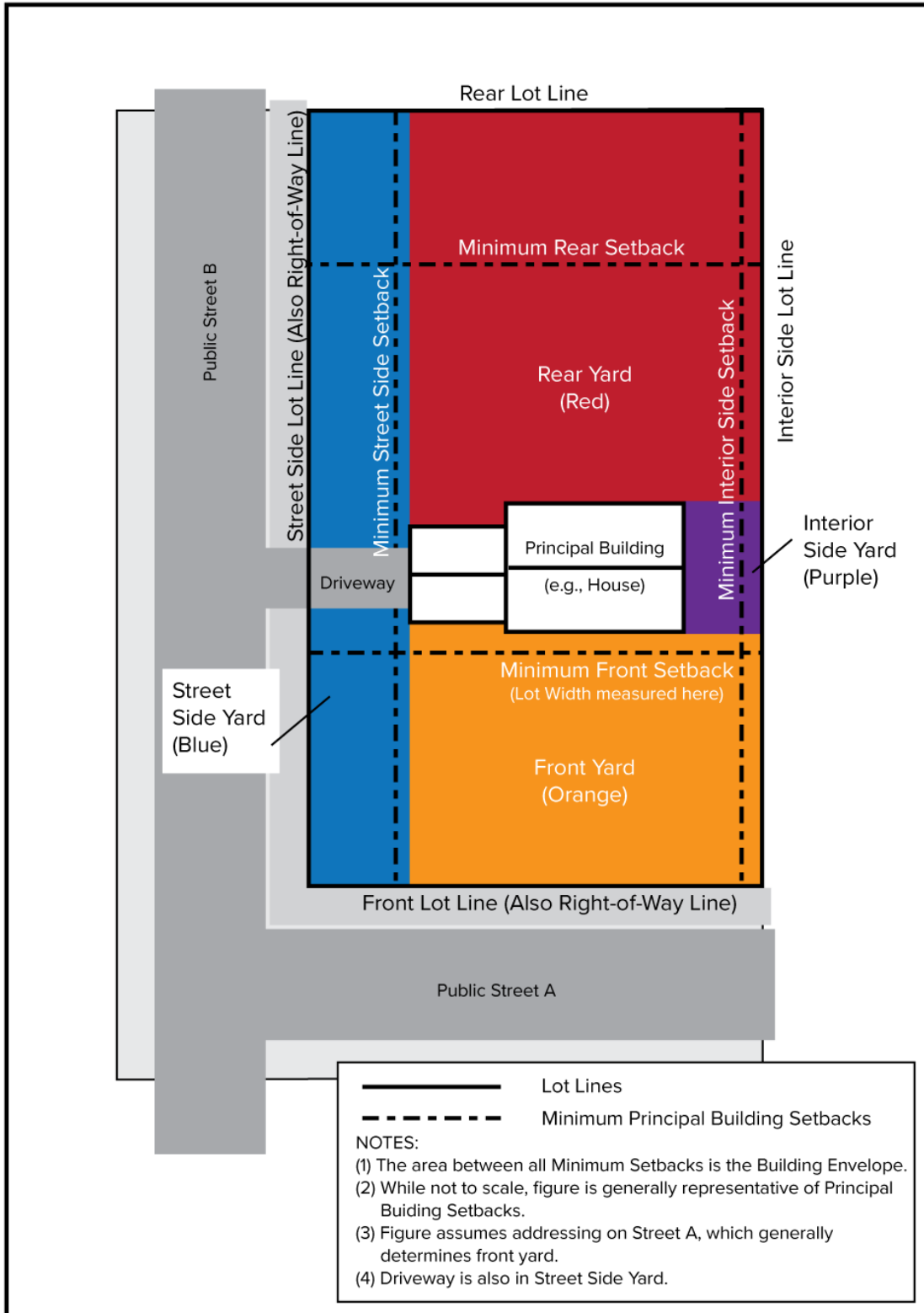


Figure 225.2.5: Illustration of Minimum Dwelling Setbacks—R-A Residence District

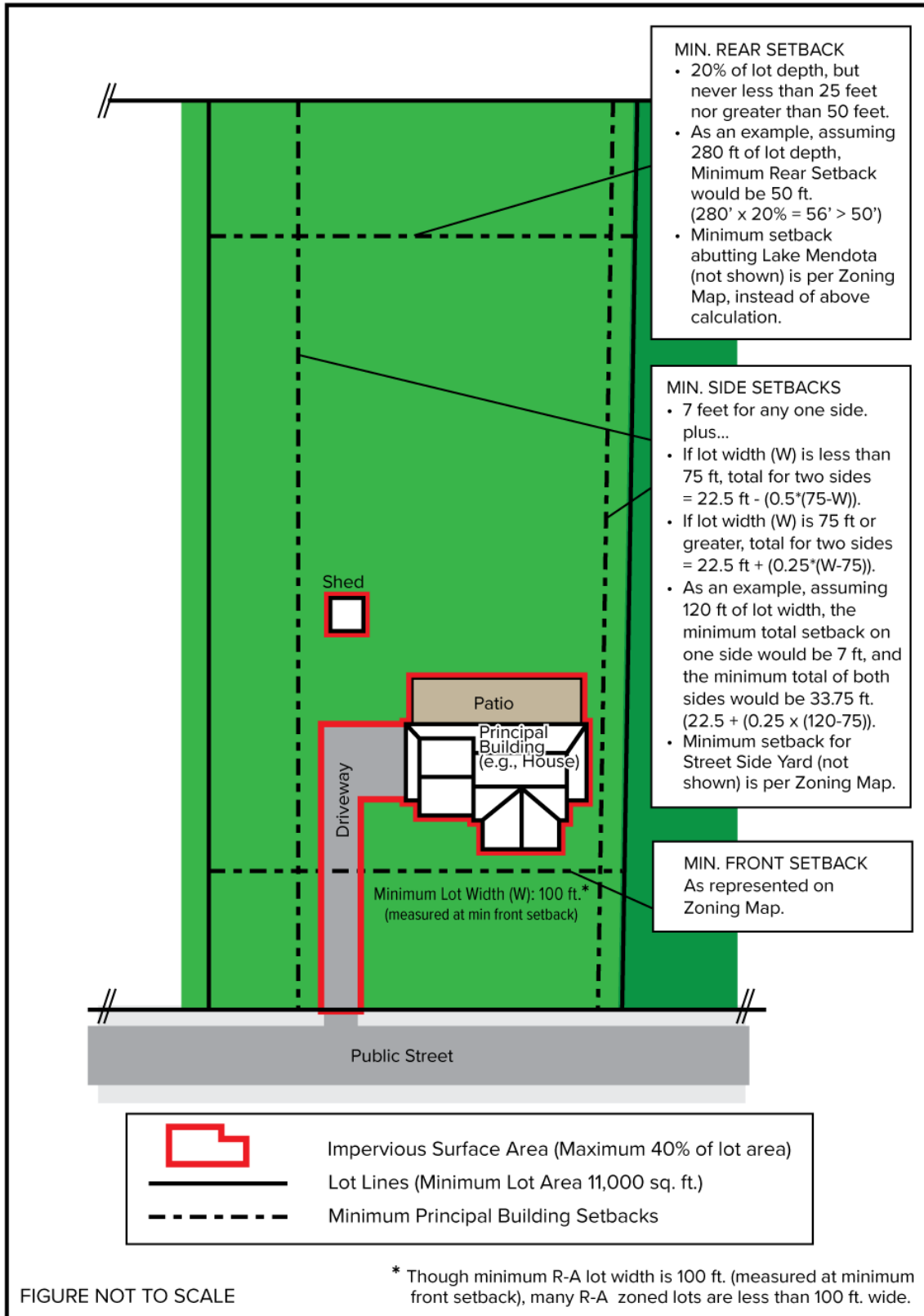


Figure 225.2.6: Illustration of Minimum Dwelling Setbacks—R-B Residence District

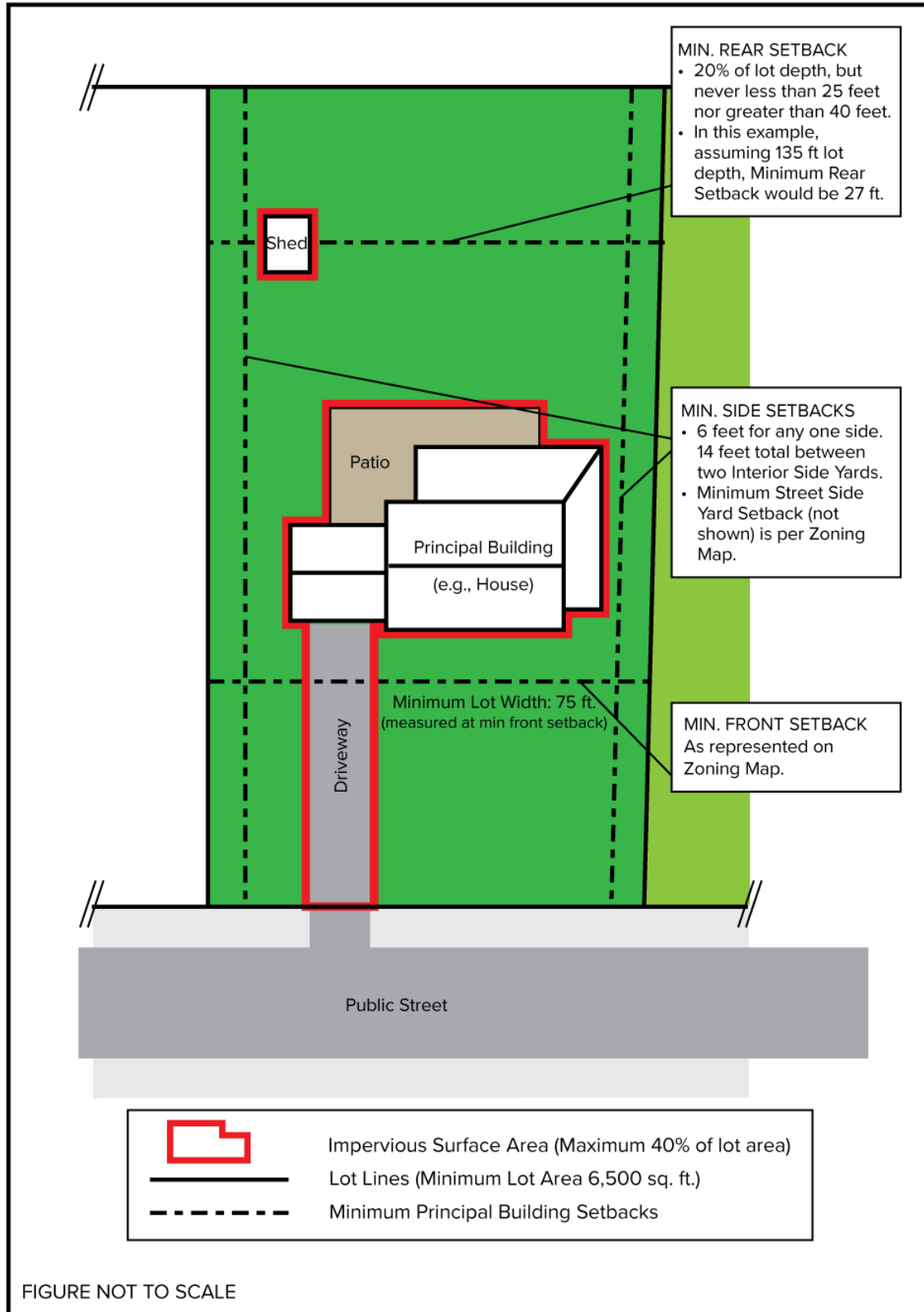


Figure 225.2.7: Illustration of Minimum Setbacks for Fences, Other Accessory Structures, and Other Improvements (Interior Lot)

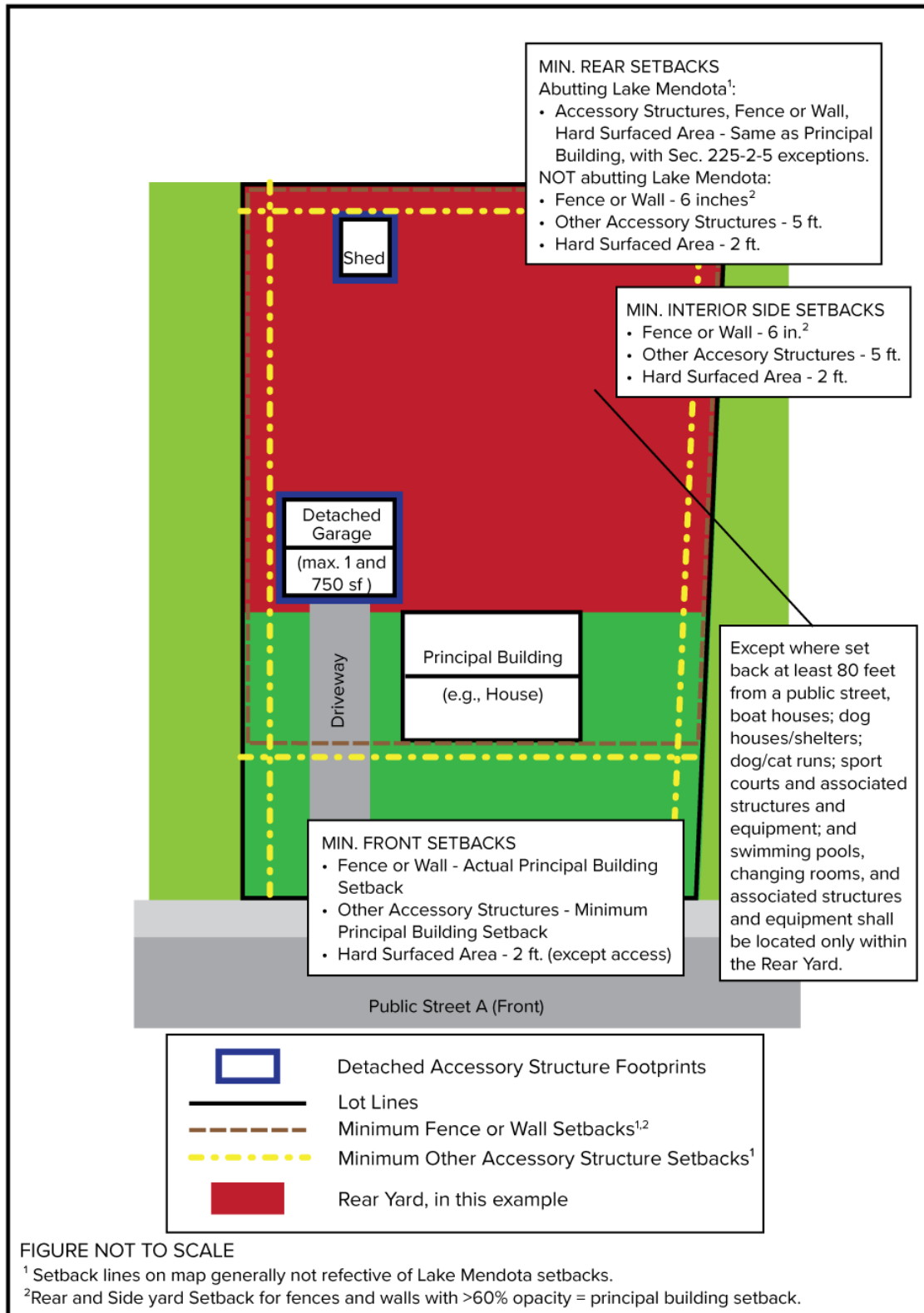
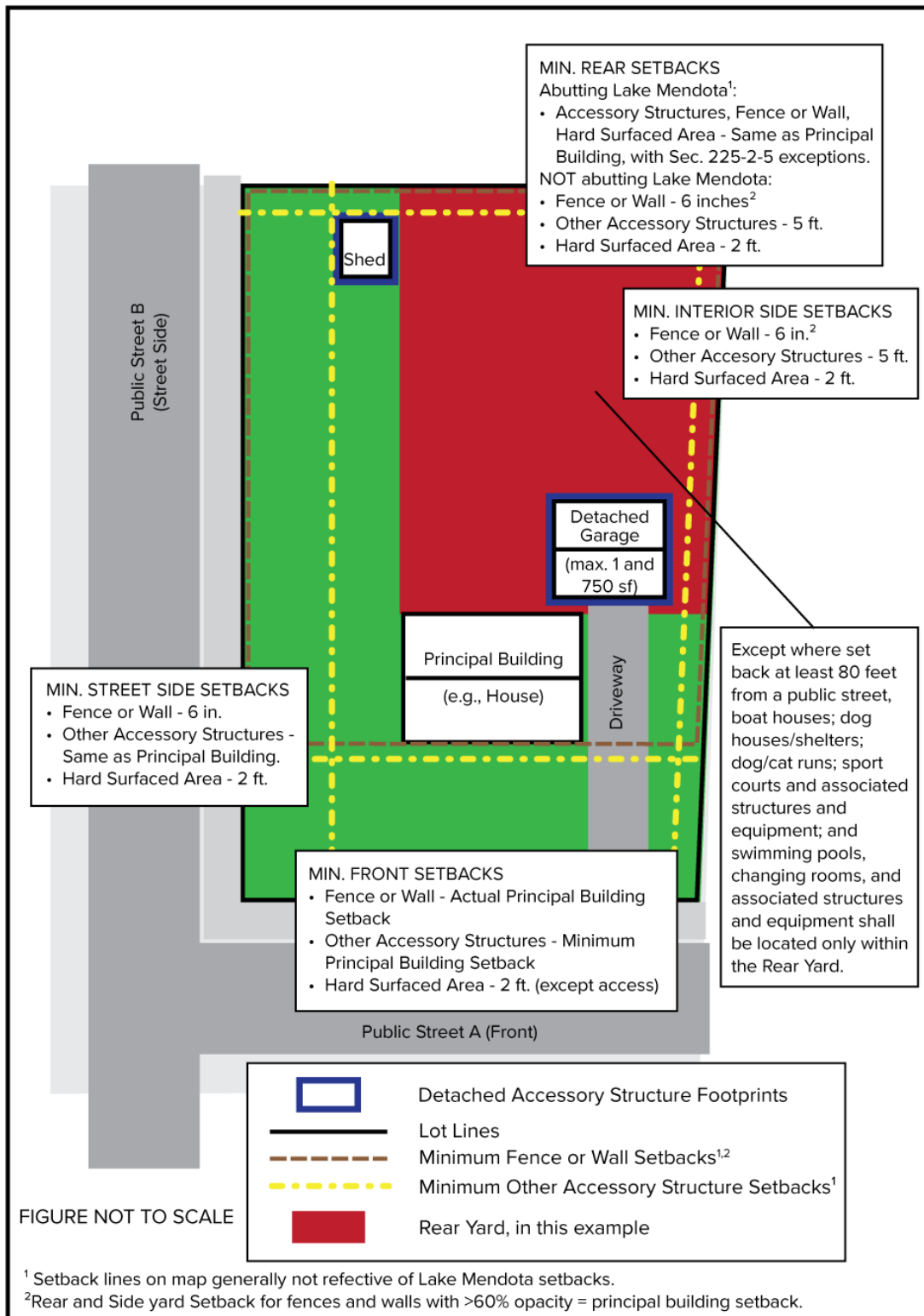


Figure 225.2.8: Illustration of Minimum Setbacks for Fences, Other Accessory Structures, and Other Improvements (Corner Lot)



Article 3 Land Use Descriptions and Standards

§ 225-3-1 Article purpose and applicability.

- A. This article includes descriptions and performance standards for each of the land use types listed in Figure [225.2.1](#) as a permitted, conditional, or allowed temporary use in at least one zoning district.
- B. Performance standards included in this article, including parking space minimums, shall be met as part of new and expanded land uses within the corresponding land use category after [insert effective date of recreated chapter], except by conditional use permit. Performance standards shall not apply retroactively to pre-existing land uses that are not expanding in area or in scope, except where otherwise specifically indicated in this Article 3.
- C. Other specifications for parking lots and spaces are provided in § 225-4-6, including potential reductions to minimum parking space requirements listed in this Article 3.
- D. New and expanded buildings and other structures associated with listed land uses shall be subject to dimensional requirements in Figure [225.2.2](#) and to design requirements in Article 4 to the extent made applicable under that article.
- E. In cases of mixed-occupancy or mixed-use buildings or sites, the regulations for each land use shall apply to the portion of the building or site so used.

§ 225-3-2 Residential land use types.

- A. Single-family residence.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), a dwelling unit designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit or nonresidential principal building.

Performance Standards:

- (1) Minimum finished floor area including attached garage shall be 1,000 square feet.
- (2) The residence shall be attached to a finished, permanent foundation, such as a concrete basement, slab, or crawl space.
- (3) The single-family residence may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas, generally intended for an extended family member or adult child, subject to the following standards:
 - (a) At least one permanent interior, non-locking access way connecting all spaces in the residence is required. Connections through attics, unfinished basements, garages, porches, or non-living areas shall not be sufficient to meet this requirement.
 - (b) Direct access to the separated portion of the residence from the building exterior shall be incidental and via exterior porches, patios, and decks only.
 - (c) The building shall appear from the outside as one single-family residence.
 - (d) A separate address and utility connection or meters are not permitted.
- (4) May be a manufactured home as defined in § 225-9-3 and required by federal law to be allowed where “stick-built” single-family residences area allowed, provided that the manufactured home

meets all requirements of this subsection; all state, federal, and Village construction requirements; and the building design requirements of § 225-4-2. No mobile home as defined in § 225-9-3 is permitted in the Village.

- (5) Pursuant to Wisconsin law, adult family homes as defined in § 50.01 (1) (a) or (b), Wis. Stats. and community living arrangements as defined in §§ 46.03(22) and § 48.743(1), Wis. Stats. for 8 or fewer persons are permitted uses within the R-A, R-B, and CM districts; and community living arrangements for 9 to 15 persons are conditional uses in the R-A and R-B districts and permitted uses in the CM district. To the extent permitted by federal law, community living arrangements and adult family homes shall meet the requirements of § 62.23(7)(i), Wis. Stats.
- (6) No single-family residence may be rented to a single family for a period of 6 or fewer days. Any single-family residence rented for a period of more than 6 but fewer than 30 consecutive days to any single family (“medium-term rental residence”) may serve as a medium-term rental residence for a maximum of 180 consecutive days in any calendar year. The owner, manager, or operator of each medium-term rental residence shall obtain a license from the Village, provide a copy of any required State license to the Village Clerk, and notify the Village Clerk of the first such rental date in each calendar year.
- (7) Minimum required off-street parking: 2 spaces.

B. Two-family or townhouse residence.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), a single building containing 2 to 8 attached dwelling units, with each dwelling unit having its primary individual access to the outdoors and sharing at least one common wall with an adjacent dwelling unit.

Performance Standards:

- (1) Building shall have no common hallways, except within any approved underbuilding parking area.
- (2) A building code-required, fire rated wall must separate the dwelling units from the lowest level to flush against the underside of the roof.
- (3) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (4) Minimum habitable floor area of each dwelling unit shall be 800 square feet.
- (5) Each such building proposed to be built as or converted to a zero lot line structure, as defined in § 225-9-3, shall meet the following additional performance standards:
 - (a) The building shall meet the front, side, and rear setbacks required for the applicable zoning district in which the residence is located, except that the yard with the shared wall shall have no minimum principal building setback.
 - (b) The building permit applicant shall provide a signed agreement or covenant specifying maintenance standards for the common wall, exterior surfaces of the building to maintain a neat and harmonious appearance over time, and any other common features. Each such agreement or covenant shall be subject to Village Attorney approval, and then recorded against all affected properties and continually maintained by the property owners.
- (6) No unit in a two-family or townhouse residence may be rented to a single family for a period of 6 or fewer days. Any such residence rented for a period of more than 6 but fewer than 30

consecutive days to any single family (“medium-term rental residence”) may serve as a medium-term rental residence for a maximum of 180 consecutive days in any calendar year. The owner, manager, or operator of each medium-term rental residence shall obtain a license from the Village, provide a copy of any required State license to the Village Clerk, and notify the Village Clerk of the first such rental date in each calendar year.

(7) Minimum required off-street parking: 2 spaces per dwelling unit.

C. Multiple-family residence.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), a single building with 3 to 8 individual attached dwelling units that does not fully meet the description of a “two-family or townhouse residence,” or any single building with 9 or more attached dwelling units. The same building may also contain other principal land uses such as ground-floor commercial uses, and accessory uses such as a common area, exercise room, or leasing office.

Performance Standards:

- (1) Minimum habitable floor area of each dwelling unit shall be 500 square feet for each studio/efficiency unit, 700 square feet for each one-bedroom unit, plus 100 square feet for each added bedroom.
- (2) Shall be serviced by a manager with an office or residence fewer than 10 miles away.
- (3) Any project with 50 or more units shall have an on-site manager or maintenance person residing on site and a deliberately designed and improved common recreational facility.
- (4) All building entrances shall be secured, either by key or keyless entry provided to residents, with security cameras provided in parking lots (including underbuilding) and at common entryways.
- (5) Secured indoor storage areas shall be provided for at least 50% of dwelling units.
- (6) Heating and air conditioning shall be provided within all units and indoor common areas, except for enclosed parking areas, allowing for occupant control and not allowing in-window units.
- (7) Sound mitigation measures shall be provided in all shared walls and floors between separate units, with a minimum standard Sound Transmission Class meeting the requirements of § 1207 of the International Building Code.
- (8) No unit in a multiple-family residence may be rented to a single family for a period of 6 or fewer days. Any such residence rented for a period of more than 6 but fewer than 30 consecutive days to any single family (“medium-term rental residence”) may serve as a medium-term rental residence for a maximum of 180 consecutive days in any calendar year. The owner, manager, or operator of each medium-term rental residence shall obtain a license from the Village, provide a copy of any required State license to the Village Clerk, and notify the Village Clerk of the first such rental date in each calendar year.
- (9) Minimum required off-street parking: 1 space per efficiency or one-bedroom dwelling unit; 1.5 space per 2 bedroom unit; and 2 spaces per dwelling unit with three or more bedrooms, except that minimum parking spaces for any senior-restricted housing may instead be per a parking demand study submitted by the applicant and approved as part of the conditional use permit. In addition:
 - (a) 1 enclosed (e.g., underbuilding, garage) parking space is required per dwelling unit, except for senior-restricted housing. Such parking is included within the above minimums.

- (b) Designated bicycle parking spaces shall be provided for residents and for guests.
- (c) Walkways shall be provided to and from building entrances, parking, public sidewalks, and bus stops.

D. Executive residence.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), a dwelling occupied by the current governor of the State of Wisconsin, the current governor's family, and such other persons designated by the State to provide security and other essential services (including within separate guard houses). The dwelling and grounds may be open to private and public tours, State law enforcement training, meetings of State personnel, and special events sponsored by the State or Wisconsin Executive Residence Foundation.

Performance Standards:

- (1) Fences, gates, lighting, guard houses, and other measures intended to provide security to the property, residents, and guests may be installed and maintained. See §§ **225-2-5** for allowances.

§ 225-3-3 Institutional and recreational land use types.

A. Institutional and educational.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), typically indoor institutional and educational facilities such as libraries, museums, community centers, schools, training centers, group day care centers, religious institutions, and memory and senior care facilities. Does not include any senior or assisted living facility where occupants occupy separate dwelling units (which are instead classified as a residential use in § **225-3-2**), or any fitness center (except as an accessory use), country club (which is separately listed), marina (separately listed), arena, auditorium, convention center, boarding house, rehabilitation center, hospital, jail, prison, cemetery, or similar land use. Does not include any "little free library" installed as an accessory structure to a residential or other principal use.

Performance Standards:

- (1) There shall be no overnight accommodations for any person, except in a memory or senior care facility.
- (2) Development shall provide an off-street passenger loading area and safe pedestrian and bicycle access.
- (3) Minimum required off-street parking: 1 space per 5 patrons at maximum capacity.

B. Public recreation.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), includes all recreational land uses located on public property or a public easement, except for a country club or a marina which are separately listed uses. Public recreation land uses otherwise include public play courts (such as tennis or basketball courts not associated with a country club), playfields, playgrounds, picnic areas and shelters, swimming beaches, fishing areas, fitness courses, community gardens or orchards, public natural areas, the Scout cabin, Dailey cabin, and Beach Park shelter.

Performance Standards:

- (1) All community gardens or orchards shall require issuance of a certificate of occupancy per § **225-8-13** prior to their establishment. The application shall include a plan that demonstrates

consideration for and indicates locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, and availability of parking.

C. Country club.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), includes recreational facilities for country club members, residents, and invited guests, and includes buildings incidental to the operation of a country club.

Performance Standards:

- (1) As a permitted use, country club facilities and buildings are limited to a club house, golf course, tennis courts and platform tennis facilities, swimming pool, diving pool, and work-out facility. All other facilities and buildings that may be associated with a country club shall require a conditional use permit.
- (2) Notwithstanding dimensional standards in Figure [225.2.2](#), the minimum required yard for all buildings and recreational facilities shall be 150 feet, except that:
 - (a) All tennis courts, the golf course, and their components such cart paths, protective netting, and accessory buildings, constructed and maintained within this minimum required yard existing as of [insert effective date of ordinance] are classified as permitted, conforming structures not in violation of any yard requirement, though such facilities may not be extended any further into the minimum yard.
 - (b) See § **225-2-5 E (5)** for setback allowances for certain previously built structures.
 - (c) There shall be no minimum yard abutting the railroad right-of-way.
- (3) Minimum required off-street parking: 1 space per 5 patrons at maximum building capacity.

D. Marina.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), an establishment providing docking and mooring and related activities limited to the provisioning or minor repair of pleasure boats and yachts, a marina building, and accessory structures including restrooms and concessions other activities that are clearly incidental to the marina function.

Performance Standards:

- (1) Fences, lighting, and other measures intended to provide security to the property and users may be installed and maintained, provided that all such fencing predominantly transparent and otherwise meets § **225-4-4**.
- (2) No boat, boat trailer, or other vehicle shall be stored within a landscaped area or vehicular circulation area.
- (3) An off-street passenger loading area shall be provided.
- (4) Minimum required off-street parking: 1 space per 10 boats kept on the property at maximum capacity.

E. Public service or utility.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), includes all municipal, county, state, or federal facilities (except those separately listed in this article); protective service facilities; utility substations and distribution facilities; water towers; and similar land uses. Does not include

facilities that generate power that is primarily for off-site distribution and use, except where conducted as an accessory use to another permitted public service or utility use.

Performance standards:

- (1) Minimum required off-street parking: 1 space per employee on the largest work shift.

§ 225-3-4 Commercial land use types.

A. Office.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), includes all exclusively indoor land uses whose primary functions are the handling of information, administrative services, or both, generally with minimal service to customers on-site. Office uses that are accessory to a principal residential use of a property are instead regulated as home occupations if meeting applicable requirements of this article.

Performance Standards:

- (1) Minimum required off-street parking: 1 space per 300 square feet of floor area.

B. Sales, service, or rental.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), a typically indoor land use whose primary function is the sales, service, and/or rental of merchandise or equipment, and/or the provision of one or more professional or personal services directly to an individual on a walk-in or on-appointment basis. Does not include any sales or service use accessory to a principal residential use of a property, which is instead regulated as a “home occupation.” Does not include any other land use type that is separately listed in this section.

Performance Standards:

- (1) The following sales, service, or rental land uses are permitted by right in the CM zoning district, except where such use includes a drive-in, drive-up, or drive-through facility.

Figure 225.3.1: Permitted Sales, Service, or Rental Land Use Types

Art, office, stationery, and/or school supply store	Graphic or similar design services
Artisan studio	Grocery store
Baked goods sales (not commercial bakery for off-site sale)	Health care office or clinic (but with no inpatient care and not hospitals)
Bank or credit union (not convenient cash, payday loan, installment loan, cash for gold, or similar businesses)	Household goods store (including clocks)
Barber or beauty shop	Information technology services
Bicycle sales and service	Insurance and/or financial services
Book store	Jewelry store
Butcher shop (not commercial butcher for off-site sale)	Music store
Clothing and shoe sales and repair	Nail salon
Confectionary, candy, and/or ice cream store	Optical store
Consulting services	Photographic studio
Delicatessen	Real estate agency
Florist and/or plant shop (not garden center)	Toy and/or game sales

Gift store (not sexually-oriented)	Travel agency
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- (2) Except where the land use is otherwise specifically identified and regulated elsewhere in § 225-3-4 and Figure [225.2.1](#), or not allowed in the Village under standard (3) below, all other sales, service, or rental uses shall require a conditional use permit. These include but are not limited to any such use including any drive-through, drive-up, or drive-in facility; antique, collectible, and hobby shops; automotive parts sales (not including vehicle service or repairs); car washes; convenience stores; department or variety stores; drug store/pharmacies; electronics and mechanical repair service businesses (not including any small engine repair); furniture and floor covering sales and repair stores; hardware and home improvement stores; household good maintenance and repair; liquor sales; tobacco sales; paint and wallpaper sales; phone sales; secondhand stores; laundromat; massage therapy businesses, medical research laboratories; small animal veterinary clinics and/or pet grooming; sexually-oriented businesses; tattoo or body piercing businesses.
- (3) The following uses are prohibited within the Village: motor vehicle and small engine repair and service (except e-bikes); vehicular fueling stations (not including accessory vehicular charging equipment); firearm sales and service stores; junkyards and salvage yards; pawn shops; convenient cash, payday loan, installment loan, cash for gold, or similar businesses; personal storage facilities (mini-warehouses); veterinary clinics catering to animals larger than domestic dogs and/or requiring outdoor kennels; animal boarding; CBD, vape, THC, and/or other establishments primarily selling non-alcohol intoxicating materials.
- (4) All loading and outdoor trash and recyclable storage shall be permitted only where clearly depicted and labeled on the approved site plan and meeting requirements of § 225-4-5. Loading and unloading shall not occur outside of the hours of 6 a.m. to 11 p.m.
- (5) Outdoor merchandise display and activities shall be allowed only where clearly depicted on the approved site plan; not exceeding 25% of the floor area of the principal use with which they are associated; meeting all applicable accessory structure setbacks per Figure [225.2.2](#); not affecting visibility and separated from motor vehicle routes, walkways, and parking spaces by a physical barrier; and not for any sexually-oriented business. When merchandise is fully removed from any approved display area, or the outdoor activity ceases, all support furniture and fixtures shall be immediately removed. Seasonal garden shops, tent sales, flea markets, seasonal roadside stands, Christmas tree lots, fireworks stands, and food trucks are not allowed on private property in the Village.
- (6) Any assembly, repair, or maintenance service shall be performed inside of an enclosed building with doors and windows to the building closed, and no detectable noise, odor, or vibration at any property line or other side of a common wall. Indoor floor area devoted to any assembly, repair, or maintenance service shall not exceed 25% percent of the total floor area allocated to the principal use, and may be required to be physically separated from other areas available for public access. Any products assembled on site must be sold or rented on site.
- (7) Each approved drive-up or drive-through lane shall be designed to provide for vehicle movement and stacking that does not impede or impair vehicular and pedestrian traffic movement, extend into the public street right-of-way, or exacerbate the potential for pedestrian/vehicular conflicts.
- (a) Minimum required off-street parking: 1 space per 300 square feet of floor area.

C. Restaurant or café.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), a type of land use in which food and/or beverages are prepared and sold on-site and greater than 80% of total sales are derived from sales of food and/or non-alcoholic beverages. Such land uses include coffee, tea, smoothie, and related shops that specialize in the sale of non-alcoholic beverages. Any eating or drinking establishment that includes a vehicular drive-up, drive-through, or drive-in facilities (excepting short-term parking in a designated parking space for food carry-out by pedestrians) shall instead be classified as an “entertainment or lodging” land use regulated in subsection D below.

Performance standards:

- (1) All loading and outdoor trash and recyclable storage shall be permitted only where clearly depicted and labeled on the approved site plan and meeting requirements of § **225-4-5**. Loading and unloading shall not occur outside of the hours of 6 a.m. to 11 p.m.
- (2) Outdoor activities shall be allowed only where clearly depicted on the approved site plan; not exceeding 25% of the floor area of the principal use with which they are associated; meeting all applicable accessory structure setbacks per Figure [225.2.2](#); and not affecting visibility but separated from motor vehicle routes, walkways, and parking spaces by a physical barrier. When outdoor activity ceases, including seasonally, all support furniture and fixtures that support the activity shall be immediately removed.
- (3) Minimum required off-street parking: 1 space per every 4 patrons based on interior seating capacity, or at maximum indoor fire capacity if no seating layout provided.

D. Entertainment or lodging.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), includes land uses that provide commercial entertainment or lodging services within an enclosed building, except as permitted under § **225-3-2 A (6)**. Lodging uses require more than one individual room or suite of rooms, with each room or suite having a private bathroom, including hotels and inns. Also includes eating and drinking establishments not meeting the description or standards for “restaurant or café” land uses; taverns; nightclubs; cigar bars; brewpubs; theaters; health or fitness centers; indoor swimming pools; dance, art, martial arts, and other forms of training studios; bowling alleys; arcades; roller rinks; indoor shooting, archery, and axe ranges; indoor amusement facilities; and pool halls. Does not include outdoor commercial swimming pools, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, racetracks, and shooting ranges. Uses that serve or allow the consumption of alcohol outdoors must also meet requirements associated with the separately listed outdoor alcohol area land use.

Performance Standards:

- (1) All loading and outdoor trash and recyclable storage shall be permitted only where clearly depicted and labeled on the approved site plan and meeting requirements of § **225-4-5**.
- (2) Outdoor activities shall be allowed only where clearly depicted on the approved site plan; not exceeding 25% of the floor area of the principal use with which they are associated; meeting all applicable accessory structure setbacks per Figure [225.2.2](#); not affecting visibility but separated from motor vehicle routes, walkways, and parking spaces by a physical barrier; and not allowed for any sexually-oriented business under any circumstance. When outdoor activity ceases,

including seasonally, all support furniture and fixtures that support the activity shall be immediately removed.

- (3) Drive-up, drive-through, and drive-in facilities are allowed only in association with land use types in this category that provide prepared foods. This shall not prohibit short-term parking in a designated parking space for carry-out by pedestrians for other uses. Each approved drive-up or drive-through lane shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
- (4) In its approval of any conditional use permit, the Village may establish minimum required stays or other occupancy limits on any lodging use to the extent consistent with State law.
- (5) Minimum required off-street parking: 1 space per every 4 patrons based on interior seating capacity, or at maximum indoor fire capacity if no seating layout provided.

E. Telecommunications facility.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), includes all broadcasting, receiving, or relay structures, and similar principal land uses and facilities. Required by Wisconsin Statutes to be allowed within all zoning districts and subject to limited requirements. Does not include any facility described elsewhere in this article as a “small exterior communication or energy system.”

Performance Standards:

- (1) The application for conditional use permit and site plan approval materials required under § 66.0404(2)(b), Wis. Stats. in addition to requirements under this chapter.
- (2) If the intent is to construct a new, freestanding telecommunications facility, the application must include an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the telecommunications facility attesting that collocation within the applicant’s search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
- (3) Each permitted telecommunications facility shall be placed or constructed so it may be utilized for the collocation of antenna arrays to the extent technologically and economically feasible. The holder of a permit under this subsection shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing collocation sites and a fair investment return.
- (4) Telecommunications facilities and associated equipment shall, to the extent possible, match the color of existing facilities and be installed in a fashion to lessen the visual impacts of such installation. Accessory buildings shall meet requirements in § [225-2-2](#) and Figure [225.2.2](#).
- (5) A new or amended conditional use permit and site plan shall be required for “substantial modifications” to an existing telecommunications facility, as that term is defined in § 66.0404(1)(s), Wis. Stats. Neither a conditional use permit nor site and building plan approval shall be required for any modification that is not defined as a “substantial modification,” but a building permit is required.

- (6) A conditional use permit shall not be required for collocation on a proposed or existing telecommunications facility, provided the collocation does not result in a “substantial modification,” as that term is defined in § 66.0404(1)(s), Wis. Stats.
- (7) The applicant shall provide a written agreement stating that if the telecommunications facility, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the facility including all associated equipment upon written request from the Zoning Administrator at no cost to the Village within 60 days of such request.
- (8) The owner of any telecommunications facility shall maintain insurance against liability for personal injury, death, or property damage caused by its maintenance and/or operation.
- (9) The limitations under the applicable §§ 66.0404(4) or 66.0406(2), Wis. Stats. shall apply to the Village review of any application for a telecommunications facility,

§ 225-3-5 Accessory and temporary uses and structures.

A. Detached accessory structure.

Description: In zoning district(s) where allowed per Figure [225.2.1](#), an accessory structure serving a principal land use and building on the same parcel (e.g., a house), but not attached to the principal building, including but not limited to the accessory structures listed in Figure [225.3.2](#). Does not include any other accessory structure separately listed in this section, including accessory dwelling units, small exterior communication or energy systems, donation drop-off boxes or vending machines, and temporary portable storage containers or dumpsters. Does not include hoop sheds or any structure historically or typically used as a shipping container, which are not permitted in the Village.

Figure 225.3.2: Village Approval Assignments for Detached Accessory Structures*

Zoning Administrator Approval	Building Board Approval
Arbors and trellises	Boathouses and boat shelters
Outdoor kitchen; fixed installation barbequing equipment	Carports
Dog or cat houses, shelters, and runs	Chicken coops and runs
Detached decks, walkways, and patios not elevated above ground surface	Detached decks, stairs, walkways, and patios elevated above ground surface
Fences, gates, walls, and netting meeting applicable requirements of Figure 225.2.2 and § 225-4-4	Garages
Fire pits and permanent outdoor fire places	Outdoor swimming pools, changing rooms, and other associated structures and equipment
Flag poles	Recreation buildings such as gazebos, playhouses, treehouses, greenhouses, garden houses, and accessory offices
Fountains meeting accessory structure heights in Figure 225.2.2 .	Sheds
Heating, ventilation, and air conditioning equipment	Sport courts and associated equipment

Ornamental lights and sculptures meeting accessory structure heights in Figure 225.2.2 .	Any other detached accessory structure not listed in the “Zoning Administrator Approval” column
Playground equipment	
“Little Free Libraries” of 6 sq. ft. or less	

Note: * See also performance standard (2) below.

Performance Standards:

- (1) Each detached accessory structure shall be subject to applicable design standards in § **225-4-2**.
- (2) Each detached accessory structure within the “Zoning Administrator Approval” column in Figure **225.3.2** is subject only to Zoning Administrator approval prior to installation, except when combined with a larger project that requires Building Board approval or when the Zoning Administrator determines that Building Board approval shall first be required based on unique circumstances and/or subjective design-related characteristics related to a requirement of this chapter. These, plus all detached accessory structures listed in the “Building Board Approval” column in Figure **225.3.2**, shall be subject to Building Board approval prior to installation, per the procedure in § **225-8-5**.
- (3) No detached accessory structure shall be constructed on any parcel prior to establishment of a principal use or principal building on that same parcel.
- (4) Each detached accessory structure shall be located on the same parcel as the principal use or building which it serves.
- (5) No detached accessory structure within a residential zoning district shall involve the conduct of any business, profession, trade, or other means of economic gain for any resident of the parcel except as allowed for a “home occupation” per § **225-3-5 B**.
- (6) No detached accessory structure shall be used as a dwelling unit.
- (7) Each detached accessory structure shall meet applicable dimensional requirements in Figure **225.2.2**, subject to additional provisions and exceptions in § **225-2-5**.
- (8) No sport court shall be lighted within any residential zoning district.
- (9) Outdoor swimming pools, changing rooms, and other structures serving each pool shall be subject to the following standards:
 - (a) See Figure **225.2.2** for setback provisions.
 - (b) All materials and methods in the construction, installation, alteration, addition, remodeling, plumbing, electrical, and other improvements shall be in accord with applicable State regulations and Village ordinances.
 - (c) No swimming pool shall drain into any sanitary sewer nor overflow upon or cause damage to any adjoining property. Draining a swimming pool into public streets, other public property, directly into Lake Mendota, or the storm sewer system may occur only with the prior approval of the Public Works Director.
 - (d) Each swimming pool shall be completely enclosed by a fence, wall, cover, or other protective device of sufficient strength to prevent access to the pool from a person weighing 250 pounds or less. Any fence or wall gate shall be securely closed and any such cover or other protective device shall be securely fastened when the swimming pool is not in use.

- (e) If a fence or wall is used for the required enclosure, such fence or wall shall be located not less than 6 feet from the pool edge; made of a non-corrosive material; designed and constructed to not be easily climbable or have voids, holes, or openings larger than 4 inches in any one dimension including from bottom; and meet fence and wall requirements in § **225-4-4** and Figure **225.2.2** (except as otherwise prescribed in § **225-2-5**).
- (f) All fence openings or points of entry into a pool enclosure shall be equipped with gates or doors. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any building that forms a part of the enclosure.
- (g) All swimming pools shall be outfitted with a filtration system to ensure proper circulation of the water therein (providing one complete turnover of water every 18 hours) and maintenance of the proper bacterial quality, sides and bottom of a smooth hard surface of adequate structural strength, a pool vacuum to keep the bottom clean and dirt free, an automatic skimmer or overflow gutters which carry off surface scum or other foreign matter, and steps or ladders made of impervious material and easily cleaned.
- (h) Pools used or intended to be used at night shall be adequately illuminated, in accordance with the limitations of § **225-4-7**.

(10) This subsection shall be interpreted to allow use of tents and similar fabric structures in association with special events or in-yard camping by members of the family living on the premises for a period not exceeding 30 days.

B. Home occupation.

Description: An economic activity that is accessory to a dwelling unit and provides income for one or more occupants of the dwelling unit, where the principal use of the parcel remains the residence of the person(s) conducting the economic activity. Includes any State licensed family child care home serving 4 to 8 children.

Performance Standards:

- (1) The home occupation shall be conducted only within the dwelling unit and/or an attached garage, except use of a detached building, such as for a home office, may be authorized by conditional use permit.
- (2) A home occupation shall be undertaken only by members of the family residing on the premises. No outside employees are permitted.
- (3) The area used to conduct the home occupation shall not exceed 25% of the first floor area of the dwelling unit, even if not conducted or only partially conducted on the dwelling's first floor.
- (4) There shall be no exterior alterations to the dwelling that change its character. Signage shall be limited to that allowed of any other dwelling in a residential zoning district in § **225-5-4**.
- (5) No home occupation shall keep any stock-in-trade or include on-site sales or lease of any commodity, except for those made on the premises and that samples may be kept but not sold on the premises.
- (6) No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible, except for one licensed car, van, or light duty truck used for the home occupation and resident.

- (7) There shall be no noise, odor, or vibration at any parcel line from the home occupation.
- (8) Appointments shall be limited to infrequent consultation, but not for the general practice of a profession (e.g., no medical, massage, or other personal service appointments).
- (9) No home occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day, except for a family child care home serving 4 to 8 children.
- (10) Accessory child care for fewer than 4 children and a State licensed family child care home serving 4 to 8 children (not including children of care provider) are permitted home occupations. Each family child care home serving 4 to 8 children must be licensed by the State and follow rules and procedures in §§ 48.65 and 66.1017(1)(a), Wis. Stats., and DCF 202, Wis. Admin. Code.

C. Small exterior communication or energy system.

Description: Equipment designed to facilitate personal communication to or from a premises, or to generate energy primarily for on-premise use. Such communication equipment does not include “telecommunication facilities” as separately described and regulated in this article and chapter, and includes antennas of 15 feet in height or less as measured from the highest part of the ground or roof to the top of the antenna, satellite dishes with a diameter of 20 inches or less, and other similarly small-scale equipment. Such energy generating equipment includes solar, wind, and geothermal energy systems that convert energy from the sun, wind, or earth into usable thermal, mechanical, chemical, or electrical energy, where such energy system is accessory to the principal use of the parcel, and primarily supplies energy to such principal use. Also includes electrical generators designed for home use. Does not include any outdoor solid fuel furnace, which are prohibited in the Village.

Performance Standards:

- (1) May be attached to a principal or accessory building, or may be a stand-alone accessory structure(s), where all associated dimensional requirements in Figure **225.2.2** are met (except as otherwise allowed under § **225-2-5**), including for underground equipment associated with such system.
- (2) Prior to installation or expansion, shall be subject to Building Board approval per § **225-8-5**, except where provided under § **225-8-5 D (9)**, and including all application and notice requirements in PSC 128.30 through 128.34, Wis. Admin. Code for all small wind energy systems and § 66.0401(4), Wis. Stats. for solar and wind energy systems. Following such approval, a building permit shall also be required.
- (3) Except by conditional use permit per the procedure in § **225-8-4**:
 - (a) Each roof-mounted solar panel shall be mounted flush to the roof surface, allowing for brackets and panel depth. This limitation shall not apply along flat roofs, or to other roofs where the panels will not be visible from another parcel or the public right-of-way.
 - (b) No ground-mounted, above-ground small exterior communication or energy system shall be located in any front or street side yard (i.e., minimum building setback area).
- (4) For each small wind energy system, shall meet applicable setback, height, noise, shadow flicker, signal interference mitigation, construction, operation, decommissioning, and other requirements of PSC 128, Wis. Admin. Code.

- (5) Shall be erected and installed in accordance with the state electrical code adopted by reference in the National Electrical Safety Code, Federal Communications Commission, and the instructions of the manufacturer. All electrical connections shall be located underground, within a building, or within a locked piece of equipment.
- (6) Shall be finished in rust-resistant, non-reflective finishes and colors.
- (7) Clearing of natural vegetation shall be limited to that necessary for the construction, operation, and maintenance of the system and as otherwise prescribed by applicable law.
- (8) No signs shall be permitted on any such system, except for manufacturer's identification and warning signs.
- (9) If the system is an electrical generator, it shall have a maximum 80 decibel manufacturer standard, positioned at least 5 feet from any residence unless a closer distance is advised safe per manufacturer documentation, and positioned at least 5 feet from any openable window.
- (10) Each geothermal energy system is subject to the following additional standards:
 - (a) Mechanical pumps used to move water between heat exchangers and structures shall be located entirely within principal or accessory structures.
 - (b) Shall comply with state requirements regarding setbacks from private or public water wells.
 - (c) Earth moving or drilling activities associated with installation or maintenance of any underground element shall comply with applicable requirements in Chapter **115**.
 - (d) All activities, materials, structures, and products associated with the installation and maintenance of the system shall comply with applicable state-approved standards and drilling permit procedures and shall meet the certification standards established by the IGSHPA or other professional geothermal system accreditation association recognized by the State of Wisconsin. Materials shall be able to withstand long-term exposure to the levels of moisture and/or acidity of soils of the site.
 - (e) Open loop systems using only water as the heat exchange fluid shall be permitted. Such systems may not be installed directly in a navigable body of water, and discharged water shall meet the state requirements for thermal and other water pollutants. Discharged water shall not be directed onto any adjacent parcel or interfere with the function of on-site or off-site stormwater management structures.
 - (f) In closed loop systems, only heat exchange fluids certified by the State of Wisconsin for use with underground heat exchangers may be utilized. Heat exchange fluids shall not pose a contamination hazard to ground water quality. Fluids removed from closed loop heat exchangers shall be disposed of in accordance with state and federal requirements.

D. Outdoor alcohol area.

Description: Outdoor alcohol areas are those designated for the service and/or consumption of alcohol outside of the principal building, often associated with an approved restaurant or tavern use including outdoor dining areas that allow alcohol consumption. Each outdoor alcohol area shall require a liquor license. Where a temporary use, the outdoor alcohol area shall require Village Board authorization, but shall not require a conditional use permit nor be subject to the performance standards below except where the Board authorization may require.

Performance Standards: The following performance standards shall apply to each outdoor alcohol area that is not a temporary use, except where otherwise specified by conditional use permit or preempted by State law:

- (1) Shall be set back a minimum of 50 feet from any residentially zoned property.
- (2) Maximum allowable area shall not exceed 25% of indoor floor area.
- (3) May be required by conditional use permit to be enclosed with a fence, wall, or other barrier.
- (4) May be limited to no outdoor bar or service station, and/or to wait staff service only to patrons seated in the approved outdoor area.
- (5) Shall not open earlier than 6 a.m. or remain open later than 11 p.m. on any day.
- (6) The availability of adequate parking shall be a consideration in the conditional use permit process. No outdoor alcohol area shall reduce the number of parking spaces serving all uses on the premises below, or further below, the minimum required number for the principal use(s) on the parcel or in the development.
- (7) All conditional use permit applications for an outdoor alcohol area shall include operational and site plan details addressing each of the standards above plus submittal requirements for conditional use permit approval in § **225-8-4**. Where such use is proposed to include or abut a public right-of-way, parking lot, or driveway, the application shall include details regarding the specific location of street, parking lot, or driveway improvements, and how the activity will be kept off of and separated from the street travel way, parking lot, or driveway.

E. Garage, yard, estate, and in-home sales.

Description: Includes the short-term display and sales of household products in a single-family residence, or single-family residential garage, driveway, or yard, whether such sale is for one or multiple Maple Bluff resident families.

Performance Standards:

- (1) May only be conducted by the occupants of the residence and their guests.
- (2) Shall be limited to a maximum of 4 sales per year, with a maximum duration of 3 days per sale and for the display of objects for sale.
- (3) Signs shall be as regulated as “limited-time event signs” under Article 5.

F. Outdoor assembly or special event. Also known as “organized events” pursuant to §§ **192-11** and **192-12** of the Code. Where such event is to be located on private property, procedures and requirements normally applicable to organized events on public property under such sections apply.

G. Temporary portable storage container or dumpster. Described and regulated in § **166-11** of the Code.

Article 4 General Design and Performance Standards

§ 225-4-1 Article purpose and applicability.

- A. This article includes substantive expectations for exterior design and appearance buildings, other structures, sites, and potential improvements and storage of materials on them in order to meet the following objectives:
- (1) Fulfill the purpose of this chapter in § 225-1-3 and the Comprehensive Plan.
 - (2) Promote the Village's goals with respect to land use compatibility, property value maintenance and enhancement, aesthetics, environmental protection and enhancement, visual openness, pollution control, civic pride, and public health.
 - (3) Achieve high-quality exterior building, site, and landscape design that reflects the design quality within Maple Bluff, without favoring any particular architectural style or site design approach.
 - (4) Respect the attributes of the site, its buildings, neighboring principal buildings.
 - (5) Not unduly restrain land owner choice to build, expand, remodel, or modernize to meet their needs and interests.
- B. Except where otherwise indicated, the provisions of this article apply to all buildings and sites within the Village when exterior modifications are proposed in one of more of the categories described in this article. This article describes the substantive standards for building, other structure, site, and landscape design, but not the associated Village review procedure, which is instead prescribed in Article 8.

§ 225-4-2 Building design.

Each new, remodeled, or expanded building that meets the threshold for design review under § 225-8-5 shall:

- A. If a single-family residence, have a floor area that does not exceed 150% of the mean average floor area percentage of neighboring principal buildings as defined in § 225-9-3, using assessor records or another accurate source if available. (Floor area percentage standards in Figure 225.2.2 and Section 225.2.5 remain applicable regardless.)
- B. Have attached garages with garage doors that face a public street only where such garage section is either set back at least 80 feet from the facing street right-of-way, or set back at least 1 foot and at least 5 feet narrower from the remainder of the primary building façade as defined in § 225-9-3.
- C. Incorporate one or more windows or doors on each flat wall greater than 20 feet in length.
- D. Incorporate a unified architectural design (including additions) that provides or maintains a general ratio of solids to voids; repeating scale and proportions; vertical or horizontal directional emphasis; and compatible doors, windows, trim, decorative features including lighting, siding exposure, siding corners, lintels, chimneys, and roof style across the building exterior.
- E. Incorporate roof, siding, and trim materials that are durable, present a finished appearance to public streets and neighboring principal buildings, and carry across all additions, building walls, and roofs unless multiple materials are a legitimate expression of the particular architectural style.

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- F. Not include exterior exposure of the following materials: non-decorative or non-textured concrete block, foundation walls, or panels above 2 feet from the adjacent ground surface; plywood; untreated lumber; asphaltic siding; metal panels with exposed exterior fasteners.
 - G. If the building is a detached accessory building, have an architectural style, color, material, and detail that is harmonious with the principal building, and not include any primary building façade (as defined in § **225-9-3**) that has more than 75% of its width occupied by garage doors.
 - H. Locate and design all building-mounted equipment to be integral with the building architecture or screened from view from public rights-of-way and neighboring principal buildings, except for small exterior communication or energy systems which are instead subject to § **225-3-5 C**.
 - I. Where permitted, design and locate trash and recyclable dumpster enclosures, loading docks, and overhead loading doors as integral elements to the building and site, screened from view from public streets and neighboring principal buildings, and otherwise meeting applicable requirements of §§ **225-4-5** and **225-4-8**.
 - J. Where within the geographic area covered by the Village's Gateway Redevelopment Concept and Implementation Strategy Plan, comply with applicable building design standards within such plan.

§ 225-4-3 Site design.

Each adjustment to a site that meets the minimum threshold for design or site plan review under § **225-8-5** shall:

- A. Meet all drainage, erosion control, and stormwater management requirements of SPS 321.12 and 321.125, Wis. Admin. Code, and of any requirements of Chapter **115** of the Code that are made applicable under that chapter to the proposed site adjustments.
- B. Include site grading, structure siting, and hard and pervious surfaces that:
 - (1) Compared to pre-development conditions, do not materially alter surface water drainage through and from the site (except where advised by the Village Engineer to address an identified problem); substantially increase the rate or volume of stormwater discharge from the site; or transmit mud, soil, mulch, or other visible sediment onto any adjacent property, public right-of-way, or surface water body.
 - (2) Do not result in the compromise, degradation, defacement, or obliteration of any shoreline or bluff, or include any fill or shoreline enhancement that does not obtain the proper state or federal permit.
 - (3) Respect the natural topography of the site and area, while allowing for the creation of earth forms that add interest to the existing topography or screen undesirable views.
 - (4) Include a minimum low opening elevation for any new principal building that is two feet above the base flood elevation of any nearby floodplain or rim elevation of any nearby stormwater basin or drainage channel, as verified by the Village Engineer where necessary.
 - (5) Minimize the removal of non-invasive mature trees and shrubs without compromising drainage or structure function.
 - (6) Allow for the installation and maintenance of groundcover and other landscaping via proper slopes, topsoil maintenance, and otherwise.

- (7) Design and install all retaining walls pursuant to best engineering practices (such as those promulgated under the International Building Code or American Society of Civil Engineers (ASCE) 7, “Minimum Design Loads for Buildings and Other Structures”) and with a style, height, and materials compatible with other site improvements.
- C. Provide for the undergrounding of public and private utility and communication wiring connecting to the building and site, where meeting the project threshold and per the requirements of **§ 225-8-5 G (2)**.
- D. For shoreline stabilization projects, design and install any human-made or formed stabilization materials to be compatible with the principal building and with other structures on the parcel and pursuant to best engineering practices.
- E. Where within the geographic area covered by the Village’s Gateway Redevelopment Concept and Implementation Strategy Plan, comply with applicable site and landscape design standards within such plan.
- F. Include trees, shrubs, and other landscaping to present an attractive street and community appearance, complement existing uses and site development on nearby lands, and buffer lower density and/or residential uses nearby where not associated with a single-family residence. Where required by the Building Board, a landscaped buffer yard shall be at least 25 feet in width and planted in sufficient quantities to provide an all-season screen within 5 years of planting and have a minimum height of 3 feet at time of planting. The Building Board may allow an alternative approach to meet a similar standard, such as decorative opaque fence or wall, and/or a berm, in lieu of or in addition to the landscape planting density and/or width.
- G. No species identified under NR 40, Wis. Admin. Code or by the Village Forester as invasive is permitted.
- H. Landscape plantings and retaining walls in utility or other easements is at the risk of the property owner, and any impacts on such plantings or walls resulting from authorized work in such easements shall be borne by the property owner unless otherwise specified in a recorded easement.

§ 225-4-4 Fences and walls.

- A. Purposes. This section, in combination with Figure **225.2.2** and **§ 225-2-5**, regulates the materials, location, height, and maintenance of fences, walls, and netting, and associated posts and gates, to achieve the following objectives beyond those described in **§ 225-4-1 A**:
- (1) Maintain the visual openness of the Village by minimizing substantial visual barriers between and among residential properties.
 - (2) Recognize legitimate interests for fences and walls for certain functions and in certain settings.
 - (3) Ensure proper visibility, screening, and/or security as the situation demands.
- B. Applicability.
- (1) Each fence, wall, post, and gate shall be constructed and maintained in a manner that is:
 - (a) Structurally sound and good repair, including but not limited to being installed and maintained in a vertically level position; free from broken boards and other components; and free of rot and peeling, chipped, or flaking coating.

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- (b) Not adversely affecting stormwater flow, including flow impediments that may result from the collection of organic materials (e.g., leaves) or debris on or around the structure.
- (2) Each fence, wall, post, and gate may be maintained without approval or building permit under this section. Maintenance includes activities to maintain the structure in accordance with subsection (1), but does not include any extension or structural alteration.
- (3) The remaining requirements of this section apply to the installation, extension, structural alteration, and replacement of permanent exterior fences, walls, gates, posts, and netting. These include but are not limited to boundary fences or walls erected along or near a property line for the purpose of enclosing a property and/or creating a barrier between parcels; architectural, aesthetic, or decorative fences erected for a purpose other than enclosing a parcel and/or creating a barrier between parcels; walls constructed of stone, brick, concrete, or similar substantial material; netting designed to limit the trespass of balls or other objects; or retaining walls greater than one foot above finished grade. This section shall not apply to other retaining walls, to arbors, or to trellises, and shall not apply to temporary fences that are:
- (a) Associated with a construction project, not exceeding the term of construction;
- (b) Snow fences, provided that such fence is temporarily erected to serve its defined purpose and removed between April 15 and December 1 of each year; or
- (c) Designed to enclose space or restrict access during a temporary event not more than one week in any calendar year.
- C. Permit required. Before work is commenced on the installation, extension, structural alteration, or replacement of any fence, wall, gate, or netting applicable under subsection B(3), a building permit must be obtained from the Building Inspector following submittal of a complete application form and supplemental information indicated on that form to ensure the ability of the Village to evaluate the proposed fence and wall against applicable requirements of this section. The Building Inspector may require a Plat of Survey or other site mapping or investigation as the Inspector may allow to verify the exact location of the proposed fence, wall, gate, or netting relative to a property line.
- D. Measuring fence and gate height. The body of the fence or gate, including the tallest picket or plank on fences so designed, determines the fence height. If the fence or gate has been elevated, such as through use of an underlying retaining wall or landscape berm, height is measured from the ground elevation prior to the surface grade modification. Fence and gate support posts may extend a maximum of 4 inches above the maximum fence or gate height, but only where such posts are spaced fewer than 3 feet apart from each other. A maximum of 4 inches is allowed between the ground elevation and bottom of fence is allowed, typically for drainage purposes, with such space not counted as part of fence or gate height.
- E. General requirements. Each fence, wall, gate, post, or netting installed, extended, structurally altered, or replaced under subsection B.(3) shall at all times meet the following requirements:
- (1) Placed and maintained within the parcel it is intended to serve.
- (2) Not placed on or extend into a public or utility easement where public improvements are located or public access allowed without approval of an encroachment agreement by the Public Works Director that assigns to the property owner future responsibility for reinstallation of any such structure removed or damaged within the easement.

- (3) For each fence or gate with a more finished or more decorative side, such side shall face toward the adjacent parcel or public right-of-way (not including railroad right-of-way). As an example, exposed posts and lateral supports shall not face toward the adjacent parcel or public right-of-way unless such components are exposed on both sides.
 - (4) Not include barbed, razor, or similar cutting wire; electrification (does not include invisible pet security fences); chicken wire; reflective glass or metal; unfinished cement block (such as that typically used for building foundations); plywood; untreated lumber; or railroad ties.
 - (5) All applicable requirements of § **225-4-3** related to site design shall be met.
- F. Requirements for permanent fences and walls. For a building permit to be issued for an applicable permanent fence or wall, the fence or wall shall either be a replacement of the same size, location, and materials as an existing fence, or shall meet all of the following requirements:
- (1) Meets maximum heights and minimum setbacks for fences and walls in Figure [225.2.2](#), subject to any permitted exceptions and processes in § **225-2-5** and in subsection (3) where applicable.
 - (2) Not constructed of chain link, woven wire, or similar design; or with PVC, vinyl, or other plastic material except for composite materials designed to closely resemble wood and for underground components. Notwithstanding the above, chain link and synthetic netting is permitted where parallel and within 10 feet of a railroad right-of-way or where enclosing an approved sport court or golf course.
 - (3) Designed with no greater than 60% opacity as that term is defined in § **225-9-3** and with examples of compliant fences in Figure **225.4.1**, except:
 - (a) For the lowest 2 feet of any fence.
 - (b) Where minimum setbacks are equal to the minimum principal building setbacks in Figure **225.2.2** and the fence is in the rear yard.
 - (c) For fences, walls, and gates designed to screen mechanical units or outdoor storage areas described in § **225-4-5 B**.
 - (4) Consistent in height, materials, style, and color to any existing fence or wall to which it will attach, except where such existing fence does not meet the requirements of this section.
 - (5) Any included gates match the height, material, style, and color of the fence or wall.
 - (6) Not constructed parallel to and within 5 feet of another fence, whether or not on the same parcel.

Figure 225.4.1: Examples of Fences with No Greater than 60% Opacity**§ 225-4-5 Outdoor storage.**

- A. Purpose. The purpose of this section is to regulate the use of property for outdoor storage so as to protect the Village's aesthetic character and public safety and general welfare. Additional standards for outdoor storage applicable to specific land uses as specified in Article 3 also apply.
- B. Waste/recycling materials and containers. For all land uses without Village-provided residential waste and recycling collection, all solid waste and recycling materials, containers (i.e., dumpsters), and stacks (e.g., pallets awaiting pick-up) shall be fully screened from public rights-of-way and adjacent parcels, placed on a hard surface, soundproofed with hatch closure noise mitigation measures and otherwise meeting § 225-4-8, and meet minimum accessory building setbacks in Figure 225.2.2. The provisions of this subsection do not apply to temporary portable storage containers or dumpsters described and regulated in § 166-11 of the Code.
- C. Operable vehicle parking and storage. Parking and storage of operable vehicles, including boats, in residential zoning districts shall be pursuant to Chapter 166, Article 3, and § 212-2 of the Code. Within other zoning districts, outdoor vehicle storage is not permitted, but temporary outdoor parking for employees, patrons, residents, and visitors is permitted in designated hard surfaced parking spaces only.

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- D. Abandoned and inoperable vehicles and junk. The outside storage of inoperable or unlicensed vehicles, appliances, and other junk or trash shall be prohibited, and otherwise subject to Chapter 166, of the Code.

§ 225-4-6 Access, driveways, and parking.

- A. Purpose. The purpose of this section is to ensure traffic and personal safety, clear and efficient parking lots and on-site circulation, proper stormwater management, and aesthetic values through driveway access, vehicle circulation, and parking requirements.
- B. Generally.
- (1) Each access point onto a Village street or right-of-way shall have a driveway permit issued per § 86.07(2), Wis. Stats. Such driveway permit can be issued as part of or in conjunction with a building permit.
 - (2) Each new or expanded surface parking lot, not including any single-family residential driveway, shall require design and site plan approval from the Building Board under § 225-8-5.
 - (3) All new and expanded off-street parking, driveways, and traffic circulation areas shall:
 - (a) Be surfaced and continuously maintained with a hard surface in good condition free of potholes and other signs of disrepair. Except within residential zoning districts, all such surfaces shall be designed to carry a wheel load of at least 6,000 pounds.
 - (b) Meet the minimum hard surfaced area setback requirement in Figure 225.2.2, except for resurfacing of an existing hard surfaced driveway and as otherwise allowed within § 225-2-5 C (4).
 - (c) Meet applicable drainage, erosion control, and stormwater management requirements described in § 225-4-3.
 - (d) Be landscaped per § 225-4-3, except for single-family residential driveways, and lighted per § 225-4-7 where lighting is proposed.
- C. Vehicular access points.
- (1) Each parcel shall not have more than one vehicular access point on any one street if its frontage on said street is less than 100 linear feet. For parcels with greater than 100 linear feet of frontage on any one street, a second vehicular access point on said street is permitted. No single-family residential parcel shall have more than 2 vehicular access points to public streets.
 - (2) No new vehicular access point shall be located closer than 25 feet from the intersection of any two street rights-of-way. Replacement of an existing driveway may be closer than this 25 foot separation where the Zoning Administrator determines that such driveway placement does not impede safe traffic movement.
 - (3) No new vehicular access point shall be closer than 2 feet from any side or rear parcel line, except for shared access driveways approved by the Zoning Administrator following recording of documentation with the Register of Deeds providing for their joint use and maintenance.
- D. Driveways and circulation.

- (1) Minimum driveway width is 12 feet for each single- and two-family dwelling and for each designated one-way route, except that hard surfaced width may be reduced to 10 feet where an additional 3 feet on each side of the driveway is free from obstructions.
- (2) Minimum driveway width is 20 feet where serving two-way traffic for multiple-family and nonresidential uses.
- (3) Maximum driveway width at the public street pavement edge is 30 feet.
- (4) Maximum driveway width for each single- and two-family dwelling is 20 feet, except that a width of up to 30 feet is permitted where required to provide a direct path from the garage door(s) to the public street and the width narrows to no greater than 20 feet within 10 feet of the public street pavement edge.
- (5) Where serving more than one single- and two-family dwelling, the Director of Public Works may require a turnaround area or other provisions for service and emergency vehicle access.
- (6) All access drives shall intersect with the public street at an angle of not less than 75 degrees.
- (7) Driveways, parking, and circulation patterns shall be designed to pose no substantial danger to pedestrians or vehicles traveling in abutting streets, and to minimize interference with the free and convenient flow of traffic in abutting streets, which may include restrictions on vehicles backing into public streets except for driveways serving single-family residences.
- (8) Circulation patterns and traffic control measures shall conform to the general rules of the road.

E. Vehicle parking.

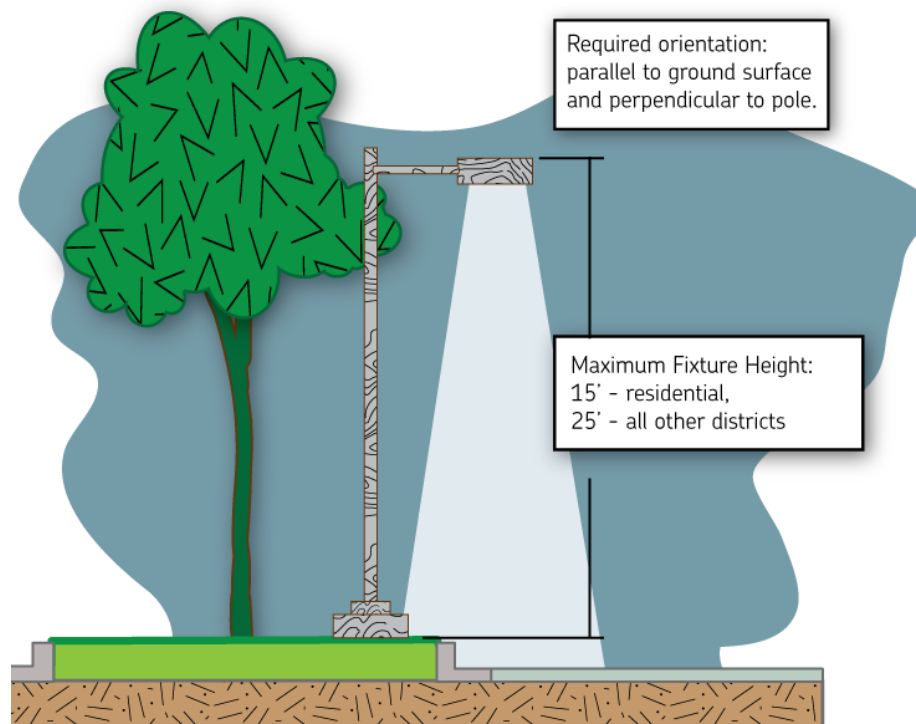
- (1) The minimum number of required parking spaces are stated for each land use in Article 3, except that the required number may be decreased by up to 25% by design and site plan approval under § 225-8-5 for joint parking facilities and/or based upon technical documentation furnished by the applicant indicating that actual off-street parking demand for that particular use is or will be less than the normal minimum number of spaces.
- (2) Off-street parking lots shall be limited to the parking of licensed and operable vehicles not for lease, rent, or sale. Use of parking spaces and their circulation areas for other purposes such as outdoor dining or snow storage shall be permitted only if:
 - (a) Sufficient parking spaces remain available to meet the associated minimum parking requirement in Article 4, except for a permitted temporary outdoor assembly or special event use described and regulated in §§ 225-3-5 F, 192-11, and 192-12 of the Code.
 - (b) Vehicular and pedestrian movement and safety is not impeded.
 - (c) No other ordinance requirement is violated, such as screening of outdoor storage per § 225-4-5. Storage containers are permitted within parking lots only behind such screens or on a short-term basis associated with business relocation or similar.
- (3) No off-street parking lot shall be used for the parking or storage of vehicles whose drivers and other occupants are not residing in, employed at, or patronizing uses on the premises, except by conditional use permit.
- (4) For each single- or two-family dwelling:
 - (a) All vehicular parking in the front or street side yard shall be on a hard surfaced driveway.

- (b) There shall be not more than the following number of parking spaces in garages sized for cars, trucks, and/or recreational vehicles of similar or larger size: 2 spaces for parcels less than 10,000 square feet; 3 spaces for parcels between 10,000 and 22,000 square feet; 4 spaces for parcels between 22,001 square feet and 1 acre; 5 spaces for parcels greater than 1 acre.
- (5) For nonresidential or multiple-family residential uses:
- (a) All required off-street parking shall be on the same lot as the land use served, except where permitted by design and site plan approval on an adjacent lot in common ownership with a recorded restriction against independent transfer, within a shared parking lot including some parking on the same lot where a shared parking easement agreement is recorded, or otherwise by conditional use permit.
- (b) Where a parking lot is designed to have head-in parking within 5 feet of any parcel line or walkway, parking lot design shall provide a tire bumper or curb to ensure that no part of any vehicle will project beyond the parcel line.
- (c) Curbing or other adequate barriers around parking lots and circulation drives may be required as part of an approved site plan to direct stormwater flows, facilitate safe pedestrian movement, protect landscaped areas, or direct vehicular traffic.
- (d) Other than parking required to serve people with disabilities, the minimum length of parking spaces is 18 feet, minimum width is 9 feet, and minimum vertical clearance is 7 feet.
- (e) Parking for people with disabilities shall be provided at a size, number, location, and with signage as specified by State and Federal regulations, and shall count towards minimum parking space requirement in Article 3 for the associated land use.
- (f) Where serving 4 or more vehicles, all parking spaces shall be clearly striped, with each stripe a minimum of 3 inches wide and repainted as necessary for clear visibility, including for all parking lots constructed prior to [insert effective date of recreated chapter]
- (g) A legally binding instrument for each new or expanded shared parking facility serving users on more than one parcel shall be prepared by the owners, approved by the Village Attorney, and recorded with the Register of Deeds.
- (h) Secure off-street bicycle parking shall be provided within 50 feet of the building entrance, or in another location where bicyclists would naturally transition to pedestrian mode, in quantity determined by the approval authority under § 225-8-5.
- (i) The approval authority under § 225-8-5 may require electric vehicle charging stations.

§ 225-4-7 Exterior lighting.

- A. Purpose. The purpose of this section is to regulate the spill-over of artificial light spillover and glare on nearby properties and traffic, and to encourage a dark sky.
- B. Applicability. The requirements of this section apply to all exterior lighting and all interior light visible from the exterior on private and public property, except for:
- (1) Public lighting within public rights-of-way.
- (2) Lighting on telecommunications facilities and other tall structures where required by law.

- (3) Organized events permitted under §§ **225-3-5 F**, **192-11**, and **192-12** of the Code.
- C. Depiction on required site plan. All exterior lighting shall be depicted as to its location, orientation, and configuration on any site plan, if a site plan is required under § **225-8-5**. Otherwise, no Village approval or permit shall be required for lighting that meets the requirements of this section.
- D. Orientation of fixture. All exterior lighting shall be shielded, except for fixtures with light output of 2600 lumens or less. No exterior lighting fixture of greater than 2600 lumens output shall be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district other than from the property on which the fixture is located, except where required for security and erected by a public agency or on public property. See Figure **225.4.2**.
- E. Intensity of illumination.
- (1) In no instance shall the amount of illumination attributable to applicable exterior lighting, as measured at any parcel line, exceed 1.0 footcandle.
 - (2) The maximum average on-site lighting shall be 3.0 footcandles within or adjacent to a residential zoning district and 6.0 footcandles in all other locations.
 - (3) Flashing, flickering, moving (such as search spot or search lights), and/or other lighting that may distract motorists is prohibited.

Figure 225.4.2: Illustration of Required Pole Lighting Orientation and Height

- F. Fixture heights. The maximum fixture height shall be per Figure **225.4.2** and measured from the ground directly below the fixture to the top of the fixture housing.
- G. Allowances.
- (1) All lighting fixtures existing prior to [insert effective date of recreated chapter] and not meeting one or more applicable requirements of this section shall be considered legal nonconforming structures subject to the requirements in § **225-7-2**.
 - (2) The Village may enable new and replacement lighting that does not conform to the requirements of this section using the design and site plan approval process in § **225-8-5**, provided that the proposed lighting is consistent with the purpose of this section and chapter.

§ 225-4-8 Noise.

- A. Purpose. The purpose of this section is to regulate the creation of noise that adversely affects adjoining properties to prevent the creation of nuisances, support enjoyment of property, and to promote public welfare.
- B. Applicability. The standards in this section apply to all uses and activities that create detectable noise, including all noises in effect as of or before [insert effective date of recreated chapter], except as follows:
- (1) As required for snow and ice removal.
 - (2) Vehicular traffic in public roadways, private driveways, or parking lots, except see § **216-6**.

- (3) For organized events permitted under §§ **225-3-5 F**, **192-11**, and **192-12** of the Code, except as limited under any such permit.
 - (4) Within the CIR zoning district, any activity between 6 a.m. and 10 p.m. or at any time as required for general property maintenance such as mowing.
- C. Measurement. Sound levels described in this section shall be measured, at minimum, by a Type 2 sound meter that meets ANSI standard S1.4.
- D. Standards.
- (1) The sound-pressure level of noise radiated shall not continuously exceed, at a neighboring principal building used for residential purposes, 60 decibels between 10 p.m. and 7 a.m. and 70 decibels above the ambient noise level at other hours.
 - (2) If the noise is instead intermittent, such as for most construction activities, the maximum permitted noise levels in subsection (1) may be increased by 5 decibels between 10 p.m. and 7 a.m. and 10 decibels at other hours. Intermittent noises shall be measured over multiple occurrences to calculate an average.

Article 5 Sign Regulations

§ 225-5-1 Article purpose and goals.

- A. The purpose of this article is to establish standards for signage based on the finding that such standards further compelling governmental interests, while still being narrowly defined so as to limit prohibitions on speech on exterior signage in accordance with federal law.
- B. The regulations within this article shall be understood and interpreted with reference to the following goals:
- (1) Promote the public welfare, health, and safety of all motorists, bicyclists, pedestrians, and nearby residents and occupants.
 - (2) Aid in the reasonable development and promotion of business.
 - (3) Ensure effectiveness and flexibility in the design and creativity of signage without creating detriment to the general public.
 - (4) Recognize that different zoning districts, land uses, and activities have different characteristics, and that sign regulations should vary based in part on those differences.
 - (5) Promote signage that is compatible with its surroundings, both existing and planned.
 - (6) Assure that signage is not a dominant visual element of the building or site to which it relates, but instead is integrated with and ancillary to the building and site.
 - (7) Implement the community vision, goals and objectives, and aesthetic and signage recommendations in this chapter and the Comprehensive Plan.
- C. Each sign lawfully existing as of [insert effective date of recreated chapter] but not meeting one or more requirements of this article and chapter shall be deemed a nonconforming structure, and the applicable provisions of § 225-7-2 shall apply.
- D. Sign permit applicability and procedures are per Figure 225.5.1 and § 225-8-11.

§ 225-5-2 Sign type descriptions and measurement.

- A. Definitions. In addition to the general definition of a sign in § 225-9-3, the following are definitions of the different purposes, types, and configurations of signs regulated under this article:

- (1) Abandoned sign. A sign that is no longer being used in connection with an ongoing business or other activity on the premises, a sign that is no longer being used because the business is discontinued, and/or a sign that has not been maintained in a manner that renders it legible.
- (2) Arm/post sign. A type of small-scale freestanding sign mounted on a post or posts, either with a bracket extending



Example of arm/post sign

outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.

- (3) Auxiliary sign. A sign that provides special information such as price, hours of operation, parking rules, or warnings. Examples of such signs include parking lot entrance signs, parking lot rules signs, “no trespassing” signs, menu boards, drive-through ordering stations, and signs that list fuel prices of gasoline and/or are mounted to (but not above) fuel canopies.

- (4) Awning or canopy sign. A sign that is directly affixed via sewing, painting, or similar method to an awning or canopy which is legally mounted to the facade of a building.



Example of awning sign

- (5) Community information sign. A type of a permanent, seasonal, or limited-time event sign, located either on-premise or off-premise, which displays information of interest to the general public not directly tied to a private use or activity; serves as an identification, entrance, or wayfinding sign for the Village; or is located on public lands and advertises sponsors of public events, activities, or facilities thereon.

- (6) Feather banner. A sign made of a flexible fabric panel or panels designed to catch and often flutter in the wind and generally mounted with a pole in the ground. Also known as a feather flag or flutter flag.

- (7) Flashing sign. A directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

- (8) Freestanding sign. A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. Freestanding signs include arm/post signs, monument signs, and pylon signs.

- (9) Individual business sign. A sign assigned to a single nonresidential use operating on a site, not including any nameplate and identification, auxiliary, community information, limited-time event, political message, regulatory, required, historic, sandwich board/pedestal, or unified business center sign, as otherwise defined in this section or in § 12.04, Wis. Stats.

- (10) Limited-time event sign. A sign intended to be displayed for a certain limited period of time as specified in this article. Included are retailers’ signs temporarily displayed for the purpose of informing the public of a “sale” or special offer, garage sale signs, open house signs, construction signs, real estate signs, signs greater than 11 square feet each with a political message as defined in Wis. Stats. § 12.04, and personal greeting or congratulatory signs. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered a limited-time event sign. Also does not include any sandwich board/pedestal signs.

- (11) Marquee sign. A type of sign that is an on-building sign sheltering the entrance and/or entrance approaches of a theater or other use, includes changeable letters or messages.

- (12) Mobile sign. A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers which have a principal commercial use for signage and portable message board signs. Does not include any sandwich board/pedestal signs.
- (13) Monument sign. A type of freestanding sign with a bottom edge located within one foot of a ground-mounted pedestal or the ground surface.

- (14) Nameplate and identification sign. An accessory sign containing only the address or other basic identifying information of the premises on which it is located, but not including any individual business sign as defined above.



Example of monument sign

- (15) Off-premise advertising sign. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on a premise other than the site where the sign is displayed. Off-premise advertising signs include off-premise “billboards”, but do not include community information signs, sandwich board/pedestal signs, or unified business center signs described elsewhere in this section.
- (16) On-building sign. A type of sign permanently affixed to an outside wall of a building. On-building signs include awning and canopy signs, marquee signs, projecting signs, and wall signs, but not window signs.
- (17) Pennant. A sign made of fabric, plastic, or similar material, which may or may not contain distinctive colors, patterns or symbols of a corporation or business, often in series, and usually mounted without a frame and hung from poles and structures to allow movement by air. Such attention-getting displays not specifically defined as a flag or banner are considered pennants.
- (18) Projecting sign. A type of on-building sign which is attached directly to a building wall, projects greater than 18 inches from the building wall, and is typically mounted perpendicular to the building wall.
- (19) Pylon sign. A type of freestanding sign erected upon one or more pylons, poles, or posts, of a scale that is larger than an arm/post sign.



Examples of projecting signs

(20)Regulatory, required, or historic sign. A sign used to indicate or reinforce traffic and other regulations, including stop, yield, speed limit, “do not enter”, handicapped parking, and one-way signs, plus any other sign required by government rule or designation except for any fuel price sign, not subject to regulation under this article.

(21)Sandwich board/pedestal sign. A non-illuminated, movable sign placed by hand outside the building while the business is open and designed to be durable and self-supporting in all weather conditions. Does not include mobile or limited-time event signs as described above.

(22)Unified business center sign. A sign displaying the collective name of a group of uses within a unified business center as defined in § 225-9-3 and/or the names and/or logos of the individual occupants of a unified business center.

(23)Wall sign. A type of on-building sign mounted parallel to and directly on a building façade or other vertical building surface, projecting not more than 18 inches beyond the edge of any wall or other surface to which they are mounted, generally mounted flush to the wall, and extending no higher than the highest point of the roof in portion of the building where the sign is mounted.

(24)Window sign. A type of sign mounted on or within an exterior window; confined within the transparent glazed area of the window; not encroaching upon the frame, mullions, or other supporting features of the glass; and visible from the exterior with a primary intent to advertise a business conducted or product available within the premises. All permanent window signs that have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the window.

(25)Variable message sign (VMS). An electronic or digital sign which displays words, lines, logos, graphic images, or symbols that can change automatically or by computer program change to provide different information, and which includes computer signs, LED and other video display signs, and time/temperature signs.

B. Sign measurement.

(1) Sign height. See definition of “height” in § 225-9-3.

(2) Sign area. Sign area shall be measured in the following manner:



Example of sandwich board sign



Examples of wall and window signs

- (a) Where a freestanding sign has two or more display faces, the total area of all of the display faces shall be considered the sign area.
 - (b) In the case of a sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign, including the supports of monument signs not used for copy, shall not be counted as a part of the sign area unless such structure or bracing is made a part of the sign's message.
 - (c) In the case of a sign on which the message is fabricated together with the background which borders or frames that message, sign area shall be the total area of the entire background.
 - (d) In the case of a sign on which message is applied to a background which provides no border or frame, such as individual letters to a building face or awning, sign area shall be the area of the smallest rectangle which can encompass the entire sign message.
- (3) **Signable wall.** A signable wall is defined as a front exterior wall, a street-side exterior wall, or an interior side or rear exterior wall with a customer entrance to the business's building space and facing a customer parking lot. No individual wall shall count as more than one signable wall for purposes of determining the allowable number and area of on-building signs in nonresidential zoning districts.
- (4) **Setback.** Sign setback shall be the shortest distance between the vertical plane extending from the property line (or other specified basis for the setback point) to the nearest element of the sign, whether said sign element is attached to the ground or suspended above the ground.
- (5) **Clearance.** The distance between the bottom of a sign and the surface directly beneath the sign.

§ 225-5-3 Sign prohibitions and limitations.

- A. **Prohibited signs.** The following types of signs and sign configurations shall be prohibited within the Village, except as provided herein:
- (1) Any sign where, by reason of its position, shape, color, or design, interferes with, obstructs the view of, or may be confused with any authorized traffic sign, signal, or device, or making use of words such as "stop", "look", "drive-in", "danger", or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse street users.
 - (2) Any sign that prevents free ingress to or egress from any door, window, or fire escape, or attached to a standpipe or fire escape.
 - (3) Any sign impeding traffic or pedestrian visibility or mobility in the determination of the Zoning Administrator.
 - (4) Any sign attached to or painted on any public utility or light pole or traffic regulatory structure, natural feature (e.g., tree or rock), or fence or wall, except where such feature was deliberately placed and designed for private signage in the determination of the Zoning Administrator.
 - (5) Any sign, other than a regulatory or government erected sign, within or extending into a public right-of-way, except where otherwise approved by the Zoning Administrator and Public Works Director based on the relationship to pedestrian and vehicular traffic movement and safety and utility use and operations within the right-of-way.

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- (6) Any sign designed or positioned to obscure or unduly compete for attention with any other permanent sign.
 - (7) Any mobile, inflatable, flashing, fluttering, undulating, swinging, rotating, or otherwise moving sign, pennants, feather banner, or other moving decorations.
 - (8) Any variable message sign, marquee sign, or other changeable message sign, except by Building Board approval for information of general public interest or for a community information sign under subsection B.
 - (9) Any sign using high-gloss paints, lacquers, varnishes or other “shiny” or reflective surfaces, including smooth plastics, mirrors, and related materials except transparent glass.
 - (10) Any sign using fluorescent, “day glow,” or another similarly intense colors.
 - (11) Any sign attached to a building designed and/or constructed so that the attachment to such wall extends above a point of bearing with the roof rafters, except that roofs may be used as sign installation areas if integral to the architectural design of or existing signage on the building in the opinion of the Building Board.
 - (12) Any illuminated sign that faces or can be viewed from property located within a residential zoning district so as to permit the illumination to be directed to or glare into an area within any residential zoning district, except as permitted in Figure **225.5.1** for neon and related signs.
 - (13) Any abandoned sign.
 - (14) Any off-premise advertising sign, structure supporting such sign, or expansion thereto.
- B. Community information signs. Community information signs, as defined in § **225-5-2 A**, shall be subject to the following regulations:
- (1) May be located in any zoning district by permission of the land owner, or on public property or rights-of-way if approved under subsection A(5).
 - (2) If associated with an organized event permitted under §§ **225-3-5 F**, **192-11**, and **192-12**, shall be allowed up to 48 hours before the event and up to 24 hours after the event.
 - (3) Notwithstanding subsection A, may have changeable copy and/or be a variable message sign, but shall not have any other characteristics of a prohibited sign under subsection A.
 - (4) Shall not be counted as adding to the area of signage on the property on which it is placed for the purposes of regulating sign area.
 - (5) May be subject to restrictions on lighting, color, duration of placement (e.g., seasonal limitations) as part of sign permit approval, provided that such restrictions are consistent with the purposes of this article and chapter.

§ 225-5-4 Signs in residential zoning districts.

In addition to the general signage requirements in this article, the following signage regulations shall apply in each residential zoning district and to single-family residential uses in nonresidential districts:

- A. Except where disallowed under § 12.04, Wis. Stats. for political signs less than 11 square feet each:
- (1) Each on-building sign shall be affixed flat to the wall on the first floor.

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- (2) No sign shall be illuminated except for nameplate and identification signs.
- B. Permanent signage shall be limited to one nameplate and identification sign or similar, not exceeding 3 square feet per parcel.
- C. Limited-time event signs, as defined in § 225-5-2 A, are allowed subject to the following limitations:
- (1) There shall be a maximum of two such signs per parcel at any one time, except for window signs and political signs of under 11 square feet, which are allowed without quantitative limit per § 12.04, Wis. Stats.
 - (2) Total area of all such signs at any one time shall not exceed 11 square feet.
 - (3) May only be an off-premise sign with permission of the other property owner.
 - (4) Where a freestanding sign, shall be set back at least 2 feet from all front and street side lot lines and 5 feet from other parcel lines.
 - (5) Shall not be placed on any lot for greater than 30 consecutive days or 120 days in any calendar year, except where associated with an active real estate transaction, active construction project, or election campaign period as defined in Wis. Stats. § 12.04.
 - (6) Shall be installed no greater than 48 hours before the event and must be removed within 5 hours from closing or completion of the event, including substantial completion of a construction activity or completion of a real estate sale or rental. Wis. Stats. § 12.04 may prescribe different time limits for signs with a political message.
 - (7) If associated with a building permit, shall be erected only after a building permit has been issued and the project authorized by the building permit has commenced.
 - (8) Shall not be placed on any parcel for greater than 30 consecutive days or 120 days in any calendar year, except where associated with an active real estate transaction, active construction project, or election campaign period as defined in § 12.04, Wis. Stats.
 - (9) Shall be installed no greater than 48 hours before the event and be removed within 5 hours from the closing or completion of the event, including substantial completion of construction or completion of a sale or rental. § 12.04, Wis. Stats. may prescribe different time limits for signs with a political message.
 - (10) Shall not be among the prohibited signs in § 225-5-3 A.

§ 225-5-5 Signs in nonresidential and PUD zoning districts.

- A. In addition to the general signage requirements elsewhere in this article, the signage regulations in Figure 225.5.1 shall apply within the CM and CIR zoning districts, except for single-family residential uses in those districts.
- B. In the PUD Planned Development district, permitted sign types, number, area, location, and other characteristics shall be per an approved specific implementation plan under § 225-8-3 E. No signage excluded from an approved specific implementation plan shall be located on any site zoned PUD.

§ 225-5-6 Structural requirements.

- A. No sign or any part thereof, anchor, brace, or guide rod shall be attached, erected, or maintained that may cover or obstruct any door, doorway, or window of any building that may hinder or

prevent ingress or egress through such door, doorway, or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire. No sign or any part thereof, anchor, brace, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe.

- B. All signs requiring a sign permit shall be constructed and mounted so as to comply with applicable Village and State building code, and to withstand winds and ice loading during typical Wisconsin storm events.
- C. All illuminated signs shall comply with the applicable electrical code, bear a UL label, be equipped with a watertight safety switch located where electric current enters the sign, have all parts covering service openings to the electrical supply securely fastened, be connected to an electric power source by an electrical contractor (unless the only connection to the electric power source is through a grounded three-prong heavy-duty plug), and be constructed of noncombustible material throughout if an electrical circuit is attached to or contained within it. All illuminated freestanding signs shall be supplied power only by underground wiring or internal batteries.
- D. Sign supports and braces shall be an integral part of the sign design or hidden from public view. No mounting and or supports for signs shall be inserted into the face of masonry building walls.
- E. Except for regulatory signs, all freestanding signs shall be designed and constructed with footings for support of such sign that extend not less than 42 inches below the existing ground level. The base or support(s) shall be securely anchored to a concrete base or footing, except for signs legally installed in public rights-of-way. The footing and related supporting structure of each freestanding sign including bolts, flanges, and brackets shall be concealed by the sign exterior or shall be surrounded by landscaping.
- F. The lowest part of all projecting and awning signs shall be at least 8 feet above the adjacent ground or hard surface to enable safe movement beneath, or 10 feet above any motor vehicle travel way. Projecting signs shall be designed and constructed such that the attachment to such wall does not extend above a point of bearing with the roof rafters.
- G. All temporary signs shall be anchored or supported in a manner that reasonably prevents the possibility of the signs becoming hazards to public health and safety, and shall be immediately restored or removed if damaged.

§ 225-5-7 Sign maintenance and removal.

- A. All signs and structures appurtenant thereto shall be maintained in a neat and proper state of appearance, which shall be the responsibility of the permit holder, or the property owner if no permit was issued. Proper maintenance shall include the absence of loose materials (including peeling paint, paper, or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
- B. If the Zoning Administrator determines that any sign is defective, dangerous, abandoned, in poor repair per the maintenance standard in subsection A, or otherwise exists in violation of this article or chapter, then the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located that such violation must be corrected within 10 working days of receipt of receipt of such notice on penalty of automatic revocation of any sign permit previously granted and summary removal of the sign by the Village at the expense of the owner of the

property. If the Zoning Administrator causes such notice to be sent and the violation is not corrected within 10 working days, the Zoning Administrator shall revoke any sign permit for the defective or dangerous sign and may initiate other enforcement actions under § **225-8-16**.

- C. Any sign illegally placed in a public right-of-way or public property shall be subject to immediate removal and confiscation without notice by the Zoning Administrator, and without any payment or return of the sign to its installer or owner.

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Figure 225.5.1: Sign Regulations Applicable to All Nonresidential Zoning Districts (CM, CIR) Except for Single-Family Residential Uses

Allowed Sign Type and Configuration	Sign Permit Required?	Maximum Sign Quantity	Maximum Sign Area	Maximum Sign Height	Other Requirements
On-building advertising signs	Yes	1 per signable wall per separate occupancy, but not more than 2 per unique business/activity	1 sq. ft. per 1 linear foot of exterior length of each signable wall, up to 48 sq. ft. per occupant per signable wall. For multi-tenant buildings, building owner is responsible for assignment of allowable sign area to individual tenants.	No higher than 20 feet above adjacent ground level. For awning signs, text and/or logos shall not project below or above the awning surface and shall not exceed 25% of the awning area.	Permitted sign materials include solid wood (not particleboard), medium-density-overlay plywood or marine plywood if edge-banded, composite materials designed to closely resemble wood, brushed bronze, antique bronze, aluminum, stainless steel, cast iron, canvas or related durable fabric, architectural glass, stone, masonry, and concrete. Sign design and color combinations shall be compatible with those of the building facade on which the sign is mounted and harmonious within the sign. There shall be not more than four different colors per sign. Sign illumination shall be limited to direct illumination from a shielded exterior light source, internal illumination of letters or logos only, backlit individual opaque letters or logos creating a halo effect, and neon or other visible light-emitting gas tube systems. Other internally illuminated on-building signs are not permitted, including backlit plastic sign panels and illuminated awnings (with or without messages). No lighting element shall be visible from any public road or residentially zoned property, excluding neon or other visible light-emitting gas tube systems. All neon or other visible light-emitting gas tube systems shall comply with § 225-5-7, be static in intensity and color, emit illumination not brighter than 0.5 footcandle above ambient lighting conditions 10 feet in front of the sign, conceal all electrical elements, not be illuminated from 1:00 a.m. until dawn, and not be both visible and within 200 feet from any residentially zoned property. Graphic elements and letters shall be held to the minimum needed to convey each sign's message and shall be composed in proportion to the sign area. Sign message length, complexity, and letter sizes shall provide clarity with consideration to the viewer's position and travel speed.
Monument or arm/post advertising signs (no pylon signs)	Yes	1 per parcel or unified business center, whichever is less	72 sq. ft. per side, with no more than 2 sides per sign. For multi-tenant buildings, owner is responsible for assignment of allowable sign area.	12 feet	Permitted sign materials are the same as for on-building signs, except for no canvas or related durable fabric or architectural glass. Sign illumination shall be limited to direct illumination from a shielded exterior light source, backlit individual opaque letters creating a halo effect, or internal illumination of the sign message only. Internally illuminated plastic panel signs are not permitted. Sign design and color combinations requirement and graphic elements and letter requirements are the same as for on-building signs. Sign base shall be constructed of or surfaced with materials similar in type (veneers OK) and color to those used on the newest associated principal building, and shall be not less than 1 foot narrower than the width of the sign mounted upon it.
Sandwich Board/Pedestal Signs	No	1 per unique business/activity	12 sq. ft.	5 feet	Only placed outdoors when associated business is open to customers; not illuminated, having more than two sides, placed off-premise (except where allowed by the Public Works Director), or designed to resemble a public regulatory sign (such as a stop sign).
Window signs	No	No limit	25% of each window area	N/A	Area regulation applies to all permanent and temporary signs in the window.
Nameplate and Identification Signs	No	1 per business	4 sq. ft. each	5 feet, if freestanding	Where a freestanding sign, shall be set back at least 2 feet from all front and street side lot lines and 5 feet from other parcel lines.
Auxiliary Signs	Yes	May be limited by approved site plan	4 sq. ft. each, with combined area of all not exceeding 24 sf	5 ft if freestanding, except on private light pole	If an on-building sign (not window sign), shall meet the design requirements for on-building advertising signs above. If a freestanding sign, shall meet the design requirements for monument or arm/post advertising signs above.
Limited-Time Event Signs	No	1 per business/activity and 2 per parcel or unified business center; ≤2 per business/activity per calendar year.	32 square feet, with narrowest dimension not less than 2 feet.	5 feet, if freestanding	Where a freestanding sign, shall be set back at least 2 feet from all front and street side lot lines and 5 feet from other parcel lines. Shall not be placed on any lot for greater than 30 consecutive days or 120 days in any calendar year, except where associated with an active real estate transaction, active construction project, or election campaign period as defined in Wis. Stats. § 12.04. Shall be installed no greater than 48 hours before event and must be removed within 5 hours from closing or completion of the event, including substantial completion of a construction activity or completion of a real estate sale or rental. Wis. Stats. § 12.04 may prescribe different time limits for signs with a political message. If associated with a building permit, shall be erected only after a building permit has been issued and the project authorized by the building permit has commenced.

Article 6 Land Division and Consolidation

§ 225-6-1 Article purpose and authority.

- A. The purpose of this article is to establish substantive standards for the division, modification, and consolidation of lots and parcels. Procedural requirements are listed under § **225-8-10**. This article is a local subdivision regulation under § 236.45, Wis. Stats.
- B. The regulations within this article shall be understood and interpreted with reference to the following objectives:
 - (1) Preserve the existing residential and open space character of the Village.
 - (2) Ensure compatibility with parcels that contain neighboring principal buildings.
 - (3) Assure adequate access to public streets and to other public services.
 - (4) Ensure that land is divided and reconfigured in a technically correct manner.

§ 225-6-2 Limitations and exemptions.

- A. All land divisions shall be accomplished by Certified Survey Map under the limitations in § 236.34, Wis. Stats. This article shall not apply to condominium developments under Chapter 703, Wis. Stats., except to the extent that a legal land division is included.
- B. No new building, or building expansion, may cross an existing lot as defined in § **225-9-3**, or result in a side yard less than the minimum setback from any side lot line of a lot, without the affected lots first being legally combined pursuant to this article and § **225-8-10**.
- C. Unless the land owner elects to prepare a Certified Survey Map, the provisions of this article shall not apply to:
 - (1) Transfers of interests in land by will or pursuant to court orders.
 - (2) Leases for a term not to exceed 10 years, mortgages, or easements.
 - (3) Sale or exchange of land between owners of adjoining property, provided that an accurate Plat of Survey showing the combination or land to be transferred has been submitted to the Zoning Administrator, including a signature certificate, and indicating the location for monuments placed at all new lot corners, and the Zoning Administrator approves such Plat of Survey, upon a finding that:
 - (a) Additional lots or parcels are not created.
 - (b) No dimension is reduced below the minimum required under Figure **225.2.2**, or no further below if the requirement is not currently met.
 - (c) Such land exchange is not contrary to § **225-7-3 C** (if zoned R-B) or any prior Village approval affecting the land.
 - (d) The submitter of the Plat of Survey provides reasonable assurance that the Plat of Survey will be recorded with the appropriate County office, and shall provide the Zoning Administrator a recorded copy prior to issuance of any associated building permit.

§ 225-6-3 Procedure.

Aside from that allowed under § **225-6-2 C (3)**, the lot division, reconfiguration, and consolidation review procedure is as specified in § **225-8-10**.

§ 225-6-4 Design requirements.

- A. No land shall be divided in a manner that, in the determination of the Village Board, would create any lot intended for development that is unsuitable for development (or further development) for reason of flooding; adverse soil or rock formations, composition, or conditions; or negative impact on wetlands and waterway.
- B. The area of each new divided lot shall be within 25% of the median area of existing lots with neighboring principal buildings (as the term “neighboring principal buildings” is defined in § **225-9-3**), and each new lot shall meet the applicable minimum lot area requirement in Figure **225.2.2** regardless.
- C. Where two or more existing lots in the R-B district are proposed to be consolidated, all new buildings and expansions to existing buildings shall comply with setbacks applicable to the R-A district in Figure **225.2.2**.
- D. Side lot lines shall be at or near right angles to straight street lines or radial to curved street lines on which the lot fronts.
- E. Every new or reconfigured lot shall front or abut a public street to which it may legally take access.
- F. No new flag lot as defined in § **225-9-3** is permitted, except where pre-existing development patterns necessitate use of a flag lot.
- G. Actual setbacks shall not be reduced below the minimums required under Figure **225.2.2**, or any further below such minimum. In other words, no new nonconforming structures or greater nonconformities may be created by any land division, lot line adjustment, or consolidation.
- H. The land division, reconfiguration, or consolidation shall be configured such that existing and prospective driveways meet all requirements of § **225-4-6**.
- I. The proposed lots shall not present any unreasonable impediment to the provision of municipal services in the opinion of the Public Works Director.
- J. Where present, lot lines shall generally follow any defined drainageway unless the owner(s) commit to realigning the drainageway in a manner that meets applicable requirements of § **225-4-3 A and B**.
- K. The Director of Public Works or Village Engineer may require easements where advised for utility and communication lines and/or stormwater drainage, pipes, and management.
- L. The land divider shall cause gas, electrical power, and telecommunications facilities to be installed in such a manner as to provide adequate service to each lot. No new utilities shall be located overhead on any lot, and any existing overhead utilities on the lot(s) shall be buried, except where exempted under § **225-8-5 G (2)**.

Article 7 Legal Nonconforming Uses, Structures, and Lots

§ 225-7-1 Article purpose and definitions.

The purpose of this article is to establish requirements for nonconforming conditions legally established prior to [insert effective date of recreated chapter] or subsequent amendments thereto. All such terms are as defined in § 225-9-3.

§ 225-7-2 Legal nonconforming uses and structures.

A. Continuance.

- (1) Any nonconforming use lawfully existing upon [insert effective date of recreated chapter], or upon any subsequent amendment to this chapter, or any structure containing a nonconforming use, may be continued at the size and in a manner of operation existing upon such date, subject to allowances and exceptions in this section.
- (2) Any nonconforming structure lawfully existing upon [insert effective date of recreated chapter], or upon any subsequent amendment to this chapter, may be continued at the size and in a manner of operation existing upon such date, subject to allowances and exceptions in this section.

B. Modification and Expansion.

- (1) No nonconforming use, or structure containing a nonconforming use, shall be expanded, enlarged, extended, remodeled, reconstructed, moved, or otherwise modified unless the use is first changed to a permitted or conditional use in the applicable zoning district, or otherwise qualifies under subsection (3).
- (2) A nonconforming structure may only be expanded, extended, enlarged, or moved in a manner where such expansion, extension, enlargement, or movement complies with the dimensional and other requirements of this chapter, including but not limited to those in Figure 225-2-2.
- (3) A nonconforming structure may otherwise be repaired, rebuilt, renovated, remodeled, and maintained pursuant to § 62.23(7)(hb), Wis. Stats. Ordinary maintenance and repair of a nonconforming use, structure containing a nonconforming use, or nonconforming structure is permitted, which shall otherwise include:
 - (a) Necessary repairs and incidental, non-structural alterations that do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this chapter.
 - (b) Replacement of, or substitution for, machinery or equipment not involving structural alterations to associated structure; painting, decorating, paneling, the addition of acoustical ceilings; installation or replacement of heating, electricity, plumbing (including fixtures), and insulation systems; replacement of doors, windows, and other non-structural components; and construction or replacement of a conforming detached accessory building.
- (4) Whenever a nonconforming use, structure containing a nonconforming use, or nonconforming structure is damaged or destroyed, the use and structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, or larger if necessary for the structure to comply with applicable state or federal requirements, if the following apply:
 - (a) The use or structure was damaged or destroyed on or after March 2, 2006.

- (b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- C. Discontinuance. When any nonconforming use is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of the associated structure or land shall conform with the provisions of this chapter.
- D. Nonconforming signs.
- (1) Each nonconforming sign may be maintained, which includes maintaining the existing appearance of the sign; replacing the supporting structure with identical materials; or changing the sign message without increasing or reconfiguring sign area.
 - (2) No nonconforming sign or supporting structure shall be altered, extended, enlarged, converted, or moved to a new location without being brought into compliance with the requirements of this chapter, and obtaining a sign permit if required under Figure **225.5.1** and § **225-8-11**.
- E. Nothing in this section shall preclude the Zoning Administrator from initiating remedial or enforcement actions under § **225-8-16** when a nonconforming use, structure containing a nonconforming use, or nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare.
- F. See § **225-2-5 E (5)** for designation of certain previously built structures in the CIR district as legal nonconforming structures.

§ 225-7-3 Legal nonconforming/substandard lots.

- A. Building allowance on substandard lots. A legal lot of record as defined in § **225-9-3**, existing on [insert effective date of recreated chapter], but not meeting the minimum lot area and/or width requirements of the associated zoning district per Figure **225.2.2**, may be utilized as a building site for a permitted use (but not for a conditional use) in the associated zoning district, if all of the following apply to such lot:
- (1) Has never been developed with a principal building (including an attached garage) placed partly on an adjacent lot, whether or not such lot is or has been in common ownership.
 - (2) Has never been legally combined with another legal lot by recorded document with the Register of Deeds. Consolidation of lots for parcel identification and taxing purposes alone is not considered a legal combination, but is instead defined as a parcel in § **225-9-3**.
 - (3) Is developed to comply with this chapter and other applicable chapters of the Code, including but not limited to all setback and floor area percentage requirements of Figure **225.2.2**.
- B. New lots to meet standards. On or after [insert effective date of recreated chapter], no lot shall be created or altered so as not to meet the dimensional requirements in Figure **225.2.2**, or so as to be less conforming with any such requirement if already a nonconforming lot.

Article 8 Procedures and Administration

§ 225-8-1 Purpose.

The purpose of this article is to establish the administrative and enforcement framework for application of this chapter, including all land development approval processes.

§ 225-8-2 Amendments to Zoning Map or other zoning regulations.

- A. Initiation. An amendment to the Zoning Map (“rezoning”) may be initiated by the Village Board, Plan Commission, Zoning Administrator, or any person, firm, corporation, or organization having an ownership interest (or a contractual interest scheduled to become an ownership interest) in the land for which rezoning is sought. An amendment to the written zoning regulations of this chapter (“text amendment”) may be initiated by the Village Board, Plan Commission, or Zoning Administrator.
- B. Application requirements. No application for amendment to the Zoning Map or written zoning regulations shall be placed on an agenda as an item to be acted upon until the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required notice of public hearing, the applicant shall provide the Zoning Administrator with a digital copy plus a sufficient number of hard copies of the complete application as determined by the Zoning Administrator. A complete application shall be comprised of all of the following:
- (1) A completed application form furnished by the Zoning Administrator, except that no Village body, staff, or official shall be required to complete an application form.
 - (2) For requested Zoning Map amendments:
 - (a) A map with a graphic scale and a north arrow showing the entire subject property included in the proposed map amendment including lot boundaries and dimensions of the subject property, and all other lands within 300 feet of the boundaries of the subject property.
 - (b) Unless provided by the Zoning Administrator or Village Clerk, names and addresses of the owners of all property within 300 feet of the subject property as they appear on the current tax records.
 - (3) For requested zoning text amendments, the section(s) of this chapter proposed to be amended, the desired outcome of the proposed amendment, and the proposed revised language to the extent practical or requested by the Zoning Administrator.
 - (4) Written justification for the proposed amendment, consisting of the reasons why the applicant believes the proposed amendment is consistent with the applicable review criteria in subsection G.
 - (5) The required application fee and commitment to reimburse the Village for any consultant services the Village may utilize in the review of the application, except where the application is filed by the Village Board, Plan Commission, or Zoning Administrator.
- C. Notice of public hearing. Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Plan Commission. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of § 62.23 (7)(d), Wis. Stats. The Village Clerk shall also send said notice to the applicant and, for

Zoning Map amendments, all property owners within 300 feet of the subject property and the clerk of any municipality whose boundaries are within 1,000 feet of the subject property at least ten days prior to the public hearing. Failure to send said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this subsection.

- D. Public hearing and recommendation. The Plan Commission shall hold a public hearing on each proposed amendment. Before or at the hearing, the Zoning Administrator or designee shall provide to the Commission and applicant an evaluation of the proposed amendment, with reference to the criteria in subsection G. Following the public hearing and consideration of comments provided therein and from the Zoning Administrator or designee, the Commission shall review the proposed amendment and provide a recommendation to the Village Board that the application be granted as requested, modified, or denied, or the Commission may instead provide no recommendation.
- E. Action. Following the completion of the step in subsection D., the Village Clerk shall schedule the proposed amendment for Village Board action. The Village Board shall act to approve by ordinance or deny the proposed amendment, with any approval as requested or with modifications. Any action of the Village Board may be appealed directly to the Circuit Court under associated procedures in § 225-49, Wis. Stats. Each denial shall include reasons for such denial against the criteria in subsection G. No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Plan Commission.
- F. Required vote. Action to approve or reject each proposed amendment shall be by majority vote of members of the Village Board voting on the proposed amendment, except as follows:
- (1) Protest. In the event of a protest against a proposed amendment to the Zoning Map, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change or by the 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 amendment shall not become effective except by the favorable vote of 3/4 of the members of the Village Board voting on the proposed amendment. In the event of protest against amendment to the text of the regulations of this chapter, duly signed and acknowledged by 20% of the number of persons casting ballots in the last general election, such amendment shall not become effective except by the favorable vote of 3/4 vote of the members of the Village Board voting on the proposed amendment.
 - (2) Downzoning. If the amendment relates to downzoning, as defined in § 66.10015(1)(as), Wis. Stats., then approval of that amendment shall require a 2/3 vote of the Village Board, except that if the down zoning is requested or agreed to by all persons who own the land(s) affected by the proposed down zoning, the downzoning may be approved by a majority of the Village Board voting on the proposed amendment.
- G. Review criteria. No proposed amendment to the Zoning Map or written zoning regulations shall be approved unless the Village Board finds that such amendment meets the following criteria:
- (1) Is consistent with the Comprehensive Plan.
 - (2) Is consistent with the purposes of this chapter and the article(s) and section(s) to which it relates.

- (3) Will maintain or advance compatibility of allowable land uses and zoning districts.
- (4) For each proposed Zoning Map amendment, accomplishes at least one of the following:
 - (a) Corrects a technical mapping error.
 - (b) Addresses an inconsistency between the zoning designation and the existing land use, provided that such inconsistency was unintended.
 - (c) Responds to changed factors such as the availability of new data or trends; changed growth patterns or rates; the presence of new roads, other infrastructure changes, additional development, or other zoning changes in the vicinity.
 - (d) If to the PUD zoning district, meets associated criteria in § 225-2-3 E. and § 225-8-3 F.

§ 225-8-3 Planned unit development districts and projects.

- A. **Applicability.** This section establishes the procedural steps for approval of a planned unit development (PUD) zoning district and development project. As of [insert effective date of ordinance], there were no approved PUDs in the Village. The steps for obtaining final PUD approval include a pre-application conference, rezoning/General Development Plan (GDP), and Specific Implementation Plan (SIP), as described in this section. The purpose and locational limitations for the PUD district and development form is described in § 225-2-3 E.
- B. **Initiation.** Any person, firm, corporation, or organization having an ownership interest (or a contractual interest scheduled to become an ownership interest) in the land for which a PUD approval is sought, or the Village Board, Plan Commission, or Zoning Administrator, may file any PUD application further described in this section.
- C. **Pre-application conference.** Prior to the filing of a rezoning petition and PUD GDP, the prospective applicant shall attend a pre-application conference with Village staff, arranged through the Zoning Administrator or designee. A preliminary sketch and a preliminary narrative outline with reference to subsection D. (1) (b) shall be submitted in advance of the pre-application conference. The Zoning Administrator may refer the matter for Plan Commission input prior to the submittal of a GDP.
- D. **General Development Plan (GDP) application requirements and review procedure.**
 - (1) **Application requirements.** No application for rezoning to PUD or a GDP shall be placed on an agenda as an item to be acted upon until the pre-application conference step is concluded and the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required notice of public hearing, the applicant shall provide the Zoning Administrator with a digital copy plus a sufficient number of hard copies of the complete application as determined by the Zoning Administrator. A complete application shall be comprised of all of the following:
 - (a) All of the materials required for a Zoning Map amendment under § 225-8-2 B.
 - (b) Narrative report including the following information: overview of the request and the nature of the development; development vision, objectives, themes, and images; assessment of economic feasibility; expected target markets and demonstration of community need; total area, current zoning district designation, and legal description of the site covered by the GDP; relationship of the development to surrounding land uses and the purpose of the PUD district and Comprehensive Plan; names and address of all owners,

- developers, and professionals include in the application; outline of the organizational structure proposed for the purpose of providing any necessary private services and/or maintenance of common areas; preliminary list of land uses proposed to be allowed within the development as permitted-by-right, conditional, and/or temporary uses; preliminary list of proposed departures from the standards of development that would otherwise be applicable under the Village's standard zoning district(s); preliminary development schedule indicating the approximate dates when the SIP will be submitted, construction will commence and be completed included any stages; and development components expected to be delivered in each stage if applicable.
- (c) Maps drawn by an architect, civil engineer, or comparable professional to a recognized scale; including a graphic scale, date, north area, title, and preparer's contact information; and including the following information: location and existing conditions, including the area within 300 feet of the site, and showing existing land uses and buildings, streets, other existing improvements, easements, lot lines, and natural features (e.g., mature trees), and environmentally constrained land; preliminary development plan showing and quantifying proposed general areas to be retained in open space, recreation, stormwater management, mature tree preservation, and landscaping, existing and proposed uses, public streets, and paths; number and type of dwelling units; projected population and employment; availability of or requirements for new or extended roads and other municipal services; relationship of the proposed uses and improvements to surrounding properties; and a staging plan if the development will or may be built in stages.
 - (d) Schematic architectural plans and/or design principles demonstrating the character of the proposed buildings, along with a generalized program of proposed signage and lighting.
 - (e) The required application fee and commitment to reimburse the Village for any consultant services the Village may utilize in the review of the application, except where the application is filed by the Village Board, Plan Commission, or Zoning Administrator.
- (2) Notice, hearing, recommendation, and action. The procedure for rezoning to a PUD district and action on a GDP shall be the same as required for any other Zoning Map amendment as set forth under § **225-8-2**, with the following additions and amendments:
- (a) Following Plan Commission recommendation and before Village Board action, the Building Board shall review the application for design and site planning matters under its authority as prescribed in this chapter, to the extent possible under the level of detail provided with the GDP.
 - (b) The Village Board action, and preceding it in order the Plan Commission and Building Board recommendations, may be to approve the GDP as presented, approve the GDP with conditions, or reject the GDP.
- (3) Recording. Each approved GDP, once any modifications have been made per approval conditions, shall be recorded by the applicant with the County Register of Deeds' office.
- (4) Effect of GDP approval. Approval of the rezoning and GDP, and GDP recording, shall entitle the applicant to prepare the Specific Implementation Plan (SIP) in accord with the approved and recorded version of the GDP and all conditions of its approval. Such GDP approval shall become null and void if the SIP has not been submitted within 5 years of the date of Village Board

approval of the GDP. The rezoning to PUD shall take effect only once the events listed in subsection C(2)(b) have occurred.

E. Specific Implementation Plan (SIP) application requirements and review procedure.

- (1) Scope of SIP. The SIP may cover only a portion of the GDP area, except as may have been restricted by GDP approval.
- (2) Application requirements. No application for SIP approval shall be placed on an agenda as an item to be acted upon until the GDP has been recorded and the Zoning Administrator has certified acceptance of a complete SIP application. The applicant shall provide the Zoning Administrator with a digital copy plus sufficient hard copies of the complete application as determined by the Zoning Administrator. Said complete application shall be comprised of the following, except where reduced by the Zoning Administrator based on unique circumstances associated with the development:
 - (a) Narrative report describing the proposed SIP, including specific project themes and images (e.g., drawings, photos, renderings), and an evaluation of the proposed SIP in relationship to the previously approved GDP and conditions of its approval (including an explanation of why the SIP does not include the full area of the approved GDP, if applicable).
 - (b) A location map and a legal description of the site covered by the proposed SIP.
 - (c) A specific list of proposed permitted-by-right, conditional, and temporary land uses within the SIP area, including reference to allowable uses in standard zoning districts if desired.
 - (d) A specific list or table including proposed dimensional requirements, including in each of the categories (rows) in Figure **225.2.2** applicable to standard zoning districts.
 - (e) A precise description of the type, number, and size of dwelling units; a description of the type and amount of square feet devoted to nonresidential uses; the estimated population and number of employees; and projected character and volume of truck and automobile traffic to be generated by the development.
 - (f) Specific site data including gross and net land areas, treatments of land proposed for development and common open space, total number of building sites and/or occupancies, and total acres or square footage expected to be devoted to each projected land use.
 - (g) For multi-building SIPs, a detailed development plan map professionally drawn to a recognized scale showing the precise mix and locations of projected land uses; densities of use areas and development sites; building setbacks and massing; streets, paths, sidewalks, main driveways, and parking areas; parks, squares, and other common open spaces; and street trees and other natural elements.
 - (h) Whether and to what extent accessory structures and ancillary features often allowed or anticipated in developments will be allowed within the SIP area, with reference to applicable articles and sections of this Chapter and determined sufficient by the Zoning Administrator to enable effective zoning administration over the SIP area in perpetuity.
 - (i) Site and building plans meeting applicable requirements of § **225-8-5 C (4)-(6)**.

- (j) Detailed signage plan and lighting plan, each demonstrating a unified or compatible sign and lighting theme throughout the SIP area, and with signage plan meeting requirements of § **225-8-11 B**.
 - (k) If applicable, a demolition plan meeting requirements of § **225-8-6 C** and depicting any demolition to occur on the site, and/or an environmental assessment or remediation plan.
 - (l) If applicable, a Certified Survey Map of the SIP area meeting requirements of § **225-8-10 B**.
 - (m) A development schedule indicating the approximate date when construction of the development (and each stage if a staged development) is expected to begin, conclude, and the expected pace of development. If staged, the anticipated pace of development and types and quantities of development, open space, and amenities in each stage (also include staging plan map).
 - (n) Agreements, bylaws, provisions, or covenants that will govern the organizational structure, use, and maintenance of the development.
 - (o) The required application fee and commitment to reimburse the Village for any consultant services the Village may utilize in the review of the application, except where the application is filed by the Village Board, Plan Commission, or Zoning Administrator.
- (3) Action. Following Zoning Administrator determination of a complete application, the Plan Commission shall approve as presented, approve with modifications and/or conditions, or reject the SIP, providing the reasons for any rejection. Following any Plan Commission action to approve as presented or to approve with modifications and/or conditions, the Building Board shall approve, approve with modifications and/or conditions, or reject the SIP for building and site design matters under its authority, providing the reasons for any rejection. Both the Plan Commission and Building Board must approve the SIP for such approval to be effective.
- (4) Recording of SIP; rezoning of lands. The applicant shall record the approved SIP, including any required modifications, with the County Register of Deeds. The rezoning of the SIP area to PUD shall become effective and the Zoning Administrator shall cause the Zoning Map to reflect the rezoning once the applicant has provided the Zoning Administrator with a digital copy of the recorded SIP along with any recorded Certified Survey Map or other document required as part of the SIP approval.
- (5) Lapse of SIP approval. Final SIP approval shall terminate and the SIP shall be deemed null and void for any undeveloped part of the SIP area if an SIP is granted final Building Board approval and thereafter 5 years have lapsed without the applicant or owner securing a building permit within the SIP area for an authorized use, or if the approved SIP includes a staged implementation program, and 5 years have lapsed between (i) the acceptance of public infrastructure or initial occupancy of a building in a stage preceding the final stage and (ii) commencement of construction of the next stage. In the event the land affected by either such circumstance has been rezoned to the PUD district, the Zoning Administrator shall initiate an application to rezone the undeveloped land in the PUD area from the PUD district back to the zoning district over the land before PUD, or the nearest comparable standard zoning district listed in § **225-2-3**.

F. Review criteria.

- (1) Before the Village Board approves any GDP, and the Plan Commission approves any SIP, the respective body shall find that the associated application and development, with conditions as determined necessary, meet the following criteria:
 - (a) Consistent with the purpose and applicability of the PUD district in § **225-2-3 E.**, the Comprehensive Plan, in the case of an SIP the approved General Development Plan (GDP) and any required conditions of its approval, and all applicable zoning requirements to the extent not modified by the approved GDP or SIP.
 - (b) PUD zoning is not being used to circumvent or diminish high-quality land use and site and building design or as a substitute for standard zoning district(s) that would enable implementation of the development plan in a substantially similar form, but instead is being used where conforming to standard zoning district(s) would be impractical or significantly compromise the development vision.
 - (c) Development will be arranged and designed in a manner that is consistent with sound planning and development principles, compatible with the physical nature of the site, and properly and compatibly related with nearby land uses and transportation, utility, stormwater management, and recreational facilities.
 - (d) Development will not adversely affect the anticipated provision of municipal services, such as fire and police protection, street maintenance, water, sanitary sewer, storm water management, and public parks and open spaces.
 - (e) Development will not create traffic or parking demand incompatible with, or which cannot be safely accommodated by, the existing or proposed facilities to serve the development.
 - (f) Development will adequately provide for the permanent preservation, improvement, and maintenance of common open space.
 - (g) Development will proceed on a schedule that is reasonable considering its scope and its proposed stages, with the development remaining viable if not all stages are completed.
 - (2) Before the Building Board approves any SIP, such Board shall find that all applicable requirements in § **225-4-2** and **225-4-3** and the criteria in § **225-8-5 F** are met. The scope of Building Board review on the SIP is limited to the provisions in such sections.
- G. Amendments to previously approved PUDs. There were no approved PUDs as of [insert effective date of ordinance]. If and when one or more PUDs are established in the Village, the procedures for their minor and major amendments are as follows:
- (1) Minor amendments. The Zoning Administrator may authorize a minor amendment to a previously approved GDP or SIP. A minor amendment is an amendment to an approved GDP and/or SIP required by engineering, topographic, lot and parcel configuration, or other circumstances not foreseen at the time such plan(s) was approved, provided that the amendment does not result in any change in the approved use, character, or vision of the development; the intent of the Village approval authority in its GDP and/or SIP approval; any approved dimensional requirement by more than 5%; or any other amendment specifically listed in the approved GDP and/or SIP as not being a minor amendment.
 - (2) Major amendments. Each amendment to the GDP not classified as a minor amendment under subsection (1) shall instead be classified as a major amendment, and must be approved by the

Village Board, following recommendations from the Plan Commission and Building Board, per the process and submittal requirements in subsection D. Each amendment to the SIP not classified as a minor amendment under subsection (1) must be approved by the Plan Commission and Building Board, per the process and submittal requirements in subsection E.

§ 225-8-4 Conditional use permits.

- A. Initiation. Any person, firm, corporation, or organization having an ownership interest (or a contractual interest scheduled to become an ownership interest) in the land for which a conditional use is sought may file a conditional use permit application, where such use or activity is a conditional use as listed in Figure **225.2.1** or elsewhere in this chapter.
- B. Application requirements. No application for a conditional use permit shall be placed on any agenda as an item to be acted upon until the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required notice of public hearing, the applicant shall provide the Zoning Administrator with a digital copy plus sufficient hard copies of the complete application as determined by the Zoning Administrator. Said complete application shall be comprised of all of the following:
- (1) A completed application form furnished by the Zoning Administrator.
 - (2) A map with a graphic scale and a north arrow showing the entire subject property including lot and parcel boundaries and dimensions, and all other lands within 300 feet of the boundaries of the subject property. If the conditional use permit is proposed for only a portion of a lot or parcel, said map or another map shall clearly indicate the portion of the lot or parcel to which the conditional use permit would apply.
 - (3) Unless provided by the Zoning Administrator or Village Clerk, names and addresses of the owners of all property within 300 feet of the subject property as they appear on the current tax records.
 - (4) A written description of the proposed conditional use describing the type, duration, and density of activities, buildings, and structures proposed for the subject property and their general locations (indoors and out); expected number and type of employees and patrons; expected hours of operation; expected traffic volumes including trucking (including vehicle weights/sizes); any likely noise, odors, or vibrations that may be experienced outside the subject property; whether and where any hazardous materials would be kept on site (requirements of Chapter **149**, Article **III** must be met); proposed timing and phasing for the conditional use; and other unique operational characteristics.
 - (5) If site and/or exterior building alterations are proposed or required, site and building plans, drawn to scale, with all alterations clearly marked and labeled. If proposed or required alterations reach the threshold for requiring design and site plan approval under § **225-8-5**, then the applicant shall also or subsequently file a design and site plan approval application for the project meeting applicable requirements in § **225-8-5**.
 - (6) Written justification for the proposed conditional use permit, consisting of the reasons why the applicant believes the proposed conditional use permit is consistent with the applicable review criteria of this section.

- (7) The required application fee and commitment to reimburse the Village for any consultant services the Village may utilize in the review of the application, except where the application is filed by the Village Board, Plan Commission, or Zoning Administrator.
- C. Notice of public hearing. Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Plan Commission. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of § 62.23 (7)(d), Wis. Stats. The Village Clerk shall also send said notice to the applicant and all property owners within 300 feet of the subject property at least ten days prior to the public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this section.
- D. Public hearing and recommendation. The Plan Commission shall hold a public hearing on each proposed conditional use permit. Before or at the hearing, the Zoning Administrator or designee shall provide to the Commission and applicant an evaluation of the proposed amendment, with reference to the criteria in subsection F. Following the public hearing and consideration of comments provided therein and from the Zoning Administrator or designee, the Commission shall review the proposed conditional use permit and provide a recommendation to the Village Board that the application be granted as requested, granted with conditions, or denied, or the Commission may instead provide no recommendation.
- E. Action. Following Plan Commission recommendation, the Village Clerk shall schedule the proposed conditional use permit for Village Board action. The Village Board shall act to grant or deny the proposed conditional use permit, with any grant as requested in the application or with conditions. Such conditions may include a limited duration, transfer limitation, required deed restrictions, or other restrictions. Each conditional use permit shall be approved by resolution. Each denial shall include reasons for such denial against the criteria in subsection F. Any action of the Village Board may be appealed directly to the Circuit Court under associated procedures in § 225-49, Wis. Stats. No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator. The Village Clerk shall provide each approved conditional use permit to the applicant.
- F. Review criteria.
- (1) If the applicant meets, or agrees to meet, all of the applicable requirements specified in this chapter and conditions imposed by the Village Board, the Board shall under § 62.23(7)(de)2.a., Wis. Stats. grant the conditional use permit. The Board may require written agreement from the applicant in a form prescribed by the Village Attorney.
 - (2) Any decision to grant or deny the permit must be supported by substantial evidence, as that term is defined in § 62.23(7)(de)1.b., Wis. Stats. Any condition or modification must be related to the purpose of this chapter, reasonable, measurable to the extent practicable, and based on substantial evidence. The provisions of § 66.0401(1m), Wis. Stats. also apply in consideration of any conditional use permit application for a small wind or solar energy system.
 - (3) To the extent consistent with subsections (1) and (2), no conditional use permit shall be granted unless the Village Board finds that the use authorized thereby meets the following standards:
 - (a) Proposed use is consistent with the Comprehensive Plan and this chapter.

- (b) Proposed use will not result in a substantial or undue adverse impact on neighboring principal buildings, neighborhood character, the natural environment, or other matters affecting the public health, safety, or general welfare.
 - (c) Proposed use maintains compatibility among land uses, land use intensities, and land use impacts as related to parcels with neighboring principal buildings.
 - (d) Adequate measures have been or will be taken to minimize traffic congestion and excess parking in the public streets.
 - (e) Proposed use will be adequately served by, and will not impose an undue burden on, any improvements, facilities, utilities, or services provided by public agencies.
 - (f) Proposed use will not impede the normal and orderly development and improvement of the parcels with neighboring principal building as anticipated under the Comprehensive Plan.
 - (g) Potential public benefits of the proposed use outweigh its potential adverse impacts.
- G. Change of ownership. Unless the Board approved a conditional use permit with a transfer limitation, all requirements of the approved conditional use permit shall be continued regardless of ownership or operation of the subject property or use and shall run with the land, except as otherwise limited by this chapter or by any specific related condition attached to the conditional use permit.
- H. Grandfathered conditional uses. A use now regulated as a conditional use that was established or approved as a legal land use prior to [insert effective date of recreated chapter] shall be considered as a legal, conforming land use without having to obtain a conditional use permit, so long as any previously approved conditions of use are followed and the conditional use is not modified pursuant to subsection I.
- I. Modifications. Any modification, alteration, or expansion of any conditional use, whether previously granted a conditional use permit or grandfathered under subsection H, shall require application and Village consideration of a new or amended conditional use permit following the procedures outlined for original granting of a conditional use permit in this section.
- J. Revocation.
- (1) A conditional use permit shall be automatically revoked if the conditional use authorized thereunder is not established and maintained within two years following its granting, or if, once established, any conditional use (including grandfathered conditional uses) has been discontinued for a period exceeding one year.
 - (2) Modification, alteration, or expansion of any conditional use in violation of any approved conditional use permit for such use, without approval by the Village Board, shall be considered a violation of this chapter and shall be grounds for Board revocation or modification of said conditional use permit. Any such revocation or modification shall follow the procedures outlined for original granting of a conditional use permit in this section, including public hearing notification to the applicant and owner.

§ 225-8-5 Design and site plan review.

- A. Applicability. This section shall apply to all development activities that result in construction, reconstruction, expansion, and exterior remodeling of principal buildings; detached accessory

structures where required under § **225-3-5 A**; and new and expanded parking lots for non-residential and multiple-family residential uses.

- B. Initiation. Any person, firm, corporation, or organization having an ownership interest (or a contractual interest scheduled to become an ownership interest) in the land for which design and site plan approval is sought may file a design and site plan approval application.
- C. Application requirements. No application for design and site plan approval for a described “minor change” in subsection D shall be acted on by the Zoning Administrator, and no other application shall be placed on any Building Board agenda as an item to be acted upon, until the Zoning Administrator has certified acceptance of a complete application. The applicant shall provide the Zoning Administrator with a digital copy plus sufficient hard copies of the complete application as determined by the Zoning Administrator. Said complete application shall be comprised of the following, except where reduced by the Zoning Administrator based on unique circumstances associated with the development, “minor changes” described in subsection D, or preliminary consultation described in subsection F:
- (1) A completed application form furnished by the Zoning Administrator, which shall include an estimate of construction value in time and materials.
 - (2) Contextual site information, including photographs and layout of the current structures on the site and of all neighboring principal buildings as defined in § **225-9-3**.
 - (3) Existing and proposed lot area, lot dimensions, floor area percentage of all buildings, and other data necessary to determine compliance with all applicable dimensional requirements in Figure **225.2.2**. and § **225-4-2**.
 - (4) Two-dimensional structural elevation drawings, in both black and white and color, of all exterior sides and roof of the proposed structure or proposed remodeling or expansion of the existing structure, meeting the following standards:
 - (a) Drawn to a recognized architectural scale, including a graphic scale bar and north arrow or elevations clearly labeled by facing direction.
 - (b) Including a title block that indicates the name, address, and phone/fax number(s) of the current property owner, developer, and professionals involved in the project.
 - (c) Indicating the date of the original plan and the latest date of revision to the plan.
 - (d) Depicting exterior materials, texture, color, and overall appearance of all exterior surfaces, including mechanical equipment and lighting. Samples of the exterior building materials may be required for unique materials or textures.
 - (e) Indicating existing and proposed building height as defined in § **225-9-3**.
 - (f) Clearly showing and labeling existing versus proposed areas and features.
 - (5) Where the project involves a requested special exception to floor area percentage requirements in Figure **225.2.2**, statistics and perspectives or elevations of the proposed principal building in relation to neighboring principal buildings as defined in § **225-9-3**, including their floor areas and percentages, heights, and primary façade areas as also defined in § **225-9-3**.
 - (6) Overhead site plan map(s), drawn to a recognized scale and including the following information:

- (a) A title block that indicates the name, address, and phone/fax number(s) of the current property owner, developer, and professionals involved in the project.
 - (b) The date of the original plan and the latest date of revision to the plan.
 - (c) A north arrow and a graphic scale.
 - (d) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled, which may be combined with other required features necessitate a professional survey depending on a variety of factors including project complexity and proximity of features to minimum requirements of this Chapter.
 - (e) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan sheet as to ownership and purpose.
 - (f) All required minimum building setback lines applicable to the zoning district.
 - (g) All existing and proposed buildings, structures, and hard surfaced areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
 - (h) The location and dimension of all driveways and access points onto public streets.
 - (i) Location and dimension of all existing and proposed parking, loading, service, and outdoor storage areas, including a summary of the number of parking stalls provided versus required by this chapter.
 - (j) Delineation and labeling of shoreline, floodplains, wetlands, slopes of 10% or greater, and mature trees.
 - (k) Existing and proposed sanitary sewer, water, electrical, and communication pole and line locations, connections, and relocations.
 - (l) A grading plan showing existing and proposed grades, any retaining walls (with materials indicated), and proposed stormwater management features. When the project includes construction of any new principal building, such grading plan shall be prepared by a Wisconsin licensed civil or stormwater engineer.
 - (m) If required under § 115-6 of the Code, an erosion control plan meeting associated requirements (generally not required for single-family residences).
 - (n) If required under § 115-7, a stormwater management plan and calculations meeting associated requirements (generally not required for single-family residences).
 - (o) Proposed exterior signage, if any. If including or associated with an exterior sign requiring a sign permit under Figure 225.5.1 or § 225-8-11, a sign permit application under § 225-8-11.
 - (p) An exterior lighting plan complying with the requirements of § 225-4-7 and including catalog pages or similar for all proposed fixtures, and a photometric plan for nonresidential and multiple-family residential developments.
 - (q) Where the project includes construction of a new principal building or a 25% or greater floor area expansion of any existing principal building, a landscape plan meeting associated requirements of § 225-4-3 F.
- D. Action on minor changes. Except as provided in subsection E, the following defined “minor changes” shall be subject to Zoning Administrator approval, approval with conditions, or denial with reasons
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tied to non-compliance with this Chapter, following verification of a complete submittal and prior to issuance of a building permit:

- (1) Window replacements of similar size and design, not including modifications between single and divided pane design.
- (2) Garage and people door replacements of similar size, with minimal design modifications and material changes acceptable.
- (3) Roof replacements with similar materials, with minimal roof design or structural modifications.
- (4) Exterior siding replacements of similar design, with minimal structural modifications and with material changes acceptable.
- (5) Patio, deck, and walkway replacements and enlargements of no greater than 100 square feet, where meeting applicable dimensional requirements in Figure **225.2.2** and with material changes acceptable.
- (6) Driveway replacements of the same size, where meeting applicable dimensional requirements in Figure **225.2.2** and with material changes acceptable.
- (7) Fences and walls meeting applicable requirements of Figure **225.2.2** and § **225-4-4**.
- (8) Detached accessory structures specified for Zoning Administrator approval under § **225-3-5 A**.
- (9) All roof-mounted solar panel systems, all electrical generator systems, and other small exterior communication or energy systems that are completely underground and/or entirely within existing buildings, meeting applicable requirements in § **225-3-5 C**.

Any decision of the Zoning Administrator on a proposed “minor change” design and site plan review application may be appealed to the Board of Appeals per § **225-8-8**.

E. Action on other changes and special exceptions.

- (1) The Building Board shall take final action on an application for design and site plan approval in one of the following circumstances:
 - (a) When the Zoning Administrator determines that any structure or improvement otherwise classified as a “minor change” in subsection D has unique circumstances and/or raises subjective design-related characteristics related to a requirement of this chapter.
 - (b) For all design and site plan review applications not classified as a “minor change” in subsection D but that otherwise meet applicable requirements of this chapter, or, if not, obtain a variance from the Board of Appeals.
 - (c) As prescribed in §§ **225-2-5 C (3) (a)** and **225-3-5 A (2)**.
- (2) In one of the circumstances described under subsection (1), and upon Zoning Administrator verification of a complete design review application, the Village Clerk shall schedule a meeting of the Building Board to consider the application. Before or at the meeting, the Zoning Administrator or designee shall provide to the Building Board and applicant an evaluation of the application, with reference to the criteria in subsection F. The Building Board shall act by motion to approve or deny the proposed application, as requested or with conditions to meet applicable requirements of this chapter. Each denial shall include reasons for such denial. Any

decision of the Building Board on a proposed design and site plan review application may be appealed to the Board of Appeals per § **225-8-8**.

- (3) Prior to Building Board final action on any new principal building, or 50% or greater floor area expansion of any existing principal building, the Building Board shall conduct a schematic design review of each such proposed project. Schematic design review is considered a preliminary review in which the applicant and professional representatives shall present and discuss the basics of the project with the Building Board before an application meeting all requirements in subsection C is submitted. Schematic review shall focus on site layout, building massing and primary façade elevations, architectural theme and materials, and relation to neighboring principal buildings as defined in § **225-9-3**, which shall be the basis of presentation materials or submittals for the schematic design review stage.

F. Review criteria.

- (1) No design and site plan approval shall be granted unless the Zoning Administrator or Building Board, as applicable, finds that the application, as limited by any enforceable conditions, will meet all applicable requirements of this chapter, including but not limited to the following:
 - (a) Dimensional requirements Figure **225.2.2**, as may be modified by § **225-2-2**.
 - (b) Any use-specific performance standards related to design within Article **3**.
 - (c) Building design requirements of § **225-4-2**.
 - (d) Site design requirements of § **225-4-3**.
 - (e) Where consisting of or including a sign, applicable requirements of Article **5**.
- (2) No special exception to normal floor area percentage requirements in Figure **225.2.2** shall be granted unless the Building Board finds that the exception(s) authorized thereby, as limited by any enforceable conditions, will meet all of the following criteria:
 - (a) Will be consistent with the purpose and intent of this chapter and this section.
 - (b) Will otherwise meet all requirements of this chapter, including but not limited to those building and site design requirements in §§ **225-4-2** and **225-4-3**.
 - (c) Will be consistent with the Comprehensive Plan including any applicable guidelines therein.
 - (d) Will not negatively affect the reasonable use and enjoyment of neighboring principal buildings.
 - (e) Will not be hazardous, harmful, or otherwise adverse to the natural environment.
 - (f) Will not negatively affect the safe and efficient installation, use, and maintenance of public facilities serving the area, including but not limited to roadways, sidewalks and paths, and utilities.
 - (g) Is supported by evidence that the normally applicable floor area percentage requirement does not reasonably provide for the function of the proposed project.
 - (h) Benefits from mitigating factors such as nearby public open space, extensive mature tree cover, generous setbacks, and/or unique topographic features or architectural features or techniques that reduce apparent building scale.

G. Post-approval actions.

- (1) The Village Clerk shall provide notification of each approved or denied design and site plan review application to the applicant, including any conditions of approval.
- (2) The owner shall cause to be buried all overhead power and communication lines, and removal of associated poles, on the parcel within 6 months of building permit issuance, and shall prior to building permit issuance sign a commitment to this effect, except when:
 - (a) Proposed construction value, including time and materials, is less than \$50,000, adjusted annually beginning January 1, 2026 in an amount equal to the change in the Consumer Price Index for the Midwest regional in the prior year, and/or.
 - (b) The private utility company indicates in writing that it will prohibit such action.

H. Effect of denial. No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

I. Modification of an approved design. Changes between development and/or land use activity on the subject property and the approved design review application is a violation of this chapter. To void such violation, an approved design shall be revised and approved via the procedures for original approval above, so as to clearly and completely depict proposed modifications to the previously approved design, prior to the initiation of said modifications.

J. Sunset clause. The design approval shall expire in cases where all buildings and other improvements authorized thereunder are not commenced within one year of approval and fully developed within two years of approval. In such case, no additional site development shall be permitted on undeveloped portions of the subject property. The Building Board (or Zoning Administrator for "minor changes") may extend this period, as requested by the applicant.

§ 225-8-6 Building demolition or removal/movement.**A. Applicability and limitations.**

(1) This section applies to:

- (a) Every person who provides building demolition, removal, and/or movement services in or to the Village, or who owns, sells, leases, or lets for hire, uses, designs, installs, repairs, operates, maintains, or grants possession of any equipment, materials, or apparatus relating to said services in the Village.
- (b) Buildings greater than 200 square feet in area that are proposed for demolition, razing, and/or destruction, and/or removal from a parcel on which they are constructed.

(2) No applicable building shall be razed or removed without a demolition permit issued by the Building Inspector, following approval from the Building Board under the procedure in **§ 225-8-5 E (2)** and satisfaction of the criteria in subsection D.

(3) Where a principal building is proposed for demolition or removal, no demolition permit will be issued without the applicant first obtaining Building Board approval of plans for a replacement principal building and submitting a complete building permit application for such replacement,

unless the applicant records a Certified Survey Map following Village approval that combines the associated lot with another lot with a principal building that will remain.

- (4) Initiation. Any person, firm, corporation, or organization having an ownership interest (or a contractual interest scheduled to become an ownership interest) in the land for which building demolition is sought may file an application for building demolition or removal.
- B. Application requirements. No application for demolition permit shall be placed on any agenda as an item to be acted upon until the Zoning Administrator has certified acceptance of a complete application. The applicant shall provide the Zoning Administrator with a digital copy plus sufficient hard copies of the complete application as determined by the Zoning Administrator. Said complete application shall be comprised of the following:
- (1) The name of the person(s) or firm(s) who is applying to demolish or remove/move the building and their qualifications for such work.
 - (2) Present location of the building by address and parcel number.
 - (3) Site or plot plan prepared by the applicant indicating the exact placement of the building on the site.
 - (4) Executed insurance certificate per subsection D below.
 - (5) The date or timeframe within which the demolition will occur.
 - (6) Approved method of demolition, and any conditions associated with approved method.
 - (7) Proposal for the discontinuance of gas, electrical, sanitary sewer, and water services.
 - (8) If the building is proposed to be moved, the place to which such building is intended to be moved and the names and segments of the streets along which the building is proposed to be moved.
 - (9) The required application fee and commitment to reimburse the Village for any consultant services the Village may utilize in the review of the application, except where the application is filed by the Village Board, Plan Commission, or Zoning Administrator.
- C. Review criteria. No application for demolition permit shall be granted unless the Building Board finds that such demolition, as may be limited by any enforceable conditions, will meet all of the following criteria:
- (1) Will be consistent with the purpose and intent of this chapter and this section.
 - (2) Will otherwise meet all requirements of this chapter, including but not limited to applicable building and site design requirements in §§ **225-4-2** and **225-4-3**.
 - (3) Will be consistent with the Comprehensive Plan including any applicable guidelines therein.
 - (4) Will not negatively affect the reasonable use and enjoyment of neighboring principal buildings.
 - (5) Will not be hazardous, harmful, or otherwise adverse to the natural environment.
 - (6) Will not negatively affect the safe and efficient installation, use, and maintenance of public facilities serving the area, including but not limited to roadways, sidewalks and paths, and utilities.
 - (7) Is based on substantial evidence supported by the written opinion of a qualified professional that modifications to the existing building, as opposed to its demolition and construction of a

new building, does not reasonably or cost-effectively allow the primary objectives of the proposed project to be fulfilled.

D. Other requirements.

- (1) Insurance. A certificate of professional, commercial liability, personal injury, and property damage insurance for the person or firm demolishing or removing the building shall be required in amounts determined by the Village Attorney and listing the Village as an additional named insured. Such insurance shall not be cancelled or reduced before the demolition is complete.
- (2) Utility discontinuance. At least 30 days prior to the commencement of demolition or removal, the permittee shall notify in writing all public and private utilities with services to the building of the proposed demolition, requesting instructions for the discontinuance of such services. As provided by such instructions or otherwise by law, the permittee shall cause all such services to be discontinued, remove all meters and regulators, and cap and close any well, prior to the commencement of building demolition or removal to the extent possible. All sewer and water laterals shall be located and sealed at a point outside the foundation line, with the plug or seal not covered until inspected and approved by the Director of Public Works or designee.
- (3) Property protection and dust control. The permittee shall install a snow fence, lighted barricade, or such other barrier around the demolition site, and shall maintain such barrier over the duration of demolition and until the excavation is filled per subsection E. If the demolition or removal operation causes excessive dust in the determination of the Building Inspector, the building and site shall be sufficiently dampened or other dust control measures taken. The Building Inspector may stop the demolition operation if it becomes apparent that damage beyond that intended, with reasonable probability, will ensue if the operation is continued.
- (4) Accessory structures and other site improvements. The demolition or removal of the principal building from a parcel shall require the permittee to raze or relocate all accessory structures and other improvements on that same parcel such as driveways, unless demolition or relocation is proposed to accommodate a new principal building on the same parcel with construction commencing within six months of relocation. Should construction of such new principal building not actually be commenced in such timeframe, upon order of the Building Inspector such accessory structures and other improvements shall be immediately raised by the permittee or by the property owner at the time.
- (5) Moving buildings. If the building is proposed to be moved to a different location, the Director of Public Works shall approve or designate the routes in the Village through which the movement will occur, and may designate the timeframes and other requirements for the move to insure public safety and protection of infrastructure and private property. Upon completion of the moving, the Director of Public Works shall inspect the route and report to the Clerk-Treasurer any damages, and the estimated amount thereof, caused to the streets and any public or private property, which shall be reimbursed by the applicant within 30 days of invoicing from the Village.

E. Site restoration. Within 30 days following building demolition or removal, the permittee shall:

- (1) Remove all rubble, rubbish, and other debris from the excavated area and other locations on the site to a licensed solid waste disposal facility or another site that will allow the deposit of such materials under all State and Village laws, ordinances, and regulations.

- (2) If not completely removed, break up basement floor slab to allow free vertical drainage.
- (3) If not completely removed, excavate all basement walls to a point four feet below finish grade.
- (4) Verify that all utilities, openings, pipelines, drains, and similar have been properly capped and otherwise discontinued, and complete any remedial action to complete such discontinuance.
- (5) Fill all basements, crawlspaces, and other excavated areas and voids resulting from the building demolition to within four inches of finished grade. All fill shall be granular material free from debris and organic material, placed in layers of 12 inches or less, and compacted to not less than 95 percent of Modified Proctor (ASTM D-1557).
- (6) Grade the excavation and all other disturbed areas to not greater than a 3:1 slope.
- (7) Spread a layer of arable topsoil capable of supporting perennial grasses over the disturbed area to a minimum depth of four inches, and install silt fence, silt socks, or other measures to ensure proper erosion control.
- (8) Seed the site with a perennial grass capable of survival in climate zone 5a and water and otherwise maintain until the grass is established.

On the failure of the permittee to perform any of the above actions, the Village may instead perform said action(s), charging the permittee or property owner for the full cost of such action(s).

- F. Inspections. Each permittee shall, within 24 hours after the demolition or removal has been completed and within 24 hours after seeding the demolition site per subsection E, report such actions to the Building Inspector. The Inspector shall thereupon inspect the site and direct any remedial action required to ensure compliance with this section and the permit. The Building Inspector may inspect the site at any other time to verify compliance.
- G. Sunset clause. Each demolition permit shall expire in cases where all buildings and other improvements required to be removed are in fact removed within 6 months of permit issuance. The Building Board may extend this period, as requested by the applicant.

§ 225-8-7 Variances.

- A. Applicability. The procedure in this section shall apply in cases in which a person applies for a variance to one or more terms of this chapter, except where an alternative approach to modify such term(s) is specified in this chapter.
- B. Initiation. Any person, firm, corporation, or organization having an ownership interest (or a contractual interest scheduled to become an ownership interest) in the land for which a variance is sought may file a variance application.
- C. Application requirements. No variance application shall be placed on any agenda as an item to be acted upon until the Zoning Administrator has certified acceptance of a complete application. The applicant shall provide the Zoning Administrator with a digital copy plus sufficient hard copies of the complete application as determined by the Zoning Administrator. Said complete application shall be comprised of the following, except where reduced by the Zoning Administrator:
 - (1) A completed application form furnished by the Zoning Administrator.

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- (2) A map with a graphic scale and a north arrow showing the entire subject property including lot boundaries and dimensions of the subject property, and all other parcels within 300 feet of the boundaries of the subject property.
 - (3) Unless provided by the Zoning Administrator or Village Clerk, names and addresses of the owners of all property within 300 feet of the subject property as they appear on the current tax records.
 - (4) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.
 - (5) All known existing property and building conditions that do not conform with then-current requirements of this chapter (non-conformities).
 - (6) A scaled and dimensioned site and/or building plan of the subject property, including existing conditions (including those requiring a prior variance) and proposed changes.
 - (7) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the criteria in subsection **F** below.
 - (8) The required application fee and a commitment to reimburse the Village for any consultant services the Village may utilize in the review of the application, except where the application is filed by the Village Board, Plan Commission, or Zoning Administrator.
- D. Notice of public hearing. Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Board of Appeals. The Village Clerk shall, not less than one week before the hearing, post notice of the time, place, and purpose of such hearing and send said notice to the applicant and all property owners within 300 feet of the subject property. Failure to post or send said notice or meet the time requirements herein, provided such action is unintentional, shall not invalidate proceedings under this section.
- E. Public hearing and action. The Board of Appeals shall hold a public hearing on each requested variance. Before or at the hearing, the Zoning Administrator or designee shall provide to said Board and the applicant an evaluation of the requested variance, with reference to the criteria in subsection F. Following the public hearing and consideration of comments provided therein and from the Zoning Administrator or designee, Said Board shall act to grant or deny the proposed variance, with any approval as it was requested or with conditions. Each variance runs with the land in question. Each variance shall be approved by motion and transcribed in an order from the Board or its designee. Each denial shall include reasons for such denial against the criteria in subsection F. No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator. The Village Clerk shall provide each approved variance order to the applicant.
- F. Review criteria. No variance shall be granted unless the Board of Appeals finds that a literal enforcement of the provisions of this chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. For purposes of this chapter, the terms “practical difficulty” and “unnecessary hardship” are synonymous. The property owner shall bear the burden of proving “practical difficulty” and “unnecessary hardship” as follows:
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- (1) For an area variance, by proving that strict compliance with this chapter would unreasonably prevent use of the property for a permitted purpose or would render conformity with this chapter unnecessarily burdensome.
 - (2) For a use variance, by proving that strict compliance with this chapter would leave the property owner with no reasonable use of the property in the absence of a variance.
 - (3) By proving that the practical difficulty or unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.
- G. Sunset clause. The variance approval shall expire in cases where all buildings and other improvements authorized thereunder are not commenced within one year of approval and fully developed within two years of approval. In such case, no additional site development requiring said variance shall be permitted on the subject property. The Board of Appeals may extend this period, as requested by the applicant.

§ 225-8-8 Appeals.

- A. Initiation. Appeals to the Board of Appeals may be taken by any person aggrieved by any order, requirement, decision, determination, or interpretation of the Zoning Administrator or designee under this chapter, decision of the Building Board on a proposed design and site plan review application, or where otherwise this chapter allows an appeal to said Board. Such appeal shall be taken within 30 days of the order, requirement, decision, determination, or interpretation in question.
- B. Application requirements. No application for appeal shall be placed on any agenda as an item to be acted upon until the Zoning Administrator has certified acceptance of a complete application. The applicant shall provide the Zoning Administrator with a digital copy plus sufficient hard copies of the complete application as determined by the Zoning Administrator. Said complete application shall be comprised of the following, except where reduced by the Zoning Administrator:
 - (1) A completed application form furnished by the Zoning Administrator.
 - (2) Written justification for the requested appeal consisting of the reasons why the applicant believes the proposed appeal is appropriate and the associated action was made in error.
 - (3) All records at the applicant's disposal related to the action appealed.
 - (4) The required application fee and a commitment to reimburse the Village for any consultant services the Village may utilize in the review of the application, except where the application is filed by the Village Board, Plan Commission, or Zoning Administrator..
- C. Stay of proceedings. An appeal shall stay all legal proceedings and construction in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals that by reason of facts stated in the certificate a stay would, in his or her opinion, cause immediate peril to life or property. In such cases, proceedings and construction shall not be stayed otherwise than by a restraining order that may be granted by the Board of Appeals, or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- D. Notice of public hearing. Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Board of Appeals. The Village Clerk shall, not less than one

week before the hearing, post notice of the time, place, and purpose of such hearing and send said notice to the applicant and all property owners within 300 feet of the subject property. Failure to post or send said notice or meet the time requirements herein, provided such action is unintentional, shall not invalidate proceedings under this section.

- E. Public hearing and action. The Village Administrator shall forthwith transmit to the Board of Appeals all application materials and all papers constituting the record upon which the action appealed from was taken. At the hearing, the applicant may appear in person, by agent, or by attorney. Said Board shall reach its decision within 30 days after the hearing and thereafter the Village Clerk shall transmit a written copy of its decision to the applicant.
- F. Appealable actions. The scope of review of a decision of Zoning Administrator or any other administrative officer shall be a de novo review before the Board of Appeals. The scope of the review of any appeal to a decision of the Building Board shall be limited before the Board of Appeals to whether:
 - (1) The Building Board kept within its jurisdiction;
 - (2) The Building Board proceeded on a correct theory of law;
 - (3) The Building Board's action was arbitrary, oppressive, or unreasonable and represented its will, not its judgment against applicable provisions of this chapter; and
 - (4) The evidence was such that the Building Board might have reasonably taken the action in question.

§ 225-8-9 Interpretations.

- A. Applicability. This section assigns responsibility for the official interpretation of the provisions of this chapter, and describes the required procedure for securing such interpretation, except as may be otherwise prescribed in this chapter.
- B. Initiation. A request for an interpretation may be initiated by the Village Board, Plan Commission, the Zoning Administrator, or any member of the general public who resides in or owns land or a business in the Village.
- C. Request requirements. Each request for an interpretation shall be comprised of the following:
 - (1) Indication of the part of the text of this chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.
 - (2) If the requested interpretation relates to the application of this chapter to a specific property:
 - (a) A scaled and dimensioned map or site or building plan for the subject property, which accurately reflects the current conditions of the property, along with any proposed changes, with sufficient details relevant to the interpretation.
 - (b) A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.
 - (3) The required application fee and a commitment to reimburse the Village for any consultant services the Village may utilize in the review of the application, except where the application is filed by the Village Board, Plan Commission, or Zoning Administrator.

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- D. Action. Upon Zoning Administrator receipt of a complete request, such Administrator shall issue an interpretation in writing, and shall promptly provide such interpretation to the applicant and keep it on file.
- E. Review criteria. In making each interpretation, the Zoning Administrator shall evaluate each complete request against the following standards:
- (1) Consistent with the purpose of this chapter, other chapters of the Code, and Comprehensive Plan.
 - (2) Shall not reduce protections or increase potential harm to the public.
 - (3) Provides a just balance between the rights of the applicant and all others who may be affected by interpretation.
 - (4) Shall not substitute Administrator's own judgments for the legislative acts of the Village Board.
 - (5) Shall not allow the establishment of any land use or development that was previously considered and rejected by the designated Village approval authority.

§ 225-8-10 Lot divisions, reconfigurations, and consolidations.

- A. Applicability and initiation. Each person required to prepare a Certified Survey Map (CSM) under Article 6 shall submit with the Zoning Administrator an application for CSM approval.
- B. Application requirements. No application for CSM approval shall be placed on any agenda as an item to be acted upon until the Zoning Administrator has certified acceptance of a complete application. The applicant shall provide the Zoning Administrator with a digital copy plus sufficient hard copies of the complete application as determined by the Zoning Administrator. Said complete application shall be comprised of the following, except where reduced by the Zoning Administrator:
- (1) A completed application form furnished by the Zoning Administrator.
 - (2) The CSM shall include all required contents under Chapter 236, Wis. Stats., and the following information:
 - (a) All the certificates required by § 236.21, Wis. Stats.; and certification that the CSM fully complies with all of the provisions of this chapter.
 - (b) Location of existing property lines, buildings, drives, paths, streams and watercourses, dry runs, lakes, ponds, wetlands, floodplains (by type), shoreland zoning areas and setbacks, rock outcrops, mature trees; environmental corridors, and other similar significant features within the land being divided or adjusted.
 - (c) Any easements, unique building setback lines, buildable areas, "build-to" lines, or similar areas.
 - (d) All existing structures.
 - (e) If the CSM contains private road(s), the following note: "Notice of Possible Limitation of Public Services: This CSM contains private roads. As a result, certain public services including but not limited to road maintenance, snow plowing, and garbage collection may be limited."
 - (3) The required application fee and a commitment to reimburse the Village for any consultant services the Village may utilize in the review of the application, except where the application is

filed by the Village Board, Plan Commission, or Zoning Administrator.

- C. Recommendation. Upon Zoning Administrator verification of a complete CSM application, the Village Clerk shall schedule a meeting of the Plan Commission to consider the application. Before or at the meeting, the Zoning Administrator or designee shall provide to the Commission and applicant an evaluation of the proposed land division, with reference to applicable criteria in this chapter. Following the consideration of this evaluation, the Commission shall review the proposed CSM and provide a recommendation to the Village Board that the application be granted as requested, granted with conditions, or denied, or the Commission may instead provide no recommendation.
- D. Action. Following Plan Commission recommendation, the Village Clerk shall schedule the proposed CSM for Village Board action. The Village Board shall within 60 days of a complete submittal act to approve or deny the proposed CSM, with any approval as requested in the application or with conditions. Each CSM approval shall be by resolution. Each denial shall include reasons. Any action of the Village Board may be appealed directly to the Circuit Court under associated procedures in § 225-49, Wis. Stats. No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator. The Village Clerk shall provide notice of each such action to the applicant.
- E. Recordation. Each approved CSM shall be submitted for recording with the county Register of Deeds within 6 months from the date of the last approval and within 24 months from the date of the first approval, or the Village approval shall be deemed void. No CSM shall be submitted for recording until the Village Clerk has inscribed his or her certification of Village approval on the CSM. The Village Clerk shall cause the certificate inscribed upon the CSM attesting to such approval to be duly executed and the plat returned to the subdivider for recording, upon verification of CSM approval under this section and satisfaction of all conditions imposed by that approval to the extent possible.
- F. Following recording. No Village building or zoning permit associated with a land division, subdivision, or condominium development shall be issued until the associated CSM is recorded. The subdivider shall install survey monuments placed in accordance with the requirements of § 236.15, Wis. Stats.

§ 225-8-11 Sign permits and procedures.

- A. Permit requirements. Each sign located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered shall require a sign permit following application for said permit and in advance of such action, subject to the following allowances and exceptions:
 - (1) No sign permit shall be required for the cleaning, repainting, replacing with the same sign text, graphics, and area, repair to previous condition, maintenance of a sign or sign structure as described in § 225-5-7 A, or replacement of a sign face in a multiple-sign freestanding structure where such replacement does not require any structural alteration.
 - (2) No sign permit shall be required for any sign in a residential zoning district, for a single-family residential use regardless of zoning district, or for the types and configurations of signs indicated as not requiring a sign permit in Figure 225.5.1.
 - (3) Any sign permit granted hereunder may not be assigned or transferred to any other sign.
 - (4) All signs at one premise may be included under one sign permit, if applied for at the same time.

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- B. Application procedure. Each application for a sign permit shall be filed with the Zoning Administrator on a form provided by that office, and shall include all of the following to be considered a complete application:
- (1) The name and address of the permit applicant, sign designer, and property and business owner.
 - (2) A scaled and dimensioned plan showing, at a minimum, the location of the proposed sign on the subject property; the location of all existing signs on the subject site; all property lines and buildings in the subject site; and parking areas, driveways, public roads, and buildings within 100 feet of the proposed sign.
 - (3) A diagram of the proposed sign, drawn to a recognized scale, and listing and depicting the type, height, width, total square footage of the sign, square footage of each sign component, method of attachment, structural support including footings, method of illumination, and sign materials, colors, and message.
 - (4) The subject property's zoning designation and lineal footage on each abutting public street.
 - (5) A summary of existing signage on the subject property, including quantity, location, type, and area of all signs on the property, both before and after the installation of the proposed sign(s).
 - (6) Evidence that the structural requirements of § 225-5-6 will be met.
 - (7) Written consent of the owner of the premises and building upon which the sign is to be erected.
 - (8) The appropriate sign permit fee, per the Village's fee schedule, except that no Village-proposed sign shall require a fee, and a commitment to reimburse the Village for any professional consultant services the Village may utilize to review the permit application.
- C. Action on sign permit application.
- (1) Following receipt of a complete permit application for any auxiliary, sandwich board, limited-time event, nameplate and identification, or window sign, the Zoning Administrator shall review said application and shall issue or deny a sign permit in writing.
 - (2) For all other signs requiring a permit, upon the receipt of a complete application, the Zoning Administrator shall schedule the application on a meeting agenda of the Building Board (or Plan Commission if the applicant is simultaneously seeking another action from the Plan Commission). If the Building Board (or Plan Commission) authorizes issuance of a sign permit, the Zoning Administrator shall then, in writing, issue a sign permit based on the submitted application and the Building Board's authorization including any conditions.
 - (3) Any action under subsections (1) or (2) shall be subject to appeal to the Board of Appeals.
 - (4) Any sign permit may be issued with conditions necessary to meet requirements of this chapter.
 - (5) Denial of a sign permit shall not result in total or partial reimbursement of permit fees paid.
- D. Enforcement and revocation.
- (1) Any sign permit may be revoked by the Zoning Administrator in the event that the applicant has failed to comply with the provisions of this chapter, the submitted sign permit application, the sign permit, or any conditions that may have accompanied the permit at the time of granting.
 - (2) Any sign permit shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within 180 days from the date

of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after commencement, the original permit shall become null and void and automatically revoked. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.

(3) A sign subject to any revoked permit shall be removed by the licensee, sign owner, or property owner within 30 days of such revocation, and/or shall be subject to enforcement under § **225-8-16**.

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

§ 225-8-12 Building permits.

Requirements for building permits are prescribed in Chapter **90**.

§ 225-8-13 Certificates of occupancy.

- A. Applicability. A certificate of occupancy from the Building Inspector shall be required prior to any occupancy of any of the following buildings or portions of buildings:
- (1) Each newly-constructed single-family dwelling
 - (2) Each newly-constructed or expanded nonresidential and mixed use building.
 - (3) Each change in occupancy or use of any nonresidential building space (e.g., change in commercial tenant).
- B. Initiation. Every application for a building permit shall be deemed to be an application for a Certificate of Occupancy. Every application for a Certificate of Occupancy for a new use or change in use of a building or portion thereof shall be made directly to the Building Inspector.
- C. Issuance of Certificate of Occupancy. No Certificate of Occupancy for shall be issued until construction has been substantially completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the building permit was based, this chapter, and Chapter **90**.
- D. Temporary occupancy. The Building Inspector may issue a temporary Certificate of Occupancy for a building, premises, or part thereof, pursuant to any rules established by the Village Board, with a deadline to achieve a full Certificate of Occupancy and complete all outstanding work required under this chapter, Chapter **90**, any Village approval thereunder, and the plans and specifications upon which the building permit was based.
- E. Termination of a Certificate of Occupancy. It shall constitute a violation of this chapter for any person, firm, corporation, or voluntary association, either owner or agent, to occupy a building in the Village without having first obtained a Certificate of Occupancy. Any Certificate issued upon a false statement of any fact that is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Building Inspector, said Inspector shall forthwith revoke the Certificate of Occupancy by notice in writing to be delivered to the holder of the void Certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing said notice of revocation by certified letter to the last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Occupancy shall be deemed guilty of violation of this chapter.

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- F. Certificates for existing occupancies. Upon a written request from the owner, the Building Inspector may issue a Certificate of Occupancy for any building or premises existing on [insert effective date of recreated chapter], certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

§ 225-8-14 Roles and responsibilities.

A. Zoning Administrator

- (1) Designation. The Village Board shall designate the Zoning Administrator. As permitted by law, the Zoning Administrator may designate another employee or contractor of the Village to perform the duties of the Zoning Administrator, on a recurring, occasional, or case-by-case basis. Where a duty in this chapter is assigned to the Zoning Administrator, it shall be assumed that his or her designee may also perform such duty except where otherwise restricted by law.
- (2) Duties. Except where otherwise assigned in this chapter, the Zoning Administrator shall interpret and administer, issue permits required by, and perform other duties described within, this chapter. In addition thereto and in furtherance of said duties, the Zoning Administrator shall:
 - (a) Be permitted access to premises and structures during reasonable hours to make those inspections as the Zoning Administrator deems necessary to ensure compliance with this chapter. If, however, the Zoning Administrator is refused entry after presentations of his identification, said Administrator may procure a special inspection warrant in accordance with § 66.0119(2), Wis. Stats.
 - (b) Maintain permanent and current records of this chapter, including but not limited to all maps, amendments, conditional use permits, sign permits, variances, appeals, interpretations, and applications.
 - (c) Receive, file, and forward all applications, plus staff evaluations, for all procedures governed by this chapter to the designated bodies.
 - (d) Investigate complaints made relating to compliance with this chapter.
 - (e) Institute, in the name of the Village, any appropriate actions or proceedings against a violator of this chapter, as provided by § 225-8-16.
 - (f) Request assistance and cooperation from the Village Police Department, Village Attorney, Village Clerk, Public Works Director, and other Village staff and consultants as the Zoning Administrator deems necessary, either as a designee or advisor.
 - (g) Make available to the public reports and documents concerning this chapter and actions thereunder.

B. Board of Trustees. The Village Board shall have the duties with respect to this chapter as so indicated.

C. Village Plan Commission. The Village Plan Commission, together with its other statutory duties, shall have the duties with respect to this chapter as indicated herein. Membership shall be pursuant to § 62.23(1), Wis. Stats.

D. Board of Appeals.

- (1) Established. The Board of Appeals shall consist of five primary members and two alternates who shall be appointed by the Village President and approved by the Village Board. The members of the Board shall serve without compensation. The Village President shall designate one member as chair, and the Village Clerk shall serve as secretary of the Board. The terms of office of the members of the Board shall be staggered terms for three years.
- (2) Meetings. All meetings of the Board shall be held at the Village Center unless a different meeting place is announced in a public notice of the meeting. Meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine. The chair (or in their absence the acting chair) may administer oaths and compel the attendance of witnesses.
- (3) Rules and regulations. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this article and of § 62.23(7), Wis. Stats. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote showing such fact. The concurring vote of a majority of members present shall be necessary to reverse any order or determination of the Building Inspector or to decide in favor of the applicant any matter upon which the Board is required to pass or to effect any variation from the terms of this chapter.
- (4) Powers. In addition to the powers and procedures specified elsewhere in this article, the Board of Appeals has the power:
 - (a) To permit a temporary building in the R-A and R-B districts that is incidental to residential construction, with any such permit to be issued for a period of not more than one year.
 - (b) To permit an accessory building, subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter, to exceed 15 feet in height, provided that the top of such accessory building shall not be more than five feet above the mean elevation of the ground adjoining the main building.
 - (c) If recommended by the Public Service Commission of Wisconsin, to permit in appropriate cases and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter a building or premises to be erected or used by a public service corporation or for public utility purposes in any location and for any purpose which is reasonably necessary for the public convenience and welfare.
- (5) Scope of review. In exercising its powers under this article, the Board of Appeals may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made to the premises and to that end shall have all the powers of the Building Inspector.
- (6) Grievances. Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the Village, may, within 30 days after the filing of the decision in the office of the Board of Appeals but not thereafter, present to a court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of the Board shall be subject to review by certiorari as provided by law.

E. Building Board.

- (1) **Membership.** The Building Board shall consist of seven members composed of at least one member of the Village Board who shall serve as chair, and the remaining Building Board members shall be Village residents appointed annually by the Village President and confirmed by the Village Board. The Building Board shall include at least one member who shall be a professional planner, professional architect, or other design or real estate professional. All members shall be voting members. The Zoning Administrator or designee shall be secretary of the Building Board.
- (2) **Duties.** The Building Board shall have the duties with respect to this chapter as indicated herein.

§ 225-8-15 Fees and cost reimbursement.

- A. **Payment of fees for procedures.** The fees for the procedures and permits established by this article are established under a fee schedule adopted by the Village Board.
- B. **Payment of fees.** Fees shall be payable at the time applications are filed with the appropriate officer of the Village (per the requirements of this chapter) and are not refundable.
- C. **Reimbursable costs.** The Zoning Administrator, Public Works Director, Village Administrator, and other Village staff and consultants may expend time in the investigation and processing of matters regulated by this chapter. The Village may also retain the services of other professional consultants including but not limited to attorneys, planners, engineers, landscape architects, architects, environmental specialists, and recreation specialists in the administration, investigation, and processing of such matters. Any person, firm, or corporation requesting action by or documents from the Village on such matters may be required to reimburse the Village for staff and professional consultant time and materials expended or provided in the administration, investigation, and processing of such requests.

§ 225-8-16 Violations and penalties.

- A. **Violations.** It shall be unlawful to construct or use any structure, land, or water anywhere within the Village in violation of any of the provisions of this chapter. In case of any violation, the Village Board, Plan Commission, Zoning Administrator, or any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.
- B. **Penalties.** Any person, firm, or corporation who fails to comply with the provisions of this chapter shall be subject to Chapter **10** and shall forfeit not less than \$250 per violation, plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.
- C. **Village promulgated correction of violation.** In addition to any other penalty imposed by this section or by Chapter **10** for a violation of the provisions of this chapter, the Village reserves and maintains the continued right to abate violations of this chapter, as follows:
 - (1) If the Zoning Administrator determines that a violation of this chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall cause the violation to be abated immediately, impose penalty per this section and Chapter **10**, or both.

- (2) If the Zoning Administrator determines that a violation of this chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall serve written notice by registered mail on the current owner of the property (as indicated by current tax records) on which said violation is occurring to remove said violation within a reasonable timeframe specified in the notice. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within the indicated timeframe. If such violation is not removed or otherwise resolved to the satisfaction of the Zoning Administrator in the indicated timeframe, the Zoning Administrator may cause the violation to be abated, impose penalty per this section and Chapter **10**, or both.
- (3) In addition to any other penalty imposed by this section or by Chapter **10** for a violation of this chapter, the cost of abating a violation of this chapter shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within 30 calendar days from the receipt thereof.
- D. Special charge. Following 60 days after any penalties, costs, and expenses under this section are incurred and remain unpaid, the Village Clerk is authorized to enter such charges onto the tax roll as a special charge as provided by § 66.0627, Wis. Stats.

Article 9 Word Usage, Abbreviations, and Definitions

§ 225-9-1 Word usage.

The interpretation of this chapter shall abide by the provisions and rules that follow, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this chapter:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the single number, unless the context of the particular usage clearly indicates otherwise.
- C. The masculine gender shall include the feminine, and vice versa.
- D. The words “shall,” “must,” and “will” are mandatory, establishing an obligation or duty to comply with the particular provision.
- E. The words “may,” “can,” “should,” and “might” are permissive.
- F. The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- G. If there is ambiguity between the chapter text and any caption or illustration, the text shall control.

§ 225-9-2 Abbreviations.

The following abbreviations in this chapter are intended to have the following meanings:

Abbreviation	Meaning
Ac	Acre
Db	Decibel
DNR	Wisconsin Department of Natural Resources (also “WisDNR”)
DOT	Wisconsin Department of Transportation (also “WisDOT”)
DU	Dwelling unit
FAA	Federal Aviation Administration
FAP	Floor Area Percentage
Ft or ‘	Foot
HUD	U.S. Department of Housing and Urban Development
In or “	Inches
Max	Maximum
MH	Maximum Height
Min	Minimum
N/A	Not applicable
SF or sq. ft.	Square feet
UDC	Uniform Dwelling Code
+	Or more (as in “9+”)

§ 225-9-3 Definitions.

The following words, terms, and phrases, wherever they occur in this chapter, shall have the meanings ascribed to them by this section. See also Article 3, which defines land use types in its “description” subsections. Where this section or chapter does not define a word or term, the common English definition of such word or term shall apply.

Abut or Abutting: Having a common border, property line, or zoning district line.

Access: A means of providing vehicular or non-vehicular egress from or ingress to a parcel.

Accessory land use, or accessory use: A land use subordinate to, and serving, the principal use or structure on the same parcel and customarily incidental thereto.

Accessory structure: A building or other structure subordinate to, and serving, the principal use or structure on the same parcel and customarily incidental thereto. For purposes of this chapter, accessory structures include but are not limited to small exterior communication or energy systems (including underground GES pipes); outdoor merchandise display and activities; sport courts; swimming pools including all of their associated surfaced terraces and decks; commercial waste/recycling containers and associated screening wall/fence.

Addition: Any walled and roofed expansion to the perimeter and/or height of a building.

Adjacent lot or parcel: A lot or parcel that is directly abutting, but not across a public right-of-way from, the subject lot or parcel.

Appeal: A means for obtaining review of a decision, determination, interpretation, order, or failure to act pursuant to the terms of this chapter as expressly authorized by the provisions of § 225-8-8.

Arbor: An open shelter typically constructed of latticework or exposed boards that often provide partial shade or support for climbing plants.

Artisan studio: A building or portion thereof used for the preparation, display, and sale of individually crafted artwork, photography, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven sections, and related items, and occupied by no more than five artists or artisans.

Awning: A shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework.

Basement: A portion of a building located partly underground, having one-half or more of its floor to ceiling height below the average mean grade of the adjoining ground. Also known as a cellar.

Bedroom: A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

Bluff: A steep headland, promontory, cliff, or escarpment that has a vertical relief of 10 feet or greater and is located along Lake Mendota.

Board of Appeals: The appointed Board of Appeals of the Village. Also commonly referred to as “Zoning Board of Appeals” or “Board of Zoning Appeals.”

Boathouse: A permanent structure that has been used for one or more years for the storage of watercraft and associated materials for more or less direct launches into the water, regardless of the current use of the structure, and includes all such structures which are totally enclosed, have roofs or walls, or any combination of structural parts.

Brewpub: A use that is accessory to a restaurant or tavern use, produces less than 10,000 barrels of beer per year, is permitted under § 125.295, Wis. Stats., and where beer is primarily produced for on-site consumption.

Building: A structure having a roof and intended for the shelter, housing, or enclosure of persons, animals, equipment, machinery, and/or personal property.

Building, accessory: A building that is subordinate to, incidental to, and serves a principal building and/or principal use, but is not physically attached to a principal building, and is located on the same parcel as the principal building or use served except as otherwise expressly authorized under this chapter.

Building Board: The appointed Building Board of the Village, charged with reviewing the design of certain structures and site features before a building permit is issued.

Building envelope: The area of a parcel that is beyond minimum front, side, and rear setbacks within which buildings may be constructed or expanded. The building envelope may differ for principal and accessory buildings.

Building Inspector: The employee or contractor of the Village officially designated by the Village Board to administer the building code (Chapter 90), along with certain provisions of this chapter.

Building, principal: A building in which is conducted, or in which is intended to be conducted, the main or primary use or uses of the parcel on which it is located.

Canopy: A rigid multisided and roofed structure covered with fabric, metal, or other material, and attached or supported by a building at one or more points and/or by columns or posts embedded in the ground.

Certified Survey Map: A map prepared by a professional land surveyor used to divide, combine, or reconfigure land into four or fewer lots, meeting applicable requirements of this chapter and of Chapter 236, Wis. Stats.

Code: The municipal code of ordinances of the Village of Maple Bluff.

Community garden: A type of recreational use intended for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member, as a principal land use or as an accessory use for a park, municipal, or other similar land or facility. Does not include gardens for cultivation of crops primarily for consumption on the same premises.

Composite material: A building material that is engineered from two or more materials that have different physical or chemical properties, often for purposes of enhanced durability.

Comprehensive Plan: The Comprehensive Plan of the Village, adopted and as may be from time to time amended under § 66.1001, Wis. Stats. May consist of a document titled “comprehensive plan” in whole or part and any other plan adopted by the Village Board under § 66.1001, Wis. Stats.

Conditional use: A land use that requires a conditional use permit in order to develop, expand, or be modified, subject to all applicable requirements of this chapter, other applicable regulations of the Village and other units of government, and any conditions applied to the conditional use permit.

Conforming use: A use of a parcel or building that fully conforms with all provisions of this chapter that are applicable within the zoning district where the use has been established.

County: Dane County, Wisconsin.

Deck: A platform, either freestanding or part of a building, which has no roof or walls and is supported by pillars or posts. Where attached to a building, a deck is considered part of the building for setback and other standards. Where freestanding, it is considered an accessory structure.

Dedication or Dedicated: The transfer of property interest from private to public ownership for a public purpose.

Density: A term used to describe the number of dwelling units per acre.

Developer: The legal or beneficial owner(s) of a parcel proposed for development, including an option or contract purchaser.

Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this chapter.

Dimensional standards: Measurable standards for development, improvement, or alteration of a site or building, such as height, setbacks, and floor area percentages, which are laid out in Figure **225.2.2** with certain modifications and exceptions in § **225-2-5**.

Dog or cat run: A contained outdoor area, route, or track intended for the exercising of dogs, cats, or similar domesticated animals.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Driveway: A hard surfaced (or gravel surfaced area lawfully installed prior to [insert effective date of ordinance]) area primarily intended to accommodate vehicular movement to a designated parking space or garage, but where serving a single-family, two-family, or townhouse dwelling unit may also or instead directly provide for vehicular parking.

Dwelling: A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses.

Dwelling unit, attached: A dwelling unit joined to another dwelling unit at one or more sides by a shared wall, floor, or ceiling.

Dwelling unit: A room or group of rooms providing or intended to provide permanent living quarters for not more than one family.

Easement: Written authorization, typically recorded in the Register of Deeds' office, from a landowner authorizing another party to use any designated part of the landowner's parcel for a specified purpose.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Essential services: Services provided by public and private agencies and utilities, necessary for the exercise of the principal use, service of the principal building, or exercise or service of the Village as a whole. These services include underground, surface, or overhead gas, electrical, public lighting, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, lift stations, and hydrants, including buildings accessory to the essential use.

Façade: That portion of any exterior wall of a building extending from grade to top of parapet, wall, or eave, including any dormers or other similar roof projections.

Family: One of the following:

- A. An individual person.
- B. Two or more people related by blood, marriage, domestic partnership, or legal adoption (including foster children) living together as a single household.

- C. Up to four unrelated adults and the dependents of each living together as a single household.
- D. Up to four unrelated people who have disabilities under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) living as a single household because of their disability and requiring assistance from a caregiver plus up to two people providing support services such as personal care, housekeeping, meal preparation, laundry, and companionship.

Fence: An artificially constructed linear structure, other than a wall or netting, intended to enclose, screen, separate, delineate, mark, or define one area from another.

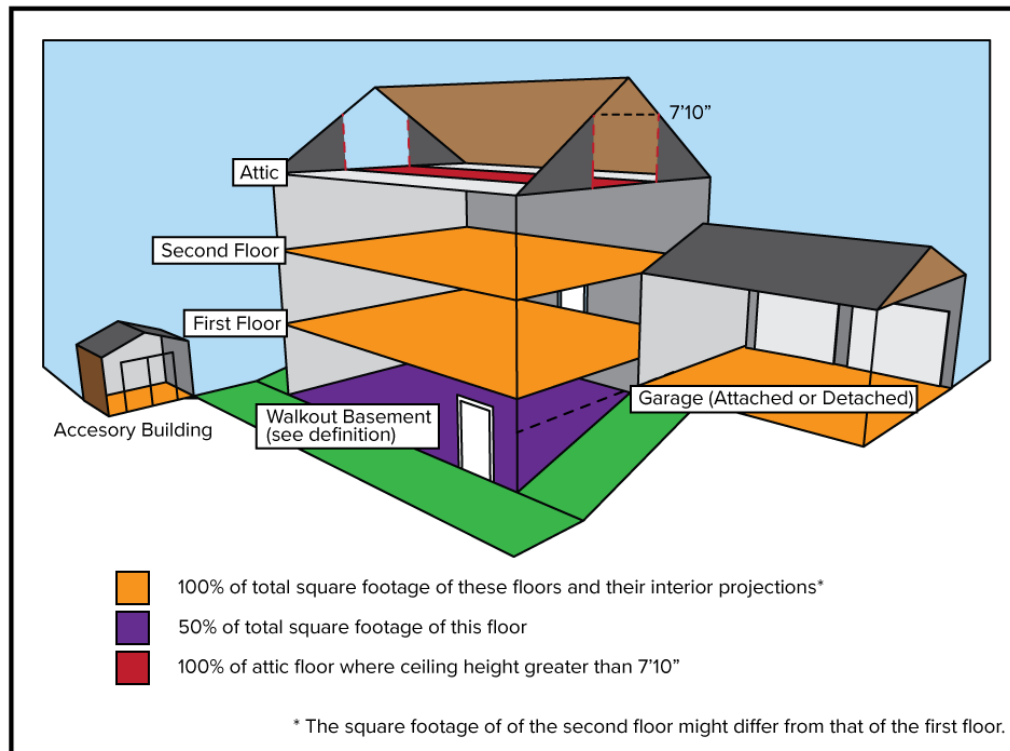
Flag: Any fabric, plastic, or similar material containing distinctive colors, patterns, or symbols used as a symbol or emblem of any corporation, nation, organization of nations, state, Village, or religious, fraternal, educational, or civic organization displayed for noncommercial purposes.

Flag lot: A lot with its widest point set back from the road, and having a thin, long strip (“flag pole”) of land connected to the road to provide legal access and frontage.

Floor area:

- A. The horizontal area of the several floors of a building, and their interior projections, where ceiling height is at least 7’10”, including attic areas, attached garages, walkout basements (measured at 50% of their actual floor area for single- and two-family residential uses), detached garages, sheds, and other accessory buildings. “Interior projections” means portions of a building floor that are not constructed to reveal a lower level of a building, such as is present in an atrium or loft design.
- B. For multiple-family residential and nonresidential uses, includes all floors, lofts, indoor balconies, mezzanines, elevator shafts, heating and utility rooms, storage rooms, stairwells, basements, and similar indoor areas.
- C. Measured from the exterior faces of the exterior walls, and from the center lines of walls or partitions separating dwelling units or distinct occupancy units sharing the same building.
- D. Does not include any open deck, porch, balcony, or patio, even if covered with a roof without walls, but does include enclosed versions such as three-seasoned and screened porches.
- E. Except for single-family dwellings, no fully enclosed underbuilding parking area shall be included in the calculation of floor area, provided that the ceiling of such parking area is no higher than 5 feet above the predevelopment grade of the directly adjoining land.

Floor area percentage: The percentage obtained by dividing the floor area by the parcel area, as both terms as defined in this section, and then multiplying by 100. The floor area percentage as designated for each district or parcel size class, when multiplied by parcel area, shall determine the maximum permissible floor area for all buildings on the parcel. See also Figure **225.10.1**.

Figure 225.10.1: Measuring Floor Area Percentage

Footcandle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Garage: An accessory building or part of a principal building that designed to be used primarily for the indoor parking of motor vehicles. Does not include any basement or “boathouse”.

General Development Plan (GDP): A preliminary set of plans and descriptions of a proposed Planned Unit Development project, submitted along with the rezoning application and, where approved, guidance for the more detailed Specific Implementation Plan(s) for the project that follows.

Glare: The effect produced by brightness from a light source sufficient to cause discomfort or loss in visual performance.

Group day care center: A land use in which State-licensed persons and facilities provide child care services for 9 or more children.

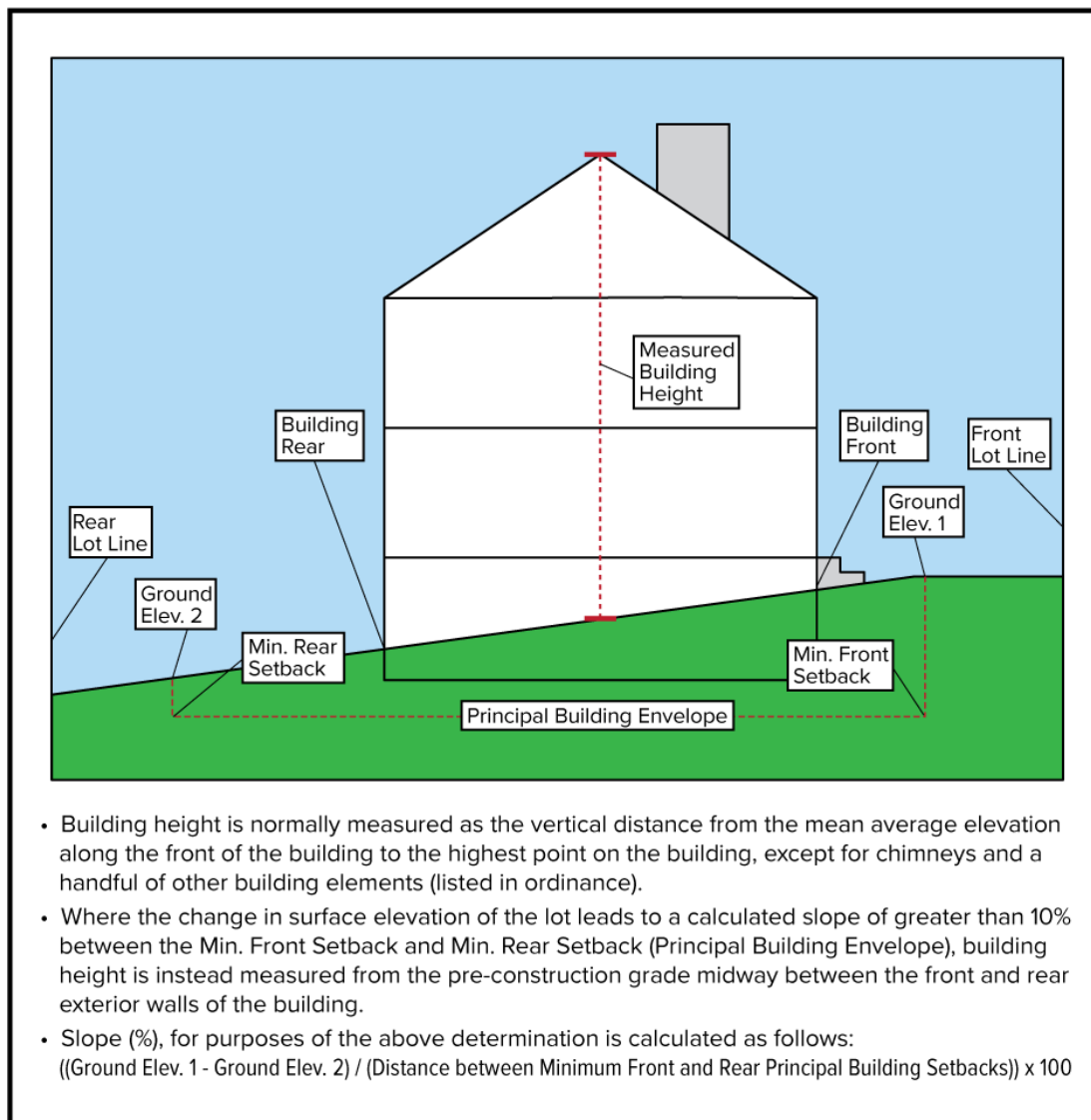
Hard surface: Includes concrete, asphalt paving, pervious pavement, paving stones commercially designed and manufactured for the proposed purpose, any combination of these materials, or another similar material approved by the Zoning Administrator. Crushed stone used for driveways is not considered a hard surface for purposes of this chapter, but is an impervious surface as that term is separately defined.

Height:

- A. Except for freestanding signs, the vertical distance from the mean average elevation of the pre-construction grade along the front of the building or other structure to the highest point of the structure, except for elements excepted in § 225-2-5 D.

- B. For freestanding signs as defined in § 225-5-2, the vertical distance from the mean average elevation of the pre-construction grade to the top of the sign or from the centerline grade of the nearest public road, whichever is lower.
- C. For all buildings and structures, where the change in surface elevation from the front to the rear of the building envelope is greater than 10%, structure height shall instead be measured from the pre-construction grade midway between the front and rear exterior walls of the structure, as represented in Figure 225.10.2.

Figure 225.10.2: Measuring Building Height on 10%+ Sloped Parcel



Hoop shed: A type of detached accessory structure typically supported by poles, having a fabric roof and/or sides and are usually used to cover automobiles, boats, recreational vehicles, or firewood on a temporary or permanent basis.

Impervious surface: Exterior surfaces that prevent infiltration of stormwater into the ground. For purposes of this chapter, includes rooftops; crushed rock surfaces serving as driveways; concrete, asphalt, and pavers (except see below); and rubberized and similar hard surfaces including on swimming pool bottoms and sport courts. For purposes of this chapter, does not include any part of a pervious pavement system meeting Wisconsin Department of Natural Resources specifications for perviousness, retaining walls, planters, bird baths, lawn statues, seasonal decorative displays, poles for clothes drying, flag poles or supports, play structures such as swing sets and trampolines, and stormwater management basins and swales.

Internally illuminated (sign): A sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within such sign, including internally illuminated backlit plastic panel signs and awnings.

Landscaping: A deliberately designed collection of living plants installed and maintained on a parcel, generally including a combination of trees, shrubs, and perennial plantings.

Land use: The type of development and/or activity occurring on a piece of property.

Light source: A single artificial source of luminescence that emits measurable radiant energy in the human visible spectrum.

Lodging: Commercial overnight accommodations for tourists and transients, such as within a hotel or motel.

Lot: A tract of land that is a lot in a recorded subdivision plat, a lot in certified survey map, or a single metes and bounds description that:

- A. Has been lawfully recorded as a uniquely described piece of land with the Dane County Register of Deeds.
- B. Is undivided by any public street.
- C. Has frontage on a public street or other approved means of access.

Also commonly referred to as a "lot of record." A lot may be, but is not necessarily, a parcel under this chapter.

Lot area: The area contained within the exterior boundaries of a lot, excluding public streets and land under Lake Mendota (i.e., from the ordinary high water mark outward into the lake).

Lot, corner: A lot situated at the junction of and abutting two or more intersecting public streets, or a parcel at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot depth: The mean average horizontal distance between the front lot line and the rear lot line.

Lot line: A line bounding a lot, including any line marking the ordinary high water mark of Lake Mendota, but not including any described land ownership that extends into a public street or rail right of way. In any such case, the line of such right-of-way shall be the lot line for purposes of this chapter. Front, street side, interior side, and rear lot lines are as defined herein, except where otherwise approved in writing by the Zoning Administrator based on circumstances that are unique to the lot.

Lot line, front: A lot line that abuts a public street right-of-way. For corner lots, the lot line along the street from which the house is addressed shall be the front lot line, and the other street-abutting lot line shall be the street side lot line.

Lot line, interior side: Any lot line that is not a front lot line, a street side lot line, or a rear lot line.

Lot line, rear: In the case of rectangular or trapezoidal lots, the lot line that is opposite and most distant from the front lot line of the lot. In the case of a triangular or 5+ sided lot, the line most opposite from the front lot line.

Lot line, street side: For corner lots (but not for through lots), the lot line that abuts a public or private street right-of-way but that is not the front lot line.

Lot, through: A lot that has a pair of opposite lot lines abutting two substantially parallel public streets, and not meeting the definition of a corner lot.

Lot width: The shortest horizontal distance between the side lot lines that includes the midpoint between such lot lines, with such midpoint set at the minimum front yard principal building setback distance for the lot.

Manufactured home: A residential dwelling for one family as defined in § 101.91(2), Wis. Stats., fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. § 5401 to 5426, and built after June 14, 1976.

Mature tree: A tree that is native to the region and non-invasive as determined by the Wisconsin Department of Natural Resources, and is 12 inches or greater in diameter at a height of four feet above grade. However, no tree specifically planted for commercial purposes shall be defined as a mature tree for purposes of this Chapter.

Maximum capacity: The maximum number of people a building or land use can accommodate by law, typically the fire code, often used to calculate minimum required parking spaces in this chapter.

Medical clinic or office: A building used by a group of physicians, chiropractors, dentists, therapists, or other licensed health care professionals for the examination or treatment of persons on an outpatient or non-boarding basis only.

Minimum building separation: The narrowest permitted building separation for buildings on the same building lot or site.

Minimum lot area: The smallest permissible lot area within the applicable zoning district.

Minimum lot width: The smallest permissible lot width within the applicable zoning district.

Minimum setback: The narrowest distance permitted from a front, street side, interior side, or rear property line to a building or structure as specified in this chapter.

Mobile home: A transportable factory-built structure as defined in § 101.91(10), Wis. Stats., designed for long term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act.

Navigable waters: All natural lakes, rivers, streams, ponds, sloughs, flowages, and other waters that are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For the purposes of this chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has determined that the waterway is not, in fact, navigable.

Neighboring principal building: Any principal building that is within the same zoning district and meets one of the following criteria, with reference to Figure 225.9.3:

- A. On any lot that is adjacent to the parcel with a building or site that is proposed for modification ("Subject Property" in Figure 225.9.3), and any lot adjacent to such lots where the land or water across the street from the Subject Property is not within the same zoning district;
- B. On any lot that is in the same zoning district and directly across a public street from the Subject Property ("Across the Street Lot" in Figure 225.9.3); or
- C. On a lot that is in the same zoning district on either side of such Across-the-Street Lot ("Either Side Lot" in Figure 225.9.3).

Figure 225.9.3: Neighboring Principal Buildings Illustrated



Noise, continuous: A noise that is produced continuously, for example, by machinery that keeps running without interruption or with limited interruption.

Noise, intermittent: A noise that increases and decreases rapidly, including a piece of equipment that operates in cycles or construction activities like hammering or drilling.

Nonconforming lot: See “Substandard Lot.”

Nonconforming sign: A sign that was legally constructed under the regulations in place at the time, but does not conform to the regulations of this chapter.

Nonconforming structure: Any building, or other structure, which was lawfully established prior to [insert effective date of recreated chapter] or subsequent amendments thereto, but that would not conform to one or more current dimensional requirements of this chapter.

Nonconforming use: An active and actual use of land, building(s), or structure(s) that was lawfully established prior to [insert effective date of recreated chapter] or subsequent amendments thereto, that has continued as the same use to the present, and that does not comply with all the applicable use regulations of this chapter.

Nonresidential zoning district(s), or nonresidential district: All zoning districts aside from the R-A and R-B districts, and any PUD district that is exclusively for residential use.

Nonresidential land use(s): All uses that are not intended for long term or permanent use as a dwelling unit. Commercial lodging and similar land uses intended for short-term occupancy are considered nonresidential land uses.

Occupancy: The residing of any person overnight in a dwelling unit, or the employment of any non-construction personnel or patronage by any person in a nonresidential building.

On-site: Located on the parcel in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

Opacity: As it applies to a fence, wall, or netting, the percentage that a view from one side of such a structure to the other side is completely blocked by the structure where viewed at a right angle from the structure, including supports but not any support segment (e.g., post) that extends above the body of such structure. See Figure 225.4.1 for examples.

Open sided structure: An accessory structure, such as a gazebo or deck, which has a surface area and may have a roof, but that is open to the outdoors on all sides without windows, screens, or similar, except for roof support poles only.

Ordinary high water mark: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high water mark.

Outdoor kitchen: An outdoor cooking and dining space and facility that typically includes a grill, sink, and counter space, but may also include other facilities like a refrigerator and storage space.

Outdoor solid fuel furnace: An outdoor accessory structure designed to heat air or water through a fire and then transmit that heated air or liquid to a different structure for direct use and/or structural heating.

Owner: The person, persons, or other legal entity having the right of legal title to a parcel of land.

Parcel: A single Dane County tax parcel, which may include one or more contiguous lots in common ownership. For purposes of this chapter, the terms parcel area, parcel width, parcel depth, parcel line, front parcel line, street side parcel line, interior side parcel line, rear parcel line, corner parcel, and through parcel have the same meaning as lot area, lot width, lot depth, lot line, front lot line, street side lot line, interior side lot line, rear lot line, corner lot, and through lot, respectively, except for the difference in definition of “lot” and “parcel.”

Parapet: The extension of a false front or wall above the roofline.

Parking space: A hard surfaced area (or gravel surfaced area legally installed prior to [insert effective date of ordinance]), either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley other than a driveway.

Performance standard: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.

Permitted by right use, or permitted use: A particular type of land use that is allowed as a matter of right within an associated zoning district, provided that all other requirements of this chapter are met, subject to all applicable requirements of this chapter and all other applicable regulations of the Village and other units of government.

Plan Commission: The Plan Commission of the Village.

Planned unit development: A type of zoning district or development that is of a unique and of a substantially different character than standard zoning districts or developments allowed within them, based on a plan that allows for flexibility of design not available under standard zoning district requirements.

Plat of Survey: A map prepared by a professional land surveyor and described in Chapter A-E7, Wis. Admin. Code that includes an inventory of lands, boundary lines and the respective monuments, course information to include a calculated area, and any improvements present at the time field data was collected. Such Plat of Survey may not meet all requirements of Chapter 236, Wis. Stats. for a Certified Survey Map.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached on the outside of a building.

Primary building façade: The entire area of a principal building wall or walls that face and are generally parallel to a public street.

Principal building: See Building, principal.

Principal use: Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use, rather than as an accessory use or a temporary use.

Public improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as streets, roads, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

Recreational vehicle: As defined and regulated in § 212-2 A of the Code.

Residential zoning district(s): The R-A and R-B districts, and any PUD district that is exclusively for residential use.

Residential land use(s): A land use intended for use as a long-term residence or dwelling, whether owner or renter occupied, including “community living arrangement” land uses in any district and accessory residential land uses.

Residentially zoned: Land located in the R-A and R-A districts, and any PUD district that is exclusively for residential use.

Sanitary sewer: Includes the Village sanitary sewer system and other municipal sanitary sewer systems.

Scale (of development): A term used to describe the floor area, height, and/or volume of a single structure or group of structures.

Setback: The distance between a building's or structure's exterior and the nearest point on the referenced lot or parcel line. See also “minimum setback.”

Sexually-oriented business: A type of land use required under court interpretation of the U.S. Constitution to be allowed in at least one viable location in each municipality. Includes any exhibition of any motion pictures, live performance, display, or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specific sexual activities or specified anatomical areas, or the removal of articles of clothing to appear totally nude or to display a nude genital area or female nude breasts. Also includes an adult bookstore having as its stock in trade, for sale, rent, lease, inspection or viewing, books, films, videocassettes, CDs, SD cards, flash drives, internet connection, magazines or other periodicals that are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specific anatomical areas, and in conjunction therewith have facilities for the presentation of adult-oriented films, movies or live performances, for observation by patrons.

Shoreland: The area within the following distances from the ordinary high water mark of navigable waters:

- A. 1,000 feet from a lake, pond, or flowage.
- B. 300 feet from a river or a stream or to the landward side of the floodplain, whichever distance is greater.

Shrub: A low-lying deciduous or evergreen woody perennial plant.

Sign: An emblem, name, identification, description, or illustration that is affixed to or appears directly or indirectly upon a building, structure, or piece of land and that directs attention to an object, product, place, activity, person, institution, organization, or business. Definitions, descriptions, and regulations for various types and configurations of signs are found in Article 5.

Snow fence: A temporary, usually slatted fence placed across the path of prevailing winds to protect something (such as a yard or road) from drifting snow by disrupting the flow of wind and causing the snow to be deposited on the lee side of the fence.

Special exception: A type of development approval that affords a degree of flexibility from normal standards within this chapter, without having to obtain a variance.

Specific Implementation Plan: A final set of plans and descriptions of a proposed Planned Unit Development project, required to be consistent and provide additional detail from the approved General Development Plan that precedes it, and effectively serving as a unique set of zoning rules for such project.

Sport court: An outdoor hard, rubberized, or ice surfaced court or rink designed for athletic purposes, such as a basketball or tennis court, often surrounded by fencing or boards and separated from other hard surfaces like driveways.

Standard zoning district: A zoning district that primarily regulate the use of land and intensity or density of such use, as opposed to special zoning districts like the PUD district, or floodplain or other environmentally-focused overlay districts.

State: The State of Wisconsin.

Stormwater management structure/facility: Includes in-ground detention/retention ponds, basins, swales, ditches, stormwater drains, and similar site features or structures.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story, except where the vertical distance between the ceiling and the mean average level of the adjoining ground is more than 5 feet.

Street: Unless specifically designated otherwise by the Village, any public travel way that is dedicated or permanently open to motor vehicle use from the general public, not including any lane solely intended to provide emergency or boating access.

Structure: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

Substandard lot: A legally created lot of record that met any applicable lot area or width requirement when it was created but does not meet the current minimum lot area or width of the zoning district where it is located pursuant to Figure **225.2.2**; also referred to as a “nonconforming lot.”

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Swimming pool: Either an above ground or in-ground outdoor structure intended for fixed installation that contains a body of water in a receptacle or other container having a depth for water at any point greater than 2 feet below the adjacent ground or deck elevation; used or intended to be used solely by the owner, operator, or lessee thereof and his family and invitees; and including all structural facilities, appliances, appurtenances, equipment, and other items intended to be used for the operation and maintenance of the swimming pool. Includes hot tubs, spas, and any other structure meeting the above definition. A swimming pool does not include any pool that is designed to be readily and/or seasonally disassembled, stored, and reassembled to its original integrity, provided that pool wall height does not exceed 48 inches.

Temporary use: A land use or activity that is present on a property for a limited and specified period of time, subject to applicable requirements of this chapter.

Tower: The monopole or freestanding structure on which a cellular communication device, wind turbine, and accessory equipment are mounted, or a water or guard tower.

Trellis: A frame of latticework used as a screen or as a support for climbing plants.

Unified business center: Any unified nonresidential or mixed-use development that consists of two or more separated, individual business spaces within one or more principal buildings and separate business entrances and support facilities, or a collection of principal buildings and businesses on separate lots or building pads developed as a unified project, including multitenant and multibuilding shopping centers.

Unnecessary hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Variance: Permission granted by the Board of Appeals to depart from the literal requirements of this chapter pursuant to § 225-8-7.

Variance, Area: A modification by the Board of Appeals to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure.

Variance, Use: An authorization by the Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

Village: The Village of Maple Bluff, Wisconsin.

Village Board: The Board of Trustees of the Village.

Walkout basement: Any basement that may be accessed, in whole or in part, by a door no less than 6 feet in height, whether primarily designed for pedestrian or vehicular access.

Wall: A linear solid structure or portion of a structure, other than a fence, intended to enclose, screen, separate, delineate, mark, or define one area from another.

Wetland: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Window: An opening in the wall or roof of a building that is fitted with glass or other transparent material in a frame to admit light or air and allow people to see out. For purposes of this chapter, each window unit that can be separately installed from another window unit is considered a separate window.

Written approval: An approval reflected in a written letter, email, meeting minutes, resolution, ordinance, or other means of written, legible, and easily traceable communication (not a text or SMS message).

Working days: Monday, Tuesday, Wednesday, Thursday, or Friday; excluding holidays recognized by the Village.

Yard: The land area on a lot or parcel that is unoccupied by a principal building, generally in open space but may also include accessory structures, driveways, and other improvements allowed under this chapter. Front, street side, interior side, and rear yards are as defined herein, except where otherwise approved in writing by the Zoning Administrator based on circumstances that are unique to the site. See Figure 225.2.4 for an illustration of different yards.

Yard, front: The yard between the side lot or parcel lines extending from the front lot or parcel line to the principal building. For corner lots and other lots with more than one line abutting a public street, the yard on which the property is addressed is the front yard.

Yard, interior side: The yard between the front yard and rear yard extending from an interior (non-street) side lot or parcel line to the principal building on that lot or parcel.

Yard, rear: The yard between the side lot lines extending from the rear lot or parcel line to the principal building on the lot or parcel, excluding the street side yard. For corner lots and other lots with more than one line abutting a public street, the rear yard is opposite from the front yard.

Yard, street side: For corner lots, the land area between the front and rear lot lines extending from a street side lot line to the principal building on the lot.

Zero lot line structure: A building that is built over a lot line, where walls separating occupancy units follow lot lines, such as a zero lot line duplex or townhouse or series of zero lot line commercial occupancies in a single commercial building.

Zoning Administrator: The person authorized and charged by the Village Board with the administration of this Chapter, except where otherwise indicated. In the event the Zoning Administrator is temporarily unable to fulfil this charge, the Zoning Administrator or the Village Board may temporarily assign such responsibility to another individual.

Zoning district: A designation for a portion of the community designated for certain types of land uses and/or with certain standards for land development that are different than other portions.

Zoning Map: The map adopted and designated by the Village as being the “Zoning Map” that includes all lands within the Village municipal limits, and that visually represents the location of zoning districts and certain minimum setbacks under this chapter. The Zoning Map may be comprised of a single map, or of more than one map (e.g., one map indicating zoning districts, the second map indicating setbacks). The Zoning Map is maintained in and by the office of the Zoning Administrator.