



Zoning Ordinance

ADOPTED BY

ORDINANCE 11-01-2013

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VILLAGE OF MARATHON CITY

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Article 1: Introductory Provisions

13.1.1 TITLE

This code shall hereafter be known, cited, and referred to as The Village of Marathon City Zoning Code.

13.1.2 PURPOSE

The zoning code of the Village of Marathon City is adopted for the following purposes:

1. to promote and protect public health, safety, comfort, convenience, aesthetics and other aspects of the general welfare; and, more specifically,
2. to fix reasonable standards to which buildings and structures shall conform,
3. to regulate and restrict lot coverage and population density,
4. to guide the proper distribution and location of various land uses by the establishment of zoning districts which are applied where the Village has zoning jurisdiction,
5. to promote the safety and efficiency of the streets and highways,
6. to provide for adequate light, air, sanitation and drainage,
7. to conserve natural resources,
8. to provide safety from fire, flooding, water pollution, contamination and other hazards,
9. to define the powers and duties of the administrative bodies as provided in this code, and
10. to prescribe penalties for the violation of the provisions of this code or any amendments to this code.

13.1.3 AUTHORITY

These regulations are adopted under the authority granted by Wis. Stats. §§61.35 and 62.23. The provisions of this code shall be the minimum requirements and shall be liberally construed in favor of the code and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

13.1.4 EFFECTIVE DATE

This code shall be effective after a public hearing, adoption by the village board, and publication as provided by law.

13.1.5 INTERPRETATION

1. In their interpretation and application, the provisions of this code shall be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, and general welfare.

2. Where the conditions imposed by any provision of this code, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this code or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
3. This code is not intended to abrogate any easement, covenant, or other private agreement, provided that where the regulations of this code are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this code shall govern.
4. No building, structure, or use which was not lawfully existing at the time of the adoption of this code shall become or be made lawful solely by reason of the adoption of this code; and to the extent that, and in any manner that, said unlawful building, structure, or use is in conflict with the requirements of this code, said building, structure, or use remains unlawful hereunder.
5. The provisions of this code shall not apply to buildings and land or premises belonging to and occupied by the U.S. or the State of Wisconsin.
6. Any use not listed as a permitted use in a district is prohibited in that district and except as otherwise expressly provided, any use listed as a permitted use in any other district shall be construed as a prohibited use in any other district.

13.1.6 SEVERABILITY

If any provision of this code is invalid or unconstitutional or if the application of this code to any person or circumstances is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this code which can be given effect without the invalid or unconstitutional provision or application.

13.1.7 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this zoning code are hereby repealed to the extent necessary to give this code full force and effect.

13.1.8 JURISDICTION

The provisions of this code shall apply to the land, water, air and all structures both above and below ground within the Village and within the extraterritorial zoning jurisdiction of the Village.

Article 2: Rules and Definitions

13.2.1 GENERAL INTERPRETATION

The following rules of construction apply to this code, except where the context clearly indicates otherwise:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this code and any caption or illustration, the text shall control.
3. The words "shall" "must" and "will" are mandatory.
4. The word "may" is permissive.
5. Words used in the present tense shall include the future.
6. Words used with singular number shall include the plural, and the plural the singular.
7. The word "lot" shall include in its meaning the words "piece," "parcel," and "plots".
8. The words "building" or "structure" includes any part thereof.
9. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for".
10. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
11. Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either"...or", the conjunction shall be interpreted as follows:
 - a) "And" indicates that all the connected items, conditions, provisions or events shall apply;
 - b) "Or" and "either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
12. All measured distances shall be to the nearest integral foot, if a fraction is one-half foot or more, the integral foot next above shall be taken.
13. The words "Zoning Administrator" shall include any designee of the Village Board.
14. All words not defined shall have their common meaning.

13.2.2

DEFINITIONS

The following words, phrases, and terms wherever they occur in this Code, shall be interpreted as herein defined. Words not herein defined shall have their ordinary meaning.

ANS: American National Standard

Accessory Use, Building or Structure: A subordinate use, building, or structure on the same lot as the principal building, the use of which is clearly incidental to that of the principal building.

Adult daycare home: A residential dwelling where services are provided for part of a day in a group setting to adults who need assistance with activities of daily living, supervision, or protection. Services may include personal care and supervision, provision of meals, medical care, medication administration, transportation, and activities design to meet physical, social, and leisure time needs.

Agriculture - For purposes of this code agriculture use includes, but is not limited to, beekeeping, commercial feedlots, dairying, egg production, floriculture, fish farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and see crops, raising of fruits, nuts and berries, sod farming and vegetable raising.

Alley: An “alley” is a public or private right-of-way designed to serve as secondary access to the side or rear of an abutting property and is not intended for general circulation.

Alternative Cellular Tower Structure: Man-made structures such as light poles, bell steeples or other similar mounting structures.

Animal Boarding Facility, Animal Day Care, Kennel, Animal Shelter: Any lot or premises on which dogs, cats, and other household pets are kept, boarded, or raised for sale.

Annexation: The act or process of adding land to a governmental unit, usually an incorporated plan, by an ordinance, court order, or other legal action.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Area, Lot: The total horizontal area within the lot lines of a lot.

Auto Sales: An establishment providing wholesale and retail sales or leasing of new or used automobiles, motorcycles, trucks, trailers, boats, or outdoor recreational

vehicles, including outdoor sales area, incidental storage and maintenance and warranty repair work, or other repair service conducted as an accessory use.

Auto salvage yard, scrap yard: A facility where scrap or salvage materials, including used motor vehicles, are sorted, stored, dismantled, assembled, or distributed, including wholesale and retail sales of such materials. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, plastics, and aluminum cans.

Auto Service Station: A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease (for operation of motor vehicles), or minor accessories are retailed directly to the public on the premises and/or where the servicing or minor repair of automobiles may occur.

Auto Title Loan Business: Any person or business licensed pursuant to Wis. Stat. § 139.09, who makes a loan that is secured by an interest, other than a purchase money security interest, where the title of an automobile, motorcycle, any motor vehicle or titled vehicle is used as collateral.

Backhaul Network: The lines that connect a provider's towers/cell sites to one or more cellular wireless switching offices and/or long-distance providers or the public switch telephone network.

Basement: That portion of a building where the floor-line is below lot grade and the ceiling is not more than five (5) feet above lot grade.

Bed and Breakfast: A private residence that rents rooms as temporary lodging and which is the principal residence of the operator.

Billboard: (see Sec. 13.12.2)

Block: A "block" is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of the Village of Marathon City.

Boarding House: A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for 5 or more persons not members of a family, but not exceeding 20 persons and not open to transient customers.

Brewery: A plant licensed under Wis. Stats. §125.29 where fermented malt beverages are produced.

Brewpub: An establishment licensed under Wis. Stats. §125.95 that produces less than 10,000 barrels of fermented malt beverages per year. Brewpubs primarily sell directly to the consumer through carryout and/or on-site taproom or restaurant sales. Limited wholesale sales may be allowed under its State license.

Building: A structure with a permanent location on the land, having a roof that may provide support, shelter, protection, or enclosure of persons, animals, or property

of any kind. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate, but attached, building.

Building, Attached: See “building.”

Building, Detached: A building surrounded on all sides by open space on the same lot.

Building Height: The vertical distance from the mean ground level immediately adjoining the front of the structure to the top of the cornice of a flat roof, or to the deck line of a mansard roof, or to a point on the roof directly above the highest wall of a shed roof, or to the uppermost point on a round or other arch type roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

Building, Principal: A building in which the principal use of a lot is conducted.

Building Site Area: The ground area of a building or buildings, together with all open spaces required by this chapter.

Bulk: “Bulk” is the term used to indicate the size and setbacks of building or structures and the location of same with respect to one another, and includes the following:

1. Size and height of buildings.
2. Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings.
3. Gross floor area of buildings in relation to lot area (floor area ratio or F.A.R.)
4. All open spaces allocated to buildings.
5. Amount of lot area provided per dwelling unit or lodging room.

Business Center: A parcel of real estate on which more than one business is located, which businesses use common driveways and parking areas. The term includes but is not limited to shopping centers.

Business Park: The term “Business Park” shall mean the real property known as the Village of Marathon City Business Park and depicted in the Village of Marathon City Business Park Master Plan. Supplemental regulations for the Business Park are identified in Article 9.

Business, Personal Service: An establishment providing services which are of a recurring and personal nature to individuals that produce minimal off-site impacts. This term includes, but is not limited to, the following uses: barber and beauty shops, dry-cleaning pickup station, interior decorating/upholstery, locksmith, shoe repair, tanning salon, tailor shop, watch repair and other small goods repair.

Business, Service: An establishment primarily providing services to businesses or individual businesspeople on a fee or contract basis, including, but not limited to: business equipment and furniture sales or rental, copy center, commercial photography studio, mailing and packaging service.

Car Wash: An establishment where washing, drying, polishing, or vacuuming of an automobile or other motor vehicle is done by service personnel, automated machinery, the driver, or passengers.

Catering: A business that prepares food and beverages to be delivered off premises for consumption at a social, business, or civic function and that may also provide service at the function.

Clinic, Health: A building in which physicians, dentists, chiropractors, physical therapists, or other health care professionals practice their professions. May include accessory laboratories.

Club: An association for some common purpose and usually not-for-profit, but not including a group organized for, or which is actually engaged in, rendering a service which is customarily carried on as a business. A roadhouse or tavern shall not be construed as a club.

Co-location: Location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or structure.

Community Garden: An area of land or space managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Community Living Arrangement: For the purpose of this Code, a community living arrangement shall have the same definition as used for sec. 62.23(7)(i) and sec. 46.03(22), Wis. Stats.

Concrete, Asphalt, and Rock Crushing Facility: A use in which the principal activity is the processing, handling, sale and transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials.

Conditional use: Uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

Condominium: Any property subject to a condominium declaration established under Chap 703 Wis. Stats.

Conservation Accessory Structure: Open type shelters for public use and non-residential buildings or structures used in conjunction with the raising of wildlife and fish and the practice of forestry. This shall include buildings and structures used by the public and semi-public agencies or groups for research in, or the rehabilitation of, natural resources.

Contractor's Yard: An establishment providing general contracting or building construction services, including outdoor storage of machinery or equipment.

Convenience Store: An establishment where motor fuel products or other minor accessories are retailed directly to the public on the premises, in combination with sale of items typically found in a convenience market or supermarket.

Day Care: For the purpose of this Code, a day care or childcare facility shall have the same definition as contained in sec. 48.65(1), Wis. Stats.

Density: The number of dwelling units permitted on a site, customarily expressed as dwelling units per acre of buildable area.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of building or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewerage disposal systems or water supply facilities.

Distribution Equipment: Poles, towers, wires, cable, conduits, vaults, laterals, pipes, mains, valves for telephone or other communications and electric power, gas, water and sewer lines, the sole purpose of which is to connect the utility service to retail customers. Distribution equipment does not include transmission equipment as further defined herein.

District: A designated area of the Village for which the regulations governing the use of the land and buildings are uniform.

Dog Kennel, Structure: The pen(s), run(s), and accessory structure(s) associated with land used for the harboring of dogs.

Driveway: A private road providing access to a garage, home, house, or other building.

Drive-through facility: A facility consisting of a driveway and window, opening, canopy, or other facilities used for serving patrons seated in an automobile. Drive-through facilities may be associated with principal uses, such as restaurants, banks, or drugstores, or may be free-standing, such as coffee kiosks, ATMs, etc.

Dry cleaning establishment, commercial laundry: An establishment that launders or dry cleans fabric, textiles, wearing apparel, or similar articles, including drop-off of articles by customers or cleaning of articles dropped off at other locations.

Dwelling: A building, or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, boarding houses, and lodging houses.

Dwelling, Multifamily: A building, designed exclusively for occupancy by three (3) or more families living independently of each other in individual dwelling units. May include shared ancillary services generally common to such developments that are available to residents and their guests, including, but not limited to: workout

facilities, rental office, and computer center or laundry room. Dwelling units may have a shared common exterior access with individual interior access to each unit.

Dwelling, Single-Family Attached: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having totally exposed front and rear walls to be used for access, light, and ventilation.

Dwelling, Single-Family Detached: A building designed exclusively for and occupied exclusively by one (1) family in one (1) dwelling unit, with yards on all sides.

Dwelling, Two-Family: A building containing two dwelling units, each of which has a separate entrance, with yards on all sides.

Dwelling Unit: A “dwelling unit” consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each “dwelling unit”. For the purposes of this code, units within a senior living facility, which may be served with common kitchen and dining facilities in place of in-unit kitchens, shall also be considered dwelling units.

EIA: Electronic Industrial Association

Electric Power Production: A facility that produces electric energy, including heating and cooling plants and co-generation plants. Does not include electric power production that may be produced as an accessory use.

Enclosed Place/Area: All space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

Enclosed Porch: A platform attached to or with direct access to the main structure covered by a roof and has glazed or screened walls. A porch becomes a room if it is heated or air conditioned or when the percentage of window area to wall is less than fifty (50) percent.

FAA: Federal Aviation Administration

FCC: Federal Communications Commission

Family: One or more persons each related to the other by blood, marriage, domestic partnership, or adoption, who are living together in a single dwelling and maintaining a common household. A "family" includes any foster children, domestic servants, and not more than one gratuitous guest residing with said "family."

Farm Stand: An open air stand for the seasonal sale of agricultural produce which may be grown on the same property.

Farmers Market: An indoor or outdoor establishment involving sale of farm products, personally prepared food and handcrafted goods. May include concurrent special events, including cooking demonstrations, activities for children, and small scale theatrical, musical and educational presentations.

Floor Area: The gross horizontal areas of the several stories measured from the exterior faces of the exterior walls of a building or from the centerline of party walls. The floor area of a building shall include:

1. Basement floor area when more than one-half the basement height is above the established curb level or above the finished lot grade level where curb level has not been established;
2. Elevator shafts and stairwells at each floor;
3. Floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof;
4. Penthouses, attic space constructed for human occupancy under the building code, interior balconies and mezzanines;
5. Enclosed porches; and
6. Floor area devoted to accessory uses.

7. The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, shall also be included in “floor area” and shall be determined on the basis of height of such structures; that is, ten (10) feet in height shall equal one floor.

The floor area of a dwelling shall not include space not usable for living quarters, such as attic space not useable for human occupancy, utility or unfinished basement rooms, garages, breezeways, unenclosed porches, or terraces. Space devoted to off-street parking or loading shall not be included in “floor area.”

Fence: An enclosure or barrier, such as wooden posts, wire, iron, masonry or other manufactured material or combination of materials, erected to enclose, screen, or separate areas.

Floodplain: That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood-fringe, and may include other designated floodplain areas for regulatory purposes.

Floor Area Ratio (FAR): The floor area of the building or buildings on a lot divided by the area of the lot.

Frontage: The length of a lot line measured along the right-of-way of an abutting street.

Fueling/gas/service station: An establishment where the primary use is the sale of gasoline or any other motor fuel, motor oil, or other minor accessories directly to the public on the premises.

Garden Center: An establishment that includes indoor and outdoor retail sales of plants not grown on the site, lawn furniture, and garden supplies.

Greenhouse, Plant Nursery: An establishment whose principal activity is the sale of plants grown on the site, which may include outdoor storage, growing or display of plants, and may include sales of lawn furniture and garden supplies.

Grade: Grade is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Ground floor: That level of a dwelling below the first floor located on a site with a sloping or multi-level grade and which has a portion of its floor line at grade.

Health Club, Sports Club: An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices and classrooms, and where use is offered on a membership basis.

Height, Cellular Tower: The vertical distance measured from the grade to the highest point on a tower or other structure, including the base pad.

Historic Structure: Any structure that is listed, or has been determined to meet the requirements for listing, as an individual structure part of a district, or on an

inventory of the National Register, determined by the Secretary of the Interior, or on a State or local inventory of Historic Places.

Home Occupation: An occupation or activity that is incidental to the primary residential use of a parcel or housing unit carried on by a member of the immediate family residing on the premises and which meets all of the requirements of Section 13.7.16 of this Ordinance.

Hotel or Inn: A building containing rooming units providing temporary lodging accommodations (less than 30 days duration) to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Impervious Surface: A surface that prohibits the movement of water from the land surface to the underlying soil or dirt, including but not limited to roof tops, sidewalks and paved surfaces.

Industrial Uses, Light: Low impact uses which produce little or no noise, odor, vibration, glare, or other objectionable influences and which have little or no adverse effect on surrounding properties. Light industrial uses generally do not include processing of raw materials or production of primary materials. This term includes, but is not limited to, the production or processing of the following:

1. Apparel and other finished products made from fabrics.
2. Computer and accessories, including circuit boards and software.
3. Electronic components and accessories.
4. Food and beverage products, not including live slaughter, grain milling, cereal, vegetable oil, or vinegar production.
5. Furniture and fixtures, not including metal working.
6. Household appliances and components, not including metal working.
7. Measuring, analyzing and controlling instruments.
8. Musical instruments.
9. Office and commercial equipment.
10. Pharmaceuticals, health and beauty products.
11. Precision machined products, including jewelry.
12. Printing and publishing, including distribution.
13. Signs, including electric and neon signs.
14. Sporting and athletic goods.
15. Telecommunications products.

Industrial Uses, General: General industrial uses include metal working and other uses which have the potential to produce greater amounts of noise, odor, vibration, glare, or other objectionable influences than light industrial uses and which may have an adverse effect on surrounding properties. General industrial uses may include processing of raw materials or production of primary materials. This term includes, but is not limited to, the production or processing of the following:

1. Electrical equipment, such as motors and generators, lighting, wiring and transmission, and distribution equipment.

2. Fabricated metal products, such as cans and shipping containers, cutlery, hand tools, and general hardware.
3. Fabricated plastic and rubber products, except tires and inner tubes.
4. Glass and glass products, ceramics, china and earthenware, such as dishes and kitchenware.
5. Gypsum, drywall, and plaster products.
6. Latex paints.
7. Lumber and wood products, including plywood.
8. Machinery and equipment, such as engines and turbines, farm, lawn, and garden equipment, heating, cooling and refrigeration equipment, and machine tools.
9. Metal-working, such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning and heat treating.
10. Textiles and fabrics.

Industrial Uses, Heavy: Heavy industrial uses include high impact and outdoor uses which are likely to have a substantial adverse effect on the environment or on surrounding properties and which require careful site selection to ensure compatibility with the surrounding area. These uses often including processing of extracted or raw materials and production of primary materials. This term includes, but is not limited to, the production or processing of the following:

1. Animals or poultry (slaughter or processing)
2. Asphalt, paving, and roofing materials.
3. Battery manufacture and reprocessing
4. Chemical and chemical products, including ammonia, chlorine, household cleaners, detergent, and fertilizer.
5. Oil-based paints, varnishes, lacquers and enamels.
6. Petroleum and coal products, not including mining or extraction.
7. Plastics and synthetic resins and fibers.
8. Primary metals, including steelworks, rolling and finishing mills, foundries.
9. Pulp or paper products.
10. Sand and gravel, not including mining or extraction.
11. Tanned hides and leather.
12. Tires and inner tubes.

Junkyard: An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, and unlicensed or inoperable motor vehicles. A junk yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

Landscaped Area: The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes and trees and may include a maximum five-foot wide sidewalk.

Laboratories for Research, Development, and Testing: Establishments which conduct research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale; or

establishments conducting educational or medical research or testing. May include limited accommodations for researchers or research subjects.

Lodging Room: A “lodging room” is a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one “lodging room” for the purposes of this code.

Lot: A tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

Lot, Corner: A lot abutting two or more streets at their intersection or two parts of the same street forming an interior angle of less than 135 degrees.

Lot, Interior: A lot other than a corner lot.

Lot, Through: An interior lot having frontage on two streets.

Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required structure setback line.

Lot Coverage: The total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot. Does not include sidewalks.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

Lot Line, Front: The boundary of a lot which is along an existing or dedicated public street or public way. In the case of a lot abutting more than one street, the owner may choose any street lot line as the front lot line, with the consent of Zoning Administrator, based on the effects of such choice on development of the lot itself or on adjacent properties.

Lot Line, Rear: The boundary of a lot which is opposite and most distant from the front lot line.

Lot Line, Side: Any lot line that is not a front lot line or a rear lot line.

Market Garden: An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit.

Mini-Warehouse, Personal Storage: A facility consisting of individual self-contained storage units or spaces leased to individuals, organizations, or businesses for storage of personal or business property.

Manufactured Home: A manufactured home means any of the following:

- (a) A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425, or;
- (b) A mobile home as defined herein.

The term “manufactured home” does not include mobile recreational vehicles.

Mobile Home: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid non-collapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

Mobile Home Park: Any park, court, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more mobile homes or manufactured homes. Mobile home parks shall not include mobile or manufactured home sales lots on which unoccupied mobile or manufactured homes are parked for purposes of inspection and sale. All mobile home parks shall be consistent with the regulations of Article 8 of this Chapter.

Mobile Home Space: Means a plot of ground designed for the accommodation of one mobile home or one manufactured home.

Mobile Home Stall: A mobile/manufactured home space plus all required yards for a mobile/manufactured home.

Motel: A building containing rooming units designed primarily for providing sleeping accommodations for transient and semi-permanent lodgers, with rooms having a separate entrance providing direct access to the outside and with automobile parking located adjacent to or near sleeping rooms. A maximum of fifty percent (50%) of a motel's rooming units may be occupied by non-transient guests (30 days or more).

Motor vehicle repair, major: An establishment that performs major repairs to motor vehicles, including all work on large trucks, engines, or trailers, including all services found in a minor repair establishment, as well as rebuilding or reconditioning of whole vehicles, body frame and fender straightening and painting, and rust-proofing.

Motor vehicle repair, minor: An establishment that may or may not include fuel sales and convenience market, while also performing minor repairs to motor vehicles. Such minor repairs may include muffler replacement, oil changing, lubrication, tire repair and replacement, wheel alignment, brake repair, suspension repair, minor engine repair, transmission repair, radiator flushing and repair, and other activities, except for work on large trucks, rebuilding or reconditioning of whole vehicles, body frame and fender straightening, or painting.

Non-Conforming Building/Structure: Any structure conforming in respect to use but not in respect to width, height, area, yard, parking, setback or distance requirements is considered a non-conforming structure.

Non-conforming Lot: A lot which does not comply with lot width or lot area requirements of the municipal code.

Non-Conforming Use: A principal use of land, buildings, or structures which does not comply with the regulations of this code or of any amendments hereto that govern use for the zoning district in which said use is located. No use which is not the principal use of the land on which it is located shall be considered a valid nonconforming use.

Non-Metallic Mineral Extraction: The extraction or processing (crushing, washing, screening, scalping, dewatering, or blending), for sale or use by the operator, of mineral aggregates such as stone, gravel, sand, clay, topsoil, feldspar, peat, talc, or other nonmetallic materials.

Nursing Home, Assisted Living: A building or complex of buildings where four or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, may require access to 24-hour nursing services, including limited care, intermediate level nursing care, and skilled nursing services, as defined in Wis. Stats. 50.01.

Office, General: Use of a building for administrative, executive, professional, research, or similar organizations having only limited contact with the public. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, engineering, interior design, graphic design, or legal services.

Occupancy: Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Outdoor Display: The display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis.

Outdoor Commercial Recreation Facility: A facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structure. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, miniature golf course, or water park.

Outdoor Storage: Storage of goods, materials, equipment or service vehicles outside of an enclosed building. Off-street parking is not considered "outdoor storage." All outdoor storage requires screening consistent with the regulations of Article 7 of this Chapter.

Parking Lot: An off-street open area used for parking of operable vehicles for limited periods of time. A parking lot can be the principal use of the lot or accessory to a commercial, office, residential or other use. It may be available to the public or reserved for employees, residents, or visitors.

Payday Loan Business: Any person licensed pursuant to Wis. Stat. § 218.05, or a person licensed pursuant to Wis. Stat. § 138.09, who accepts a check, holds the check for a period of time before negotiating or presenting the check for payment,

and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.

Permitted use: Any use which is or may be lawfully established in a particular district(s), provided it conforms to all the regulations and requirements applicable to that district(s) or any use determined by the Zoning Administrator to be substantially similar to a permitted use.

Place of Worship: A facility where people regularly assemble for religious worship and any incidental religious education which is maintained and controlled by a religious body.

Portable Storage Unit: A container designed or used for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

Preexisting Tower/Antenna: Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this article.

Principal Building: The main structure of a lot which houses the principal use of the premises.

Prohibited use: Any use in a particular district(s) that does not conform to the regulations and requirements applicable to that district(s) or any use determined by the Zoning Administrator to not be substantially similar to a permitted use.

Public safety/service facility: A government facility for public safety, service, and emergency services, including a facility that provides police or fire protection and public-related services.

Recycling Drop-Off Station: A facility for the deposit, sorting, or batching but not processing of post-consumer recyclable materials, including limited compacting or crushing of recyclable materials.

Residential District: A district that is zoned R-1S, R-1L, R-2, R-3 or R-4 under Article 5 of this ordinance, “Zoning Districts.”

Restaurant: A commercial establishment open to the public where food and beverages are prepared, served, and consumed and where food sales constitute the majority of gross sales. A restaurant may include a drive-thru lane for food pickup by vehicle only where specified in a specific zoning district as “restaurant with drive-thru.”

Retail, General: General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts. Includes, but is not limited to, the following: antiques and collectibles store, art gallery, bicycle sales and repair, book store/music store, clothing and accessories, drugstore/pharmacy, electronics sales and repair, florist, food and beverage store, furniture and home furnishings store, jewelry store, hardware store, news stand/magazine sales, office supplies, pet store, photographic equipment,

picture framing, video store. Does not include retail establishments which are listed separately under Table 13.5(A).

Retail, Large Format: A large format retail store is any of the following:

- a) A single building that contains more than 20,000 gross square feet on a single parcel where the primary retail tenant occupies 65 percent or more of the gross floor area.
- b) Two or more buildings with a total of 20,000 gross square feet on a single parcel where the primary retail tenant occupies 65 percent or more of the gross floor area, or
- c) A group of buildings on adjoining lots with more than 20,000 gross square feet of floor area where the primary retail tenant owns the lot and occupies 65 percent or more of the gross floor area. The term does not include a retail store that is part of an industrial building or warehouse when the floor area of such store is less than 20,000 gross square feet.

Right-of-Way: A public or private area that allows for the passage of people or goods. Rights-of-way include, but are not limited to, passageways, such as waterways, freeways, streets, bike paths, alley, and walkways. A public right-of-way is a right-of-way dedicated or deed to the public or condemned by the public for public use under the control of a public agency.

School: Any building, group of buildings or part of a building in which the primary purpose is to provide education and instruction to a group of young people (usually) by a public, religious or other private organization.

Senior Living Facility: Age-restricted housing that caters to elderly people. Includes all facilities that may provide a “continuum of care,” such as independent living, assisted living, nursing home, and/or memory care. Includes accompanying uses available to residents of the facility that are common to such facilities, including, but not limited to: common kitchen/dining areas, activity/entertainment rooms, physical/massage therapy, rehabilitation services, and other services.

Setback, Front Yard and Corner Side Yard: The space between the setback line of the building or use, including any overhang, and the street right-of-way line.

Setback, Rear Yard: The space between the rear yard setback line of the building or use, including any overhang, and the rear lot line. Where any alley exists, minimum horizontal distance may be measured from the centerline of the alley. A rear yard adjoining a public street is considered a corner side yard.

Setback, Side Yard: The space between the side line of the building or use, including any overhang, and the side lot lines unless the side line of the building or use is on a corner lot, in which case it shall be a corner side yard setback.

Setback, Minimum: The minimum distance by which any building or structure, including any overhang, may be separated from a street right-of-way, lot line, or Ordinary High Water Mark.

Shopping Center: A group of contiguous retail stores, originally planned and developed as a single unit, with immediate adjoining off street parking facilities.

Sign: (see sec. 13.12.2 for all related definitions)___

Site: The entire area included in the legal description of the land on which a land-disturbing or land-development activity is proposed.

Solid Waste Disposal Facility: A facility for the disposal or storage of solid waste material, including garbage, trash, construction debris, and other kinds of organic or inorganic refuse by dumping, burial, incineration, or any other similar means.

Street: A public or private thoroughfare which affords a primary means of access to abutting property.

Structure: Anything constructed or erected, the use of which requires a permanent location in or on the ground, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, sheds, cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools.

Structure, Accessory: A structure which is incidental or subordinate to the principal structure on the same parcel and may be desirable but not necessary for the use of the parcel as permitted by this code.

Structure, Principal: A structure which contains or is directly related to the main use of the property on which it is located, conforms to the purpose section of the zoning district in which it is or is to be located and is a structure listed as a permitted or special exception in the zoning district. Only one principal structure is permitted on each lot or parcel.

Structural Alterations: Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, footing, and piles.

Substantial Improvement: Any repair, reconstruction or improvement, other than ordinary maintenance, of a structure, the value of which equals or exceeds 50% of the present assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure or site documented as deserving preservation by the State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and replacement of doors, windows and other non-structural components.

TIA: Telecommunication Industry Association

Tavern or Bar: An establishment serving alcoholic beverages primarily for consumption on the premises and where food or packaged alcoholic beverages may be served or sold as accessory to the primary use.

Tower: Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular towers, alternative tower structure, and the like. The term includes the structure and any support thereto.

Use: The purpose or activity for which the land or building thereon is occupied or maintained.

Use, Accessory: A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, and serving the occupants of the principal use or structure.

Use, Principal: The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional".

Variance: A departure from the terms of this Code as applied to a specific building, structure or parcel of land, which the Zoning Board of Appeals may allow, contrary to the regulations of this Code, for the district in which such building, structure or parcel of land is located.

Vehicle Repair, Major: Repair of automobiles, trucks, motorcycles, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, but excludes vehicle dismantling or salvaging and tire re-treading or recapping.

Vehicle Repair, Minor: The service and repair of automobiles, light-duty trucks, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes quick-service oil, tune-up, wheel and brake shops, muffler shops, auto glass services, and tire sales and installation, where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, or towing. It also excludes repair of heavy trucks or construction vehicles.

Veterinary Clinic: An establishment for the routine examination, medical or surgical treatment and care of domestic animals, generally with overnight boarding facilities for animals in care but without kenneling of animals.

Visual Clearance Triangle: A triangular space which permits an unobstructed view at the intersection of highways or streets with other highways, streets or roads or at the intersection of highways or streets with railroads.

Wholesale Establishment: An establishment providing storage, distribution and sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale or retail sales of goods received by the establishment but not sale of goods for individual consumption.

Wireless Communications: Any personal wireless services as defined in the Federal Telecommunications Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PPCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), global system of mobile communications (GSM), paging and similar services that currently exist or may be developed.

Yard: Open space on a lot between the principal building and any lot lines unoccupied and unobstructed from the ground upward.

Yard, Front: A yard extending the full width of the lot between the front lot line and the principal building.

Yard, Rear: A yard extending the full width of the lot between the rear lot line and the principal building.

Yard, Side: A yard extending from the front yard to the rear yard, between the side lot line and the principal building.

Yard, Side Street: A side yard which adjoins a public street.

Zero Lot Line: A lot created with no side yard setback on one side of the lot to create a shared building envelope between two lots sharing a single structure. The shared building envelope shall only be used to build or divide a duplex where the common wall between the two lots is built, or determined to be, the common boundary line between two separate attached single family lots. No zero lot line lot can have more than one side yard with a zero setback.

Zoning Administrator: The person who is designated by the Village Board as the enforcement officer of this chapter.

Section 3: General Regulations

13.3.1 SCOPE OF REGULATIONS

These regulations shall conform to the following requirements:

- (1) All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alteration or relocation of existing building occurring hereafter shall be subject to all regulations of this Code which are applicable to the zoning districts in which such buildings, uses, or land shall be located.
- (2) However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Code, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designated subject thereafter to the provisions of this Code relating to Non-Conforming Buildings, Structures, and Uses.
- (3) A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use ceases for more than twelve (12) months for any reason.
- (4) No land which is located in a residence district shall be used for driveway, walkway, or access purposes to any land which is located in a business or industrial district, or used for any purpose not permitted in a residence district.

13.3.2 USE REGULATIONS

1. Uses Restricted:

In any district no building or land shall be used and hereafter no building shall be erected, structurally altered, or relocated except for one or more of the uses hereinafter stated for that district.

2. Unclassified Uses:

In case of question as to the classification of a use, the question shall be submitted to the village board for determination, after a recommendation by the plan commission.

13.3.3 NON-CONFORMING STRUCTURES AND USES

1. Continuation or expansion:

Any nonconforming structure or use which existed lawfully at the time of the adoption of this code thereto may be continued although such structure

or use does not conform with the provisions of this code, but no nonconforming structure or use may be expanded except as provided herein.

2. Limitations:

a. Pre-existing structures: dimensional non-conformance.

i. Structures erected prior to the effective date of this code and which are conforming to this code as to use but do not conform to dimensional rules (setbacks, height, yard spaces, separation, etc.) and which are proposed to be altered are subject to the following requirements:

1. Repairs and improvements of a maintenance nature are allowed.

2. Alterations, additions and expansions which change the exterior dimensions of the structure and which conform to the dimensional rules of this code and other applicable regulations are allowed. In addition, roof replacement is allowed on nonconforming structures, including changing the pitch within height limits and provided no overhang exceeds two (2) feet or is no greater than the existing overhang, whichever is greater, and no additional living space is added by the roof pitch change.

3. Alterations, additions and expansions which change the exterior dimensions of the structure and which do not conform to this code, but which do not increase the dimensional non-conformity beyond what currently exists may be allowed provided that any improvement does not cumulatively exceed 50 percent of the footprint of the original structure existing as of the first date of nonconformance and a zoning permit is obtained from the village.

4. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.

b. Pre-existing uses: use nonconformance.

i. Land uses or uses of structures which were established prior to the effective date of this code which are nonconforming as to use may be continued, provided that:

1. If a nonconforming use is discontinued for a period of 12 months, any future use shall be in conformity with this code.

2. No building or premises used for nonconforming use shall be added to or structurally altered so as to increase the facilities for such nonconforming use.
- c. Pre-existing structures and uses: other standards and requirements:
 - i. Mobile homes which are legally nonconforming in the zoning district in which they are located *may* be added to, provided the addition does not exceed 50% of the assessed value over the cumulative life of the structure and a permit is issued by the zoning administrator for residential uses and a conditional use permit is granted by the village board for all non-residential uses.
 - ii. Conditional Uses. All uses existing on the effective date of this code which would be classified as conditional uses in the particular zoning district concerned if they were to be established after the effective date of this code, are hereby declared to be legal nonconforming uses to the extent of the existing operation only. Any proposed change in the existing use shall be subject to the conditional use procedures as if such use were being established anew.
 - iii. Existing Conditional Uses. Any conditional use that legally existed prior to the effective date of this code, and which is not a conditional use in the particular zoning district after the effective date of this code is hereby declared to be a legal nonconforming use to the extent of the existing operation only and continues to be subject to the conditions imposed by the conditional use permit granted by the village.
3. Lot Lines: The size and shape of a lot shall not be altered so as to increase the degree of nonconformity of a structure or use.
4. Discontinuance: If a nonconforming use or nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the property, structure or premises shall conform to the regulations of the district in which it is located.

13.3.4 ACCESSORY USES AND STRUCTURES

1. Accessory structures and uses customarily incidental to and compatible with permitted principal structures and uses shall be permitted subject to the district requirements. Accessory structures and uses shall not be established prior to the principal structure or use unless:
 - a. A conditional use permit is granted by the village board, or;
 - b. The accessory structure is a permitted single family home in an agricultural district.

- c. The accessory structure is on a parcel zoned A-Agriculture and will be used to store tools or machinery used on the land.
- 2. No accessory structure with a footprint of more than 1,200 square feet and a height of 20 feet from the lowest grade to the highest structural member shall be erected or altered or moved to a location within the required area of a front, side, or rear yard.
 - a. An accessory building that has a 150 square foot footprint or less, and is less than twenty (20) feet high shall be not less than five (5) feet from any property line.
 - b. An accessory building that has a larger than 150 square footprint and is less than twenty (20) feet high shall be not less than ten (10) feet from any property line.
 - c. An accessory building on a corner lot or a through lot shall be subject to the same highway or street setback requirements as the principal building, unless otherwise provided herein for a specific permitted or conditional use.

3. All non-residential district accessory buildings and structures shall occupy the lesser of ten percent (10%) of the lot area or twelve hundred (1,200) square feet, unless approved as a conditional use. For residential district accessory buildings and structures shall not occupy more than the lesser of ten percent (10%) of the lot area or twelve hundred (1,200) square feet, unless approved as a conditional use.
4. Garage, Detached
 - a. Detached garages in the R-1S and R-1L districts are limited to 770 square feet. There shall not be both, an attached and detached garage on any R-1S or R-1L lot.
 - b. Detached garages shall not be taller than twenty (20) feet or larger than the principal structure.
5. Shed/storage building
 - a. Sheds and storage buildings are allowed in the rear yard only.
 - b. Sheds and storage buildings shall be at least five (5) feet from any lot line.
 - c. Sheds and storage buildings shall be installed on level ground on a hard surface such as: poured concrete, asphalt, concrete block, brick, or stone.

13.3.5 AREA REGULATIONS

1. Lot Reduction:

No lot area shall be so reduced that the dimensional and yard requirements required by this code cannot be met.

2. Existing Lot:

Lots existing and of record prior to adoption of this code or the establishment or change of zoning districts, but of substandard size, may be devoted to uses permitted in the district in which located, providing the requirements of any applicable state law can be satisfied and all dimensional setback requirements can also be satisfied. No existing lot shall have its boundaries altered in any way without the resulting parcel(s) being in full compliance with this code and the zoning district in which the parcel(s) are located.

3. Yard and Open Space Regulations:

All yards and other open spaces allocated to a structure (or group of structures comprising one principal use) shall be located on the same lot as such structure.

- a. No legally required yards, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yards, other open space, or minimum lot area requirements for any other building.
- b. The yard requirements set forth elsewhere in this code may be modified as follows:
- c. Uncovered stairs, landings, patios, decks, open porches, and fire escapes may project into any yard but not closer than three (3) feet to any lot line.
- d. Marquees, awnings and chimneys attached to the principal building: overhanging roof eaves and architectural projections; may project into any required yard.
- e. Ornamental light standards, flagpoles and trees are permitted in any yard unless otherwise restricted by this code and/or placed to be a distraction or hazard when in the street/yard.

- f. Residential fences are permitted on the property lines in any residential districts, only if the owner of the adjoining property agrees. If the adjoining property owner does not agree, the fence shall be set back at least 2 feet from the property line. Wooden fences shall be constructed and placed so that the finished side faces the adjoining property or public right-of way. A residential fence shall not in any case exceed a height of six (6) feet and shall not exceed a height of four (4) feet in yards abutting streets. A residential fence shall not be closer than two (2) feet to any public right-of-way. Security fences are permitted on the property lines in all districts except in residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
 - g. The owner of two or more lots shall comply with the yard requirements of each individual lot unless the lots are legally combined into a single lot or re-divided to maintain minimum yard setbacks.
 - h. Where lot lines are so irregular as to make it impossible to determine setback requirements, a minimum setback equal to a side yard setback for the zoning district in which the property is located shall be maintained.
4. Minimum Lot Area.
In all districts, the minimum lot area shall be calculated without including any road right-of-way.

13.3.6 HEIGHT REGULATIONS AND EXCEPTIONS

- 1. Heights of the following structures may exceed code limits for the district in which they are located subject to any other provisions in this code: cooling towers, stacks, barns, grain storage bins, lookout towers, silos, windmills, water towers, and church spires.
- 2. Churches, schools, hospitals, and other public and quasi-public buildings may be erected to a greater height not exceeding sixty (60) feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

13.3.7

HIGHWAY SETBACKS

For the purpose of determining the distance buildings and other structures shall be setback from roads, streets, and highways within the village, there shall be a setback as follows:

1. Class A Highways.
 - a. All state and federal highways are hereby designated Class A highways.
 - b. The setback for class A highways shall be based on the location of a property within the Village as follows:
 - i. For properties located within the downtown area and zoned C-2 (Downtown Commercial): Zero (0) feet.
 - ii. For properties located south of 8th street: thirty (30) feet
 - iii. For all other properties: twenty (20) feet.
 - iv. For properties located adjacent to STH 29: fifty (50) feet.
2. Class B Highways.
 - a. All county trunk highways are hereby designated as class B highways. For the purpose of this chapter any road will be considered as a county trunk after it has been placed on the county trunk system by the county board and approved by the state department of transportation.
 - b. The setback for class B highways shall be thirty (30) feet from the right-of-way line.
3. Class C Highways.
 - a. All village roads, public streets and highways not otherwise classified are hereby designated class C highways.
 - b. The setback from class C highways shall be twenty (20) feet from the right-of-way line. Dedicated public accesses to navigable water shall not be considered class C highways for setback purposes unless they serve a dual purpose of access to navigable water and vehicular access to adjoining parcels of land.

13.3.8

VISION CLEARANCE TRIANGLE (VCT)

1. Purpose: The VCT setbacks are intended to provide motorists a safe braking and stopping distance to avoid accidents and to provide motorists turning onto roads, streets, and highways a safe accelerating distance to merge with traffic to reduce traffic congestion. As essential as they are to

the traffic safety, VCT regulations cannot guarantee unobstructed vision due to topography, natural vegetative growth, and development that may encroach. Obstacles to be kept out of VCTs need only be capable of causing a traffic hazard, they need not actually be shown to cause unsafe traffic conditions. Obstacles which may be allowed are ones which a typical motorist in a vehicle can be expected to see over, under or through reasonably enough to see approaching traffic.

2. Standards for VCTs.

- a. At each uncontrolled road intersection there shall be a vision clearance triangle (VCT) bounded by the road centerlines and a line connecting points on them 300 feet from a class A highway intersection, 200 feet from a class B highway intersection, and 150 feet from a class C highway and private easement road intersections.
- b. At controlled intersections vegetation and landscape restrictions shall be as follows:
 - i. When one road has a stop or yield sign: The leg of the VCT following the centerline of the road that has no stop or yield sign shall be the length as required in 13.3.8(2)(a). The VCT line shall extend from the end of that line to a point on the center line of the street which has the stop or yield sign and which is 100 feet from the intersection of the centerlines of the two streets.
 - ii. When both roads have stop signs, yield signs or traffic lights, vegetation and landscape restrictions shall be as follows: The VCT line shall be bounded by the street centerlines and a line connecting points on them 100 feet from their intersection.

- c. Within a VCT, no structure shall be constructed and no vegetative material shall be planted or landscaping done that causes or will cause an obstruction to view between a height of 2½ feet and 10 feet above the elevation of the road or highway. Vegetation or landscaping occurring in the VCT may be ordered to be pruned, thinned and/or removed if it is capable of causing a traffic hazard and removal of the obstacle to view has been requested by the unit of government having jurisdiction over one or more of the intersecting roads, streets or highways, or by a law enforcement agency having jurisdiction.

13.3.9 REDUCED BUILDING SETBACKS

1. A setback less than the setback required for the appropriate class of highway may be permitted where there are existing principal buildings within two hundred (200) feet of the proposed building site that are built to less than the required setback. In such cases the setback shall be no less than the average of the setbacks of the nearest principal building on each side of the proposed site or, if there is no principal building within two hundred (200) feet on one side, the average of the setback for the principal building on the one side and the setback-required in Section 13.3.8. The average is not to include any building now within ten (10) feet of the right-of-way.
2. Any modification of other setbacks shall be pursuant to Article 5 of this code.

13.3.10 STRUCTURES PERMITTED WITHIN SETBACK LINES

1. Open fences.
2. Petroleum and gas transmission lines, telephone, telegraph and power transmission towers, poles and lines, and portable equipment both above and below ground that are readily removable in their entirety. Additions to and replacements of all such structures may be made, provided the owner files with the village administrator an agreement in writing that the owner will move or remove all new construction additions and replacements erected after the adoption of this code at his/her expense, when necessary to the public interest, and as determined by the village Administrator. (i.e. highway construction, airport, sewer and water lines, etc.).
3. Underground structures not capable of being used as foundations for future prohibited over ground structures.
4. Access or frontage roads constructed by the public to plans approved by the village board.
5. Permitted signs and signs placed by the public authorities for the guidance or warning of traffic.

13.3.11 MISCELLANEOUS BUILDING PROVISIONS

1. No building or structure shall be moved in whole or in part on to any lot or property in the village or to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform in all respects to this code and then only after a building permit has been obtained from the village.
2. Any building used for habitation which is built on and/or transported in on skids, logs, poles, trailer frames, or by other means is classified as a movable dwelling and must conform to this code and the following requirements must be complied with:
 - a. A building permit must first be obtained from the village.
 - b. All of the requirements associated with Manufactured Housing in this code must be complied with.
 - c. In order to conform to permanent housing, the building must have a permanent foundation footing at frost depth levels built of mortar and block/or solid cement or floating slabs with grade beam on perimeter that is reinforced and insulated. Both the frost wall and floating slab with grade beam must meet state building codes.

Section 4: Administration and Enforcement

13.4.1 ORGANIZATION

The administration of this code is hereby vested in offices of the village as follows:

Zoning Administrator
Village Planning Commission
Village Board of Appeals
Village Board

This section shall first set out the authority of each of these offices, and then describe the procedure and substantive standards with respect to the following administrative functions:

- (1) Certificates of zoning compliance.
- (2) Variances.
- (3) Amendments.
- (4) Conditional uses.
- (5) Fee Schedule.
- (6) Penalties & Enforcements.

13.4.2 ZONING ADMINISTRATOR

The zoning administrator and such deputies or assistants that have been, or shall be, duly appointed by the village board, shall enforce this code, and in addition thereto, and in furtherance of such authority shall:

1. Issue all zoning certificates and make and maintain records thereof;
2. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this code;
3. Maintain permanent and current records of this code, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications therefore;
4. Provide and maintain a public information service relative to all matters arising out of this code;
5. Forward to the village plan commission all applications for conditional uses and for amendments to this code that are initially filed with the office of the zoning administrator;
6. Forward to the board of appeals applications for appeals, variances, or other matters on which the board of appeals is required to approve or deny under this code;
7. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain

necessary monuments and marks thereon. However, entry shall not be made upon private land, without the permission of the landowner or tenant. If such permission has been refused, entry may be made under the authority of an inspection warrant issued for cause under Wis. Stats. §66.0119 or other court-issued warrant.

8. Initiate, direct, and review, from time to time, a study of the provisions of this code, and to make reports of its recommendations to the village plan commission not less frequently than once a year.

13.4.3 PLAN COMMISSION

1. Authority; Establishment. The village board hereby establishes a seven (7) member plan commission under Wis. Stats. § 61.35 and 62.23. The plan commission shall be considered the “Village Planning Agency” under Wis. Stats. § 236.45.
2. Membership. The plan commission consists of at least one (1) member of the village board, who may be the village president, and six (6) other members, who shall be qualified village electors and persons of recognized experience and qualifications, at least three of whom shall not otherwise be village officials.
3. Appointments. The village board President shall appoint members of the Plan Commission, subject to confirmation by the village board, during the month of April, to fill any expiring term. The village board President shall also select the Chairperson of the Plan Commission. The village board President may appoint himself or herself, other elected or appointed village officials and other village residents who qualify as electors to the Plan Commission. The President may designate himself or herself, another village official, or a citizen member as Chairperson of the Plan Commission. In a year in which any village board member is elected at the spring election, any appointment or designation by the village board President shall be made after the election and qualification of the village board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under Secs. 19.01 and 60.31, Wis. Stats.
4. Vacancies. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term. A member of the Plan Commission may be removed only by a majority vote of the village board.
5. Compensation; Expenses. The village board hereby sets a per diem allowance per meeting for citizen and village board members of the plan commission, as allowed under Wis. Stats. §66.0501(2). In addition, the village board may reimburse reasonable costs and expenses, as allowed under Wis. Stats. §60.321.
6. Experts and Staff. The plan commission may, under Wis. Stats. §62.23(2), recommend to the village board the employment of experts and staff, and

may review and recommend to the approval authority proposed payments under any contract with an expert.

7. Chairperson and Officers.
 - a. Chairperson. The plan commission chairperson shall be appointed and serve a term as provided in Sections 13.4.3(3) and (4) of this code. The chairperson shall, subject to village ordinances and commission rules:
 - i. Provide leadership to the commission;
 - ii. Set commission meeting and hearing dates;
 - iii. Provide notice of commission meetings and hearings and set the agendas, personally or by his or her designee;
 - iv. Preside at commission meetings and hearings; and
 - v. Ensure that the laws are followed.
 - b. Vice Chairperson. The plan commission may elect a vice chairperson to act in place of the chairperson when the chairperson is absent or incapacitated for any cause.
 - c. Secretary. The plan commission shall elect one of its members to serve as secretary, or, with the approval of the village board, designate the village clerk or other village officer or employee as secretary.
8. Commission Members as Local Public Officials. All members of the plan commission shall faithfully discharge their official duties to the best of their abilities. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.
9. General and Miscellaneous Powers. The plan commission, under Wis. Stats. §62.23(4), shall have the power:
 - a. Necessary to enable it to perform its functions and promote village planning.
 - b. To make reports and recommendations relating to the plan and development of the village to the village board, other public bodies, citizens, public utilities and organizations.
 - c. To recommend to the village board programs for public improvements and the financing of such improvements.
 - d. To receive from public officials, within a reasonable time, requested available information required for the commission to do its work.

13. Comprehensive Planning: General Authority and Requirements.

- a. The plan commission shall maintain a comprehensive plan under Wis. Stats. §§62.23 and 66.1001, which contains the elements specified in Wis. Stats. §66.1001(2), and follows the procedures in Wis. Stats. §66.1001(4).

11. Plan Implementation and Administration.

- a. Ordinance development. If directed by resolution or motion of the village board, the plan commission shall prepare the following:
 - i. Zoning. A proposed village zoning ordinance, a village construction site erosion control and storm water management zoning ordinance, and any other zoning ordinance within the village's authority.
 - ii. Official map. A proposed official map under Wis. Stats. § 62.23(6).
 - iii. Other. Any other ordinance specified by the village board (*Note: e.g., land division, historic preservation, design review, site plan review*).
- b. Ordinance amendment. The plan commission, on its own motion, or at the direction of the village board by its resolution or motion, may prepare proposed amendments to the village's ordinances relating to comprehensive planning and land use.
- c. Non-regulatory programs. The plan commission, on its own motion, or at the direction of the village board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements and capital improvement planning.
- d. Program administration. The plan commission shall have the following powers.
 - i. Conditional use permits. The zoning administrator shall refer applications for conditional use permits to the plan commission for review and recommendation to the village board as provided in this Code.
 - ii. Subdivision review. Proposed plats under Ch. 236, Wis. Stats., and proposed subdivisions or other land divisions under the village subdivision ordinance shall be referred to

the plan commission for review and recommendation to the village board.

- e. Consistency. When the Plan Commission considers any action that is subject to the consistency requirement in sec. 66.1001(3), Wis. Stats., the action of the Plan Commission shall, as of January 1, 2010, be consistent with the Comprehensive Plan. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

12. Referrals to the Plan Commission.

- a. Required referrals under Wis. Stats. §62.23(5) the following shall be referred to the plan commission for report:
 - i. The location and architectural design of any public building.
 - ii. The location of any statue or other memorial.
 - iii. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
 - 1. Street, alley or other public way;
 - 2. Park or playground;
 - 3. Airport;
 - 4. Area for parking vehicles; or
 - 5. Other memorial or public grounds.
 - iv. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - vi. The location, character and extent or acquisition, leasing or sale of lands for
 - 1. Public or semi-public housing;
 - 2. Slum clearance;
 - 3. Relief of congestion; or
 - 4. Vacation camps for children.
 - vii. The amendment or repeal of any ordinance adopted under Wis. Stat. §62.23, including ordinances relating to: the plan commission; the village master plan or the village comprehensive plan; and a village official map.
- b. Required referrals under the Wisconsin Statutes other than Wis. Stat. §62.23(5). The following shall be referred to the plan commission for report:

- i. An application for initial licensure of a child welfare agency or group home under Wis. Stat. §48.68(3).
 - ii. An application for initial licensure of a community-based residential facility under Wis. Stat. §50.03(4).
 - iii. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the village, as a pedestrian mall under Wis. Stat. §66.095.
 - iv. Matters relating to the establishment or termination of an architectural conservancy district under Wis. Stat. §66.1007.
 - v. Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wis. Stat. §66.1107.
 - vi. Matters relating to the establishment or termination of a business improvement district required to be referred under Wis. Stat. §66.1109.
 - vii. A proposed housing project under Wis. Stat. §66.1211(3).
 - viii. Matters relating to urban redevelopment and renewal in the Village required to be referred under such. XIII of Ch. 66, Wis. Stat.
 - ix. Any other matter required by the Wisconsin Statutes to be referred to the plan commission.
- c. Required referrals under this code. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the plan commission for report and/or recommendation:
- i. Proposed regulations or amendments relating to historic preservation.
 - ii. A proposed driveway access ordinance or amendment.
 - iii. A proposed village zoning ordinance or amendment adopted under authority separate from or supplemental to Wis. Stats. §62.23.
 - iv. An application for a conditional use permit.
 - v. A proposed site plan.
 - vi. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Wis. Stats. §62.23(7a).

- vii. A proposed boundary change pursuant to an approved cooperative plan agreement under Wis. Stats. §66.0307 or a proposed boundary agreement under Wis. Stats. §66.0225 or other authority.
 - viii. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Wis. Stats. §66.0307(7m).
 - ix. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the village for review or adoption.
 - x. Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the village and the regional planning commission, under Wis. Stats. §66.0309, another unit of government, a consultant or any other person or organization.
 - xi. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Wis. Stats. §66.0435.
 - xii. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Wis. Stats. §66.1009.
 - xiii. A proposed village airport zoning ordinance under Wis. Stats. §114.136(2).
 - xiv. A proposal to create environmental remediation tax incremental financing in the village under Wis. Stats. §66.1106.
 - xv. A proposal by a property owner to participate in a federal, state or county government program that could further restrict land usage.
 - xvi. Any other matter required by any village ordinance or village board resolution or motion to be referred.
- d. Discretionary referrals. The village board or other village officer or body with final approval authority or referral authorization under the village ordinances, may refer any of the following for report and/or recommendation:
- i. A proposed intergovernmental cooperation agreement, under Wis. Stats. §66.0301 or other statute, affecting land use, or a municipal revenue sharing agreement under Wis. Stats. §66.0305.

- ii. Any other matter deemed advisable for referral.
- e. Referral period. No final action may be taken by the village board or any other officer or body with final authority on a matter referred to the plan commission until the commission has made its report, or thirty (30) days, or such longer period as stipulated by the village board, has passed since referral. The thirty (30) day period for referrals may be shortened only if so authorized by the village board. The thirty (30) day referral period, for matters subject to required or discretionary referral under the village's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the village board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

13.4.4 BOARD OF APPEALS

The village president shall appoint pursuant to Wis. Stats. §62.23(7)(e) five members and up to two alternative members to the board of appeals subject to confirmation by the village board. The village president may, subject to confirmation by the village board, designate one member of the board of appeals as its chairperson. The board of appeals shall be governed by the following provisions:

1. All meetings of the board shall be open to the public. Meetings of the board shall be at the call of the chairperson and at such other times as the board may determine. The chairperson or in the chairperson's absence, the acting chairperson may administer oaths and compel the attendance of witnesses.
2. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
3. Appeals to the board of appeals.
 - a. An appeal to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the village affected by any decision of the zoning administrator.
 - b. All such appeals shall be taken within thirty (30) days of the decision by the zoning administrator. The board, by rule, shall establish the time period for all appeals.
 - c. Appeals shall be taken by filing with the officer from whom the appeal is taken and with the board of appeal a notice of appeal specifying the grounds thereof.

- d. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
 - e. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal has been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the 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.
 - f. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time.
 - g. Any person may appear at the hearing in person or by agent or by attorney.
4. The board of appeals shall also have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
5. In exercising the above mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
6. If a quorum is present, the concurring vote of a majority of members present of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any ordinance, or to effect any variation in any ordinance. The grounds of every such determination shall be stated.

7. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any officer, department, board or bureau of the village, may, within thirty (30) days after filing of the decision in the office of the board of appeals, commence an action pursuant to Wis. Stats. §62.23 seeking the remedy available by certiorari.
8. The term of office for numbers and alternate members of the board shall be three years.
9. Removal. The Village President may remove a member of the Board of Appeals or an alternate member of the Board of Appeals for cause upon written charges, after public hearing and with the approval of the village board.
10. Compensation. Each member or alternate member of the Board of Appeals shall receive such compensation from time to time as set by the village board for each meeting of the Board of Appeals which that person attends. In addition, each member or alternate member of the Board of Appeals shall be paid mileage, at a rate established by the village board, for driving to and from said meetings.

13.4.5 CERTIFICATES OF ZONING COMPLIANCE

1. Certificate of zoning compliance required. It shall be unlawful to use, occupy or permit the occupancy of any building or parcel, or both, or part thereof hereafter developed until a certificate of zoning compliance has been issued by the zoning administrator stating the proposed use conforms to the requirements of this chapter. Any lawful conditions of occupancy shall be attached to or referred to on the certificate.
2. Application and records. A certificate of zoning compliance shall be applied for coincident with an application for a development permit from the zoning administrator. The zoning administrator shall issue the certificate after finding that the development is in full compliance with this chapter and after the Building Inspector determines that the development is in compliance with village building codes. The zoning administrator shall maintain records of all certificates of zoning compliance and a copy shall be furnished upon request to any person.

13.4.6 VARIANCES

1. Purpose. The board of appeals, after a public hearing, may determine and vary the regulations of this code in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the board of appeals makes findings of fact in accordance with the standards hereinafter prescribed and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of this code.
2. Application for Variance and Notice of Hearing. An application for a variance shall be filed in writing with the zoning administrator. The application shall contain such information as the board of appeals may, by

rule, require. Notice of the time and place of such public hearing shall be published at least once in a newspaper of general circulation in the village and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least seven (7)) days prior to the date of the hearing. The board shall thereafter reach its decision within ninety (90) days from the filing of the application.

3. Standards for Variances. The board of appeals shall not vary the regulations of this code, unless it shall make findings based upon the evidence presented to it in each specific case that:
 - a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
 - b. The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
 - d. The alleged difficulty or hardship is caused by this code and has not been created by any persons presently having an interest in the property;
 - e. The granting of the variant will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - g. If the variance is a proposed use variance, the applicant must show that they will have no reasonable use of the property without the requested variance.

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

4. Authorized Variances. Variances from the regulations of this code shall be granted by the board of appeals only in accordance with the standards established in Section 13.4.6.3 above, and may be granted only in the following instances and in no others:

- a. To permit any setback less than required by the applicable regulations;
 - b. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 80 percent of the required area and width;
 - c. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
 - d. To reduce the applicable off-street parking or loading facilities required by not more than 20 percent of the applicable regulations, whichever number is greater;
 - e. To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served; and
 - f. To increase by not more than ten percent the maximum gross floor area of any use so limited by the applicable regulations.
5. The concurring vote of a majority of members present shall be necessary to grant a variance. No order of the board of appeals granting a variance shall be valid for period longer than six months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
 6. Re-hearings, Reconsiderations, and New Applications: Re-hearings, reconsiderations, and new applications seeking the same relief concerning the same property after a previous application has been denied will not be heard unless a substantial change of conditions or circumstances, as determined by the zoning administrator, has intervened between the time the matter was first decided and the subsequent application. A change of ownership or the passage of time without additional conditions or circumstances will not justify substantial change.

13.4.7 AMENDMENTS

1. Authority

For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the village, and lessening or avoiding congestion in the public streets and highways, the village board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this code, provided that in all amendatory codes adopted under the authority of this section, due

allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory code.

2. Initiation of Amendment

Amendments may be proposed by the village board, the plan commission or by any interested person or organization.

3. Application for Amendment

An application for an amendment shall be filed with the village clerk in such form and accompanied by such information as required by the village board from time to time. Such application shall be forwarded to the plan commission with the request to hold a public hearing on said application for amendment.

4. Hearing on application

The plan commission shall hold a public hearing on each application for an amendment at such time and place as shall be established by the plan commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the plan commission shall, by rule, prescribe from time to time.

5. Notice of hearing

Notice of time and place of such hearing shall be published as a Class 2 notice under Ch. 985, Wis. Stats. in a newspaper of general circulation in the village.

6. Findings of fact and recommendation of the plan commission

Within thirty (30) days after the close of the public hearing on a proposed amendment, the plan commission shall make written findings of fact and shall submit same together with its recommendations to the village board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the plan commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- a. Existing use of property within the general area of the property in question.
- b. The zoning classification of property within the general area of the property in question.
- c. The suitability of the property in question to the uses permitted under the existing zoning classification.

- d. The trend of development, if any, in the general area of the property in question, including changes if any which have taken place since the day the property in question was placed in its present zoning classification.

The plan commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

7. Action by the village board

- a. The village board shall not act upon a proposed amendment to this code until it shall have received a written report and recommendation from plan commission on the proposed amendment.
- b. The village board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet there from, or by the owners of 20 percent or more of the area of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be granted except by a favorable vote of three-fourths of the members of the village board voting on the proposed change.
- c. If an application for a proposed amendment is not acted upon finally by the village board within 90 days of the date upon which such application is received by the village board, it shall be deemed to have been denied.

8. Rehearings, Reconsiderations, and New Applications

Rehearings, reconsiderations, and new applications seeking the same amendment concerning the same property after a previous application has been denied will not be heard unless a substantial change of conditions or circumstances, as determined by the Plan Commission, has intervened between the time the matter was first decided and the subsequent application. A change of ownership or the passage of time without additional conditions or circumstances will not justify substantial change.

13.4.8 CONDITIONAL USES

1. Purpose

The development and execution of this code is based upon the division of the village into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land,

are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two categories:

- a. Uses publicly operated or traditionally affected with a public interest.
- b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

2. Initiation of conditional use

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this code in the zoning district in which the land is located.

3. Application for conditional use

An application for a conditional use shall be filed with the village clerk on a form prescribed by the village board. The application shall be accompanied by such plans and/or data prescribed by the village board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 13.4.8(6). Such application shall be forwarded from the village clerk to the plan commission with a request for a public hearing and report relative thereto.

4. Hearing on Application

Upon receipt in proper form of the application and statement referred to in Section 13.4.8(3) above, the plan commission shall hold at least one public hearing on the proposed conditional use. Notice of the time and place of such hearing shall be published as a Class 2 notice under Ch. 985, Wis. Stats. in a newspaper of general circulation in the village.

5. Village Board

For each application for a conditional use, the plan commission shall report to the village board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receiving the report from the plan commission, the village board shall, within a reasonable time, grant, grant with conditions or deny the application for a conditional use permit. Prior to granting or denying a conditional use, the village board shall make findings of fact based on evidence presented and issue a determination whether the prescribed standards are met. If an application for a proposed conditional use is not acted upon finally by the village board within 90 days of the date upon which such application is received by the village board, unless otherwise extended by the village board, it shall be deemed to have been denied.

6. Standards

No conditional use shall be recommended by the plan commission nor approved by the village board unless such commission and board shall find:

- a. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare,
- b. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood,
- c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district,
- d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided,
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and

- f. That the conditional use shall, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the village board pursuant to the recommendations of the plan commission.

7. Conditions and Guarantees

Prior to the granting of any conditional use, the plan commission may recommend, and the village board shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 13.4.8(6) above. In all cases in which conditional uses are granted, the village board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

8. Effect of denial of a conditional use concerning the same property and use

No application for a conditional use which has been denied wholly or in part by the village board shall be resubmitted except on the grounds of proof of change of conditions or circumstances as determined by the Plan Commission. A change of ownership or the passage of this without additional conditions or circumstances will not justify a substantial change.

9. Revocation

In any case where a conditional use has not been established within one year after the date of granting thereof, without further action by the plan commission or the village board, the conditional use shall be null and void.

13.4.9 FEE SCHEDULE

Fees and charges as applicable are as set forth in the Village Fee Schedule and as from time to time amended by the village board.

13.4.10 PENALTIES AND ENFORCEMENT

1. Violations, Injunctions, Abatement and Removal.

It shall be unlawful to construct, develop or use any structure, or develop or use any land, water or air in violation of any of the provisions of this code or order of the village board. In case of any violation the village board may institute appropriate legal action or proceedings to enjoin a violation of this code, or seek abatement or removal. In addition, the village may seek a forfeiture or penalty as outlined in this section.

2. Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this code, shall, upon conviction, forfeit not less than \$10.00 nor more than \$100.00 for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

3. Proceedings:

a. Civil Proceedings. Pursuant to the provisions of Wis. Stats. §66.0114, an action for violation of this code is deemed a civil action. Accordingly, Wis. Stats. Ch.801-847 shall apply where applicable.

b. Village Attorney. The village attorney may, in the village attorney's discretion, commence legal action or proceedings and may proceed pursuant to the proceedings outlined in Wis. Stat. §§66.119, 66.113 or 778.10, or pursuant to the issuance of a summons and complaint.

c. Citations. Requests for necessary citations may be directed by the village board for approval.

d. Special Inspection Warrants. The provisions of Wis. Stat. §66.119, shall govern the issuance of all special inspection warrants.

- e. Statute of limitations. Pursuant to Wis. Stat. §893.93(2)(b), any action to recover a forfeiture or penalty imposed by this code, when no other limitation is prescribed by law, shall be commenced within two years of the violation. In those situations in which there occurs a continuing violation in existence for more than two years prior to the issuance of the complaint and wherein each day the violation exists continues to constitute a separate offense, no penalty may be imposed for each day of violation occurring more than two years prior to the commencement of the action; a penalty may be imposed, however, for each day of violation occurring within the two year period prior to the issuance of the complaint.

Article 5: Zoning Districts and Maps

13.5.1 ESTABLISHMENT OF ZONING DISTRICTS

The lands of the village are hereby divided into the following districts:

Residential Districts

R-1S Single Family Residential – Small Lots

R-1L Single Family Residential – Large Lots

R-2 Single- and Two-Family Residential

R-3 Multifamily Residential

R-4 Rural Residential

Commercial Districts

C-1 General Commercial

C-2 Downtown Commercial

Industrial Districts

I-1 Commercial/Industrial

I-2 General Industry

Special Districts

A Agriculture

CR Conservancy and Recreation

CF Community Facilities & Institutions

PUD Planned Unit Development

13.5.2 PRINCIPAL USES

1. General. Table 13.5(A), Principal Uses, lists all permitted and conditional uses allowed in each district.
2. Permitted uses. Uses specified with a “P” are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this code. Persons wishing to establish or modify a permitted use shall obtain a certificate of zoning compliance for such use as specified in Section 13.4.5.
3. Conditional uses. Uses specified with a “C” are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this code. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Section 13.4.8.
4. Prohibited Uses. Any use not listed as either “P” (permitted) or “C” (conditional) in a particular district or any use not determined by the village board to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district.
5. Specific development standards. Permitted and conditional uses specified with an “x” under the Special Development Standards column on Table 13.5(A) shall be subject to the standards identified in Article 7, Supplemental Regulations.

13.5.3 MAPS

The location and boundaries of the zoning districts established by this code are set forth on the zoning map entitled “Village of Marathon City Zoning Map” and dated the 7th day of November, 2013. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this code as though fully set forth and described herein.

13.5.4 BOUNDARIES OF DISTRICTS

In non-subdivided property, unless otherwise indicated on the map, the district boundary lines are the centerlines of streets, highways, railroads, section lines, quarter-section lines, quarter-quarter lines, quarter-quarter-quarter lines or such lines extended or connected. Where not otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line and be not less than 300 feet in depth.

RESIDENTIAL DISTRICTS

The residential districts are established to preserve and enhance the quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the village’s comprehensive plan, and to ensure adequate light, air, privacy, and open space. The residential districts are designed to encourage a suitable environment for family life by permitting under certain conditions, such neighborhood

facilities as schools, churches, playgrounds and appropriate institutions and by protecting the residential character against non-compatible uses.

13.5.5 (R-1S) SINGLE-FAMILY RESIDENTIAL – Small Lot

1. Purpose. The single-family residential-small lot district is established to:
 - a) Stabilize, protect and encourage traditional single-family residential in the original neighborhoods of the village.
 - b) Promote the preservation and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
 - c) Maintain and improve the viability of existing housing while providing for updating of older housing in a context-sensitive manner.
2. Permitted and conditional uses. See Table 13-5(A) for a list of allowed uses.
3. Dimensional requirements and setbacks for principal structure:

Minimum Lot Area (sq. ft.)	5,650
Minimum Lot Width (ft.)	50
Minimum Front Yard Setback (ft.)	10
Minimum Side Yard Setback (ft.)	5
Minimum Side Street Yard Setback (ft.)	10
Minimum Rear Yard Setback (ft.)	10
Maximum Height (ft.)	35
Maximum Lot Coverage (percent)	40

4. Floor Area and Width:
 - a) Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have the following minimum floor areas and widths:
 - i) One-story houses shall have a minimum floor area of 1,000 square feet.
 - ii) Split-level, two-story and bi-level houses shall have a minimum floor area of 1,500 square feet.
 - iii) No single side of any building used in whole or in part for residential purposes shall be less than 20 feet in width.

10.5.6 (R-1L) SINGLE FAMILY RESIDENTIAL – Large Lot

1. Purpose. The single-family residential - large lot district is established to:
 - a) Stabilize, protect and encourage traditional single-family residential in existing and proposed neighborhoods.
 - b) Promote the preservation, development, and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.

- c) Maintain and improve the viability of existing housing while providing for updating of older housing in a context-sensitive manner.
- 2. Permitted and conditional uses. See Table 13-5(A) for a list of allowed uses.
- 3. Dimensional requirements and setbacks for principal structure:

Minimum Lot Area (sq. ft.)	9,500
Minimum Lot Width (ft.)	80
Minimum Front Yard Setback (ft.)	20
Minimum Side Yard Setback (ft.)	10
Minimum Side Street Yard Setback (ft.)	15
Minimum Rear Yard Setback (ft.)	20
Maximum Height (ft.)	35
Maximum Lot Coverage (percent)	35

- 4. Floor Area and Width:
 - a) Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have the following minimum floor areas and widths:
 - i) One-story houses shall have a minimum floor area of 1,200 square feet exclusive of.
 - ii) Split-level, two-story and bi-level houses shall have a minimum floor area of 1,700 square feet. No single side of any building use in whole or in part for residential purposes shall be less than 20 feet in width.

13.5.7 (R-2) SINGLE- AND TWO-FAMILY RESIDENTIAL

- 1. Purpose. The single- and two-family residential district is established to:
 - b) Stabilize and protect the essential characteristics of low- to moderate-density transitional residential areas.
 - c) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context.
 - d) Avoid overcrowding by requiring larger minimum yards, open spaces and site area than the R-1L district.
- 2. Permitted and conditional uses. See table 13-5(A) for a list of allowed uses.
- 3. Dimensional requirements and setbacks for principal structure:

Minimum Lot Area (sq. ft.)	14,000
Minimum Lot Width (ft.)	100

Minimum Front Yard Setback (ft.)	20
Minimum Side Yard Setback (ft.)	10
Minimum Side Street Yard Setback (ft.)	15
Minimum Rear Yard Setback (ft.)	20
Maximum Height (ft.)	35
Maximum Lot Coverage (percent)	35

4. Floor Area and Width:

- a) Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have the following minimum floor areas and widths:
 - i) One-story houses shall have a minimum floor area of 1,200 square feet exclusive of.
 - ii) Split-level, two-story and bi-level houses shall have a minimum floor area of 1,500 square feet. No single side of any building use in whole or in part for residential purposes shall be less than 20 feet in width.

13.5.8

(R-3) MULTI-FAMILY RESIDENTIAL

1. Purpose. The multifamily residential district is established to:
 - a) Stabilize, protect and encourage multifamily residential areas and accommodate a range of housing types for various age groups.
 - b) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context.
 - c) Maintain and improve the viability of existing housing while providing for updating of older housing in a context-sensitive manner.
 - d) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.

2. Permitted and conditional uses. See Table 13-5(A) for a list of allowed uses.

3. Dimensional requirements and setbacks for principal structures:

Minimum Lot Area per DU (sq. ft.)*	2,800
Minimum Unit Size 1 st Floor (sq. ft.)*	500 for efficiency 650 for one bedroom 900 for two bedroom 1,100 for three bedroom
Minimum Unit Size 2 nd and greater Floors (sq. ft.)*	500 for efficiency 700 for one bedroom 900 for two bedroom 1,150 for three bedroom
Minimum Lot Width (ft)	80
Minimum Front Yard Setback (ft.)	20
Minimum Side Yard Setback (ft.)	10
Minimum Side Street Yard Setback (ft.)	15
Minimum Rear Yard Setback (ft.)	20
Maximum Height (ft.)	40
Maximum Lot Coverage (percent)	40
* These standards may be waived by the plan commission as part of a conditional use permit for a senior living facility or community living arrangement. DU=Dwelling Unit.	

13.5.9

(R-4) RURAL RESIDENTIAL

1. Purpose. The rural residential district is established to:
 - a) Encourage a rural atmosphere and avoid complete urbanization of these areas.
 - b) Establish area of the Village fringe which provides a transition between more highly developed areas and agricultural and open space areas surrounding the community.
2. Permitted and conditional uses. See Table 13-5(A) for a list of allowed uses.
3. Dimensional requirements and setbacks for principal structures:

Minimum Lot Area per DU (acres)*	1
Minimum Lot Width (ft.)	100
Minimum Front Yard Setback (ft.)	40
Minimum Side Yard Setback (ft.)	15
Minimum Side Street Yard Setback (ft.)	20
Minimum Rear Yard Setback (ft.)	35
Maximum Height (ft.)	35
Maximum Lot Coverage (percent)	20
*Section 13.5.9(3)(a) below.	

- a. Special provisions. For platted or unplatted lands, the minimum lot area shall be determined by percolation test in accordance with the requirements of Wisconsin Administrative Code, but no such lot or building site shall have an area in the rural residential district of less than one (1) acre or a width of less than one hundred feet (100) at the building line.

COMMERCIAL DISTRICTS

The commercial districts are established to provide a range of goods and services for village residents within the village's existing commercial corridors and districts, to promote employment opportunities and the adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas and not be detrimental by reason of noise.

13.5.10 (C-1) GENERAL COMMERCIAL

1. Purpose. The general commercial district is established to:
 - a) Provide a place for employment, services, retail, and restaurants that is convenient to residents.
 - b) Mitigate the negative impacts of some commercial uses that can occur when such uses are placed next to residential uses by implementing setbacks and other requirements.
2. Permitted and conditional uses. See Table 13-5(A) for a list of allowed uses
3. Dimensional requirements and setbacks for principal structures:

Minimum Lot Area (sq. ft.)	10,000
Minimum Lot Width (feet)	70
Minimum Front Yard Setback (ft.)	20
Minimum Side Yard Setback (ft.)	10
Minimum Side Street Yard Setback (ft.)	20
Minimum Rear Yard Setback (ft.)	35
Maximum Height (ft.)	40
Maximum Lot Coverage (percent)	60

13.5.11 (C-2) DOWNTOWN COMMERCIAL

1. Purpose. The downtown commercial district is established to:
 - a) Provide a place for employment, services, retail, and restaurants that is convenient to residents.
 - b) Allow for smaller commercial lots and setbacks appropriate to the downtown area to preserve existing commercial development and permit appropriate infill and redevelopment of downtown commercial parcels.
2. Permitted and conditional uses. See Table 13-5(A) for a list of allowed uses.

3. Dimensional requirements and setbacks for principal structures:

Minimum Lot Area (sq. ft.)	None
Minimum Lot Width (feet)	None
Minimum Front Yard Setback (ft.)	None
Minimum Side Yard Setback (ft.)	None when adjacent to a non-residential district. 15 when adjacent to a residential district.
Minimum Side Street Yard Setback	None
Minimum Rear Yard Setback (ft.)	10 when adjacent to a non-residential district or to an alley. 20 when adjacent to a residential district.
Maximum Height (ft.)	40
Maximum Lot Coverage (percent)	None

INDUSTRIAL DISTRICTS

The industrial districts are intended for any manufacturing or industrial operation which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the village as a whole by reason of noise, dirt, smoke, odor, traffic, physical appearance, or other similar factors.

13.5.12 (I-1) COMMERCIAL & LIGHT INDUSTRY

1. Purpose. The commercial & light industry district is established to:
 - a) Provide for a mix of light manufacturing uses, offices, warehousing, and flex space that is designed to ensure compatibility with surrounding uses.
 - b) Provide a variety of flexible, accessible sites for local, regional, and national businesses and enterprises.
 - c) Discourage the proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.

2. Permitted and conditional uses. See Table 13-2-1-A for a list of allowed uses.

3. Dimensional requirements and setbacks for principal structures:

Minimum Lot Area (sq. ft.)	20,000
Minimum Lot Width (feet)	100 feet
Minimum Front Yard Setback (ft.)	30
Minimum Side Yard Setback (ft.)	10 when adjacent to a non-residential district. 30 when adjacent to a residential district.*
Minimum Side Street Yard Setback (ft.)	20*
Minimum Rear Yard Setback (ft.)	25 when adjacent to a non-residential district. 35 when adjacent to a residential district.*
Maximum Height (ft.)	35
Maximum Lot Coverage (percent)	65

*See Section 13.5.12(3)(a) below.

- a) Special provisions. Any yard which abuts a boundary of a residential district shall not have a stock pile, waste or salvage pile, equipment storage or other accumulation of material or equipment in the open placed in such yard, except that loading platforms may be established.

13.5.13 (I-2) GENERAL INDUSTRY

- 1. Purpose. The heavy industry district is established to:
 - a) Accommodate areas of heavy and concentrated fabrication, extraction, manufacturing, and industrial uses that are unencumbered by nearby residential or commercial development.
 - b) Provide sites with access to regional road networks with minimal impact on local street networks.
 - c) Provide a variety of flexible sites for local, regional, and national businesses and enterprises.
 - d) Discourage the proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.
- 2. Permitted and conditional uses. See Table 13-5(A) for a list of allowed uses.

3. Dimensional requirements and setbacks for principal structures:

Minimum Lot Area (sq. ft.)	40,000
Minimum Lot Width (feet)	150
Minimum Front Yard Setback (ft.)	30
Minimum Side Yard Setback (ft.)	30 when adjacent to an industrial district. 50 when adjacent to any other district.*
Minimum Side Street Yard Setback (ft.)	30*
Minimum Rear Yard Setback (ft.)	25 when adjacent to an industrial district. 50 when adjacent to any other district.*
Maximum Height (ft.)	50
Maximum Lot Coverage (percent)	65

*See Section 13.5.13(3)(a) below.

- a. Special provisions. Any yard which abuts a boundary of a residential district shall not have a stock pile, waste or salvage pile, equipment storage or other accumulation of material or equipment in the open placed in such yard, except that loading platforms may be established.

SPECIAL DISTRICTS

The special districts are established to provide protection of unique resources and features in the community that are not included within the other standard zoning classifications.

13.5.14 (A) AGRICULTURE

- 1. The purposes of the agricultural district shall be to:
 - a) Protect and preserve valuable agricultural land;
 - b) To regulate population density and distribution in the village;
 - c) To promote the public health, safety, prosperity, aesthetics and general welfare.
 - d) Provide a long-term holding area for land that is planned for future expansion of Village residential, commercial, or industrial uses.
 - e) Minimize conflicts and ensure compatibility between active and passive agricultural uses in the Village and nearby residential, commercial, and industrial development.
 - f) Support local food production and community health by encouraging community and market gardens and other small-scale agricultural operations within village limits.
- 2. Permitted and conditional uses. See Table 13-5(A) for a list of allowed uses.

3. Dimensional requirements and setbacks for principal structures:

Minimum Lot Area (acres)	6
Minimum Lot Width (feet)	200 feet
Minimum Front Yard Setback (ft.)	50
Minimum Side Yard Setback (ft.)	40
Minimum Side Street Yard Setback (ft.)	50
Minimum Rear Yard Setback (ft.)	50
Maximum Height (ft.)	35
Maximum Lot Coverage (percent)	10

4. Special provisions.

- a) The minimum lot size to establish a dwelling, residence or farm operation is six (6) contiguous acres, except as provided otherwise herein:
- b) A parcel is not contiguous if separated by land owned by other person(s) or entity(s) unless the intervening land is a river or stream, a transportation corridor or a utility corridor. Lands in rivers and streams, within transportation corridors or within utility corridors are not subtracted from the required acreage of the parcel unless the fee title to such corridor is vested in a governmental entity and then only if the adjoining land(s) are not liable for real property taxes on such corridor.

5. Floor Area and Width:

- a) Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have the following minimum floor areas and widths:
 - i) One-story houses shall have a minimum floor area of 1,200 square feet.
 - ii) Split-level, two-story and bi-level houses shall have a minimum floor area of 1,700 square feet.
 - iii) No single side of any building use in whole or in part for residential purposes shall be less than 20 feet in width.

13.5.15 (CR) CONSERVANCY AND RECREATION DISTRICT

- 1. Purpose. The conservancy and recreation district is established to:
 - a) Protect the natural functions of certain natural and recreational areas, including Village parks, storm water management areas, stream corridors, golf courses, and similar open space and recreational space.
 - b) Limit development within the district in order to protect natural drainage ways and water retention areas, natural habitat for plant

and animal life, steep slopes, woodlands, and other resources beneficial to the community.

- c) Allow for selective cutting of timber and limited managed forestry activities that are environmentally responsible.
- d) Provide for the orderly and attractive grouping of recreational oriented establishments, facilities, and structures.

2. Permitted and conditional uses. See Table 13-5(A) for a list of allowed uses.

3. Dimensional requirements.

Minimum Lot Area (sq. ft.)	10,000
Minimum Lot Width (feet)	50
Minimum Front Yard Setback (ft.)	All permanent buildings in the CR district require a conditional use permit. Required setbacks shall be determined as part of the permit process.
Maximum Height (ft.)	40
Maximum Lot Coverage (percent)	20

13.5.16 (CF) COMMUNITY FACILITIES & INSTITUTIONAL DISTRICT

1. Purpose. The institutional & community facilities district (CF) is intended to provide for a district for public and civic buildings and large not-for-profit and religious institutional uses that otherwise may not fit into other zoning districts because of their specialized land use needs and purpose.

2. Permitted and conditional uses. See Table 13-5(A) for a list of allowed uses.

3. Dimensional requirements and setbacks for principal structures:

Minimum Lot Area (sq. ft.)	10,000
Minimum Lot Width (feet)	80
Minimum Front Yard Setback (ft.)	15
Minimum Side Yard Setback (ft.)	10
Minimum Side Street Yard Setback (ft.)	10
Minimum Rear Yard Setback (ft.)	15
Maximum Height (ft.)	Building height and impervious coverage shall not exceed that permitted in the most restrictive abutting district.
Maximum Height (floors)	None

Maximum Lot Coverage (percent)	None
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4. Special Provisions: The following provisions apply to changes in status of land zoned CF or acquired for public use:
 - a) Public utility well sites, pump stations, substations, and similar uses involving no major structure are exempt from the minimum lot area and lot width requirements.
 - b) If any land zoned CF is sold, conveyed, or transferred from the municipality to any nongovernmental entity, the buyer or transferee must submit an application requesting the village to rezone the land in accordance with Section 13.4.7.

13.5.17 DOWNTOWN DISTRICT OVERLAY (DD)

1. Purpose. The Downtown District is an overlay district created to promote enhanced aesthetic characteristics within this area and help identify it as a unique area within the Village.
2. Description. As an overlay district, the Downtown District exists concurrently with the original and underlying zoning district. As such, the regulations and standards affecting the underlying district shall be as set forth in this article and additional regulations provided in 13.5.17(3) below.

3. Additional Regulations.
- a) No pole sheds shall be allowed.
 - b) All driveways and parking areas shall be covered with paved asphalt. Pervious asphalt or other hard-surface materials are allowed. Driveways and parking areas shall not be covered in any type of gravel or sod.
 - c) Areas not paved shall be maintained with sod or landscaping. Maintained shall mean the area shall be free of weeds and enhanced with flowers, shrubbery or other such landscaping vegetation.
 - d) Building facades along Main Street shall promote a high-quality character that is inviting to pedestrians and encourages pedestrian interaction on the street. Entrance-ways should be clearly defined and materials should be utilized that enhance the value of the downtown area.
 - e) All work should be of a character and quality that maintains the distinguishing features of the building and environment. The removal of historic or characteristic architectural features is not permitted.

Key: P = Permitted Use; C = Conditional Use; X = Special Requirements (See Supplemental Regulations in Article 7)

Table 13-5(A): Table of Allowable Land Uses

Residential	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Single-Family Detached Dwelling	P	P	P		P					P			
Two-Family Dwelling			P	P									
Single-Family Attached Dwelling (<5 units on a lot)				P			C						
Single-Family Attached Dwelling (>4 units on a lot)				C									
Mobile home, Mobile Home Park				C	C					C			X
Multifamily Dwelling (<5 units on a lot)				P			C						
Multifamily Dwelling (>4 units on a lot)				C			C						
Adult Daycare Home / Senior Living Facility				C									X
Community Living Arrangement													
Serving three to eight persons	P	P	P	P								C	X
Serving nine to 15 persons			C	C		C						C	X
Serving 16 or more persons			C	C		C						C	X
Zero Lot Line			C	C	C		C						X

Institutional & Community Facilities	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Airports, air strip and landing fields, providing the site area is not less than 20 acres.										C			X
Cemetery	C		C	C						P		P	
Community Center										C		P	
Day Care Center (in a school or place of worship)	C	C	C	P	P	P	P					P	X
Day Care Center (alone)	C	C	C	C	C	P	P	C				P	X
Dormitories, Convents, Monasteries				C	C					C		C	
Institutional & Community Facilities, Continued	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Library, Museum	C	C	C	C	C	C	C					C	
Government Offices						C	C	C				P	
Parks, Playgrounds, Outdoor Recreation	P	P	P	P	P	P	P			P	P	P	X
Place of Worship	C	C	C	C	C	C	C			C		P	X
Post Office	C	C	C	C	C	C	C	C				P	
Public Safety or Service Facilities						C	C	C	C			P	
Public Works Garage						C	C	C	C			P	
Recreation camps, youth camps and campgrounds.										C	C		X
School (public or private)	C	C	C	C	C	C	C			C		P	
Solid Waste Disposal Facility									C				
Vocational school and learning centers conducted for profit						C		C				P	

Commercial – Retail, Restaurant, Office, and Service	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Animal Boarding Facility, Animal Day care, Kennel, Animal Shelter						C		C	C	C			X
Antique or Art Shop						P	P						
Bakery						P	P						
Barber Shop						P	P						
Boat Sales & Service						C				C			
Book/Stationary Store						P	P						
Bowling alley							C	C					
Brewpub						C	C						
Building Materials Sales						C	C	P	C	P			
Catering						P	P	P					
Clinic, Health						P	P					P	
Clothing store, department store, shoe store, shoe repair						P	P						
Coffee Shop						P	P						
Dance Studio						P	P	P					
Drive-Through Facility						C	C	C					
Drugstore, Pharmacy						P	P						
Dry Cleaning, Commercial Laundry						P	P	P					
Electronics, retail						P	P						

Commercial – Retail, Restaurant, Office, and Service, Continued	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Florist						P	P						
Food products, retail (i.e. grocery, fish market)						C	C						
Funeral Home, Mortuary	C	C	C	C		C	C						
Furniture Store						P	P						
Greenhouse, Garden Center, Plant Nursery						P				P			
Health Club, Sports Club						P	P	P					
Home Occupation	P	P	P	P	P								X
Jewelry Store						P	P						
Large Format Retail (>20,000 square feet)						C		C					X
Office, General						P	P	P					
Payday Loan Business, Auto Title Loan Business						C							X
Photographer, photography studio, supply shop						P	P	P					
Restaurant, Bar, Tavern						P	P						
Retail, General						P	P	C					
Service Business, General						P	P	P					
Service Business, Personal						P	P						
Sporting Goods Retailer						P	P						
Veterinary Clinic						C		C		P			X
Automobile Services	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Motor vehicle repair, major						C		C	C				X
Motor vehicle repair, minor						P		C	C				X
Auto Sales and Rental						C		C					X
Car Wash						P	C	C					X
Fueling/Gas/Service Station/Convenience Store						C	C	C					X

Recreation, Entertainment, and Lodging	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Bed and Breakfast	C	C	C	C	C		C			C			X
Golf Course										C	C	C	
Hotel, Inn						C	C						
Private Club, Reception Hall						C	C			C			
Motel						C							
Theater, Concert Hall						C	C					C	
Outdoor Commercial Recreation Facility	C	C	C	C	C	C				C	C	C	
Outdoor Theater										C			
Travel Trailer Park										C			X
Unenclosed Smoking Area						C	C	C	C				
Industrial & Manufacturing	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Brewery								C	C				
Cannery									C	C			
Cheese Factory									C	C			
Cleaning, pressing and dyeing establishments									C				X
Laboratories – Research, Development, and Testing								C	C				
Sanitary Landfill									C				X
Lumberyard, Sawmills									C	C			
Industrial Uses, Light								P	C				
Industrial Uses, General								C	C				
Industrial Uses, Heavy									C				
Mini-Warehouse, Personal Storage								C	C	C			X
Non-Metallic mineral extraction, including Concrete, Asphalt and Rock Crushing Facilities									C	C			X
Printing and Publishing								C	C				
Recycling Drop-off Station									C	P			
Warehousing and Storage								C	C				
Waste/Recycling Processing, Storage, or Transfer									C	C			
Wholesale Establishment						C	C	C	C	C			

Utilities	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Electric Power Production and/or Heating/Cooling Plant									C	C			
Electric Substations, Gas Regulator Stations								C	C	C		P	
Sewerage Lift Stations	P	P	P	P	P	P	P	P	P	C	C	P	
Utilities Continued.	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Telecommunications Towers, Antennas, and Transmission Equipment						C	C	C	C	C	C	C	X
Agriculture	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Agriculture – Animal Husbandry										P			X
Agriculture – Cultivation	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Processing Facilities									C	C			
Agricultural product collection storage and distribution facilities									C	C			
Community Garden	P	P	P	P	P	P	P			P	C		
Farm Equipment Sales & Service									C	C			
Equestrian Center/Riding, Boarding Stable										P			
Fish hatchery, commercial										C			
Greenhouse, Garden Center, Plant Nursery						P	C	C		P			
Farm Stand/Farmers Market						P	P	P		P			
Forestry										P	P		
Market Garden						C	C	C		P			

Accessory Uses / Structures	R-1 (S)	R-1 (L)	R-2	R-3	R-4	C-1	C-2	I-1	I-2	A	CR	CF	X
Common Open Space	P	P	P	P	P					P	P		X
Drive-through facility						C	C	C					
Farm Structures										P			
Garage, Detached	P	P	P	P	P	C	C	C	C	P	C	C	
Outdoor Display (For Sale)						P	P	P					X
Outdoor Eating area Associated With Restaurant						P	P						
Off Street Parking	P	P	P	P	P	P	P	P	P	P	P	P	X
Outdoor Storage						C	C	C	P	P		C	X
Portable Storage Units	P	P	P	P	P	P	P	P	P	P		P	X
Shed/Storage Building	P	P	P	P	P	C	C	C	C	P	P	C	
Solar Energy Systems	P	P	P	P	P	P	P	P	P	P	P	P	X
Wind Energy Systems	P	P	P	P	P	P	P	P	P	P	P	P	X
Yard Sales	P	P	P	P	P								X

Article 6: Planned Unit Development

13.6.1 PURPOSE

In return for greater flexibility in site design requirements, planned unit development (PUD) districts are expected to deliver exceptional quality community designs that preserve or enhance critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

10.6.2 APPROVAL PROCESS

PUD approval process contains two steps: a general development plan (GDP), which covers overall project intent and is the rezoning for the project; and a specific implementation plan (SIP), which contains the design details for the project. Procedures and contents for each step are detailed in this section. PUDs proposed with a single phase are encouraged to submit a concept plan, followed by a combined GDP-SIP application.

13.6.3 PUD LOT SIZE AND PROJECT SIZE

The PUD project size should be large enough to establish a comprehensive site plan and coherence of design. However, smaller redevelopment projects may be considered when PUD zoning is required in order for a redevelopment project to fit in with its surroundings.

1. The minimum size for projects on undeveloped lots is two (2) acres.
2. There is no minimum lot size for redevelopment projects. The village board finds that planned redevelopment projects, when undertaken at density levels that approximate or exceed historic density patterns, can prevent sprawl, conserve open space, achieve a sense of place, enhance amenities, and reduce public and private costs of development.

13.6.4 GENERAL DEVELOPMENT PLAN (GDP) PROCEDURE

1. Concept Plan. Applicants who will be seeking PUD-GDP approval are encouraged to submit a concept plan for discussion by the plan commission prior to investing in production of a full PUD-GDP application. A concept plan shall be submitted ten (10) days prior to a plan commission meeting for placement on the agenda. The purpose of

the concept plan shall be to familiarize the developer and the plan commission with each other's intentions with respect to the PUD. Any statements made by either the plan commission or the developer at this stage of the development process shall not be binding. While there are no requirements for submittal of a concept plan, the developer is encouraged to submit sufficient materials to allow the plan commission to learn the intent of the project and offer general feedback to the developer.

2. The applicant shall submit ten (10) copies of PUD-GDP text and plans required under section 13.6.5 of this code at least fourteen (14) days prior to the plan commission meeting.
3. The zoning administrator shall review the application for completeness under Section 13.6.5. Should the zoning administrator determine the application to be complete, he/she shall be placed on the plan commission agenda and application forwarded to the plan commission. A determination of completeness by village staff shall not prevent staff, the plan commission, or the village board from requesting clarification or further information on items provided under Section 13.6.5 of this code in order to better judge the application against the criteria for approval.
4. The plan commission shall set the date of the required rezoning public hearing and refer the application to any necessary committees for comment.
5. Village staff shall complete a detailed review of the proposed GDP to determine whether the proposed development meets the criteria for approval and/or whether further information is required in order to make such a determination.
6. The Plan Commission shall hold a public hearing consistent with the rezoning procedure contained in section 13.4.7 of this code. Subsequent to the public hearing the plan commission shall make a recommendation to the village board. The plan commission may recommend approval of the GDP application, approval with conditions (such as addressing staff/committee comments), or denial. A recommendation to approve with conditions shall list any such conditions. A recommendation to deny the application shall list the reason(s) why denial is recommended.
7. Should any conditions require edits to the submitted plans, the developer shall submit ten (10) updated copies of the proposed GDP. These items shall be provided at least ten (10) days prior to village board consideration of the GDP.

8. The village board shall review all provided materials. The board may approve the GDP as submitted, approve the GDP with conditions, or deny the rezoning. An approval with conditions shall list any such conditions. If conditions require edits to submitted plans, the board shall either direct staff to determine whether the conditions have been met, or direct the developer to resubmit the proposal to the board for such a determination. A denial of the application shall state the reason(s) why the application was denied.
9. When approved by the village board, a PUD-GDP shall be a new zoning district that replaces the existing zoning district or districts that had applied to the PUD-GDP area. The development standards and land uses in an approved development plan are the zoning regulations, standards, and land uses for a GDP in the PUD district. The village shall retain a file containing the approved PUD-GDP document. The official zoning map shall identify the area covered by each PUD district and label each such PUD in a manner that will reference the approved PUD-GDP document. Within fourteen (14) days of all village board conditions of approval having been met, the applicant shall record a document with the county which specifies the property covered by the PUD-GDP and references the approved PUD-GDP document.

13.6.5 PUD-GDP CONTENTS

The following items shall be submitted by the applicant seeking rezoning to a PUD.

1. A cover letter, signed by the owner(s) of the property covered by the PUD proposal that summarizes the proposed development and requests rezoning to PUD-GDP.
2. A legal description of the total site proposed for rezoning to PUD. For unplatted lands, this description shall be a metes and bounds description. For platted lands, this description shall provide township and range location, lot/outlot numbers, volume number, page number, and document number.
3. A statement describing how the GDP complies with relevant goals, objectives, and policies from the comprehensive plan.
4. A statement describing the planning objectives and the character of the proposed development (including permitted land uses), and why use of PUD zoning is necessary to achieve the desired character. Permitted uses may reference other districts in this code.

5. If the development is to be built in phases, a development schedule indicating the anticipated commencement and completion of each phase. A staging map shall be provided for projects with more than two proposed phases. Long-term developments may provide a range of years for certain phases. Changes from the anticipated timing and order of phases shall not require amendment of the GDP, however, each phase shall be planned and built in such a manner that will not create undue hardship for residents and/or tenants of the PUD or the village as a whole, should future phases be delayed.
6. A chart summarizing proposed GDP density.
7. Square footage of proposed commercial or industrial uses compared to site area.
8. Number of residential units broken down by number of bedrooms and anticipated unit type (single-family, multifamily-condominium, multifamily-apartment) compared to site area.
9. A discussion of any proposed exemptions/exceptions from landscaping, signage, parking, lighting, and any other design-related regulations contained elsewhere in this code and why such exemptions/exceptions are necessary or desirable (this does not include design-related regulations that are found under a single zoning district). If no such discussion is provided, it shall be assumed that the PUD will comply with all such regulations of the original zoning district that would otherwise be utilized to accommodate similar development.
10. An overall map of the project area, illustrating its relationship to surrounding properties.
11. A map showing contours in four-foot increments, the location and size of floodplains, wetlands, and other natural resource areas, noting which areas are to be preserved and which areas will be impacted by the proposed development.
12. A map showing the general location and size of common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses, noting where items in (11) above overlap. Provision shall be made for maintenance of semi-public open space that is held in common (such as open space owned by a condominium or by a neighborhood association).

13. A map showing the location, types, and density or intensity of proposed uses.
14. A map showing the general layout of street, pedestrian, and bicycle circulation systems, with accompanying diagrams of proposed street cross-sections.

15. A map showing the layout of public utilities, such as sanitary sewers, storm sewers, storm water management facilities, and water mains. The map shall be at a level of detail sufficient to illustrate that provision of sufficient public utilities to the site is possible and can be accomplished in accordance with proposed phasing, but need not be more detailed.
16. The village may require a Traffic Impact Analysis (TIA).
17. Any other information required by the plan commission that is deemed necessary to judge the proposal against the standards for approval, the intent of the PUD, and/or the village comprehensive plan.

13.6.6 PUD-GDP CRITERIA FOR APPROVAL

The following criteria shall be applied as a basis for determining the acceptability of a GDP.

1. Compliance with the village comprehensive plan and any other planning documents relevant to the area that have been adopted by the village.
2. Character and intensity of land use. The uses proposed and their intensity and arrangement on the site shall:
 - a) Respect the physical attributes of the site with particular concern for preservation of natural features, tree growth, and open space.
 - b) Produce an attractive environment of sustained aesthetic and ecological desirability, economic stability, and function practicality compatible with existing development.
 - c) Not adversely affect the anticipated provision of school or municipal services.
 - d) Not create traffic or parking demand incompatible with the existing or proposed facilities to serve it.
3. The project will not adversely affect the economic prosperity of the village or the values of surrounding properties.
4. Engineering design standards. Streets and other ways, outdoor lighting, provision for storm water drainage, sanitary sewer service, water supply, or other similar environmental and municipal engineering considerations shall be based on appropriate standards necessary to implement the specific function and specific situation. In no case shall standards be less

than those necessary to achieve the public health, safety and welfare as determined by the village.

5. Provision shall be made for the preservation and maintenance of open spaces either by public reservation or dedication or by commitment to preservation by a private entity, so as not to unduly burden existing park facilities.

13.6.7 EFFECT OF PUD-GDP APPROVAL

1. The approval of a GDP shall not authorize issuance of building permits. Building permits may only be issued after approval of the SIP.
2. Rezoning to PUD shall revert to prior zoning if a SIP for all or part of the previously approved GDP area is not submitted to the village within eighteen (18) months of village board approval of the GDP. The landowner(s) or developer (with approval of the landowner) may apply to the village board for extensions to the eighteen month period. The landowner(s) shall state the reason for the extension request. The village board may approve or deny an extension at its discretion. An extension shall not be granted for longer than twelve (12) months at a time. Records of extensions shall be kept on file by the village.

13.6.8 AMENDING A PUD-GDP

The process for amending a PUD shall be the same as the process for adopting a PUD-GDP under section 13.6.4. The applicant shall resubmit a complete PUD-GDP with all the required elements under section 13.6.5, plus a cover letter summarizing the changes between the originally adopted PUD and the proposed GDP amendment and the reasons for the proposed amendment.

13.6.9 SPECIFIC IMPLEMENTATION PLAN (PUD-SIP)

1. The developer may file a PUD-SIP after PUD-GDP zoning has been recorded with the County.
2. The area included in a SIP may be only a portion of the area included in a previously approved GDP.
3. If an SIP creates single-family or duplex lots, construction on such lots shall be reviewed by the Village planner to ensure consistency with: the previously approved GDP, the provisions contained within the SIP, and other relevant Village ordinances. Review of site layout and design of single-family and duplex homes shall not be undertaken by the Plan Commission.

13.6.10 PUD-SIP PROCEDURE

1. The applicant shall submit 16 copies of PUD-SIP text and plans required under Section 13.6.11 PUD-SIP Contents at least 21 days prior to the Plan Commission meeting.

2. The Zoning Administrator shall review the application for completeness under Section 13.6.11 PUD-SIP Contents to confirm that sufficient material has been submitted to review the application against the Criteria for Approval. Should the Zoning Administrator determine the application to be complete, it shall be placed on the Plan Commission agenda and forwarded to the Plan Commission and any necessary committees along with a report by the Zoning Administrator that details how the SIP complies with the previously approved GDP and how the criteria for SIP approval have been met. A determination of completeness by Zoning Administrator shall not prevent the Plan Commission from requesting clarification or further information on items provided under Section 13.6.11 PUD-SIP Contents.
3. The SIP shall be reviewed by the Plan Commission based on the criteria for approval in Section 13.6.12 Criteria for Approval. The Plan Commission shall make a written recommendation to the village board. The Plan Commission may recommend approval of the SIP application, approval with conditions, or denial. A recommendation to approve with conditions shall list the conditions. A recommendation to deny the application shall list the reason(s) of denial.
4. Any contracts or agreements, such as a development agreement, that the Plan Commission deems necessary, shall be prepared and forwarded to the village board for consideration along with the SIP materials.
5. The village board shall review all provided materials. The village board may approve the SIP as submitted, approve the SIP with conditions, or deny the SIP. An approval with conditions shall list any such conditions. The village board shall determine whether the conditions have been met. A denial of the application shall list the reason(s) why the application was denied. The developer shall submit a full plan set addressing all comments, which shall be kept on file by the Village.

13.6.11

PUD-SIP CONTENTS

1. Financing. Proof of financing capability pertaining to construction and maintenance of public improvement elements of the proposed development.
2. Consistency. Describing description of how the PUD-SIP is consistent with the previously approved GDP.
3. Plan Set. A plan set that shows the location, size and shape of the lot(s) involved; any proposed structures; and the existing and proposed use of each structure and lot; utilities to serve the development; and the existing and proposed contours of each lot. The Plan Commission may direct the developer to include a specific checklist of all relevant dimensions, square footages, structures, utilities, and any other improvements or changes being made to the property in question that must be shown in the plan set as part of the SIP application.
4. Erosion control and storm water management plan. Erosion control and storm water management plans meeting the requirements of NR 151 and NR 216 of the Wisconsin Administrative Code.
5. Lighting Plan. Proposed lighting for the site, including location, pole height, luminaire type, manufacturer's specifications, and pictures/diagrams of proposed fixtures.
6. Elevations. Color elevations of proposed buildings that illustrate and list proposed materials and colors. Elevations shall include necessary views to determine that all mechanicals, including rooftop mechanicals, are adequately screened to reduce both noise and visibility from ground level.
7. Other Materials. Section 13.6.11 shall be considered the minimum amount of information that must be provided to Village to adequately compare the design review application with the standards contained in Section 13.6.12. Nothing herein shall prohibit the Plan Commission from requiring other materials or information as part of any SIP review process.

13.6.12

PUD-SIP CRITERIA FOR APPROVAL

1. Consistency. The Plan Commission and village board shall approve a PUD-SIP that is consistent with the previously approved PUD-GDP.
2. Appearance. No building shall be permitted to have a design or exterior appearance which is (in relation to its surroundings) unsightly or offensive

to generally accepted taste and community standards. The village board shall make necessary interpretations as to the substance of community standards.

3. Color. Color shall be selected in general harmony with the existing neighborhood or area buildings.
4. Facades, Generally. No blank walls shall face a public street, sidewalks, or other public spaces such as parks and plazas. Elements such as windows, doors, columns, changes in material, and similar details shall be used to add visual interest.
5. Mechanical, Heating, Ventilation, and Air Conditioning Equipment. All mechanical, heating, ventilation, and air conditioning equipment shall be located in a manner to be unobtrusive or screened from view. Ground-level equipment may be screened by landscaping. Rooftop equipment will not be readily visible when viewed from ground level from other properties or public rights-of-way and should be screened in a manner that fits with the overall building design and materials. Exterior mechanical equipment such as ductwork shall not be located on building facades that face the public right-of-way.
6. Traffic Circulation. Site plans shall provide for safe traffic circulation and safe driveway locations. Uses and structures that typically have frequent deliveries by large vehicles shall provide loading and unloading areas as necessary so as to not cause undue traffic hazards or congestion on village streets. The Plan Commission shall consider typical delivery patterns for similar businesses when determining what shall be required for an individual use or building.
7. Topography and Drainage. Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical by minimizing soil and tree removal that is not essential to project development and by retaining grades and contours in keeping with the general appearance of neighboring areas.
8. Storm water Management and Erosion Control. Appropriate storm water management and erosion control measures shall be utilized in all new construction as required by village ordinances, county ordinance, and state law. Storm water management measures shall be well integrated with the landscaping plan and overall site design.

9. Outdoor Storage. Outdoor storage, service, or loading areas that are visible from adjacent residential uses or public streets and walkways shall be screened by a decorative fence, wall or plant material.
10. External Garbage and Refuse Containers. All external garbage or refuse containers shall be screened from the street and neighboring properties by walls, fences, berms, and/or effective landscaping.
11. Lighting.
 - a) All outdoor lighting fixtures shall be cutoff-type fixtures.
 - b) All outdoor lighting fixtures shall be placed so as to eliminate trespass greater than 0.5 foot-candles on the ground at the lot line. The Plan Commission may grant exceptions to this standard for uses in the commercial district that abut an adjacent commercial lot line.
 - c) All outdoor lighting fixtures must be installed, maintained, and operated according to approved plans, including any restrictions on hours of use.
 - d) No pole-mounted luminaire shall be taller than thirty-five (35) feet from ground level, except for lighting for athletic fields.
 - e) Visible glare from beyond the property line is prohibited.
 - f) Building-mounted lights shall be mounted and installed so that all light is directed downward, unless the lighting is decorative in nature.
 - g) No lights shall be mounted above the parapet, or for pitched roofs, above the eave, except for motion detection security lighting and decorative lighting.
 - h) Decorative lighting is permitted, provided that lighting fixtures are aimed and shielded so that light is directed only onto the building façade and not towards adjacent properties or right-of-way.

10.6.13 EFFECT OF PUD-SIP APPROVAL

1. Building permits may be issued subsequent to village board approval of the SIP and fulfillment of all conditions established by the village board.
2. SIP approval lapses twelve (12) months after village board approval if substantial development progress has not occurred. The landowner(s) or developer (with landowner's permission) may apply to Plan Commission for extensions to the twelve month period. The landowner(s) shall state

the reason for the extension request. The village board may approve or deny any extension at its discretion. An extension shall not be granted for longer than six (6) months at a time.

13.6.14 MODIFYING A PUD-SIP

1. Modifications to previously approved SIPs shall be considered minor or major modifications and shall be kept in the project's file.
2. Minor modifications. Minor modifications shall be considered administratively by the village administrator. Denial of a minor modification may be appealed to the village board. The following criteria shall be considered minor modifications to an approved SIP:
 - a) The modification will not significantly reduce any area of landscaping, open space, natural area, or parking.
 - b) The change does not alter the density of the plan by more than ten (10) percent (density shall be measured in square footage for commercial and industrial, and number of dwelling units for residential).
 - c) The modification will not result in any structure, circulation, or parking area being moved significantly in any direction.
 - d) The modification will not alter an approved setback by more than ten (10) percent.
 - e) The modification does not add any floors to the approved structure and does not change the height (in feet) of the structure by more than ten (10) percent.
 - f) The modification does not result in any significant adverse impacts beyond the site.
 - g) The modification maintains the design intent or purpose of the originally approved development plan.
 - h) The modification maintains the quality of design or product established by the originally approved SIP.
 - i) The modification does not significantly alter the elevations of a previously approved structure with regard to materials, color scheme, or façade articulation.

- j) The modification complies with all relevant standards in this zoning code that may not be specific to the approved PUD-GDP or PUD-SIP (this may include landscaping, signage, lighting, or other standards).

3. Major modifications. All modifications that are not minor modifications shall be major modifications. Such modifications shall be approved, approved with conditions, or denied by the village board. Conditions of approval shall be listed, and any reason(s) for denial shall be provided. Should the village board determine that the SIP modification is so different from the originally approved SIP as to constitute a new proposal, the SIP shall be submitted for review by the Plan Commission and forwarded, with a recommendation, to the village board for its consideration.

Article 7: Supplemental Regulation

13.7.1 APPLICABILITY

Specific development standards are established as supplemental regulations that address unique characteristics of certain land uses. The standards and conditions listed below apply to both permitted and conditional uses, in addition to all other applicable regulations of this code.

13.7.2 RESERVED FOR FUTURE USE

13.7.3 ADULT DAYCARE HOME/SENIOR LIVING FACILITY

1. The day care home shall be the principal place of residence of the operator.
2. No employees shall be permitted other than residents of the dwelling; however, temporary or substitute caregivers may be present periodically.
3. Facilities must be licensed by the state. The loss of any state license or permit by a day care center shall result in automatic revocation of any occupancy permits granted by the village.

13.7.4 AGRICULTURE – ANIMAL HUSBANDRY

The purpose of this section is to assure that the raising of domesticated farm animals within the (A) Agriculture zoning district is compatible with adjoining residential uses and the intent and character of the district they are located in.

1. Minimum Setback.
 - a. No portion of any structure used to house a domesticated farm animal shall be located within one hundred feet of any residence other than a dwelling on the same lot; and
 - b. No portion of any structure used to house a domestic farm animal shall be located within ten feet of a residence where the residence and domestic farm animal structure are located upon the same lot/tax parcel.
2. Maximum Number of Animals. The maximum number of animals that may be kept on the site at any time of the year shall be the number of animals that can be sustained by the pasture on which they are kept as their primary source of food, except during the winter months. The burden of proving that the pasture can sustain the number of animals in question shall be on the applicant.
3. Fencing. Fencing adequate to contain the animals shall be provided and maintained.

13.7.5 AIRPORTS, AIR STRIPS AND LANDING FIELDS

Within 7,500 feet from the nearest airport, air strip or landing field, no building, structure, object of natural growth or portion thereof, shall exceed a height above curb level of 25 feet, or one foot for each 50 feet that building, structure, or object is distant from the nearest boundary or boundaries, whichever height is greater.

13.7.6 ANIMAL BOARDING FACILITY, ANIMAL DAY CARE, KENNEL, ANIMAL SHELTER

Outdoor exercise areas shall be located at least two hundred (200) feet from a residential use or district. Any outdoor portion of a facility shall be screened from view from adjacent property by a solid fence, hedge, or similar plant material at minimum of six (6) feet in height.

13.7.7 AUTOMOBILE BODY SHOP, AUTOMOBILE SALES AND RENTAL, AUTOMOBILE REPAIR/SERVICE STATION, GAS STATION/CONVENIENCE STORE, MAJOR AND MINOR MOTOR VEHICLE REPAIR

1. All repair work, servicing and storage of parts and equipment concerning vehicles, boats, auto body, radiator or similar repair activities shall either:
 - a) Be carried on within an enclosed building; or
 - b) Be screened along any property line that abuts a residential zoning district with a minimum of eight (8) foot high masonry or decorative wood fencing.

2. The following activities and equipment are allowed only in the rear yard and at least twenty (20) feet from a residential zoning district:
 - a) Storage of vehicle parts and refuse;
 - b) Temporary storage of vehicles during repair and pending delivery to the customer;
 - c) Vacuuming and cleaning.
 - d) The following activities and equipment are allowed only within an enclosed building:
 - i) Lubrication equipment;
 - ii) Motor vehicle washing equipment;
 - iii) Hydraulic hoists and pits;
 - iv) Body work and painting;
 - v) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not allowed for a period exceeding ten (10) days during any thirty (30) day period.
 - vi) No building, structure, canopy, gasoline pump, or storage tank shall be located within fifteen (15) feet of a residential zoning district.

3. No used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles may be stored outside of the main building.

4. Bay openings shall be oriented so as to minimize the effects of

sound emanating from the auto repair building towards residential uses, towards outdoor restaurant seating and outdoor reception areas. Compressors shall be located within separately enclosed, sound attenuated rooms.

5. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside the premises, nor shall any activity emit dust, fumes, vapors or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other property, as measured and controlled by Chapters NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.
6. The compatibility of the exterior appearance and proposed operation of the vehicle repair facility with the surrounding commercial uses shall be considered by the Commission.
7. As part of design review, the Plan Commission may require provisions that mitigate any adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties in the Village as a whole.

13.7.8 BED AND BREAKFAST

1. Exteriors of preexisting dwelling units shall retain the residential character of the building prior to conversion for use as a bed and breakfast.
2. Parking for guest shall be provided to the side or rear of the lot with landscaping and screening consistent with the regulation of this code. Access to the guest parking area shall be from driveways from public streets. Use of alleys for guest parking is prohibited.
3. The only meal that may be served is breakfast to registered guests.
4. Length of stay shall not exceed twenty-one (21) consecutive days for each registered guest.

13.7.9 CAR WASH

1. The car wash shall be completely enclosed when not in operation.
2. Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district.
3. Water from the carwash shall not drain across any sidewalk, or into a public right-of-way, or onto an adjoining property.
4. Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.

5. Any carwash line exit shall be at least thirty (30) feet from any street line.

13.7.10 CLEANING, PRESSING AND DYEING ESTABLISHMENTS

No establishment shall be located within the Wellhead Protection Area of the Village as identified on July 13, 2007.

13.7.11 COMMON OPEN SPACE

The following provisions shall apply whenever common open space is proposed by the developer, or when required by an administrative official as a condition of approval:

1. Use. The common open space may be used for recreation; shoreline access; landscaping; land use, visual, or noise buffer; drainage control; or other uses approved by the reviewing official during project review. Uses authorized for the common open space shall be appropriate with the use, size and density of the proposed development and the natural features of the site. Common open space shall be improved for its intended use, but common open space containing natural features may be left unimproved. All structures and improvements permitted in the common open space must be appropriate with the authorized use and natural features of the common open space. Common open space may be used only for those uses specified in the approved final site plan.
2. Location. The location, shape, size, and character of the open space shall be suitable for the type of project. Generally, common open space shall be:
 - a) Located next to other open space areas;
 - b) Located so that it buffers the proposed development from neighboring developments; or
 - c) Located to provide access to recreation facilities or link recreational facilities with sidewalks or paths.
3. Retention and Maintenance. The final site plan shall include a provision approved by the reviewing official assuring the permanent retention and maintenance of the common open space. Such assurance may be in the form of restrictive covenants, dedication of open space to the public where such dedication will be accepted by the legislative body, a homeowner's association, or any other method approved by the administrative official. All legal documents to carry out this requirement shall be approved by the jurisdiction's legal authority. The document shall contain a provision vesting the county/city with the right to enforce the permanent retention and maintenance of the common open space and provide that in the event that common open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan and program, the county/Village may at its option cause necessary maintenance to be performed and assess the costs thereof to the owners of the property within

the project. A document shall also provide for the collection of such costs by lien and/or direct civil action.

13.7.12 COMMUNITY LIVING ARRANGEMENT

Community living arrangements (CLA) shall be governed by Wis. Stat. 46.03(22) and 62.23(7)(i) as to whether the CLA is a permitted or conditional use, as well as all other applicable regulations under that statute. Such community living facilities shall be subject to the following criteria:

1. The loss of any state license or permit by a community living arrangement shall be an automatic revocation of that facility's zoning permit.
2. The applicant shall disclose in writing the capacity of the community living arrangement.
3. No other community living arrangement shall be located within two thousand five hundred (2,500) feet of the proposed facility.
4. The total capacity of all such facilities located within the Village shall not exceed twenty-five (25) persons or one percent (1%) of the Village's population, whichever is greater.
5. The Village may make the determination as to the effect of the facility on the Village as provided in section 62.23(7)(i)(9) and (10), Wis. Stats.

13.7.13 DAY CARE CENTER

1. Facilities must be licensed by the state. The loss of any state license or permit by a day care center shall result in automatic revocation of that occupancy permit.
2. A designated area for the short-term parking of vehicles engaged in loading and unloading children shall be provided. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
3. Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
4. Off-street parking shall be provided for all employees.
5. The rear yard shall be required to be visually screened to a height of six feet.
6. In all residential districts, the operator shall be an owner-resident of the facility.

13.7.14 DRIVE-THROUGH FACILITY

1. Drive-through elements shall not be located between the front façade of the principal building and the street.
2. Plans for onsite circulation and driveway locations shall be reviewed as part of the conditional use process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking and circulation.
3. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.

Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district.

13.7.15 FARM STAND

1. The stand may not be permanently affixed to the ground and must be readily removable in its entirety.
2. Maximum area of a farm stand is three hundred (300) square feet in ground area.
3. No more than one (1) farm stand is allowed on any one premise.

13.7.16 HOME OCCUPATION

1. The occupation shall be conducted within a dwelling and not in an accessory building, unless authorized by the plan commission as a conditional use.
2. The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to protect the integrity and residential character of neighborhoods.
3. The home occupation cannot significantly alter the residential character of the dwelling unit, dwelling structure, or the parcel.
4. The home occupation must not unreasonably interfere with residential occupancy of other parcels in the neighborhood.
5. The home occupation must not create environmental, safety or health hazards such as noise, light, odors, vibrations, electrical emissions, or other fire or safety hazards that are noticeably out of character with those produced by normal residential occupancy.

6. Traffic generated by the home occupation may not exceed that which is customary to residential occupancies in the neighborhood.
7. Only members of the immediate family residing on the premises may be employed, unless authorized by the plan commission as a conditional use.
8. A home occupation shall not involve on-site wholesaling, manufacturing or assembly, a limousine, towing or cartage business, auto service or repair for any vehicles other than those registered to residents of the property.
9. No mechanical equipment shall be used on site except that which is used for purely domestic or household purposes, or office supply products for support of the home occupation, unless authorized by the plan commission as a conditional use.
10. No products shall be kept or commodities sold on site, other than those made on the premises, or those stored within vehicles or trailers for the purpose of use off-site related to the home occupation, unless authorized by the plan commission as a conditional use.
11. Samples may be kept but not sold on the premises.
12. No more than twenty-five percent (25%) of the floor area of one story of the dwelling may devoted to home occupation use.
13. The entrance to the space devoted to the home occupation shall be from within the building.
14. No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.
15. The only exterior indication of the home occupation may be a non-illuminated nameplate a maximum of two (2) square feet in area.
16. If the property in which a home occupation occurs is not served by Village sanitary sewer, a complete septic system evaluation shall be conducted and any improvement to or replacement of the system must be completed before the home occupation may commence.

13.7.17 LARGE FORMAT RETAIL (>20,000 square feet)

1. A large format retail store is any of the following
 - a) A single building that contains more than 20,000 gross square feet on a single parcel where the primary tenant occupies 65 percent or more of the gross floor area,

- b) Two or more buildings with a total of 20,000 gross square feet on a single parcel where the primary tenant occupies 65 percent or more of the gross floor area, or
- c) A group of buildings on adjoining lots with more than 20,000 gross square feet of floor where the primary tenant owns the lots and occupies 65 percent or more of the gross floor area. The term does not include a retail store that is part of an industrial building or warehouse when the floor area of such store is less than 20,000 gross square feet.

2. Purpose. The provisions of this section are intended to accomplish the following purposes:

- a) Ensure that large retail stores are consistent with the village's general community character and the neighboring properties,
- b) Ensure that large retail stores contribute to a diverse and sound economic base,
- c) Prevent urban blight due to vacant stores,
- d) Ensure that development complements the village's efforts to maintain a vital downtown, and
- e) Provide the basis for a joint agreement with neighboring townships.

3. Development agreement. Prior to issuance of a building permit for a large-format store, the building owner shall enter into a developer's agreement with the village, to run with the land, that includes all of the following:

- a) A provision that prevents the owner from prohibiting or otherwise limiting, through contract or other legal device, the reuse of the building for retail or other legitimate purposes,
- b) A provision requiring long-term maintenance of the development including landscaping if the building is vacated,
- c) A provision requiring the preparation of an adaptive reuse plan or a demolition plan acceptable to the Village within 12 months of vacation,
- d) A provision requiring the property owner to post a bond of sufficient amount to either convert the building to another use or demolish the building, whichever is greater, if the building remains vacant 24 months after the first date of vacation,
- e) Other provisions deemed necessary by the village to address the particular circumstances related to the project.

4. Vacation of existing buildings. When a large-format store is proposed as a replacement for another retail store already located in the village, the applicant shall not prohibit or otherwise limit, through contract or other legal device, the reuse of its former building. For facilities larger than 75,000 square feet, the development agreement shall address in detail how the applicant intends to assure reuse of the site in the case that the applicant abandons the large-scale retail store or development. The plan commission may require that the large-scale retail store or development be

designed and developed to include features that enhance the flexibility of the site and structures (such as partitions or multiple entranceways) so as to facilitate reuse by multiple tenants if the building or development is abandoned.

5. Architectural standards. A large-format store shall comply with the following design standards.
 - a) Site Design
 - i) Building Entrances. All building entrances shall be architecturally prominent and clearly visible from the abutting public street.
 - ii) Parking Facilities. The preferred location for parking is within the side or rear building yards. If parking is provided in the front yard, then additional landscaping may be required between the parking area and the street right-of-way.
 - iii) Setbacks. The minimum setback for any building façade shall be 40 feet from the nearest property line. Where the façade faces abutting residential uses, and earthen berm, no less than six feet in height, shall be provided, together with appropriate plantings or other landscaping elements.
 - iv) Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses.
 - v) Natural Features. The site design shall utilize the natural features and topography of the site to the maximum extent possible.
 - vi) Pedestrian Circulation.
 - (1) Sidewalks. Sidewalks on site shall:
 - (a) Link the site to existing public sidewalks and pedestrian trails.
 - (b) Be provided the full length of any structure where it abuts a parking lot and along the full length of any part of the site that abuts a public street.
 - (c) Be located at least 3 feet from the façade of any building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.
 - (2) On-site pedestrian walkways shall:
 - (a) Connect focal points of pedestrian activity such as, but not limited to, public sidewalks, street crossings and building entrances.

- (b) Include weather protection features such as awnings or arcades at all customer entrances.
- vii) Outdoor display area. Outdoor display of merchandise shall be permitted only as follows:
 - (1) Exterior display merchandise areas shall be permitted only where clearly depicted on the site plan.
 - (2) Exterior display areas located other than on a building apron should be separated from motor vehicle routes, sidewalks and pedestrian walkways by a physical barrier visible to drivers and pedestrians.
 - (3) Exterior display areas on a building apron shall maintain a minimum unobstructed walkway width of 10 feet between the display items and any vehicle drives.
- b) Outdoor storage, loading or unloading equipment and facilities, including loading docks, service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, and recyclables shall be permitted only where clearly depicted and labeled on the site plan. Such facilities shall be appropriately screened or located so as to minimize any unsightly aesthetic effects. No delivery, loading, trash removal or compaction activity shall be permitted between the hours of 10:00 pm and 7:00 am unless sound barriers are provided that effectively reduce noise emissions from such operations.
- c) Parking lots and parking structures should not visually dominate the large-scale retail facility and should enhance the Village's aesthetic qualities and natural surroundings. Parking facilities should be designed and landscaped with increased emphasis on pedestrian ways that provide public connectivity to and through the site. The visual impacts of parking lots shall be mitigated through measures such as landscaping, screening, or situating parking areas away from the front of buildings. All parking area of 5 or more vehicles shall be paved and graded according to a drainage plan design and installed in accordance with accepted engineering practice. All drainage plans shall be reviewed and approved by the appropriate Village staff.
- d) Outdoor Lighting. Outdoor lighting shall be full cut-off fixtures and downward facing, and no direct light shall bleed onto adjacent properties. Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited. The applicant must provide to the Village information on how outdoor lighting will be accomplished to minimize impacts on adjacent properties or roadways. To minimize any indirect overflow of light onto adjacent properties, the height of any proposed parking lot light standard should be as

short as possible and should stair-step down to a lower height when closer to residential uses. The applicant shall submit to the Village sufficient information, in the form of an overall exterior lighting plan, to enable the Village to determine that the requirements of this section will be satisfied.

- e) Landscaping. A detailed landscape plan drawn to scale showing the following:
 - i) General design elements in the following areas:
 - (1) Screening of parking, storage areas, and unsightly objects such as public utilities and substations.
 - (2) Creating buffer zones between residential, commercial and industrial areas.
 - (3) Erosion control.
 - (4) Wind or noise barriers.
 - (5) Streetscape enhancements.
 - ii) Locations. One or more of the general design elements in each of the following locations:
 - (1) Along building foundations.
 - (2) Along circulation drives.
 - (3) Along the perimeter of the site.
 - (4) Within parking lots.
 - iii) Use of plantings. If plantings are used for landscaping, the variety and species shall be disclosed on the landscape plan and shall be attractive, appropriate for the design objectives to be achieved and selected so as to minimize adverse impacts on underground utilities and street and sidewalk maintenance.
 - f) Signs. Exterior signage should provide for modest, coordinated, and complimentary locations, configurations, and color throughout the site and should not be visually dominating. All freestanding signage within the development should complement signage affixed to structures within the site. The plan commission may require that signs for multiple businesses within a Planned Unit Development be integrated and consolidated into one or more sign structures.
6. Authority of plan commission to waive requirements. The plan commission is authorized to waive any one or more of the required terms of this section if the plan commission makes an affirmative finding that a literal enforcement of this section would result in unnecessary hardship or would not further the interests of the Village.

13.7.18 MINI-WAREHOUSE, PERSONAL STORAGE

- 1. No commercial transactions or exchange of goods shall be permitted other than the rental of storage units.

2. Plans for on-site circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.
3. No outdoor storage of any kind is permitted.

13.7.19 MOBILE HOME/PARK

Refer to Article 8 for all supplemental regulations.

13.7.20 NON-METALLIC MINERAL EXTRACTION

1. Permitted Districts. Non-Metallic Mineral Extraction shall only be allowed via a Conditional Use Permit in the (A) Agriculture and (I-2) General Industry districts.
2. Creation. Designation of an area as a mining extraction district shall be done in accordance with the requirements for a Conditional Use Permit of section 13.4.8 of this code.
3. Scope. Any person engaging in nonmetallic mining operations, on those properties zoned Agricultural Use District and General Industrial Districts, whether engaged in active operation or not, shall obtain from the Village a Non-metallic Mining Site Permit. The permit shall be issued from July 1 of any year to June 30 of the next year. No person may conduct nonmetallic mining, maintain a nonmetallic mining site, or own a nonmetallic mining site which has not undergone reclamation without a permit. Said permit shall be a Conditional Use Permit in all properties zoned Agricultural or Industrial. In all other areas said activity shall be a non-permitted use. The permit shall be, subsequent to a public hearing published as a Class II notice, subject to recommendation from the Plan Commission and approval of the Village Board and in compliance with Village Ordinances.
4. Exemptions. These provision shall not apply to the following activities:
 - a. Excavation or grading by a person solely for domestic use at his or her residence.
 - b. Excavations or grading conducted for highway or town construction purposes within the highway or right-of-way.
 - c. Grading conducted for farming, preparing a construction site or restoring land of a flood or natural disaster.
 - d. Excavations for building construction purposes where a permit has been issued for that purpose and the excavation is required for the construction.
 - e. Any mining operation, the reclamation of which is required and a permit obtained under Section 144.80 to 144.94 of the Wisconsin Statutes.
 - f. Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under the Wisconsin Statutes, but shall apply to any activities at

such facilities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berm, dykes or roads.

5. Application and Permit Requirements. The application and permit shall:
 - a. Designate the premises subject to permit, which may not be amended if the person changes the premises within the Village.
 - b. Contain the name of the applicant, their address, business and residential telephone numbers.
 - c. An operational plan prepared by the owner/operator and containing:
 - i. A written description of the nature of the proposed operation including type and amount of machinery and equipment to be used; the source, quality and disposition of water to be used; the mineral to be excavated; and the nature of proposed fill material, if any, and dates or days, and hours of operation;
 - ii. A site plan and topographic map showing existing contours of vertical integrals of at least two feet, plus existing trees, vegetation, structures, ponds, watercourses, utilities, easements, roads, stock pile locations, if any, setbacks and driveways. In addition, the map shall show neighboring property use and zoning class within 1000 feet of the site;
 - iii. The depth, by area of proposed excavation or filling;
 - iv. Proposed visual screening method, including earth berm, fences, plantings;
 - v. Drainage plan and erosion control plan during operations;
 - d. Upon receipt by applicant copies of all other county and/or state agency approvals.

6. Hearing on Application/Board Approval. Upon receipt, in proper form, of the application, the village plan commission shall hold at least one public hearing on the proposed conditional use. At least seven days in advance of such public hearing, notice of the time and place of the hearing shall be published at least two times in a newspaper of general circulation in the Village.
 - a. Authorization. For each application for a conditional use, the village plan commission shall report to the Village Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they were deemed necessary for the protection of the public interest. If an application for the proposed conditional use is not acted upon by the Village Board within 90 days of the date upon which such application is received by the Village Board, it shall be deemed to have been denied.
 - b. Standards. No conditional use shall be recommended by the village plan commission unless such commission shall find:
 - i. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - ii. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for

- the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
 - iii. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - iv. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
 - v. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - vi. That the conditional use shall, in all other respects, conform to applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board pursuant to the recommendations of the plan commission.
 - c. Conditions and guarantees. Prior to the granting of any conditional use, the plan commission may recommend, and the Village Board shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of the Village ordinances. In all cases in which conditional uses are granted, the Village Board shall require such evidence and guarantees as it may seem deemed necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
7. Permit Requirements. No permit shall be issued, reissued and/or may be terminated if the applicant/operator:
- a. Fails to meet or comply with the reclamation standards established by Marathon County or State of Wisconsin.
 - b. Fails to develop and submit to the Village Board a nonmetallic mining operation plan and fails upon operation to comply with the plan.
 - c. Fails to install and maintain adequate sanitary facilities at the nonmetallic mining operation.
 - d. Fails to comply with the operational dates or days and hours for operation of the nonmetallic mining operation as approved by the Village.
 - e. Fails to meet applicable building codes for the nonmetallic mining site.
 - f. Fails to install, provide and maintain adequate and necessary physical structures, equipment and operational controls as determined by the village Board to prevent public nuisances and to protect the public health and safety to persons residing near the nonmetallic mining operation or persons entering the nonmetallic mining operation, including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion.

- g. Fails to comply with the Village or County ordinances or directives issued by the Village inspector relative to this Ordinance.
 - h. Fails to install and maintain adequate physical structures and operational controls approved by the Village to prevent trespassing, littering, discharging of waste and to prevent nuisance to private or public land adjacent to the nonmetallic mining site.
 - i. Fails to allow physical access to the site by the Village's employee or designee for inspection purposes.
 - j. Fails to comply with additional permit requirements which the Village may impose upon the permit.
 - k. Is in violation of this or any other Village ordinance.
8. Penalty. In addition to any other remedy, any person who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00. Each day a violation exists or continues shall constitute a separate offense.

13.7.21 OFF-STREET PARKING

- 1. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with this section. Parking areas that are part of a development must comply with this section. Construction, reconfiguration, or expansion of any parking areas, even if not accompanying an otherwise included development, if it involves twelve (12) or more parking spaces, must also comply with this section.
 - a. Adequate Access. Adequate access to a public street shall be provided for each parking space through driveways complying with Article 3 of this Code of Ordinances.
 - b. Size. Size of each parking space shall be not less than one hundred sixty-two (162) square feet exclusive of the space required for ingress and egress. A single stall in a garage may replace any single required parking space.
 - a. Location. Location to be on the same lot as the principal use or not over three hundred (300) feet from the principal use.
 - b. Lighting. If parking lots are lighted, the lights shall be shielded to prevent undesirable glare or illumination of adjoining residential property.
 - c. Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
 - d. Curbs or Barriers. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
 - e. Alleys. All parcels zoned single-family residential or multifamily residential that have access to an alley shall meet parking requirements by providing alley-loaded parking.
 - f. Number of Parking Stalls Required. The number of off-street parking stalls required are shown in the following table:

Use	Minimum Number of Stalls	Maximum Number of Stalls
Residential – Family Living		
Single-Family Detached Dwelling	2	3, not including driveway space that leads to a garage or carport.
Two-Family Dwelling	3 (total)	4, not including driveway space that leads to a garage or carport.
Single-Family Attached Dwelling	1 per d.u.	2 per d.u.
Multifamily Dwelling	1 per efficiency or 1 BR	1.5 per efficiency or 1 BR
	2 for 2 or more BR	2.5 for 2 or more BR
Mobile Home	1 per d.u.	2 per d.u.
Residential – Group Living		
Community Living Arrangement ¹	1 per 2 bedrooms	1 per bedroom
Retirement Home, Assisted Living, Congregate Care	1 per 4 d.u.	1 per d.u.
Civic, Institutional, and Medical		
General Government, Utility, Transportation Facilities	1 per 400 sq. ft.	None
Clinic, medical, dental, or optical	1 per 300 sq. ft.	1 per 150 sq. ft.
Day Care	1 per 15 clients	1 per 7 clients
Hospital	1 per 4 beds, or based on parking study	None
Library, Museum	0	1 per 400 sq. ft.
Medical Laboratory	1 per 400 sq. ft.	1 per 200 sq. ft.
Physical, Occupational, or Massage Therapy	1 per 400 sq. ft.	1 per 200 sq. ft.
Church or Place of Worship	1 per 6 seats in the main worship area. If no fixed seats, 1 per 30 sq. ft. of floor area in main worship space	150% of minimum
Public and Private Schools	1 space per classroom plus 1 space per 5 students of legal driving age based on the maximum number of students attending classes at any one time	1 space per classroom plus 1 space per 3 students of legal driving age based on the maximum number of students attending classes at any one time
Veterinary Clinic, Animal Hospital	1 per 400 sq. ft.	1 per 200 sq. ft.
Use		
Business/Commercial Uses		
General Business Services (copy shop, postal services, etc.)	1 per 400 sq. ft.	1 per 200 sq. ft.
General Offices	1 per 400 sq. ft.	1 per 200 sq. ft.

General Retail & Food/Beverage Sales	1 per 400 sq. ft.	1 per 200 sq. ft.
Animal Boarding Facility/Kennel	1 per 400 sq. ft.	1 per 200 sq. ft.
Bank, Financial Institution	1 per 400 sq. ft.	1 per 200 sq. ft.
Call Center	1 per 2 employees	1 per employee
Catering	1 per 2 employees	1 per employee
Dry Cleaning, Commercial Laundry	1 per 2 employees	1.25 per employee
Furniture & Household Goods Sales	1 per 1,000 sq. ft.	1 per 400 sq. ft.
Garden Center, Greenhouse, Nursery	1 per 600 sq. ft. floor area plus 1 per 1,000 sq. ft. of outdoor sales and display area	1 per 300 sq. ft. floor area plus 1 per 500 sq. ft. of outdoor sales and display area
Laundromat (self-service)	1 per 400 sq. ft.	1 per 200 sq. ft.
Mortuary, Funeral Home	1 per 200 sq. ft. assembly area	1 per 100 sq. ft. assembly area
Outdoor Commercial Uses	1 per 1,000 sq. ft. of outdoor sales and display area	1 per 500 sq. ft. of outdoor sales and display area
Payday Loan Business	1 per 400 sq. ft.	1 per 200 sq. ft.
Restaurant, Coffee Shop, Deli, Restaurant/Tavern, Tavern, Brewpub	20% of capacity of persons	40% of capacity of persons
Small Appliance Repair	1 per 2 employees	1 per employee
Recreation, Entertainment, Lodging	Minimum	Maximum
Bed and Breakfast	1 per 2 bedrooms, plus requirement for any permanent dwellings	1 per bedroom
Health/Sports Club	10% of capacity of persons	25% of the capacity of persons
Hotel, Inn, Motel, Extended Stay	0.75 per bedroom	2 per bedroom
Indoor Recreation	20% of capacity of persons ²	40% of capacity of persons
Lodge, Private Club, Reception Hall	10% of capacity of persons	25% of capacity of persons
Use	Minimum Number of Stalls	Maximum Number of Stalls
Outdoor Recreation (mini-golf, driving range, etc.)	As determined by Clerk/Zoning Administrator/Plan Commission	None
Theater, Assembly Hall, Concert Hall	20% auditorium capacity	40% auditorium capacity
Automobile Services	Minimum	Maximum
Auto Service Station, Body Shop, Repair Station	1 per 2,000 sq. ft. of floor area, excluding service bays, plus 2 spaces per service bay	1 per 1,000 sq. ft. of floor area, excluding service bays, plus 2 spaces per service bay

Auto Sales, Auto Rental, Auto Storage/Towing (Excluding Junked and Unlicensed Vehicles)	None	None
Car Wash, Self Service	None, aside from service bays	1 per 3 service bays
Car Wash, Full Service	1 per 4 employees	1 per 2 employees
Convenience Store/Market ³	1 per 1,000 sq. ft.	1 per 500 sq. ft.
Industry, Production, Storage	Minimum	Maximum
Concrete, Asphalt, Rock Crushing, Quarry Facilities	1 per 4 employees	None.
Contractor's Yard, Lumberyard	1 per 500 sq. ft. office or sales area plus 1 per 3,000 sq. ft. storage area	1 per 300 sq. ft. office or sales area plus 1 per 1,500 sq. ft. storage area
Food Processing	1 per 2 employees	1 per employee
Laboratories, Research & Development	1 per 2 employees	1 per employee
Mail Order House	1 per 2 employees	1 per employee
Manufacturing (Light and Heavy)	1 per 2 employees	1 per employee
Printing and Publishing	1 per 2 employees	1 per employee
Recycling Center	1 per 2 employees	1 per employee
<p>Notes: sq. ft. = square feet; d.u. = dwelling unit. 1: Adjustments may be granted by the Plan Commission with proof from the applicant that fewer or more spaces are required. 2: Adjustments may be granted by the Plan Commission with proof from the applicant that fewer spaces are required. 3: May include a car wash ancillary to a gas station/convenience store without extra parking spaces.</p>		

Notes on Parking Stalls Required. For the chart listed in (j) above, the following shall apply:

- a. In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply.
- b. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
- c. Where the number of employees is used to determine parking, it shall be based on the number of employees on the maximum working shift at the time the occupancy permit is requested. Parking requirements based on number of employees shall not change unless new construction or expansion is proposed. A new parking requirement shall be calculated at such time.
- d. Floor area used to calculate parking and loading requirements is defined as the sum of the gross horizontal areas of the floors or parts of a building devoted to the use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. It does not include porches, garages, or space in a basement or cellar when used for storage, utilities, or other incidental uses.
- e. Fractional space requirements of us to one-half (1/2) space shall be rounded down to the next whole number, and greater than one-half (1/2) rounded up to the next whole number).
- f. The Plan Commission may, through a Conditional Use Permit, grant exceptions to these parking requirements as it deems appropriate for specific scenarios that will not inhibit the health, safety and welfare of the public.

- g. The provisions contained in Section 101.12, 346.503, and 346.56 of Wisconsin Statutes, and any related Wisconsin Administrative Code sections, are hereby adopted by reference and made applicable to all parking facilities wherever constructed.
- h. Downtown Commercial District. Commercial/business development in the C-2 Downtown Commercial Zoning District may be granted a waiver from the off-street parking requirements as outlined in this Section, as determined by the Plan Commission and granted by a Conditional Use Permit.

13.7.22 OUTDOOR STORAGE, SALES & DISPLAY

Outdoor sales and display shall be permitted only in the C-1, C-2 and I-1 districts, unless otherwise set forth in these Regulations, when the following requirements of this Section are met:

- 1. Outdoor Sales and Display
 - a) Outdoor sales and display shall only be permitted within an area not greater than eight hundred (800) square feet or ten (10) percent of the gross floor area of the ground floor of the building, whichever is greater, and shall be located at least twenty-five (25) feet from any residentially use or zoned property. A property shall not be considered residentially used if the first floor is occupied by a nonresidential use or uses.
 - b) When outdoor sales and display occurs within twenty-five (25) feet of a public right-of-way, item(s) shall not exceed five (5) feet in height and shall be completely screened from view from the public right-of-way.
 - c) Stacked items located less than fifty (50) feet from a public right-of-way shall not exceed five (5) feet in height.
 - d) Vending and ice machines shall be permitted outside of the building when located against and parallel to the building façade. Vending machines shall include newspaper, beverage, food, or snack dispensers. Public telephones and mailboxes are excluded from these Regulations.
 - e) Outdoor sales and display items, including newspaper boxes, may be located on sidewalks in the public right-of-way only if permitted by the appropriate agency. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four (4) foot minimum width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend along that edge a distance for more than ten (10) feet without providing a break of not less than three feet in width to allow for access to the pedestrian way.
 - f) Items for outdoor sale and display shall be completely screened from view from any abutting residentially zoned or used property.

- g) Outdoor sales will be allowed within the Village for periods limited to 48 consecutive hours for the purpose of community-wide sidewalk sales.

2. Outdoor Storage

- a) Outdoor storage shall be limited to those areas designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.
- b) Outdoor storage shall not occur within 25 feet of any public right-of-way.
- c) Outdoor storage shall be screened from view from any abutting property. All screening shall be at least six (6) feet in height and no more than eight (8) feet in height.

3. No outdoor sales, storage or display areas shall be located in the vision clearance triangle as defined in Section 13.3.8 or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.

4. Any area proposed to be used for outdoor storage, sales and display in accordance with this Section shall be accurately delineated on applicable site or development plans.

5. No outdoor storage, sales and display shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking, or unloading/loading.

6. Screening of Outdoor Storage in Commercial and Industrial District

- a) Permitted outdoor storage and outdoor storage areas in commercial and industrial districts exposed to view from any street adjacent to the property on which the storage area is located shall be screened by a six-foot-high sight-obscuring fence, wall, or landscape berm or planting strip when approved by the Administrator.
- b) Materials covered by buildings with roofs only, but without any sides, shall be considered outdoor storage and shall be subject to the screening provisions of this section. This provision shall not apply to the display of new or used agricultural implements, motor vehicles, or watercraft where such activities are an integral part of an automobile, agricultural implement, or watercraft dealership or storage facility.

7. Exceptions: The following uses are exempt from the requirements as set forth in this Section:

- a) Areas designated for the outdoor sale, display or storage of plant materials including live plants, fruits and vegetables and seasonal holiday related plant materials such as Christmas trees and pumpkins. This exemption does not include rock, mulch, pavers, building and landscape materials, and lumberyards.
- b) Sale, display, or storage areas for automobile, boat and similar passenger and recreational vehicles, farm equipment, or truck/trailer rentals which have met applicable requirements as set forth in these Regulations and all other applicable laws, rules, and regulations. Retail operations that occur under a permanent canopy structure attached to the principal structure on the lot.

13.7.23 PARKS, PLAYGROUNDS, OUTDOOR RECREATION

1. A minimum twenty-five (25) foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
2. The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of village approval.
3. An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

13.7.24 PAYDAY LOAN OR AUTO TITLE LOAN BUSINESS

1. It is the purpose of this section to regulate the hours of operation on all payday loan businesses and auto title loan businesses. Payday loan businesses and auto title loan businesses, like other financial businesses, do not provide services that must be available at hours other than normal business hours. This section is deemed for the benefit of the health, safety and welfare of the public. No payday loan business or auto title loan business may be open between the hours of 9:00 PM and 6:00 AM.
2. Payday loan businesses and auto title loan businesses are allowed as a conditional use, provided no other payday loan business or auto title loan business is located within 5,000 feet, and no payday loan business or auto title loan business shall be allowed within two hundred (200) feet of any residential district or school.

13.7.25 PLACE OF WORSHIP

1. Any facility with seating capacity of greater than two hundred (200) persons in the sanctuary or main activity area shall require a conditional use permit.
2. Any facility with accompanying residential use(s), such as a parsonage, convent, or monastery, shall require a conditional use permit.

3. Where the use requires a conditional use permit, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening and other site improvements consistent with the character of the neighborhood.

13.7.26 PORTABLE STORAGE UNITS

1. In residential area, this use is allowed only for temporary storage of household goods. In any residential district, there may be one portable storage unit per dwelling. Such portable storage unit shall be no larger than eight (8) feet high, eight (8) feet wide, and sixteen (16) feet long. The portable storage unit(s) may not be located within the front or side yard setbacks unless located in a driveway.
2. In any non-residential district, there may be two portable storage units per principal building. In non-residential districts, portable storage units shall be placed in the rear or side yard only.
3. A maximum of two (2) portable storage units, not exceeding a cumulative gross floor area of two hundred fifty (250) square feet shall be allowed for up to ninety (90) consecutive days within a calendar year when part of an active building permit.
4. When not part of an active building permit, such use is allowed for no more than thirty (30) consecutive days per calendar year.
5. On application, the Plan Commission may waive or modify the provisions of this Section and allow such placement of portable storage units as it determines are reasonable and necessary to address unusual or exceptional circumstances, including casualty or natural disaster.

13.7.27 RECREATION CAMPS, YOUTH CAMPS AND CAMPGROUNDS

1. Recreation camps shall conform to Ch. DHS 175, Wis. Adm. Code.
2. Campgrounds shall conform to Ch. DHS 178, Wis. Adm. Code. Wis. Adm. Codes shall be applicable as from time to time amended.

13.7.28 SANITARY LANDFILL

The location of a sanitary landfill shall not be within one-half mile of the boundary of a residential district. The operation of a sanitary landfill shall be in full compliance with Wisconsin Administrative Code.

13.7.29 SCREENING, BUFFERING AND LANDSCAPING

Whenever development cannot be placed in harmony with its surroundings, adequate screening and distance buffering shall be provided to make it so. Screening shall be an obscuring wall or fence or other method subject to the approval of the Administrator. The table below indicates those conditions which are considered inherently disharmonious, and adequate screening shall be provided at the side of the parcel between conflicting uses by the owner of the potential disharmonious use.

1. Minimum Screening Requirements

Use or District	Potential Disharmonious Use	Height of Screening
Residential	Commercial districts	6' 0"
Residential	Industrial districts	6' 0"
Residential	Business parking lots	4' 6"
Residential	Loading areas	6' 0"
Residential	Utility substation	6' 0"

2. Wall and Fence Materials

- a) Durable materials. All walls and fences hereafter erected shall be durable, weather-resistant, rustproof, and easily maintained.
- b) Masonry walls. Masonry walls shall be erected on foundations which are a minimum of 54 inches below grade.
- c) Limitation on open-grid metal fences. Metallic-cyclone-type or other open-grid fences may not be used as required screening between residential uses and non-residential uses. Such metallic fences may not be used in front yards, except in industrial districts.
- d) Fence maintenance. All fences shall be kept in good condition, plumb and true, and without damage.

3. Landscaped Berms and Planting Strips

Landscaped berms or planting strips may be substituted for obscuring walls or fences when approved by the Administrator. Landscaped berms and planting strips shall be landscaped with evergreen plants. Plant materials shall be of such size when planted as to reach the necessary screening height within three years of planting.

4. Distance Buffering

Certain uses and activities are inherently incompatible with other uses and activities and are hereby required to be separated as indicated in the table below so as to reduce conflict and to maintain amenity.

Minimum Distance Buffering

Use	Minimum Permitted Distance
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Quarrying operation or any stockpile exceeding 15 feet in height	Minimum of 200 feet to any property line except a minimum of 100 feet to street line
Swimming pools	7 ½ feet to property line
Air conditioners (independently mounted)	15 feet to property line
Loading docks	100 feet to an adjoining lot line of a residence or residential district

5. Buffering of Single-Family Housing

For purposes of this section, the term “single-family housing” means a parcel of land that is either in use as single-family housing at the time a permit for the development referred to in this section is requested or zoned R-1S or R-1L at such time. Where proposed multifamily or commercial development abuts existing single-family housing, the following additional setbacks will be required.

Structure	Distance
2-story commercial or multifamily structure	25 feet to property line abutting single-family housing
3-story and higher commercial or multifamily structure	50 feet to property line abutting single-family housing

6. Screening of Trash Areas

All trash, recyclable and/or garbage collection areas for multifamily dwellings and businesses shall be enclosed on at least three sides by screening at least as high as the height of the refuse container(s). Any open side shall not be visible from a street or abutting properties.

7. Required Landscaping

- a. Unpaved areas of the site and unpaved portions of adjacent rights-of-way shall have one of the following ground covers:
 - i. Seed or sod.
 - ii. Wood chips or other permanent mulch bordered with timbers or other permanent edging.
 - iii. Other landscaped plant material maintained in a well-tended and aesthetically pleasing manner.
- b. Street trees shall be planted in adjacent rights-of-way in accordance with Chapter 11, Subdivision Regulations, of the Village Code.

- c. The minimum number of plantings required for every 10,000 square feet of lot area which is proposed for new development shall be as follows:
 - i. Two canopy or deciduous trees at least two inches to 2.5 inches in diameter.
 - ii. Three shrubs, not less than 24 inches in height.

13.7.30 SHED/STORAGE BUILDING

- 1. Sheds and storage buildings shall not be allowed in the front yard.
- 2. Sheds and storage buildings, including any roof overhang, shall be set back at least five (5) feet from any property line.
- 3. Sheds and storage buildings shall be installed on a level hard surface, such as poured concrete, asphalt, concrete block, brick, or stone.

13.7.31 SOLAR ENERGY SYSTEMS / WIND SYSTEMS

- 1. Roof-mounted solar and wind systems shall be allowed as a permitted use, while independent solar panels elsewhere on the site shall require a conditional use permit.
- 2. A plan shall be submitted at the time of application for a zoning certificate that shows the proposed location of the solar or wind energy system on the lot, the design of the solar or wind energy system, the location of improvements on adjoining lots, as well as landscaping on the lot and adjoining lots that impacts the location of the solar or wind energy system. Additional materials may be required as requested by the village board.
- 3. The requirements of §13.7.27(2) shall be approved by the village board prior to the installation of the energy system. Any conditions or restrictions placed on the energy system shall be limited to those that serve to preserve or protect the public health and safety or do not significantly increase the cost or decrease the efficiency of the system.

13.7.32 TELECOMMUNICATION TOWERS, ANTENNAS, AND TRANSMISSION EQUIPMENT; WIRELESS COMMUNICATION FACILITIES

Refer to Article 13.10 for supplemental regulations for these uses.

13.7.33 TRAVEL TRAILER PARKS

- 1. The minimum lot size of a travel trailer park shall be five (5) acres.

2. The maximum number of travel trailers shall be fifteen (15) per acre.
3. The minimum dimension of a travel trailer site shall be thirty (30) feet wide by fifty (50) feet long.
4. Each travel trailer shall be so located that there shall be at least a fifteen (15) foot clearance between travel trailers sites.
5. There shall be at least one (1) automobile parking space available for each trailer site.
6. In addition to setback line requirements per Section 13.8.3 of this code, there shall be a minimum setback of forty (40) feet from all other exterior lot lines.
7. Travel trailer parks shall conform to the requirements of Ch. DHS 178, Wis. Adm. Code, which shall apply until amended and then apply as amended.

13.7.34 VETERINARY CLINICS

1. All activity shall take place within completely enclosed buildings that contain appropriate soundproofing and odor control.
2. Any proposed exterior uses shall require a conditional use permit.

13.7.35 YARD SALE

A yard sale shall not exceed four (4) days in duration, and no more than one sale shall be held on any individual property within any three (3) month period.

13.7.36 ZERO LOT LINE DEVELOPMENT

1. Zero lot line development for single-family dwellings may be permitted in order to: promote efficient land use, permit a more energy-efficient arrangement of structures, protect environmentally sensitive areas, or provide more usable private or community open space.
2. Review Required. Zero lot line development in subdivisions and short subdivisions approved after the effective date of the ordinance codified in this section may be approved via a Conditional Use Permit. A site plan meeting the requirements of the under-laying zoning district shall be prepared for all zero lot line development.
3. Development Standards. All zero lot line developments shall comply with all other standards of this Chapter; provided, that where the standards included herein conflict with the standards established in other sections, the standards herein shall apply:

4. Dwelling Unit Setbacks.
 - a. Interior Side Yard Setback Standard. The dwelling unit may be placed on one interior side property line (a zero setback). The setback standard from the other side property line shall be ten feet. No structures except for patios, pools, fences, walls, and other similar elements are permitted within the required setback area.
 - b. Rear Yard Setback Standard. The rear yard setback standard is ten feet.
 - c. Front and Street-Side Setback Standards. Front and street-side setback standards shall be those in the corresponding zoning district.
5. Accessory Building Setback. Accessory buildings and structures shall observe the setback requirements for the main dwelling unit.
6. Maximum Lot Coverage. The total lot coverage on a lot shall not exceed the district requirements established in the corresponding zoning district.
7. Platting Requirements. Each dwelling shall be located on its own individual platted lot. The plat shall show the zero lot lines and the related easements.
8. Openings Prohibited on the Zero Lot Line Side. In order to maintain privacy, there shall be no windows, doors, air conditioning units, or any other type of openings in the wall along the zero lot line, except when such a wall abuts permanent open spaces or a public or private right-of-way.
9. Maintenance and Drainage Easements. A perpetual maintenance, eave overhang, and drainage easement at least five feet wide shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title on the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Eaves, but no other part of any structure, may protrude across a side lot line, and such protrusion shall not exceed eighteen inches. Water runoff from the dwelling placed on the lot is limited to the easement area.
10. Common Open Space and Maintenance Facilities. Any common open space provided shall comply with 13.7.11.

Article 8: Mobile Home Parks

13.8.1 DISTRICTS ALLOWED

Mobile home parks may be allowed as a conditional use in the R-3 Multi-Family Residential district subject to the requirements of this section and upon issuance of a conditional use permit by the village board pursuant to Section 13.4.8 of this code.

13.8.2 APPLICATION FOR PERMIT

An application for a conditional use permit for a mobile home park must be made in the manner provided in section 13.4.8 of this code, irrespective of whether or not a license or permit from the village to operate a mobile home park has been issued. The application shall be filed with the village administrator in triplicate and shall be accompanied with duplicate sets of plans and specifications which shall be in compliance with all applicable statutes and administrative code insuring further that such completion is in compliance with the requirements of this code.

13.8.3 REQUIREMENTS

1. Mobile home parks shall contain a minimum of ten (10) acres. Additions to or extensions of mobile home parks shall contain a minimum of five (5) acres. Any additions to mobile home parks existing as of the effective date of this ordinance shall comply with the provisions below.
2. An individual mobile home stall for a single-wide mobile home shall be not less than four thousand (4,000) square feet in area and not less than fifty (50) feet in width.
3. Each mobile home space shall afford the following setbacks, measured from the closest point of a unit placed on the space to the closest point of the object of the setback:
 - a) Twenty (20) feet from any lot line.
 - b) Twenty (20) feet from the nearest point on the surfaced portion of any internal park drive or common area, including common parking areas.
 - c) Twenty (20) feet from the nearest point on any other unit, building, or structure.
 - d) Ten (10) feet to any accessory building.

- e) No mobile or manufacture home shall be located closer to any property line of the park abutting upon a public street or highway than thirty (30) feet as front yard setback requirements.
 - f) Accessory structures, such as awnings, cabanas, storage sheds, utility buildings, storage cabinets, car-ports, windbreaks, or attached porches shall be considered part of the unit for purposes of determining compliance with the above setbacks.
4. No mobile home park shall be laid out, constructed, or operated without village water supply and sanitary sewer service.
 5. Adequate provisions shall be made for the disposal of all sewage from a mobile home park into a municipal sanitary sewer where available, or by properly constructed and maintained sewage system.
 6. Approved garbage cans with tight-fitting lids shall be provided in quantities adequate to permit disposal of all garbage and rubbish. The cans shall be kept in sanitary condition and the contents thereof shall be disposed of at least once a week.
 7. All television antenna or cable systems, electrical, and telephone distribution lines and oil or gas piping serving the park or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state, and local codes.
 8. The ground surface in all parts of every mobile home park shall be graded and equipped to eliminate soil erosion and drain all surface water in a safe, sanitary, and efficient manner. The mobile/manufactured home park shall be located on a well drained site, properly graded to insure rapid drainage and free from stagnant pools of water.
 9. All parks shall be furnished with lighting so spaced and equipped with luminaires placed at such heights as will provide levels of illumination for the safe movement of pedestrians and vehicles at night.
 10. There shall be a system of driveways, with a minimum of thirty (30) feet widths, graveled or paved with concrete or bituminous material, providing access from each and every mobile home and automobile parking space within such park to the public street or highway, provided that there shall not be more than two entrances from or exits to such street or highway from any one such park.
 11. All interior streets and parking areas shall be paved with a smooth, hard, and dense surface such as hot mix asphalt or Portland cement, which shall be will drained under normal use and weather conditions for the area.

Pavement edges shall be curbed or protected to prevent raveling of the surface. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight (8) percent unless expressly approved by the village board.

12. Walkways to service buildings shall be not less than thirty-six (36) inches wide and shall be graveled or paved.
13. An electrical outlet supplying at least 100-115/220-250 volts, 100 amperes shall be provided for each mobile home space.
14. Each mobile home stall shall be provided with one off-street parking spaces and no on-street parking shall be permitted.
15. Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall be planted with permanent grasses, flowers, shrubs and trees so as to provide a fifty percent opacity to a height of eight (8) feet.
16. Mobile home parks shall conform to the requirements of Wisconsin statutes, and administrative code regulations as from time to time amended.
17. Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, plumbing, and sanitation systems.
18. Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations of the fire department. No open fires shall be permitted.
19. No business shall be conducted in any mobile home or manufactured home within a mobile home park.

Article 9: Marathon Village Business Park

13.9.1 PURPOSE

It is the intent of this section to establish a harmonious development in the Marathon Village Business Park which will promote commercial and industrial development within the village for the purpose of promoting and enhancing the local economy and for the benefit of its residents.

13.9.2 APPLICABILITY

Site plan review shall occur with all new construction, remodeling, or expansion or change of uses on parcels within the business park, except as follows:

1. The use is established in an existing building that has received site plan approval and the establishment of the use does not alter the approved site plan for the property.
2. Proposed modifications are strictly related to the interior of the building.
3. Modification, additions, or enlargements to a building which do not increase the gross floor area by more than 500 square feet or 10 percent, whichever is less, and which do not require a variance from the provisions of this code.
4. Alteration or expansion of an existing parking lot that results in a change of no greater than 10 percent of the total number of parking spaces.
5. Grading or site preparation that results in minor modifications to the existing site, as approved by the village administrator.
6. Construction, alteration or expansion of a public right-of-way, or any part thereof.

10.9.3 DESIGN REVIEW

1. Committee Review. All village approvals referenced herein shall first be submitted to the Business Park Development Review Committee for its written recommendation. All written recommendations from said Committee to the village board shall occur no later than fourteen (14) days of the village board's required approval or disapproval time as set forth in 13.9.3 below.
2. Approval of Plans. No improvements shall be constructed erected, placed, altered, maintained or permitted to remain in the business park until final plans and specifications showing the plot layout including all parking areas, all exterior elevations with materials and colors therefore, and landscaping shall have been approved by the village board. Such final plans and specifications shall be submitted in writing in duplicate over the

authorized signature of the owner, lessee, or licensee or his/her authorized agent. Changes in approved plans, which affect building size, placement or external appearance must be submitted to and are subject to approval by the village board.

3. Timing. The village shall approve or disapprove plans, specifications and details in writing, within sixty (60) days from the receipt thereof. If the village fails to notify, either approving or disapproving final plans and specifications within the sixty (60) day period, said plans and specifications shall be disapproved. One set of said plans and specifications shall, with the approval or disapproval endorsed thereon, be returned to the person submitting them and the remaining shall be retained by the village. Approval may be subject to specific conditions or modifications.

13.9.4 LAND/BUILDING RATIO

1. No more than 65% of any site shall be covered surface pavement or other covering materials which are impervious to surface water absorption.

13.9.5 BUILDING SETBACKS

1. The following yard or building setback requirements shall apply to all parcels that are located in the business park:
 - a) All commercial buildings, as determined by the Wisconsin Department of Revenue taxation classification, shall have a minimum setback of twenty-five (25) feet from parcel lines abutting any public street. All industrial buildings, as determined by the Wisconsin Department of Revenue taxation classification, shall have a minimum setback of sixty (60) feet from parcel lines abutting any public street.
 - b) All other buildings and structures shall have a minimum setback of twenty (20) feet from any lot line shared in common with another parcel owner and which joins a parcel line abutting a public street (“side yard line”). Corner lots shall be deemed to have two side lot lines.
 - c) Except as otherwise set forth in this section, all buildings or structures shall have a minimum setback of twenty (20) feet from the rear lot line.
 - d) All buildings or structures that are located on parcels that abut a residential district shall have a forty (40) foot “buffer zone” minimum setback.

10.9.6 BUILDING DESIGN

1. The exterior walls of each building shall be constructed of durable, permanent architectural materials that are compatible with park-like

standards. At least forty percent (40%) of the front façade and street side(s) facades shall incorporate brick, stone, architectural block, architectural concrete panels, architectural wood and/or glass into their design. Front façade materials shall be continued for not less than twenty (20) feet on each side from the front surface. Unfaced concrete block, structural concrete and the like shall not be permitted without the prior written approval of the village. Pole buildings or similar structures shall not be permitted as a principal structure.

2. Except as otherwise provided herein, the sides and rear of all structures shall be finished in an attractive manner in keeping with the accepted standards used for commercial and industrial buildings and shall be subject to the approval of the village board. Buildings must be kept in good repair and appearance at all times. Buildings must be approved construction in conformity with all applicable building codes.
3. Structures shall not exceed 35 feet in height except upon written approval of the village board pursuant to a conditional use permit.
4. Buildings and roofs shall be considered to be earth-tone in color. Earth tone is a color scheme that draws from a color palette of whites, browns, tans, grays, greens and some deep reds. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt and rocks. For the purpose of these regulations, this definition will also include muted blues and yellows. The earth tone color scheme does not include glowing or vivid colors.
5. All elevations of the building shall be designed in a consistent and coherent architectural manner. Changes in material, color and/or texture shall occur at points relating to the massing and overall design concept of the building.
6. All buildings shall be sited on the lot to present their primary facade to the street and, where possible, should be related to buildings on adjoining lots. The primary façade shall be defined as the side of the building with the primary entrance.
7. Cooling towers, rooftop and ground-mounted mechanical and electrical units and other miscellaneous equipment shall either be integrated into the design of the building or screened from view.
8. No truck canopies with visible wall hangers will be permitted in the business park. Design of the canopies shall be in keeping with the design of the building.

13.9.7 PARKING

1. All employee and visitor parking shall be provided on-site. Parking shall not be permitted on any public street or access drive. Property owners shall provide parking as required by Section 13.7.21. Parking areas shall be located at least twenty (20) feet from each parcel line abutting a public street and ten (10) feet from any other parcel line. All parking areas and

driveways shall be hard surface paved, dust-free and properly marked. When curbs are desired, they shall be of concrete.

13.9.8 LANDSCAPING

All unimproved areas of every site on which a building is constructed in the business park shall be landscaped. The foregoing shall be in accordance with plans first approved in writing by the village board.

1. The setback area butting streets shall be landscaped with a combination of deciduous canopy trees, shrubbery and ground cover. At least one tree at least six (6) feet in height for each fifty (50) feet of street frontage shall be planted in the setback area. Any "buffer zone", shall be a minimum of forty (40) feet wide and planted with plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round, effective screen. All off-street parking areas that serve twenty (20) vehicles or more shall be provided with landscape areas totaling not less than five (5) percent of the surfaced area.
2. All landscaping shall be completed within ninety (90) days of issuance of a certificate of occupancy. If the certificate of occupancy is issued after October 1st in any given year, the landscaping completion date shall be ninety (90) days beginning April 1st of the following year.
3. All grass, trees and shrubbery shall be kept in good appearance at all times.

13.9.9 LIGHTING

Vehicular lighting shall be illuminated using high cutoff luminaries which shall keep off-site overspill and night sky lighting to a minimum. The size and scale of light and laminate shall match site and building scale, color and theme. Location of the fixtures shall match site and building scale, color and theme. Location of the fixtures shall emphasize intersections and pedestrians access routes, yet provide a uniform level of illumination. Scale of fixtures shall be lowered in pedestrian areas to emphasize walking surfaces. All outdoor uses shall be designed, located and mounted so that the maximum illumination, as measured horizontally at the lot line, does not exceed 9.6 foot candles.

13.9.10 SIGNS

1. No billboard or advertising media such as signs, shades, awnings, searchlights, loudspeakers, amplifiers or similar devices shall be permitted other than signs identifying the name, business and products of the person or firm occupying the premises, and those directing visitors and offering the premises for sale or lease. The size and style of all permitted signs shall be approved by the village board.
2. Sign locations shall be governed by the setback requirements.
3. Permitted signs and identifying markings on buildings or building sites shall only be of such size, design and color as specifically approved by the village board.

13.9.11 TEMPORARY BUILDINGS

No building or structure of a temporary nature shall be used on any lot at any time except for construction trailers during the period of construction. The use of cargo containers as a temporary storage facility is prohibited.

13.9.12 FENCING

Fences shall not be allowed, except for screening of service areas, without the prior written consent of the village board.

13.9.13 STORAGE AND LOADING AREAS

1. All materials or products stored outside buildings must be behind the building setback line from the street and be screened from view from the street with screening approved by the village board. All trash must be enclosed by a fence of solid material such as will provide a suitable visual screen. Minimum height of such fencing shall be six feet. All fencing must be kept painted or have such other finish as is generally accepted for good appearance. Wire fence is not acceptable for this purpose.
2. No loading doors or docks shall be constructed facing on any public street or highway.
3. Outdoor storage yards for materials, supplies, merchandise or equipment shall be screened from public view behind a visual barrier, such as landscaping berm or fence, for the purpose of screening same from view from neighboring property and public streets. Storage of finished manufactured goods scheduled for delivery is permitted if the storage area is screened from public view.
4. Outdoor storage of finished manufactured goods for the purpose of sales or promotion display is permitted upon the approval of the village board.
5. Outdoor storage areas and loading areas shall be hard surface paved and dust free.

13.9.14 UTILITY CONTROL

1. All utilities, including all electric power, telephone, gas, water, storm and sanitary sewers shall be located underground.

Article 10: Wireless Communication Facilities

13.10.1 PURPOSE

These regulations are designed to protect and promote the public health, safety and welfare of the community and the aesthetic quality of the village. The goals of this section are to:

1. Protect residential areas and land uses from the potential adverse impacts of towers and antennas;
2. Minimize the total number of towers throughout the community;
3. Encourage the joint use of new and existing tower sites as a primary siting option rather than construction of additional single-use towers;
4. Minimize the visual impact of towers and antennas;
5. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

13.10.2 OTHER CONSIDERATIONS

In furtherance of these goals, the village shall give due consideration to the comprehensive plan, zoning code and map, and existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.

13.10.3 APPLICABILITY

1. Amateur radio station operators/receive only antennas. This article shall not apply to any tower, or the installation of any antenna, that is owned and operated by a federally licensed amateur radio station operator and is under 60-feet in height or is used exclusively for receive-only antennas.
2. Preexisting towers or antennas. Any preexisting tower or preexisting antenna shall not be required to meet the requirements of this article other than the requirements of 13.10.4 of this article.
3. New towers and antennas. All towers or antennas which are not preexisting shall be subject to all applicable standards of this article.

13.10.4 GENERAL REQUIREMENTS.

- 1 All towers and antennas shall comply with all FCC and FAA rules and regulations.

- 2 The owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and/or local building codes and the applicable standards for towers that are published by the EIA as amended from time to time. If upon inspection, the building inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall authorize the village to remove the tower or antenna and restore the site and the cost of such removal and/or restoration may be assessed against the property on which the tower is located as a special assessment.
- 3 For leased sites, authorization for siting the wireless communication facilities from the property owner must be provided.

13.10.5 LOCATION/SHARING OF FACILITIES.

1. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the village board that no existing tower or structure can accommodate the applicant's proposed tower. Supporting evidence may consist of any of the following conditions:
 - a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - d. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing tower or structure would cause interference with the applicant's proposed system.
 - e. The fees, costs or contractual provisions required by the owner to lessee an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in the industry or do not exceed the cost of new tower development.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers or structure unsuitable.

2. New towers shall be designed structurally and electronically to accommodate the applicant's antenna and comparable antennas for additional users. Towers must also be designed to allow for future rearrangement of antennas on the tower and to accept antennas mounted at different heights.
3. The holder of a permit for a tower shall allow collocation for as many additional users as the design and structural strength of the tower will allow and shall not make access to the tower and tower site for the additional users economically unfeasible. If a potential additional user(s) demonstrates (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the tower permit shall become null and void.

13.10.6 DESIGN

1. All new telecommunications towers shall be structurally and electrically designed to accommodate at least three (3) separate antenna arrays, unless credible evidence is presented that said construction is economically and technologically unfeasible or the plan commission determines that for reasons of aesthetics a telecommunications tower of such height to accommodate three (3) antenna arrays is unwarranted. Multi-user telecommunications towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights. Parking areas, access roads, and utility easements shall be shared by site users, at fair market rates as determined by customary industry standards, when in the determination of the plan commission this will minimize overall visual impact to the community.
2. Design and installation of all towers and antennas shall comply with the manufacturer's specifications and with ANS/TIA/EIA standards. Plans shall be approved and certified by a professional engineer registered in the State of Wisconsin. Plans may be reviewed by the village engineer or appropriate certified professional contracted by the village with the costs to be borne by the applicant.
3. All unused towers and antennas must be removed within 12 months of cessation of operation or use, unless a written exemption is provided by the village administrator. After the facilities are removed, the site, within six months after removal is completed, shall be restored to its original condition or as close as possible, and anchoring elements shall be removed from the ground to within four feet of ground level. If such removal and/or restoration is not completed within the stated times, the village is authorized to complete the removal and site restoration, and the cost of such removal and/or restoration may be assessed against the property on which the tower is located as a special assessment.

4. The monopole design is the preferred tower structure. Use of guy or lattice towers may be permitted with a conditional use permit on the basis of collocation opportunities or specific structural requirements.
5. While the village is authorized to remove a tower or antenna and/or restore a site under the circumstances set forth in Subsection 13.10.4 above, the Village shall be under no obligation to do so. In any situation where the village removes a tower and/or restores a site pursuant to the authority granted to the village hereunder, the owner of the tower shall be liable to the village for all costs incurred by the village in such removal and/or restoration, and the village may proceed to collect such costs by any legal means, including the imposition of special assessments as authorized above.

13.10.7 PROHIBITIONS.

1. No advertising message or sign shall be affixed to any tower or antenna. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices but does not include weather devices.
2. Towers and antennas shall not be artificially illuminated unless required by FCC or FAA regulations.
3. No part of any tower or antenna shall extend across or over any right-of-way, public street, highway, sidewalk or property line without the written permission of the village of Marathon City and, in the case of extending over private property, the private property owner.
4. No temporary mobile communication sites are permitted except in the case of testing purposes, equipment failure, equipment replacement or an emergency situation, which in any case must be authorized by the village administrator. Use of temporary mobile communications sites for testing purposes shall be limited to seven working days, and the use of temporary mobile communications sites for equipment failure, equipment replacement, or in the case of emergency situations shall be limited to 30 days, unless extended in writing by the village administrator.
5. No part of any tower or antenna shall extend beyond the fenced enclosure required by this article.

13.10.8 PERFORMANCE STANDARDS.

1. Security fencing, lighting and signage.
 - a. All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to 12 feet above ground shall be designed to prevent unauthorized climbing

and shall be enclosed with a minimum of a six-foot-high fence with a locked gate. Fence design, materials, and colors shall reflect the character of the surrounding area.

- b. Security lighting for on-ground facilities and equipment is permitted, as long as it is shielded to keep the light within the boundaries of the site.
- c. Signs shall be mounted on the fenced enclosure, or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and/or unauthorized climbing of the tower and identifying the owner of the tower and telephone number for contact in case of emergency.

2. Aesthetics

- a. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- b. Towers shall maintain either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light gray, so as to reduce visual obtrusiveness and blend in to the natural setting.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

3. Landscaping. A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscape strip at least five feet in width outside the perimeter of the tower compound. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers placed on large wooded lots, natural growth around the property perimeter may be a sufficient buffer.

4. Accessory equipment and buildings.

- a. Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with an antenna may be located on a roof, provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning requirements.

- b. The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the zoning district in which it is located. Equipment cabinets or structures shall be screened from view by an evergreen hedge or suitable vegetation, except where the use of non-vegetative screening would reflect and complement the architectural character of the surrounding neighborhood. Additional screening will not be required if the cabinet or structure is located within the screened compound.

5. Structural requirements.

- a. Every telecommunication facility shall be designed and constructed so as to comply with the requirements of Wis. Admin. Code SPS 362, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes in effect at the time of construction and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days or such time as determined by the Building Inspector to bring such tower into compliance with said codes. Failure to bring such tower into compliance within said thirty (30) days or such time as determined by the Building Inspector shall constitute grounds for the removal of the tower or antenna at owner's expense.
- b. Telecommunications towers shall be constructed out of metal or other nonflammable material, unless specifically permitted by the Village to be otherwise.
- c. No advertising message, sign, flag, streamer, pennant, or other waving, flutter or revolving device shall be affixed to any tower or antenna.
- d. Telecommunication support facilities (i.e., equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only) to the extent possible and, where possible, shall be sited below a ridge line or designed to minimize their impact.
- e. The Village shall have the authority to require reasonable special design (materials, architectural features and color) of the telecommunication facilities where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features).

- f. Telecommunication facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
- g. Equipment buildings and outdoor equipment shall be located, designed and screened to reduce visual impacts to the extent feasible considering the technological requirements of the proposed personal wireless services and the need to be compatible with neighboring residences and the character of the community.
- h. Antennas shall be designed to blend with its supporting structure. The color selected shall be one that in the opinion of the Plan Commission will minimize the visibility of the antennas to the greatest extent feasible.

13.10.9 CONDITIONAL USE PERMIT

- 1. The construction or installation of any wireless communication facilities requires a conditional use permit.
- 2. In addition to the application requirements of this chapter, all applications for a conditional use permit for wireless communications facilities shall include a report from a professional engineer registered in the State of Wisconsin which:
 - a) Certifies the facility’s compliance with structural and electrical standards.
 - b) Describes the tower’s capacity, including the potential number and type of antennas that it can accommodate.
 - c) Describes the lighting and/or painting to be placed on the tower if required by the FCC or FAA.
 - d) Certifies that the applicant or tenant has a valid license from the FCC to operate the proposed facilities and identifies both the class of the license and the license holder.
 - e) Describes the tower height and design, including a cross section, elevation, and foundation design.
 - f) Identifies the location of all sites that were considered as possible alternatives to the site being applied for.
 - g) A facility plan. All providers shall provide the following information in each plan:

- i) Written description of the type of consumer service each provider will provide to its customers.
- ii) A map which shows the geographic service areas for the existing and proposed telecommunication sites affecting the Village of Marathon City.
- iii) Landowner acknowledgment.
- iv) Written acknowledgment by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the zoning permit or conditional use permit, including restoration and reclamation requirements of this article. Such acknowledgement shall be in recordable form and made to all successors, heirs and assignees. Such acknowledgment, after approval by the Village, shall be recorded by the provider or landowner at the Marathon County Register of Deeds Office.
- v) The identity and legal status of the registrant, including any affiliates.
- vi) The name, address, telephone number, and email address of the officer, agent, or employee responsible for the application.

13.10.10 ADDITIONAL INFORMATION

- 1. The Zoning Administrator or Plan Commission, at his/her/its discretion, may require visual impact demonstrations, including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of nearby wireless communication facilities, or facility design alternatives for the proposed facilities.
- 2. A professional engineering consultant selected by the Village shall review each conditional use application for compliance with the requirements set out in number 6 below. The cost of such a review shall be borne by the applicant.
- 3. Applications for a permit to add a new antenna to an existing tower or structure shall be exempt from the requirements of Subsection B (2) of this section.

13.10.11 DISTRICTS WHERE PERMITTED

- 1. Wireless communication facilities, including towers, shall be a conditional use in all commercial, industrial and recreational districts. Wireless communication facilities, including towers, shall not be allowed in any residential districts, except for noncommercial structures.

2. Towers, antennas, and transmission equipment on residential lots. No towers, antennas, or transmission equipment, other than that specified under exempt facilities, may be placed on a lot that contains one or more dwelling units, except for those antennas utilized for the sole purpose of transmitting television and radio signals.

13.10.12 APPLICABILITY OF OTHER PROVISIONS; CONFLICTS

All other provisions of the Code of the Village of Marathon City, including but not limited to the other provisions of this chapter, shall apply to wireless communication facilities, except where any of such provisions are in conflict with the provisions of this article. The provisions of this article shall control over any other provisions of the ordinances of the Village of Marathon City which are in conflict therewith.

13.10.13 MINOR ALTERATIONS

Antennas affixed to an existing telecommunications tower or structure, together with the related support facilities and equipment buildings and/or the replacement of a previously approved telecommunications tower and related antennas, support facilities and equipment buildings, which are compatible with the concept approved by the village plan commission may be authorized by the Zoning Administrator and Building Inspector as a minor alteration to an existing conditional use. If the request for a minor alteration is not approved, the applicant shall apply to the Plan Commission for approval in accordance with the conditional use standards of this code.

13.10.14 ABANDONMENT

If a telecommunication facility shall cease to be used for a period exceeding one year, the owner or operator of said facility shall remove the facility upon the written request of the Village Building Inspector at no cost to the Village within ninety (90) days of said request.

13.10.15 EXEMPT FACILITIES

1. Publicly owned and operated telecommunications facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.
2. Amateur radio towers installed, erected, maintained and/or operated in any residential zoning district, by a federally-licensed amateur radio operator.

Article 11: Site Design Review

13.11.1 APPROPRIATE AUTHORITY

The Plan Commission shall provide review of applications for design review. The purpose of this section is to promote the health, safety, and general welfare of the community under the general municipal zoning authority.

13.11.2 DEVELOPMENT REQUIRING DESIGN REVIEW

Design review shall apply to exterior structural and design features, landscaping, and site planning/site layout. Site and structural development in the following areas must undergo design review and receive design review approval by the Plan Commission prior to a building permit being issued:

1. (R-3) Multifamily Residential District. Permitted and conditional uses.
2. (C-1) General Commercial and (C-2) Downtown Commercial Business Districts. Permitted and conditional uses.
3. (A) Agricultural District. Conditional uses.
4. (CR) Conservancy and Recreation Districts. Conditional uses.(I-1) Commercial/Light Industry and (I-2) General Industry districts. Permitted and conditional uses.
5. Parking. Construction, reconfiguration, or expansion of any parking areas, even if not accompanying an otherwise included development, if it involves twelve (12) or more parking spaces.

13.11.3 ADMINISTRATION

1. The Zoning Administrator shall advise applicants when they apply for zoning permits or other approvals whether design review applies. If design review applies, the applicant will be given an application form, which shall have prior Plan Commission approval as to format and content. Applicants may request and have a pre-application meeting with staff.
2. Completed applications and supporting materials must be reviewed by staff prior to placement on a Plan Commission agenda. Staff must be satisfied that a complete packet of information will be available to the Plan Commission prior to the commencement of the Plan Commission meeting at which the item is set for review.
3. The Plan Commission will review applications for design review. Following such review and any necessary discussion with applicants, applicant's agents, within the Plan Commission, and with staff, the Commission shall render a decision of approval, conditional approval or rejection. Decisions shall be included in the minutes for the meeting. Reasons for denial shall be listed by the Plan Commission and recorded in

the minutes. In the case of a conditional approval, all items not specifically identified as suggestions shall be considered mandatory.

4. A project that has had design review and that has received zoning and building permit is approved for execution only in accord with the directives included in the design review approval. Construction or execution that deviates from directives may not occur within the terms of this Ordinance without prior Village approval.

13.11.4 APPLICATION

A design review application, which shall have prior Plan Commission approval as to format and content, shall be made available to the public. Application for design review shall be submitted to the Village Zoning Administrator on forms provided. The cost of the design review shall be established by the Village Board. Applications shall be accompanied by the following items:

1. A plan set that shows the location, size and shape of the lot(s) involved and of any proposed structures, and the existing and proposed use of each structure and lot, utilities to serve the development, and the existing and proposed contours of each lot. The Plan Commission may direct staff to include a specific checklist of all relevant dimensions, square footages, structures, utilities and any other improvements or changes being made to the property in questions that must be shown on the plans et as part of the application for design review.
2. Erosion control and storm water management meeting the requirements of NR 151 and NR 216 of the Wisconsin Administrative Code shall be provided.
3. Proposed lighting for the site, including location, pole height, luminaire type, manufacturer's specifications, and pictures/diagrams of proposed fixtures.
4. Color elevations of proposed buildings that illustrate and list proposed materials and colors. Elevations shall include necessary view to determine that all mechanicals, including rooftop mechanicals, are adequately screened to reduce both noise and visibility from ground level.
5. This section shall be considered the minimum amount of information that must be provided to Village staff and the Plan Commission to adequately just the design review application. It shall not prohibit the Plan Commission from requiring other materials or information as part of any design review process that are deemed necessary to adequately judge the proposed development against the standards contained in Section 13.11.5.

13.11.5 DESIGN REVIEW STANDARDS

The following specific design standards are established, and are intended to be applied in the informed judgment of the Plan Commission. Unless otherwise noted, the standards below apply to all development requiring design review under Section 13.11.2.

1. Appearance. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards. The Plan Commission or Zoning Administrator shall make necessary interpretations as to the substance of community standards.
2. Color. Because the selection of building colors has a significant impact upon the public and neighboring properties, color shall be selected in general harmony with existing neighborhood or area buildings.
3. Facades, Generally. This standard is recommended for all structures non-residential structures, except for industrial buildings within the industrial districts. No blank wall shall be permitted to face the public street, sidewalks, or other public spaces such as plazas. Elements such as windows, doors, columns, changes in material, and similar details shall be used to add visual interest.
4. Business District Entrance Orientation. This standard is recommended for structures in the Commercial districts only. Primary building entrances on all new buildings shall be oriented to the primary abutting public street. The entrance shall have a functional door that is open to the public during the businesses' established hours of operation. Additional secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, awnings, recessed entries, landscaping, or similar design features.
5. Traffic Circulation. Site plans shall provide for safe traffic circulation and safe driveway locations. Uses and structures that typically have frequent deliveries by large vehicles shall provide loading and unloading areas as necessary so as to not cause undue traffic hazards or congestion on Village streets. The Plan Commission shall consider typical delivery patterns for similar businesses when determining what shall be required for an individual use or building.
6. Topography and Drainage. Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical by minimizing soil and tree removal that is not essential to project development and by retaining grades and contours in keeping with the general appearance of neighboring developed areas.

7. Storm water Management and Erosion Control. Appropriate storm water management and erosion control measures shall be utilized in all new construction as required by Village ordinance, County ordinance, and state law. Storm water management measures shall be well integrated with the landscaping plan and overall site design.
8. External Garbage and Refuse Containers. All external garbage or refuse containers shall be screened from the street and neighboring properties by walls, fences, berms, and/or effective landscaping. The required area for garbage and refuse containers shall not be in the front or street side yard, except in industrial districts.
9. Signage. Signage shall comply with Article 12 of this code.
10. Lighting.
 - a. All outdoor lighting fixtures shall be cutoff-type fixtures.
 - b. All outdoor lighting fixtures shall be placed so as to eliminate trespass greater than 0.5 foot-candles on the ground at the lot line. The Plan Commission may grant exceptions to this standard for uses in a commercial district that abut a lot line.
 - c. All outdoor lighting fixtures must be installed, maintained, and operated according to approved plans, including any restrictions on hours of use.
 - d. No pole-mounted luminaire shall be higher than thirty-five (35) feet, except for lighting for athletic fields.
 - e. Visible glare from beyond the property line is prohibited.
 - f. Building-mounted lights shall be mounted and installed so that all light is directed downward, unless the lights are decorative in nature.
 - g. No lights shall be mounted above the parapet, or for pitched roofs, above the eave, except for motion detection security lighting and decorative lighting.
 - h. Decorative lighting is permitted, provided that lighting fixtures are aimed and shielded so that light is directed only onto the building façade and not towards adjacent properties or right-of-way.

13.11.6 RECOMMENDATIONS

Other features of the site design and construction, building and structural design and construction and landscaping that are not listed under design review standards may also be addressed by Plan commission advisory suggestions within the design review process upon a finding that the suggestion would be desirable to make the development a positive asset to the visual appearance of the community and positive contribution to the growth and stability of the community tax base.

13.11.7 RESUBMITTING APPLICATION AFTER DENIAL

No application for design review which has been denied wholly or in part by the Plan Commission shall be resubmitted for a period of one (1) year from the date of said denial, except on the grounds that substantial new evidence or proof of change to comply with the applicable conditions and standards is included in the resubmitted application. The Zoning

Administrator shall determine whether a resubmitted application adequately addressed compliance with applicable conditions and standards that were cited by the Plan Commission as reasons for denial of the original application.

Article 12: SIGNS

13.12.1 INTENT

Outdoor signs of all types are to be regulated to protect property values and create a more attractive economic business climate. It is further intended by this chapter to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents and to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, easements and publicly owned land.

13.12.2 DEFINITIONS

The following words, terms and phrases, when used in this section of the Code, shall be interpreted as herein defined. Words not herein defined shall have their ordinary meaning.

Awning: A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.

Billboard: A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.

Blanketing: The unreasonable obstruction of view of a sign caused by the placement of another sign.

Sign: Includes any exterior fixture that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, event, organization, location or product.

Sign, Directly Illuminated: Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

Sign, Directory: A sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories.

Sign, Electronic Message Unit: Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.

Sign, Flashing: Any 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.

Sign, Ground and/or Pole: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building; also referred to as a “freestanding sign.”

Sign, Identification: Any sign which carries only the name of the firm, enterprise, institution or principal products offered for sale on the premises or combination of these.

Sign, Indirectly Illuminated: A sign that is illuminated from a source outside of the actual sign.

Sign, Marquee: Any sign attached to and made part of a marquee. A Marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building’s wall and generally designed and constructed to provide protection against weather.

Sign, Nonconforming: Any sign which does not conform to the regulations of this section of the Code.

Sign, Portable: Any sign not permanently attached to the ground, which is designed to be easily moved from one location to another, including any sign mounted on a trailer.

Sign, Projecting: Any sign attached to and extending more than 18 inches, but less than five feet, from the face of a wall or building.

Sign, Real Estate: Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

Sign, Roof: Any sign erected upon or over the roof or parapet of any building.

Sign, Temporary: Any sign intended to be displayed for a short period of time, including real estate, political or construction site signs, and banners, decorative type displays or anything similar to the aforementioned.

Sign, Wall: Any sign attached to, erected on, or painted on the wall of a building or structure and projecting not more than 18 inches from such wall.

Sign, Window: Any sign located completely within an enclosed building and visible from a public way.

13.12.3 SIGNS NOT CONSIDERED STRUCTURES

Notwithstanding any language to the contrary in any other village ordinance, a sign shall not be considered a structure or part of a structure for the purpose of applying yard and height regulations and for the purpose of applying permit requirements under village ordinances. For the purposes of taxation, where

applicable, a sign shall be considered personal property. This section shall control over any contrary provision in any other ordinance.

13.12.4 APPLICABILITY

1. Regulations apply to all districts. The requirements of this chapter apply to all signs in all districts unless specifically exempted or excluded.
2. Certain signs excluded. For the purpose of this chapter, the term “sign” does not include:
 - a. Signs which are authorized to be placed within the limits of a street or highway under Section 86.19, Wis. Stats., or regulations enacted under it.
 - b. Signs erected and maintained by the Village of Marathon or its utilities in carrying out its governmental or utilities duties.
 - c. Signs erected and maintained by other public utilities that are required to be erected by law, ordinance or regulation or which are placed, in the judgment of the utility, to warn the public of potentially dangerous situations.
3. Existing sign continuance. Nothing in this chapter shall require the removal or discontinuance of an existing permanently mounted sign that complies with the ordinances in effect when it was erected or last altered and that meets all safety requirements. Such sign shall be considered a permitted sign which must comply with Sections 13.12.12, 13.12.16 and 13.12.2 of this chapter.

4. Replacement of existing signs. Existing signs, when replaced or altered, shall conform to the provisions of this chapter. The changing of moveable parts of signs which are designed for change, or the repainting of original copy matter, shall not be deemed to be alterations.

13.12.5 SIGN PERMIT REQUIRED

Except as otherwise provided in this chapter, no sign shall be erected, used, or altered until a sign permit has been issued by the Zoning Administrator for such sign. The changing of moveable parts of signs which are designed for change or the repainting of original copy matter shall not be deemed to be alterations. Fees for sign permits shall be set from time to time by the Village Board by resolution.

13.12.6 SIGNS NOT REQUIRING PERMIT

1. Real estate "for sale" and "for rent" signs. Temporary signs advertising the sale, lease or rental of the premises upon which the sign is located are allowed provided that they meet the following requirements. Such signs shall not exceed six square feet in area, and no sign shall be placed in any public right-of-way, easement or publicly owned property in all districts. Only one sign per premises is permitted, and off-premises signs are prohibited.
2. Professional nameplates. Professional nameplates, which shall not exceed one square foot in area, are allowed.
3. Building Numbers.
 - a. General requirement. Each building in the Village which has a street address shall have the numbers displayed on the front of the building either in numbers or in words spelling out the numbers in such manner that the address can be read from the street. Numbers should be a minimum of three inches in height and in a color which contrasts with the background.

- b. Assignment of numbers in new development. Within 30 days after the approval of the final plat of any major subdivision or certified survey of any minor subdivision or the final approval of any other division of land, the Zoning Administrator and/or Village Engineer shall assign addresses to each new building site. Records shall be kept of the assignment and a copy shall be provided for the developer at his request.
 - c. Issuance and mounting of numbers in new construction. The Building Inspector, upon issuance of a building permit for construction of a new building, shall issue an address number and such number shall be mounted on the building in accordance with Subsection 13.12.17 of this section before a final occupancy permit is granted. The cost of mounting shall be borne by the building owner.
- 4. Address signs. Signs denoting the name and address of the occupants of the premises, which shall not exceed two square feet in area, are allowed.
 - 5. Garage sale signs. Garage or porch sale signs, which shall not exceed four square feet, are allowed, provided that such signs shall be removed within two days after the event.

13.12.7 BANNERS AND POSTER BOARD

- 1. No permanent sign or part thereof shall contain or consist of strings of lights, pennants, ribbons, streamers, spinners or other similar moving devices.
- 2. Pennant-type banners such as those promoting vehicle dealerships, gasoline stations and grand openings are permitted and must be maintained in good condition.
- 3. Banners promoting community events shall be limited to 45 days prior to the event and shall be removed within 10 days after the close of the event.

4. Business promotional banners and poster boards for any one business shall be limited to one banner or poster board of any size up to a maximum size of 32 square feet, plus any combination of banners and/or poster boards equal in total size to not more than 20% of the allowable signage area for the business at any given time. The area of banners and poster boards displayed at a business shall not reduce the amount of sign area the business is allowed to display under Section 13.12.9.2. Allowable banner and poster board area hereunder is in addition to permanent signage area allowed under Section 13.12.9.2... No business banner or poster board shall be displayed for more than 90 days.
5. Rooftop banners and poster boards are prohibited.
6. Banners and poster boards do not require a permit.

13.12.8 ILLUMINATION

1. Any directly illuminated sign shall employ only one light emitting source of constant intensity, and no sign shall be illuminated by, or contain, flashing, intermittent, rotating, or moving light or lights. In no event shall a directly illuminated sign be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance as determined by the Zoning Administrator. No directly illuminated sign shall resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
2. The Plan Commission shall review all applications for electronic message unit signs via a Conditional Use Permit based on the following conditions:
 - a. The proposed area for the message-board shall not exceed eight (8) square feet in area.
 - b. The light emitted from such message-board signs is not so bright as to cause traffic hazards or emit excessive beams of light onto public areas or neighboring properties.
 - c. Messages on the sign shall not rotate more than once every four seconds.
 - d. For signs on properties adjacent to residential parcels or districts, messages or lights from the message-board shall not be viewed on the sign between the hours of 11:00pm and 6:00 am.

Outdoor neon signs are prohibited.

13.12.9 AREA AND HEIGHT RESTRICTIONS

1. Sign area. Table 13.12.9-1 describes the zoning districts in which monument or pole signs may be displayed, and the maximum height and area of the signs, as determined by the speed limit and the lanes of traffic on the adjacent roadway. For ground signs on zoning lots with more than

one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum height and area allowed.

Zoning District		All Res.	C-1, I-1, I-2	C-2	All Others
No. of traffic lanes	Speed Limit (mph)	Max Ht. / Area (sf)	Max Ht. / Area (sf)	Max Ht. / Area (sf)	Max Ht. / Area (sf)
1-3	0-34	3' / 6	30' / 32	30' / 32	12' / 40
	35-44	3' / 6	30' / 50	30' / 32	12' / 40
	45+	3' / 6	30' / 72	30' / 32	12' / 40
4+	0-34	3' / 6	30' / 40	30' / 32	12' / 40
	35-44	3' / 6	50' / 64	30' / 32	12' / 40
	45+	3' / 6	50' / 80	30' / 32	12' / 40

2. Maximum signage area for a business location. The area of all permanent commercial advertising signs shall not exceed: a) For a building that is adjacent to one street, two square feet of sign area for each linear foot of building frontage. b) For a building on a corner lot, the calculation in a), above, plus an additional one square foot per one linear foot of the building on the shorter street side. The building frontage, for the purpose of this subsection, shall be considered the longest width. c) For multi-tenant buildings, such as shopping centers, each tenant shall be allowed two square feet of permanent outdoor advertising sign per linear foot of tenant space frontage.
3. Calculations of surface area. The entire area of a sign on which copy may be placed, but only one side of a double-faced sign, is included in the calculation of sign surface area. The area of painted signs, individual letter signs, and other indirectly illuminated signs shall be calculated on the basis of the smallest rectangle that will enclose the entire copy area of the sign. All such calculations shall include the areas between letters and lines as well as the areas of any devices, illuminated or non-illuminated, that are intended to attract attention.

13.12.10 BUSINESS CENTER SIGNS

A business center may erect one freestanding or pylon sign, except that if such business center is located on a corner lot or a through lot, and if the least dimension of such lot is 500 feet or more, two freestanding or pylon signs may be permitted. No more than one business center sign may be located on the same frontage.

13.12.11 OFF-PREMISE SIGNS AND BILLBOARDS

1. All permanent off-premises signs advertising goods or services not sold or provided on the parcel on which the sign is located are prohibited, with the exception of medical emergency service providers' directional signs, places of worship, libraries, museums, social clubs, societies, or public institutions. Any off-premise sign shall meet the area and height requirements as outlined in Section 13.12.8.
2. No new billboards are allowed within the village and the replacement of billboards removed from the premise will not be allowed.
3. Signs such as open house, auctions, direction, public events and other like temporary use signs shall be removed within 24 hours of the event and may not be placed in any rights-of-way and shall not impair vision triangles at right-of-way intersections.

13.12.12 UNSAFE SIGNS

Should any sign be or become unsafe or in danger of falling, the tenant and/or the owner of the property on which the sign is located or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign. If any such person fails to comply with such notice, he or she will be in violation of this chapter (see sec. 13.12.24).

13.12.13 COMMERCIAL SIGNS IN RESIDENTIAL DISTRICTS

1. Limited to on-premises advertising. Commercial signs in residential districts are permitted as a conditional use only and shall advertise only the names of the owners, trade names, products sold and/or the business activity conducted on the premises where such sign is located.
2. Home occupations. Signage for home occupation businesses is limited to a non-illuminated nameplate a maximum of two (2) square feet in area.
3. Sign area. Any sign advertising a commercial enterprise in a residential district shall not exceed six square feet in area.
4. Sign height and setback. Commercial signs in residential districts may not exceed 3 feet maximum height and shall be no closer than 6 feet to the right-of-way.
5. Number of signs. Businesses located in residential districts may be permitted only one sign.
6. Subdivision lots; "for sale" signs. Real estate signs up to 32 square feet may be used to advertise undeveloped lots in a new subdivision for a period of no longer than two years after the issuance of a sign permit and where such signs are located at least 150 feet from the nearest dwelling.

13.12.14 SIGN IN PUBLIC RIGHTS-OF-WAY

1. No sign shall be placed in any public right-of-way, easement or publicly owned property except publicly owned signs, such as traffic control signs, directional signs and projecting signs in the C-2 Downtown Commercial District which may extend over a sidewalk portion of the public right-of-way to a point no closer than two feet to the curb face.
2. The only other exception to the prohibition of signs in public rights-of-way is signs promoting community, service, fraternal, or youth organizations which are specifically approved by the Plan Commission for a specific period of time.

13.12.15 NONCOMMERCIAL SIGNS AND BULLETIN BOARDS; SUBDIVISION AND APARTMENT NAME SIGNS

1. On-premises signs or bulletin boards that are customary and incidental to places of worship, libraries, museums, social clubs, societies, or public institutions shall be permitted when they do not exceed 40 square feet in area. Such a sign may exceed 40 square feet, but only with Plan Commission approval. In no event, however, shall such a sign exceed the limitations on sign area for the C-1 District set forth in Section 13.12.8 of this chapter. Each premises shall be permitted only one freestanding sign which shall not exceed 12 feet in height.
2. Subdivision entrance signs and apartment name signs shall be subject to approval by the Plan Commission. Height of these signs shall not exceed five feet.

13.12.16 OBSOLETE AND ABANDONED SIGNS

Signs which are unmaintained, in poor condition, inoperable, obsolete or abandoned or unsafe, such as signs identifying or advertising businesses, services or products no longer available or signs with missing letters, broken materials or chipping paint, are prohibited. In addition to other remedies provided by law, the Village may give written notice to the owner of the property on which such a sign is located, which notice shall give such owner 60 days to either bring such sign into compliance with this chapter or remove the sign. If the property owner fails to comply with the notice, he or she shall be guilty of a violation of this chapter (see sec. 13.12.24).

13.12.17 FREESTANDING SIGNS

1. Permanently mounted. All freestanding signs must be permanently mounted on one or more uprights, poles, or braces and firmly set in a permanent foundation. Only one freestanding or pylon sign is permitted per premises.
2. Setback from residential districts. Freestanding signs supported by one or more uprights, poles, or braces in or upon the ground must be set back 30 feet from a lot located in a residential district, except in situations where the dwelling(s) is on the same lot as the business placing the sign.

3. Setback from street and driveway intersections. Freestanding signs must be set back 15 feet from any street or driveway intersection or at their lowest point be six feet above grade to permit proper corner traffic vision.
4. Freestanding signs in industrial districts. Within the I-1 Industrial Park District, all freestanding signs shall have a minimum setback of 15 feet from any public road right-of-way and shall not be placed in any side or rear yard except those necessary for traffic control, directional or safety purposes.
5. Freestanding signs may not project into a public right-of-way, public easement, publicly owned land or adjoining parcels of other owners.
6. Portable signs may be allowed with Plan Commission approval. Sign boards with removable letters, unless part of a permanently mounted sign, shall be allowed for temporary promotions only and for no more than 30 consecutive days. Portable signs with removable letters shall not be permanently mounted or installed...

13.12.18 PROJECTION AND WALL MOUNTED SIGNS

1. Wall signs. The total size of all building wall-mounted signs and building lettering for each business shall not exceed the maximum signage area allowed for each business. Murals and other artist depictions painted on a building wall, which may exceed the maximum signage area, must be reviewed and approved by the Plan Commission.
2. Projecting signs. In the C-2 Downtown District projecting signs may project over a sidewalk no closer than two feet to the curb face, provided that there is a minimum clearance of eight feet between the bottom of the sign and the sidewalk surface. Only one projecting sign is allowed per storefront.

13.12.19 AWNINGS

Awnings containing printed messages or advertising shall be considered projecting signs and subject to the same requirements as the other signs. For purposes of interpretation, only that portion of the awning containing the advertising or lettering shall be treated as a sign.

13.12.20 ROOFTOP SIGNS

Rooftop signs erected upon, against, or directly above a roof or parapet of a building shall be allowed only after review and approval of the Plan Commission.

13.12.21 TEMPORARY SIGNS

1. Temporary sign permit required. The Zoning Administrator may issue a permit for a temporary sign for a period not more than 30 days for the purpose of special public events, commercial sales, or announcements of new buildings or new businesses, unless otherwise provided in this chapter.
2. Temporary sign size. Temporary signs shall not exceed 32 square feet in area.
3. Construction signs. Signs identifying the erection of a building, the architect, the builders or contractors may be erected for a period of 30 days plus the construction period

13.12.22 POLITICAL SIGNS

Political and campaign signs on behalf of candidates for public office or measures on election ballots are permitted, subject to Sec. 12.04 Wis. Stats., and provided that said signs are subject to the following regulations:

1. Political signs may be erected during the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and removed within seven days after the election.
2. The sign shall not obstruct a window, door, fire escape, ventilation shaft or other area which is required by an applicable building code to remain unobstructed.
3. Such sign shall be erected and place so as to permit proper corner traffic vision.

13.12.23 NONCONFORMING SIGNS

1. Signs eligible for characterization as legal nonconforming. Any sign located within the village limits as of the date of adoption of this code, or located in an area annexed to the village thereafter, which does not conform with the provisions of this article is eligible for characterization as a legal, nonconforming sign and is permitted.

2. Loss of legal nonconforming status. A sign loses its nonconforming status if:
 - (a) The sign is structurally altered in any way, except for normal maintenance and repair, which tends to or makes the sign less in compliance with requirements of this article than it was before alteration.
 - (b) The sign is relocated.
 - (c) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
 - (d) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this article with a new permit secured or shall be removed.

3. Legal nonconforming sign maintenance and repair. Nothing in this article shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this article regarding safety, maintenance and repair of signs.

13.12.24 EXCEPTIONS

Exceptions from the sign requirements in this chapter may be authorized by the Plan Commission after specific findings by the Plan Commission that such exception is reasonable and necessary under special circumstances for which the exception is requested and that such exception will not violate the intent of these provisions. Exceptions shall be processed as conditional uses subject to necessary public hearings and all of the other provisions of the Village ordinances with respect to conditional uses. The Plan Commission may stipulate conditions it deems necessary to protect the public health, safety and welfare.

13.12.25 VIOLATIONS AND PENALTIES

1. Any sign erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter shall be declared unlawful, and the Village Attorney may, upon any such violation having been called to his or her attention by the Building Inspector or Zoning Administrator, institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erection, construction, reconstruction, alteration, conversion, maintenance or use, or, in the alternative, a citation may be issued by the Police Department for such violation.
2. Any person, firm, association or corporation who or which shall violate any of the provisions of this chapter shall, upon judgment or conviction therefore, be subject to a penalty as provided in Section 13.4.10 of this Code. In any such action, the fact that a permit has been issued by any village official or department shall not constitute a defense, nor shall any oversight on the part of the public official, board or department constitute a defense.

ARTICLE 13: WELLHEAD PROTECTION

13.13.1 CONSTRUCTION OF ORDINANCE

- (A) **TITLE:** This chapter shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereafter Ordinance).

- (B) **PURPOSE AND AUTHORITY**
 - (1) The residents of the Village of Marathon City (hereafter Village) depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Ordinance is to establish land use regulations and restrictions that protect the Village municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Village.

 - (2) This Ordinance is adopted pursuant to the authority granted to villages by Wis. Stats. §61.35 and 62.23 (7) (a) and (c).

- (C) **APPLICABILITY:** The regulations in this Ordinance shall apply to the area surrounding each municipal water supply well that is designated as a "Wellhead Protection Area" as shown on Figure 1 herein, and are in addition to the requirements in the underlying zoning district. If there is a conflict between this Ordinance and any other land use regulation, the more restrictive provision shall apply.

13.13.2 DEFINITIONS

- (A) **AQUIFER:** "Aquifer" means a saturated permeable, geologic formation that contains, and will yield, significant quantities of water.

- (B) **EXISTING FACILITIES:** "Existing facilities" means current facilities, practices and activities which may cause or threaten to cause environmental pollution within the portion of the Village's Wellhead Protection Area that lies within the corporate limits of the Village. Existing facilities include but are not limited to the types cited in Wis. Adm. Code ch. NR 809 (and listed in the Department of Natural Resources' form 3300-215, the "Public Water Supply Potential Contaminant Use Inventory Form") which is incorporated into this Ordinance by reference and as from time to time amended as if fully set forth herein.
- (C) **GROUNDWATER PROTECTION OVERLAY DISTRICT:** "Groundwater protection overlay district" means that area derived from the Wellhead Protection Areas delineated in the Source Water Assessment produced by the Wisconsin Department of Natural Resources for the Marathon City waterworks (2003). A map of the Wellhead Protection Area is attached to this Ordinance as Figure 1.
- (D) **RECHARGE AREA:** "Recharge area" means the land area which contributes water to a well by infiltration of water into the subsurface and movement with ground water toward the well.
- (E) **HAZARDOUS CHEMICALS:** "Hazardous Chemicals" means chemicals and chemical mixtures that are required to have a Safety Data Sheet and meet the definition of hazardous chemical under the Occupational Safety and Health Administration ("OSHA") regulations found at 29 CFR 1910.1200(c). Substances packaged for consumption for humans or animals are not considered Hazardous Chemicals. Hazardous Chemicals include:
- (1) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, irritants, corrosives, sensitizers, hepatotoxins, agents that act on the hematopoietic system, reproductive toxins, and agents which damage the lungs, skin, eyes, or mucous membranes as described in 29 CFR 1910.1200, Appendix A.

- (2) Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.
 - (3) Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and comprises one percent (1.0 %) or greater of the composition on a weight-per-unit weight basis.
 - (4) Mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one-tenth of one percent (0.1%) or greater of the composition on a weight-per-unit weight basis.
 - (5) Ingredients of mixtures prepared within the Groundwater Protection Overlay District in cases where such ingredients are health hazards but comprise more than one-tenth of one percent (0.1%) of the mixture on a weight-per-unit weight basis if carcinogenic, or more than one percent (1.0%) of the mixture on a weight-per-unit weight basis if non-carcinogenic.
 - (6) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids used in equipment or for transmission of electric power to homes and businesses).
- (F) **WELL FIELD:** "Well field" means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

13.13.3 GROUNDWATER PROTECTION OVERLAY DISTRICT (hereafter DISTRICT)

- (A) **DISTRICT:** The area to be protected as a District consists of the Wellhead Protection Area for each well as contained within the Village boundary limits and shown on the attached map in Figure 1. This area is subject to land use and development restrictions because of the close proximity to the well fields and the corresponding high threat of contamination.

(B) **PERMITTED USES - ZONE 1:** The following uses are permitted uses within ZONE 1 of the District. Uses not listed are not permitted.

- (1) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
- (2) Playgrounds.
- (3) Wildlife areas.
- (4) Non-motorized trails, such as biking, skiing, nature and fitness trails.
- (5) Municipal sewer residential development, free of flammable and combustible liquid underground storage tanks.

(C) **PERMITTED USES - ZONE 2:** The following uses are permitted uses within ZONE 2 of the District and are subject to the separation distance required section 13.13.4(E).

- (1) All permitted uses listed in ZONE 1.
- (2) Single family residences on a minimum lot of 20,000 square feet with a private on-site sewage treatment system receiving less than 8,000 gallons per day, which meets the County and State health standards for the effluent, and is in conformance with Reg. Comm 83, is. Adm. Code.
- (3) Commercial establishments which are municipality sewer.
- (4) Residential use of above ground LP gas tanks for heating, not to exceed 1,000 gallons.
- (5) Any other use determined by the Village Board, after recommendation of the Plan Commission, to be similar in nature to the above listed uses.

(D) **PROHIBITED USES – ZONE 1:** The following uses are prohibited uses in ZONE 1 of the District.

- (1) Above ground and underground storage tanks.
- (2) Animal waste containment or disposal facilities.
- (3) Automotive service and repair garages, body shops.
- (4) Chemical manufacture.
- (5) Paint or coating facilities.
- (6) Bulk fertilizer or pesticide facilities.
- (7) Asphalt products manufacture.
- (8) Junk yards, auto salvage yards or recycling facilities.
- (9) Dry cleaning.
- (10) Gas stations.
- (11) Holding ponds or lagoons.
- (12) Bulk salt storage.
- (13) Nurseries, lawn and garden supply stores.
- (14) Small engine repair service.

- (15) Wastewater treatment facilities.
- (16) Wells, production, injection or other commercial use wells.
- (17) Wood preserving operations.
- (18) Cemeteries.
- (19) Stockyards and feedlots.
- (20) Rendering plants and slaughter houses.
- (21) Pesticide and fertilizer storage or transfer.
- (22) Any other use determined by the Village Board, after recommendation of the Plan Commission, to be similar in nature to the above listed uses.

(E) **PROHIBITED USES – ZONE 2:** The following uses are prohibited uses in ZONE 2 of the District.

- (1) Animal waste containment or disposal facilities.
- (2) Chemical manufacture.
- (3) Bulk fertilizer or pesticide facilities.
- (4) Asphalt products manufacture.
- (5) Junk yards, auto salvage yards or recycling facilities.
- (6) Dry cleaning.
- (7) Holding ponds or lagoons.
- (8) Bulk salt storage.
- (9) Nurseries, lawn and garden supply stores.
- (10) Small engine repair service.
- (11) Wastewater treatment facilities.
- (12) Wells, production, injection or other commercial use wells.
- (13) Wood preserving operations.
- (14) Cemeteries.
- (15) Stockyards and feedlots.
- (16) Rendering plants and slaughter houses.
- (17) Pesticide and fertilizer storage or transfer.
- (18) Any other use determined by the Village Board, after recommendation of the Plan Commission, to be similar in nature to the above listed uses.

(F) **CONDITIONAL USES ZONE 2:** Any person may request a conditional use permit for uses, activities and structures within the ZONE 2 District for the following uses:

- (1) Jewelry plating and metal plating.
- (2) Machine or metal working shops
- (3) Above ground and underground storage tanks.
- (4) Automotive service and repair garages, body shops.
- (5) Paint or coating facilities.
- (6) Gas stations.
- (7) Commercial establishments utilizing a private on-site wastewater treatment system receiving less than 8,000 gallons per day, which in conformance with Reg. Comm, Wis. Adm. Code.
- (8) Research labs, universities and hospitals
- (9) Exposed hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.) This shall not apply to residential LP tanks which are permitted under section 13.13.3(C)(4).
- (10) Storage or processing of extremely hazardous substances, radioactive materials or substances listed in Table 1, Reg. NR 140, Wis. Adm. Code. (Extremely hazardous substances are identified by SARA/EPCRA criteria under 49 CFR Parts 302 and 355.)
- (11) Any other use determined by the Village Board, after recommendation of the Plan Commission, to be similar in nature to the above listed uses.

13.13.4 ADMINISTRATION OF ORDINANCE.

- (A) All requests for a conditional use permit shall be submitted in writing to the Village Clerk and shall include all of the following:
- (1) A site plan with all building and structure footprints, driveways, sidewalks, parking lots, storm water management structures, groundwater monitoring wells, and 2-foot ground elevation contours.
 - (2) A business plan and/or other documentation which describes in detail the use, activities and structures proposed.
 - (3) An environmental assessment report prepared by a licensed environmental engineer or geologist who details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.
 - (4) An operational safety plan, which details the operational procedures for material processes and containment, best management practices, storm water runoff management, and groundwater monitoring.

- (5) A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structure occurs.
- (6) The site plan, business plan and accompanying documentation, environmental assessment, operational safety plan, and contingency plan will be maintained on the business premises. The Village will have access to these records, at reasonable hours, for inspection and copying.

(B) CONDITIONAL USE PERMIT PROCESS/STANDARDS.

- (1) REFERRAL TO PLAN COMMISSION. A properly completed application as determined by the Zoning Administrator shall be referred to the Plan Commission for hearing, review and recommendation. The Plan Commission shall review the application, schedule and hold a public hearing, and make a recommendation to the Village Board following that process and standards set forth herein and section 13.4.8 of the Village Zoning Code.
- (2) STANDARDS FOR CONDITIONAL USE PERMIT. Subject to Section 13.13.1(C) above, the Village Plan Commission and Board shall apply the following standards:
 - (a) The degree to which the proposed land use practice, activity or facility may threaten or degrade groundwater quality in the Village or the Village's recharge areas;
 - (b) The proximity of the applicant's property to other potential sources of contamination;
 - (c) The then existing condition of the Village's groundwater, public water well(s) and well fields, and their vulnerability to further contamination;
 - (d) The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells;
 - (e) Any other hydrogeological data or information which is available from any source.
- (3) CONDITIONS. The Village may require conditions and restrictions including but not limited to the following:

- (a) A requirement for periodic environmental and safety sampling, testing, and reporting to establish the continued protection of the public water supply. The Village may require an applicant to install one or more groundwater monitoring well(s) at the expense of the applicant;
- (b) The establishment of safety structures to prevent groundwater contamination;
- (c) The establishment of an operational safety plan to define processes and procedures for material containment, operations monitoring, best management practices, and stormwater runoff management to prevent groundwater contamination;
- (d) Written policies and procedures for reporting and cleaning up any spill of a hazardous material;
- (e) The provision of copies of all federal, state and local facility operation approvals or certificates, and on-going environmental monitoring results to the Village;
- (f) A written agreement with the Village in which the applicant agrees to be held financially responsible for all environmental cleanup costs in the event of groundwater contamination;
- (g) Bonds and/or other form of security satisfactory to the Village for future monitoring and cleanup costs if groundwater contamination occurs in the future.

- (4) **TRANSFERS OF INTEREST IN PROPERTY.** Conditional use permits issued under this Ordinance are non-transferable including to successor owners of the property without the express written consent of the Village. The Village may set conditions and restrictions on any transfer including but not limited to a requirement that the permit shall not be transferred unless the new owner expressly and in writing assumes the same terms, if any, as were required of the former owner. Written permission shall be obtained prior to the voluntary transfer of the subject property. When an involuntary transfer occurs, the new owner or successor to an interest in the real property shall apply to the Village within 60 days for permission to continue the use granted by the conditional use permit.
- (5) **PAYMENT OF COSTS.** The applicant shall be solely and exclusively responsible for any and all costs associated with the with the conditional use process. The conditional use permit will become effective only after any costs incurred by the Village during the conditional use application process are paid by the applicant. Those costs may include:
 - (a) The Village's associated expenses, including consultant and attorney fees, if any, at the amount invoiced to the Village plus administrative costs;
 - (b) The cost of an environmental impact study if so required by the Village;
 - (c) The cost of groundwater monitoring or groundwater wells if required by the Village.
- (6) **VILLAGE INACTION.** If within 90 days of submittal of a fully completed application to the Village the applicant has not received either a response or an extension in writing from the Village Board, the application shall be deemed denied.

(C) REQUIREMENTS FOR EXISTING FACILITIES

- (1) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the Village.

- (2) Existing facilities shall provide additional environmental or safety structures / monitoring as deemed necessary by the Village Board, which may include but is not limited to storm water runoff management and monitoring.
- (3) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (4) Existing facilities shall have the responsibility of devising and filing with the Village Board a contingency plan satisfactory to the Village Board which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including the prompt notification of village officials in the event of an emergency.
- (5) Existing facilities cannot engage in or employ a use, activity or structure listed as prohibited use in Sections 13.13.3 (D) and 13.13.3 (E) above which they did not engage in or employ at the time of enactment of this Ordinance and can only expand or replace in kind or rebuild those present uses, activities, equipment or structures on the site or property of record associated with the facility at the time of enactment of this Ordinance and in a manner that improves the environmental and safety technologies already being used. No existing use, activity or structure listed as prohibited use or conditional use permit is approved for expansion, replacement or rebuilding without compliance with this Ordinance. This section does not apply to normal maintenance or minor repairs.
- (6) The owners of existing facilities shall comply with the requirements of this section to provide information, protections, monitoring or filing not less than 6 months after the effective date of this Ordinance.

(D) **EXEMPTIONS AND WAIVERS**

- (1) Individuals and/or facilities may request the Village Board in writing, to permit additional land uses not previously listed in the District.

- (2) All requests shall be in writing. Such requests may require an environmental assessment report prepared by a licensed environmental engineer or geologist. Said report shall be forwarded to the Village Plan Commission for recommendation and to the Village Board for final action.
 - (3) The individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.
 - (4) Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the Village.
- (E) **SEPARATION DISTANCES.** Wis. Adm. Code § NR 811.12(5) is incorporated into this Ordinance by reference and as from time to time amended as if fully set forth herein. The separation distances specified in Wis. Adm. Code § NR 811.12(5) shall be maintained in all areas of the Groundwater Protection Overlay District.
- (F) **NO ACCEPTANCE OF LIABILITY BY VILLAGE.** Nothing in this Ordinance shall be construed to imply that the Village has accepted any of an owner or operator's liability if a facility or use, whether permitted as of right or pursuant to a conditional use permit, contaminates groundwater in any aquifer.
- (G) **SUPREMACY OF THE DISTRICT.**
- (1) The regulation of this Ordinance will apply in addition to all other regulations. The provisions of any zoning districts that underlay this overlay district will apply except when provisions of this Ordinance are more stringent.
 - (2) The individual/facility shall be responsible for all costs of cleanup, including all of the following:
 - (a) Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.

- (b) The cost of Village employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost of expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
- (c) The cost of Village equipment employed.
- (d) The cost of mileage reimbursed to Village employees attributed to the cleanup.
- (e) Following any such discharge the Village may require additional test monitoring and/or bonds/securities.

(D) **PENALTIES/ENFORCEMENT.** Violations and enforcement of this Ordinance shall be as provided pursuant to Section 1.1.12 of the Code.

ARTICLE 14: FLOODPLAIN ZONING

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ARTICLE 14 FLOODPLAIN ZONING

13.14.1 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

(A) STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in s. 61.35 and 62.23, for villages and cities; s. 59.69, s. 59.692, and s. 59.694 for counties; and the requirements in s. 87.30, Stats.

(B) FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

(C) STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(D) **TITLE**

This ordinance shall be known as the Floodplain Zoning Ordinance for Marathon City Wisconsin.

(F) **GENERAL PROVISIONS**

(1) **AREAS TO BE REGULATED**

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) **OFFICIAL MAPS & REVISIONS**

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 13.14.8 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk, Village of Marathon City. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) **OFFICIAL MAPS**: Based on the FIS: *(select one or more of the following map citations that apply to your community; contact your DNR office if you have questions, or go to <http://store.msc.fema.gov> to access the FEMA Map Store)*

1. Flood Hazard Boundary Map (FHBM), panel number **55073C0354F**, dated **07/22/2010**;

Approved by: The DNR and FEMA

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The regional floodplain areas are divided into three districts as follows:

(a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.

(b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

(c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in sub (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 13.14.8 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 13.14.7(C)(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 13.14.8 *Amendments*.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 13.14.8 *Amendments*.

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats. applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats. applies.

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats, which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Marathon County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

13.14.2

GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 13.14.7(A)(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

(A) HYDRAULIC AND HYDROLOGIC ANALYSES

- (1) No floodplain development shall:
 - (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - (b) Cause any increase in the regional flood height due to floodplain storage area lost.
- (2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 13.14.8 *Amendments* are met.

(B) WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 13.14.2(A) must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 13.14.8 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(C) CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 13.14.8 *Amendments*.

(D) PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health Services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;

- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0, 4.0 or 5.0 for the floodplain district in which the structure is located;

- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

13.14.3 **FLOODWAY DISTRICT (FW)**

(A) **APPLICABILITY**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 13.14.5 D)

(B) **PERMITTED USES**

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
 - they meet the standards in s. 13.14.3(C) and 13.14.3(D); and
 - all permits or certificates have been issued according to s. 13.14.7(A)
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 13.14.3(C)(4).
 - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with s. 13.14.3(C) and 13.14.3(D).
 - (5) Extraction of sand, gravel or other materials that comply with s. 13.14.3(C)(4).

- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (7) Public utilities, streets and bridges that comply with s. 13.14.3(C)(3).

(C) **STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY**

(1) **GENERAL**

- (a) Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 13.14.2(A) and 13.14.7(A)(2)(c):
 - 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for sub. (b) above.

(2) **STRUCTURES**

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

- (b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (c) Must be anchored to resist flotation, collapse, and lateral movement;
 - (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
 - (e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (3) PUBLIC UTILITIES, STREETS AND BRIDGES
Public utilities, streets and bridges may be allowed by permit, if:
- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (b) Construction meets the development standards of s. 13.14.2(A).
- (4) FILLS OR DEPOSITION OF MATERIALS
Fills or deposition of materials may be allowed by permit, if:
- (a) The requirements of s. 13.14.2(A) are met;
 - (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

(c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(d) The fill is not classified as a solid or hazardous material.

(D) PROHIBITED USES

All uses not listed as permitted uses in s. 13.14.3(B) are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

13.14.4 FLOODFRINGE DISTRICT (FF)

(A) APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 13.14.5(D).

(B) PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 13.14.7(A) have been issued.

(C) STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

S. 13.14.2(A) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 13.14.6 *Nonconforming Uses*;

(1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 13.14.6 *Nonconforming Uses*;

(a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s 13.14.4(C)(1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

(b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

(c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in sub. (d).

(d) In developments where existing street or sewer line elevations make compliance with sub. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

2. The municipality has a DNR-approved emergency evacuation plan.

(2) ACCESSORY STRUCTURES OR USES

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 13.14.4(C)(1). Subject to the requirements of s. 13.14.4(C)(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 13.14.7(E). Subject to the requirements of s. 13.14.4(C)(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 13.14.7(E). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 13.14.7(E).
- (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 13.14.7(E)(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

1. have the lowest floor elevated to the flood protection elevation; and
 2. be anchored so they do not float, collapse or move laterally during a flood
- (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 13.14.4(C)(1).

(12) **MOBILE RECREATIONAL VEHICLES**

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s.13.14.4 (C)(11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

13.14.5 GENERAL FLOODPLAIN DISTRICT (GFP)

(A) **APPLICABILITY**

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

(B) **PERMITTED USES**

Pursuant to s.13.14.5 (D), it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway s.13.14.3 (B) and Floodfringe s. 13.14.4 (B) Districts are allowed within the General Floodplain District, according to the standards of s.13.14.5 (C), provided that all permits or certificates required under s.13.14.7 (A) have been issued.

(C) **STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT**

S. 13.14.3 applies to floodway areas, s. 13.14.4 applies to floodfringe areas. The rest of this ordinance applies to either district.

- (1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
 - (a) at or above the flood protection elevation; or
 - (b) two (2) feet above the highest adjacent grade around the structure; or
 - (c) the depth as shown on the FIRM
- (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

(D) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.

- (a) A Hydrologic and Hydraulic Study as specified in s. 13.14.7(A)(2)(c).
- (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
- (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

13.14.6. NONCONFORMING USES

(A) GENERAL

(1) APPLICABILITY

If these standards conform with s.87.30, Stats. and ch. NR 116.15, Wis. Adm. Code and 44 CFR 59-72 , they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
 - (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated

with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 13.14.4(C)(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

- (e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 13.14.4(C)(1).
- (f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 13.14.4(C)(1).
- (g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 13.14.7(E)(2).

b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 13.14.5.(C)(1).

f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures
 - a. Shall meet the requirements of s. 13.14.6.(A)2)(h)1a-f.
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 13.14.7(E)(1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 13.14.5(C)(1).
- (3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 13.14.3(C)(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 13.14.7 (E) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 13.14.6.(A)(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(B) FLOODWAY DISTRICT

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of s. 13.14.6(A);
 - (c) Shall not increase the obstruction to flood flows or regional flood height;

- (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 13.14.7(E), by means other than the use of fill, to the flood protection elevation; and
- (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - 4. The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 13.14.7(E)(3) and ch. SPS 383, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 13.14.7(E)(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

(C) FLOODFRINGE DISTRICT

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 13.14.4(C) except where s. 13.14.6(C)(2) is applicable.
- (2) Where compliance with the provisions of sub. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 13.14.7(C) may grant a variance from those provisions of sub. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, shall not be installed;
 - (d) Flood depths shall not exceed two feet;
 - (e) Flood velocities shall not exceed two feet per second; and
 - (f) The structure shall not be used for storage of materials as described in s. 13.14.4(C)(5).
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 13.14.7(E)(3) and ch. SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 13.14.7(E)(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

13.14.7

ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats. these officials shall also administer this ordinance.

(A) ZONING ADMINISTRATOR

(1) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:
 - 1 All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations;
 - 3. Floodproofing certificates.
 - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - 5. All substantial damage assessment reports for floodplain structures.
 - 6. List of nonconforming structures and uses.
- (e) Submit copies of the following items to the Department Regional office:
 - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

2. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(g) Submit copies of amendments to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;

6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 13.14.2(A). This may include any of the information noted in s. 13.14.3(C)(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:
 - a. Hydrology
 - i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 - b. Hydraulic modeling
The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. channel sections must be surveyed.
- iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC_RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.
- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed

flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 13.14.7(E) are met.

(4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

(B) ZONING AGENCY

(1) The Marathon City Plan Commission shall:

- (a) oversee the functions of the office of the zoning administrator; and
- (b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.

(2) The Marathon City Plan Commission shall not:

- (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
- (b) amend the text or zoning maps in place of official action by the governing body.

(C) BOARD OF ADJUSTMENT/APPEALS

The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

(1) POWERS AND DUTIES

The Board of Adjustment/Appeals shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

(a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

- a. Fix a reasonable time for the hearing;
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

2. Hearing - Any party may appear in person or by agent. The board shall:

- a. Resolve boundary disputes according to s. 13.14.7(C)(3);
- b. Decide variance applications according to s. 13.14.7(C)(4); and
- c. Decide appeals of permit denials according to s. 13.14.7(D).

(c) DECISION: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department Regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;

4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 13.14.8 *Amendments*.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
 - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - 3. The variance is not contrary to the public interest;and
 - 4. The variance is consistent with the purpose of this ordinance in s. 13.14.1(C).
- (b) In addition to the criteria in sub. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - 1. The variance shall not cause any increase in the regional flood elevation;
 - 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and

3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;
2. Be granted for a hardship based solely on an economic gain or loss;
3. Be granted for a hardship which is self-created.
4. Damage the rights or property values of other persons in the area;
5. Allow actions without the amendments to this ordinance or map(s) required in s. 13.14.8 *Amendments*; and
6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

(D) TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Zoning Agency s. 13.14.7(B) or Board shall review all data related to the appeal. This may include:
 - (a) Permit application data listed in s. 13.14.7(A)(2);
 - (b) Floodway/floodfringe determination data in s. 13.14.5(D);

- (c) Data listed in s. 13.14.3(C)(1)(b) where the applicant has not submitted this information to the zoning administrator; and
 - (d) Other data submitted with the application, or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
- (a) Follow the procedures of s. 13.14.7(C);
 - (b) Consider zoning agency recommendations; and
 - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
- (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 13.14.8 *Amendments*; and
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

(E) **FLOODPROOFING STANDARDS FOR NONCOMFORMING STRUCTURES OR USES**

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - (a) certified by a registered professional engineer or architect;
or

- (b) meets or exceeds the following standards:
 - 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. the bottom of all openings shall be no higher than one foot above grade; and
 - 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
 - (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (b) Protect structures to the flood protection elevation;
 - (c) Anchor structures to foundations to resist flotation and lateral movement;
 - (d) Minimize or eliminate infiltration of flood waters; and
 - (e) Minimize or eliminate discharges into flood waters.

(F) PUBLIC INFORMATION

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) Real estate transfers should show what floodplain district any real property is in.

13.14.8

AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 13.14.8(A)

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 13.14.8(A). Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 13.14.8(A).

(A) GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 13.14.8(B) below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in s. 13.14.1(E)(2)(b);
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and

- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(B) PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats, for cities and villages, or s. 59.69, Stats. for counties. The petitions shall include all data required by s. 13.14.5(D) and 13.14.7(A)(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats. for cities and villages or s. 59.69, Stats., for counties.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

13.14.9 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

13.14.10

DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

A ZONES: Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

AH ZONE: See "AREA OF SHALLOW FLOODING".

AO ZONE: See "AREA OF SHALLOW FLOODING".

ACCESSORY STRUCTURE OR USE: A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

ALTERATION: An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

AREA OF SHALLOW FLOODING: A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

BASEMENT: Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

BUILDING: See STRUCTURE.

BULKHEAD LINE: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats. and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

CAMPGROUND: Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT: Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

CERTIFICATE OF COMPLIANCE: A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

CHANNEL: A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CRAWLWAYS or CRAWL SPACE: An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

DECK: An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

DEPARTMENT: The Wisconsin Department of Natural Resources.

DEVELOPMENT: Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

DRYLAND ACCESS: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

ENCROACHMENT: Any fill, structure, equipment, use or development in the floodway.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency that administers the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM): A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

FLOOD FREQUENCY: The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

FLOODFRINGE: That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

FLOOD HAZARD BOUNDARY MAP: A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

FLOOD INSURANCE STUDY: A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOODPLAIN: Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND: A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT: Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOOD PROFILE: A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

FLOODPROOFING: Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

FLOOD PROTECTION ELEVATION: An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

FLOOD STORAGE: Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

FLOODWAY: The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

FREEBOARD: A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

HABITABLE STRUCTURE: Any structure or portion thereof used or designed for human habitation.

HEARING NOTICE: Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

HIGH FLOOD DAMAGE POTENTIAL: Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

INCREASE IN REGIONAL FLOOD HEIGHT: A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

LAND USE: Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

LOWEST ADJACENT GRADE: Elevation of the lowest ground surface that touches any of the exterior walls of a building.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MAINTENANCE: The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING: A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

MOBILE/MANUFACTURED HOME PARK, EXPANSION TO

EXISTING: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

MOBILE RECREATIONAL VEHICLE: A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

MODEL, CORRECTED EFFECTIVE: A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

MODEL, DUPLICATE EFFECTIVE: A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

MODEL, EFFECTIVE: The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

MODEL, EXISTING (PRE-PROJECT): A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

MODEL, REVISED (POST-PROJECT): A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

MUNICIPALITY or MUNICIPAL: The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

NAVD or NORTH AMERICAN VERTICAL DATUM: Elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or NATIONAL GEODETIC VERTICAL DATUM: Elevations referenced to mean sea level datum, 1929 adjustment.

NEW CONSTRUCTION: For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NONCONFORMING STRUCTURE: An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

NONCONFORMING USE: An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

OBSTRUCTION TO FLOW: Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP: That map, adopted and made part of this ordinance, as described in s. 13.14.1(E)(2), which has been approved by the Department and FEMA.

OPEN SPACE USE: Those uses having a relatively low flood damage potential and not involving structures.

ORDINARY HIGHWATER 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 characteristic.

PERSON: An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

PRIVATE SEWAGE SYSTEM: A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

PUBLIC UTILITIES: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

REASONABLY SAFE FROM FLOODING: Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

REGIONAL FLOOD: A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

START OF CONSTRUCTION: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

SUBDIVISION: Has the meaning given in s. 236.02(12), Wis. Stats.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

UNNECESSARY HARDSHIP: Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

VARIANCE: An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

VIOLATION: The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATERSHED: The entire region contributing runoff or surface water to a watercourse or body of water.

WATER SURFACE PROFILE: A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WELL” means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.