

**CHAPTER 15
ZONING CODE**

15.01 SCOPE AND INTERPRETATION.....	1
15.02 DEFINITIONS.	3
15.03 ADMINISTRATION AND ENFORCEMENT.	16
15.035 EXTRATERRITORIAL ZONING ADMINISTRATION.....	21
15.04 GENERAL PROVISIONS.....	23
15.05 SITE PLAN REVIEW.	40
15.06 LANDSCAPE PLANS.....	54
15.065 LIGHTING PLANS AND STANDARDS.	65
15.07 OFF-STREET PARKING, ACCESS, LOADING.	66
15.08 SIGN PERMITS.	75
15.09 ZONING DISTRICTS; MAPS.....	100
15.10 RESIDENTIAL DISTRICTS.....	102
15.105 RESIDENTIAL MIX - BUSINESS DISTRICT.....	109
15.11 BUSINESS DISTRICTS.	116
15.115 OFFICE AND RESEARCH DISTRICT.....	132
15.12 INDUSTRIAL DISTRICTS.....	139
15.13 A-1 AGRICULTURE DISTRICT.....	154
15.131 A-1 EXCLUSIVE AGRICULTURE DISTRICT.	156
15.132 A-2 AGRICULTURE DISTRICT.	159
15.14 C-1 CONSERVANCY DISTRICT.	162
15.15 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT	165
15.155 WP WELLHEAD PROTECTION OVERLAY DISTRICT.....	176
15.17 NONCONFORMING USES, STRUCTURES AND LOTS.....	188

15.01 SCOPE AND INTERPRETATION.

(1) TITLE. This chapter shall be known as and may be referred to or cited as the “DeForest Zoning Code.”

(2) INTENT AND PURPOSE. This chapter, in conjunction with the Village Master Plan, is intended to serve the following purposes:

- (a) To secure safety from fire, panic and other dangers;
- (b) To promote the public health, safety, comfort, and general welfare;

(c) To conserve the values of property throughout the village and neighboring areas and to protect the character and stability of residential, business, and industrial areas, and to promote the orderly and beneficial development of such areas;

- (d) To prevent the overcrowding of land;
- (e) To avoid undue concentration of population;
- (f) To provide adequate light, air, privacy, and convenience of access to property;
- (g) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (h) To lessen or avoid congestion in the public streets and highways;
- (i) To encourage the protection of groundwater resources;
- (j) To lessen or avoid hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- (k) To regulate and restrict the erection, construction, reconstruction, alteration, location and use of buildings, structures, and land for trade, industry, residence, and other uses, and to regulate and restrict the intensity of such uses;
- (l) To divide the village areas subject to this chapter into districts of such number, shape, area, and of such different classes, according to the use of land and buildings, and the intensity of such use, as best suited to carry out the purpose of this chapter; and
- (m) To prohibit uses, buildings, or structures incompatible with the character of the respective districts.

(3) JURISDICTION AND AUTHORITY. This chapter shall apply to all lands, water and property within the corporate limits of the Village, including those owned by other municipal corporations and governmental bodies, and to all lands within the extraterritorial zoning jurisdiction of the Village when approved by the joint committee having authority over such lands. This chapter is adopted under the authority provided by §62.23, *Wis. Stats.*

(4) SCOPE OF REGULATIONS. Except as otherwise provided by this chapter, no building, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, except in conformity with the provisions of this chapter governing the zoning district in which it is located. No lot shall be created which does not conform to the requirements of this chapter for the zoning district in which the land is located.

(5) RELATIONSHIP TO THE COMPREHENSIVE PLAN. The Village Comprehensive Plan shall have the force and affect ascribed to it by §66.1001 and §62.23, *Wis. Stats.* The decision as to whether and when particular elements of the Comprehensive Plan will be implemented by regulatory ordinances is reserved for the Village Board to make from time to time taking into account, among other factors, the type of development that is contemplated and the timing of such development in the context of the public interest of the Village as a whole, under the circumstances then existing and reasonably anticipated in the future.

[Am. 08-14; Eff. 5-16-08]

(6) RULES OF CONSTRUCTION. The following rules shall apply in construing or interpreting the terms and provisions of this chapter:

(a) The provisions of this chapter shall be deemed the minimum requirements for the promotion and protection of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this chapter is adopted.

(b) This chapter is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously

adopted or issued pursuant to law. In any case where the conditions, standards, or requirements imposed by this chapter are either more restrictive or less restrictive than comparable standards imposed by any other restriction, the provisions which are more restrictive or which impose higher standards or requirements shall govern.

(c) In the event there is any conflict in the limitations, requirements, or standards contained within this chapter as applied to an individual use or structure, the more restrictive provision shall apply.

(d) In the event of a conflict between the text of this chapter and any caption, figure, illustration, table or map contained or referred to herein, the text shall control.

(e) The word "shall" is mandatory in nature, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive in nature.

(f) Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the neuter and feminine gender.

(7) EFFECT ON UNLAWFUL STRUCTURES AND USES. No building, structure or use which was not lawfully existing at the time of the adoption of this chapter shall become or be made lawful solely by reason of the adoption of this chapter; and to the extent that, and in any manner that, said unlawful building, structure, or use is in conflict with the requirements of this chapter, it remains unlawful hereunder.

(8) SEVERABILITY. The various provisions of this chapter are intended to be severable. If any section, paragraph, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(9) EFFECTIVE DATE. This chapter shall be effective on May 8, 1998.

15.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly requires a different meaning:

(1) ACCESSORY BUILDING OR USE. A subordinate building or use which is located on the same lot on which the principal building or use is situated, and which is reasonably necessary and clearly incidental to the permitted use of the principal building or the conduct of the principal use permitted by district regulations.

(2) ADDITION. A structural expansion to an existing building.

(2M) ADULT ORIENTED ESTABLISHMENTS. Businesses defined and regulated by §9.015 of the DeForest Municipal Code including:

(a) "Adult Bath House" means an establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its customers an opportunity for engaging in specified sexual activities as defined in §9.015(1)(qq).

(b) "Adult Body Painting Studio" means an establishment or business wherein customers are afforded an opportunity to paint images on a body which is wholly or partially nude.

(c) "Adult Bookstore" means an establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas

as defined herein. The term includes an establishment having as its stock in trade, for sale, rent, trade, lease, inspection or viewing books, films, video cassettes, compact discs, digital video discs, computers or computer programs in any format, motion pictures, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas, and in conjunction therewith have facilities for the presentation of adult entertainment, including adult-oriented videotapes, films, motion pictures or other offered entertainment for observation by customers therein. The term includes a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

(d) "Adult Cabaret" means a nightclub, dance hall, bar, restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity or semi-nudity; or
2. Live performances that are characterized by "specified sexual activities"; or
3. Films, motion pictures, videocassettes, slides, or other photographic or computer reproductions or depictions that are characterized by the depiction or description of specified sexual activities" or "nudity".

(e) "Adult Entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type, wherein a significant or substantial portion of such performance is distinguished or characterized by an emphasis on any actual or simulated performance of specified sexual activities, the exhibition and viewing of specified anatomical areas, or the removal of articles of clothing to reveal specified anatomical areas.

(f) "Adult Mini-Motion Picture Theater" means an enclosed building with a capacity for less than fifty (50) customers, including establishments that have coin operated video or motion picture booths, used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by customers therein.

(g) "Adult Motel" means a hotel, motel, or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides customers with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(h) "Adult Motion Picture Theater" means an enclosed building with a capacity of fifty (50) or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by customers therein.

(i) "Adult Motion Picture Theater (Outdoor)" means a parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activity or specified anatomical areas for observation by customers.

(j) "Adult Novelty Shop" means an establishment or business having as a substantial or significant portion of its stock and trade in novelty or similar items which are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas or for simulation of the foregoing.

(k) Any other establishment which includes, but is not limited to, adult theaters, sexual encounter centers, escort agencies, establishments featuring live sexually explicit performances, and any premises to which public customers or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a customer or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult oriented establishment further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(L) "Adult Oriented Establishment" shall not include:

1. theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic, social or political merit are offered on a regular basis; and in which the predominant business or attraction is not the offering of entertainment which is intended for the sexual interests or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances; or
2. any public or private school, as defined in Chapter 115, Wis. Stats., when instructing pupils as part of its curriculum.
[Cr. 06-06; Eff. 6-9-06]

(3) ALLEY. A narrow public right-of-way, not over 20 feet in width, which is used primarily as a means of access to the rear of residences or business establishments and which affords only a secondary means of access to the property abutting along its length.

(4) ALTERATION. Any change in, addition to, or modification of a building or structure.

(4a) ANIMAL UNIT. One animal unit shall be defined as being the equivalent of 1 cow, 4 hogs, 10 sheep, 10 goats, 100 poultry, 1 horse, 1 pony, 1 mule or 100 rabbits or an equivalent combination thereof. Other animals not listed above shall be assigned an animal unit equivalent by the Zoning Administrator based on their typical adult weight.
[Cr. 08-14; Eff. 5-16-08]

(4m) AQUIFER. A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.
[Cr. 13-006, Eff. 4-4-13]

(5) ARTERIAL. A public street that serves longer intra-urban trips and traffic traveling through the urban area and has limited to no direct access for abutting land uses, including any public street designated as an arterial street within the Village's comprehensive plan.
[Am. 11-10; Eff. 4-15-11]

(6) AWNING. A movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building.

(7) [Repealed 08-27; Eff. 8-22-08]

(8) BUILDING. Any covered structure built for the support, shelter or enclosure of persons, chattels or movable property of any kind, and which is permanently affixed to the land.

(9) **BUILDING BULK REGULATIONS:** Restrictions controlling the size of buildings or other structures and the relationship of buildings, structures and uses to each other and to open areas and lot lines, including restrictions controlling height, lot coverage, floor area ratio and size of yards.

(10) **BUILDING HEIGHT.** The vertical distance measured from the mean elevation of a finished lot grade along the front of a building to the highest point of the coping of a flat roof or the deck of a mansard roof, or to the mean level between the eaves and the ridge of a gable, hip or gambrel roof, or to the highest point of a shed roof.

(11) **BUILDING, PRINCIPAL.** Any building in which a primary or independent use of the lot on which it is located is conducted.

(12) **BUILDING COVERAGE.** The percentage of the building area in relation to the total lot area.

(13) **CERTIFICATE OF OCCUPANCY.** A certificate issued by the building inspector after final inspection, when it is found that the building, structure and/or development complies with all requirements of this chapter, other applicable chapters of the Code, and Village approved plans.

[Am. 13-021, Eff. 10-10-13]

(14) **CLASS 1 OR CLASS 2 NOTICE.** A notice published in accordance with the requirements of a class 1 or class 2 notice under Chapter 985 of the Wisconsin Statutes.

(14J) **COLLECTOR.** A public street that collects and distributes internal traffic within an urban area, such as within a residential neighborhood, providing access between local and arterial streets and limited access for abutting land uses, including any public street designated as a collector street within the Village's comprehensive plan.

[Cr. 11-10; Eff. 4-15-11]

(14M) **COMMERCIAL PARKING LOT.** Any lot or portion thereof which is designed or intended to provide a place for the parking of automobiles, trucks, trailers, recreational vehicles, motorcycles or other motorized vehicles while the operator thereof pursues activities away from the premises. "Commercial Parking Lot" shall not include any parking area which is designed and used exclusively to satisfy the off street parking requirements established by this Code.

(15) **COMMON OPEN SPACE.** Land that is devoid of structures, other than recreational facilities, and that is suitable and made available for use by the general public or occupants of all occupants of a planned unit development or other multiple-owner development, for active and passive recreational activities, exclusive of any areas used for parking lots, street rights-of-way, front, rear and side yard setbacks, school sites, and retention or detention ponds.

(16) **COMMON OWNERSHIP.** The ownership by the same individual(s) or entity(ies) of two (2) or more adjacent lots.

(16m) **COMPREHENSIVE PLAN.** A plan for guiding the physical growth, change, and preservation of the Village and its extraterritorial jurisdiction, adopted and from time to time amended by the Village of DeForest Board under the provisions and to the specifications of §66.1001, Wis. Stats., except that where the word "town" is used before the words Comprehensive Plan, the term Comprehensive Plan means that plan adopted by the appropriate town under §66.1001, Wis. Stats.

[Am. 08-14; Eff. 5-16-08]

(17) **CUL-DE-SAC.** A street with a single ingress and egress, and turnaround.

(17m) **DAYCARE CENTER.** A place which provides care for four (4) or more persons for periods of less than 24 hours per day under a license granted by the State of Wisconsin.

(18) DEVELOPER. Any subdivider, person, firm, partnership, joint venture, association, corporation or other entity participating as owner, promoter or developer in the planning, platting, development or promotion of lands which are subject to the provisions of this chapter.

(19) DOMESTIC ANIMAL. Includes dogs, cats, rodents, birds, reptiles, pot-bellied pigs weighing less than 70 pounds, and any other species of animal which is sold or retained as a household pet, but does not include skunks, primates and other species of wild, exotic or carnivorous animals that may be further restricted in this article chapter.

(19J) DONATION BIN. A free-standing receptacle located outside of a building that is used for the collection of clothing, shoes, or other contributions, generally collected from persons not occupying the premises on which the receptacle is located and with such contributions generally intended for reuse elsewhere. The term does not include a trash container or recycling bin designed to contain waste from a household, business, or other land use on the same premise.

[Cr. 12-09, Eff. 5-24-12]

(20) DRIVE-IN. An establishment which is designed to provide, either wholly or in part, service to customers while they remain in their automobiles parked upon the premises.

(21) DRIVE-IN RESTAURANT. An establishment designed, in whole or in part, to take, fill, and deliver orders of food or beverages to customers while they remain in their auto mobiles.

(22) DWELLING. A building, or portion thereof, not including any mobile home, house trailer, recreational vehicle, hotel or motel, designed or used exclusively for residential occupancy and authorized accessory uses. "Dwelling" shall include a structure manufactured after June 15, 1976 which is certified and labeled as a manufactured home under 42 U.S.C., §§5401 to 5426 as amended, and which when placed on site:

(a) Has any wheels, axles, and pulling apparatus removed and is fastened or attached to, a completely enclosed foundation in accordance with §70.043(1), *Wis. Stats.* and *Wis. Admin. Code* Chapter ILHR 21. Subchapters III, IV and V, as amended;

(b) Is installed in accordance with the manufacturer's instructions;

(c) Is properly connected to sewer, water and electric utilities;

(d) Is a minimum of 22 feet wide; and

(e) Is covered by a permanent roof with a pitch of no less than 3:12 and a non-reflective roof covering.

(23) DWELLING UNIT. A room or group of rooms providing living quarters for not more than one (1) family, and having only one kitchen area.

(24) EASEMENT. A recorded, reasonably permanent, interest in land owned by another which entitles the holder thereof to specific uses of such land without the payment of periodic rent.

(25) ELDERLY. A person who is 62 years of age or older or a family, the head of which, or that person's spouse, is elderly as defined herein.

(26) ELDERLY HOUSING. One or more multiple-family residential dwelling units intended for and solely occupied by the elderly, or which is intended for and operated for occupancy by persons 55 years or older if; a) at least 80% of the occupied units are occupied by at least one person age 55 or older, b) the facility has published and adheres to policies and procedures demonstrating an intent to operate the facility for persons age 55 years or older, and c) the facility complies with all rules promulgated by the Secretary of Housing and Urban Development applicable to the facility.

(26m) ETZ AREA. The area consisting of all of the lands within Village extraterritorial zoning jurisdiction as provided by §62.23(7a), Stats. and designated either by Village Board Resolutions 95-46 and 2007-055, or any adopted cooperative plan under §66.0307, Stats.

[Am. 08-14; Eff. 5-16-08; Am. 12-09, Eff. 5-24-12]

(26q) EXISTING FACILITIES. Pertaining to the wellhead protection regulations in this chapter, those facilities, practices, or activities existing as of January 1, 2013 and in continuous operation since that date, which may cause or threaten to cause environmental pollution within the WP Wellhead Protection overlay zoning district. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form, incorporated herein as if fully set forth.

[Cr. 13-006, Eff. 4-4-13]

(27) FAST FOOD RESTAURANT. An establishment whose principal business is the sale of pre-prepared or rapidly prepared food to the customer in a ready to consume state for consumption either within the restaurant building or off the premises, and whose design or principal method of operation includes two or more of the following characteristics:

(a) The elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled.

(b) The food is usually served in edible containers or in paper, plastic or other disposable containers.

(c) The facilities for on premises consumption of food are insufficient for the volume of customers served by the establishment.

(d) The restaurant provides a drive-up facility for placing and receiving food orders.

(28) FAMILY. An individual or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit in a dwelling unit; or a group of not more than four (4) persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; plus, in either case, domestic servants.

(29) FLOOR AREA.

(a) For the purpose of determining the floor area ratio, the Floor Area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of party walls separating two buildings. The floor area of a building shall include: the basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established, elevator shafts and stairwells at each floor; floor space used for mechanical equipment (except equipment located on the roof), penthouses, attic space having headroom of 7 feet 10 inches or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. Space devoted to off-street parking or loading shall not be included in the floor area.

(b) The floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks shall be computed by counting each twelve feet (12') of height, or fraction thereof, as being equal to one floor.

(c) For the purpose of determining the number of required off-street parking spaces and loading berths, Floor Area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, which are devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks or closets, any basement floor area devoted to retailing activities and any floor area devoted to the production or processing of goods or to business or professional offices. For this purpose, Floor Area shall not include floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps,

and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

(30) FLOOR AREA RATIO (F.A.R.): The floor area ratio of buildings or structures on any lot is the percentage determined by dividing the total floor area of all such buildings or structures by the area of the lot on which they are located or, in the case of planned developments, by the net site area.

(31) [Repealed 08-27; Eff. 8-22-08]

(32) FRONTAGE, STREET. The linear frontage(s) of a lot or parcel abutting on a private or public street which provides principal access to, or visibility of, the premises.

(32m) GASOLINE SERVICE STATION. A commercial facility, one of the primary functions of which is the retail sale of gasoline to motorists and which may also provide minor repair services, the sale of convenience items and other motor vehicle fuels and supplies.

(32t) GREEN SPACE. Any area included within a lot that (a) is not defined as an impervious surface under this section and (b) maintains living vegetation.

[Cr. 06-06; Eff. 6-9-06]

(33) GROSS FLOOR AREA (GFA). The total floor area, including the exterior building walls of the several floors of a building or structure used privately or by the public as customers, patrons, clients, patients, or members. GFA shall include all occupied areas minus the following deductions:

(a) Parking areas within the structure;

(b) Rooms occupied only by permitted specialized automatic mechanical or electrical equipment or apparatus;

(34) GROSS LEASABLE AREA (G.L.A.). Gross leasable area is the total floor area designed for the tenants' occupancy and exclusive use (including but not limited to basements, kitchens, restrooms, storage rooms, private corridors, stairways, mezzanines and upper floors), expressed in square feet and measured from the centerline of interior walls or other interior tenant partitions and from outside wall faces. G.L.A. does not include public or common areas; i.e., public restrooms, corridors, stairwells, elevators, lobbies or mall areas nor does it include mechanical rooms, equipment and/or machine rooms or mechanical chases.

(35) HAZARDOUS MATERIALS. Flammable or explosive materials, petroleum or petroleum based products, oil, crude oil, methane gas or synthetic gas usable for fuel, volatile organic compounds (VOCs), radioactive materials, or hazardous toxic or dangerous waste, substance or related materials including, without limitations, the following:

(a) Those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or listed as "hazardous material" or "hazardous waste" as defined by the Environmental Protection Agency at 40 CFR Part 302, and amendments thereto and replacements therefore;

(b) Such substances, materials or wastes as are regulated by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, *et seq.*) as amended and any successor statute or orders, regulations, directions or requirements thereunder;

(c) Such substances, materials or wastes as are regulated by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601, *Set. seq.*) as amended and any successor statute or orders, regulations, directions or requirements thereunder (including, but not limited to PCB's, asbestos and radon); and

(d) Such hazardous or toxic substances, materials or wastes that are regulated under any other applicable federal, state, county, or municipal law, rule, ordinance, order or regulation.

(36) HOME OCCUPATIONS. The operation of limited commercial activities within a dwelling unit by the occupant of the unit, as an accessory use on land principally used for residential purposes.

(37) ILLUMINATION, DIRECT. Lighting by means of an unshielded light source, including neon tubing, which is effectively visible as a part of a sign where light travels directly from the source to the viewer's eye.

(38) ILLUMINATION, INDIRECT. Lighting by means of a light source which is directed at a reflecting surface in such a way as to illuminate that surface.

(39) ILLUMINATION, INTERNAL. Lighting by means of a light source which is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs which are themselves made of a translucent material.

(40) IMPERVIOUS SURFACE. Any area covered by material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include, but not be limited to buildings, driveways, parking areas, sidewalks and patios.

(40g) INSTITUTIONAL FACILITY OR USE. A type of land use or facility that provides a public service and is operated by a governmental entity, public or private utility, public or private school, church or other religious institution, or other tax-exempt organization.

[Cr. 08-27; Eff. 8-22-08]

(40m) JOINT COMMITTEE. The Joint Extraterritorial Zoning Committee appointed from time to time to act on matters affecting the ETZ Area pursuant to §62.23(7a), Wis. Stats. and sec. 15.03(3a) of this Code.

[Am. 08-14; Eff. 5-16-08]

(41) KENNEL. Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained or bred for commercial purposes.

(42) LIGHT SOURCE. Includes neon, fluorescent or similar tube lighting, the incandescent bulb, including the light producing elements therein, and any reflecting surface which, by reason of its construction and/or placement, becomes, in effect, the light source.

(42m) LOCAL STREET. A street designed to provide access to abutting land uses and leading into a collector or occasionally into an arterial street, but which is not designed to carry through traffic from outside the neighborhood where it is located.

[Cr. 11-10; Eff. 4-15-11]

(43) LOT. Any individual parcel under a single form of ownership created by the most recent recorded plat or certified survey map of the land, or any tract of land identified as a single parcel in the most recent conveyance of the tract recorded with the Dane County Register of Deeds where no plat or certified survey has been recorded, exclusive of any part thereof lying within a street right-of-way.

(44) LOT AREA. The area of a horizontal plane bounded by the front, side, and rear lot lines, exclusive of any area within the ordinary high water mark of any navigable water or a street right-of-way.

(45) LOT, CORNER. A lot which adjoins the point of intersection of two or more street rights-of-way and in which the interior angle formed by the street lines is 135 degrees or less. If the street lines are curved, the Zoning Administrator shall determine the angle of intersection based on information specific to the lot.

[Am. 06-06; Eff. 6-9-06; Am. 13-021, Eff. 10-10-13]

(46) LOT COVERAGE. The area determined by dividing that part of the lot area occupied or covered by all buildings, covered porches, decks, accessory buildings, sidewalks, driveways and all other impervious surfaces, by the total lot area.

[Am. 06-06; Eff. 6-9-06]

(47) LOT LINE, FRONT. The boundary of a lot adjacent and parallel to a street right-of-way. For corner lots and other double frontage lots, the lot line along the street from which the house is addressed shall be the front lot line, except where otherwise approved by the Zoning Administrator based on circumstances that are unique to the site.

[Am. 13-021, Eff. 10-10-13]

(48) LOT LINE, REAR. The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front lot line.

(49) LOT LINE, INTERIOR SIDE. Any boundary of a lot that is not a front lot line, a street side lot line, or a rear lot line.

[Am. 13-021, Eff. 10-10-13]

(49g) LOT LINE, STREET SIDE. For corner lots, the lot line that abuts a public or private street but that is not the front lot line.

[Cr. 13-021, Eff. 10-10-13]

(50) LOT OF RECORD. A lot which is part of a subdivision or land division, the plat or certified survey map of which has been recorded in the office of the Dane County Register of Deeds.

(51) LOT WIDTH. The horizontal distance between the side lot lines of a lot, measured at the normal minimum front yard setback line in the zoning district where the lot is located, or at some other specifically delineated front yard setback if approved by the Village Board as part of a final plat or certified survey map.

[Am. 08-14; Eff. 5-16-08]

(52) LOT, ZONING. A parcel of land composed of one or more lots of record, occupied or to be occupied by a principal building(s), or principal use(s), along with permitted accessory buildings or uses, meeting all the zoning requirements of the district in which it is located.

(53) NET ACREAGE. The gross acreage of a parcel of land minus the acreage devoted to street rights-of-way, retention basins, wetlands, woodland, flood plains, stream corridors, areas with slopes greater than twenty percent (20%), and other natural features.

(54) MARQUEE. A permanently roofed structure attached to and supported by a building, and projecting from the building.

(55) MASTER PLAN. The use of this term is synonymous with the term "comprehensive plan," defined elsewhere in this section.

[Am. 08-14; Eff. 5-16-08]

(56) MINERAL EXTRACTION (METALLIC). The process of removing metals or metallic ores from beneath the surface of the ground by digging, grinding, blasting or other customary commercial means.

(57) MINERAL EXTRACTION (NON-METALLIC). The process of removing sand, gravel, rock, clay or other inorganic material from beneath the surface of the ground by digging, grinding, blasting or other customary commercial means.

(58) MOBILE HOME. A prefabricated unit with walls of rigid construction that is designed to be towed as a single unit or in sections upon a highway by a motor vehicle and that is used or is intended to be used for human habitation other than a "manufactured home" defined as a dwelling by sub. (22).

(59) MOBILE HOME PARK. A lot not less than three acres in area upon which two or more mobile home units occupied for dwelling or sleeping purposes and located regardless of whether or not a charge is made for such accommodation.

(60) MOTEL OR HOTEL. A building or group of buildings which contain living or sleeping accommodations for transient occupancy which may or may not have individual entrances from outside.

(60m) NATIVE WILDLIFE REHABILITATION. The treatment or rehabilitation of injured or sick native wildlife conducted pursuant to a license or permit issued by the United States Department of Interior, Fish and Wildlife Service and/or the Wisconsin Department of Natural Resources

(61) NOISE. Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

(62) NONCONFORMING BUILDING OR STRUCTURE. A building or structure which was constructed legally under the zoning regulations in effect at the time, but does not fully comply with the current standards of this Chapter 15 that would apply to such buildings or structures.

[Am. 11-10; Eff. 4-15-11]

(63) NONCONFORMING RECORDED LOT. A lot of record which does not meet the dimensional requirements of the particular district in which it is located solely because of the enactment or amendment of this chapter after the lawful creation of lot of record or because of the acquisition of a portion of the lot by a governmental agency for public purposes. Does not include recorded outlots that are restricted from building development.

[Am. 13-021, Eff. 10-10-13]

(64) NONCONFORMING USE. An active and actual use of land, building(s), or structure(s) that was lawfully established prior to enactment or amendment of this chapter, that has continued as the same use to the present, and that does not comply with all the subsequently enacted use regulations of this chapter.

[Am. 13-021, Eff. 10-10-13]

(65) NURSERY. Any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.

(66) NURSING HOME. A home licensed by the State of Wisconsin for the aged, chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

(67) OCCUPANCY. The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. For purposes of this Chapter, change of occupancy is not intended to include change of tenants or proprietors.

[Am. 13-021, Eff. 10-10-13]

(68) OPEN SPACE. That space which is suitable primarily for private or public use, including space available for recreation or landscaping, which is open to the sky, free of automobile traffic, parking, outdoor storage, or structures other than authorized recreational structures.

(69) ORDINARY HIGH-WATER MARK. The highest point on the bank of a navigable waterway at which the level has been maintained or has periodically recurred for a sufficient period of time to leave a definite mark.

(70) ORIGINAL SEALED CONTAINER. The container in which a product was originally shipped from the manufacturer, with a capacity of not more than 55 gallons.

(71) OWNER. The person or persons holding legal title or the unconditional right to purchase land.

(72) OFF-STREET LOADING. An area or space adjacent to a building or structure which is readily accessible to vehicular traffic from a street, alley, or other public way, and which is set aside for the exclusive use of trucks or other vehicles while loading or unloading merchandise or materials.

(73) OFF-STREET PARKING. An area readily accessible from a street, alley or other public way, that is set aside for the exclusive use for temporary parking of automobiles and other vehicles which are fully registered, licensed, and operative, while the owners thereof are engaging in the pursuit of any permitted use of the property for which the parking is provided.

(74) PENNANT. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series and designed to move in the wind.

(74a) PORCH. A covered, but not enclosed, area adjoining an entrance to a residential building, and designed to provide some measure of shelter from the elements.

[Am. 07-05; Eff. 02-09-07]

(74e) PORTABLE OUTDOOR STORAGE UNIT. A portable storage container with more than two hundred and sixteen (216) cubic feet of storage space designed and used primarily for temporary storage and/or transportation of household goods and other such materials, kept outdoors, and not affixed to a foundation. The term does not include storage sheds constructed of wood, plastic or steel which are located on a permanent or temporary foundation, not intended to be moved or relocated on a regular basis, and in compliance with all Village setback and other requirements. Nor does the term include construction trailers or temporary storage units utilized by contractors or developers incidental to the ongoing construction of structures, public improvements or utilities or other aspects of property development.

[Cr. 10-04, Eff. 2-4-10].

(75) PROFESSIONAL OFFICE. The office of a person or persons engaged in any occupation, vocation or calling, not purely commercial, mechanical or agricultural in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.

(76) PUBLIC BUILDING. Any building held, used or controlled exclusively for public purposes by any federal, state, county or local governmental body or a department or branch thereof, without regard to the ownership of the building or of the land upon which it is situated.

(77) PREMISE. Land and any buildings or structures thereon.

(78) [Repealed 07-37; Eff. 12-7-07]

(79) ROADSIDE STAND. A structure having a ground area of not more than 200 square feet, not permanently attached to the ground, readily removable in its entirety and used solely for the sale of farm and garden product produced on the premises.

(80) RESTAURANT. An establishment designed to accommodate the preparation, sale and consumption of food.

(80m) ROAD MACHINERY. Any moveable equipment designed for use in road building or repair or other construction projects, including, but not limited to tractors, both wheeled and crawler types, graders, end loaders, scrapers, bulldozers, cranes, back hoes, drag lines, "cherry pickers" and compressors designed to be towed by a motor vehicle.

(80r) SALVAGE RECYCLING CENTER. A building or property where waste or scrap materials are bought, sold, exchanged, stored, recycled, baled, packed, disassembled or handled, including, but not limited to, motor vehicles, farm equipment, scrap iron and other metals, paper, rags, rubber tires and bottles. The term includes motor vehicle wrecking or dismantling yards, but does not include a solid waste recycling center as defined in sub. (86m).

(81) **SETBACK, BUILDING.** The horizontal distance between the property line and any structure.

(82) **SCREENING.** The process or materials by which a building, structure, activity, area or object is concealed or obscured from view.

(83) **SIGN.** Any object, device, display, structure, or part thereof, situated outdoors and in view of the general public, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, logos, symbols, fixtures, or projected images. Signs do not include the flag or emblem of any nation; organization of nations; state; Village; or religious, fraternal, or civic organization. Signs do also not include merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Building colors and outline lighting which do not convey a logo or message specific to the use, as determined by the Zoning Administrator, are not considered signs. Definitions of particular functional, locational, and structural types of signs are listed in Section 15.08. Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this chapter.

[Repealed and recr. 08-27; Eff. 8-22-08]

(84) **SMALL SOLAR ENERGY SYSTEM.** An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the lot (such as a solar panel system providing energy for a dwelling on the same lot), and primarily supplies energy to such principal use.

[Cr. 10-04, Eff. 2-4-10]

(85) **SMALL WIND ENERGY SYSTEM.** An energy system that converts wind energy to usable thermal, mechanical, chemical, or electrical energy, where such wind energy system is accessory to the principal use of the lot (such as a wind turbine system providing energy for a dwelling on the same lot), primarily supplies energy to such principal use, and does not exceed a rated capacity of 60 kilowatts.

[Cr. 10-04, Eff. 2-4-10]

(86) [Repealed 08-27; Eff. 8-22-08]

(86m) **SOLID WASTE RECYCLING CENTER.** A waste disposal operation at which temporary storage and processes such as baling of paper, grinding of glass and flattening of cans are conducted on segregated solid waste to facilitate reuse of the waste as raw materials.

(87) **STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding twelve feet (12') in height shall be considered as an additional story for each twelve feet (12') or fraction thereof.

(88) **STREET.** A dedicated public or private right-of-way, whether denominated a street, highway, road, boulevard, avenue, or otherwise, which affords a primary means of vehicular access to an abutting property.

(89) **STRUCTURE.** Anything constructed or erected which is permanently or temporarily affixed to the ground.

(89A) **SUBDIVISION SIGN.** A sign showing the name of a subdivision placed at the entrance of the subdivision. No commercial message permitted.

(90) **TERRACE.** An outdoor area, accessory to a principal building, constructed of stone, pavers, concrete or similar impervious surface, often elevated above natural grade but applied directly on the ground in one or more level surfaces adjacent to the principal building.

(91) TOXIC MATTER. Material which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.

(91m) TOWN. Town of Vienna, Town of Burke, Town of Windsor, or Town of Westport, as the context requires.

[Am. 08-14; Eff. 5-16-08; Am. 12-09, Eff. 5-24-12]

(91p) TOWNHOUSE: A townhouse consists of three to eight dwelling units, each having at least one individual exterior entry, ground floor living space, and at least one common wall with an adjacent dwelling unit.

[Cr. 11-10; Eff. 4-15-11]

(92) UNIFIED BUSINESS CENTER. A group of two or more professional, office, commercial or industrial establishments, or any combination thereof, that are planned, developed, owned or managed as a unit, related in location, size and type of establishments, and which provide on-site parking in definite relationship to the types and sizes of establishments. Where freestanding buildings function as a part of a unified business center, they shall be deemed to be a part of the center regardless of whether they are held in common ownership.

(93) USE. Any purpose for which a building or other structure or a tract of land is designed, arranged, intended, maintained, occupied or employed, and any activity, occupation, business, or operation carried on in a building or other structure or on a tract of land.

(94) USE, PERMITTED. A use which may be lawfully established in a particular district as designated in the regulations governing a zoning district.

(95) USE, PRINCIPAL. A main or dominant use of land, a building or other structure as distinguished from a subordinate or accessory use.

(96) WELL FIELD. A premise used primarily for the purpose of supplying a location for construction of a well to supply a municipal water system.

[Cr. 13-006, Eff. 4-4-13]

(96c) WELL RECHARGE AREA. The land area that contributes water to a well by infiltration or water into the subsurface and movement towards the well, regardless of the municipal or zoning jurisdiction of such land area.

[Cr. 13-006, Eff. 4-4-13]

(97) VARIANCE. A departure from any provision of the zoning requirements for a specific parcel, granted upon the demonstration of unreasonable hardship by the Board of Zoning Appeals or, as permitted by this code, by the Village Board.

(98) VILLAGE. The Village of DeForest.

(99) YARD. The open space between a lot line and a building line in which no structure may be located, except as provided in sec. 15.04.

(100) YARD, FRONT. The yard between the side lot lines extending from the front lot line to the nearest part of the nearest principal building. For corner lots and other double frontage lots, the yard abutting the street on which the lot is addressed shall be the front yard, except where otherwise approved by the Zoning Administrator based on circumstances that are unique to the site.

[Am. 13-021, Eff. 10-10-13]

(101) YARD, REAR. The yard between the side lot lines extending from the rear lot line to the nearest part of the nearest principal building. In the circumstance of properties with street frontages on more than two sides, the yard that is opposite that of the street address shall be classified as the rear yard.

[Am. 13-021, Eff. 10-10-13]

(102) YARD, INTERIOR SIDE. A yard between the front and rear lot lines extending from the interior side lot line to the nearest part of the nearest principal building.

[Am. 13-021, Eff. 10-10-13]

(102g) YARD, STREET SIDE: For each corner lot, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest principal building.

[Cr. 13-021, Eff. 10-10-13]

(103)ZERO LOT LINE. A unit placed in such a way on a lot that one exterior wall is on a property line.

(103m) ZERO LOT LINE CONSTRUCTION. A development approach in which a building is sited on one or more lot lines with no side yard area, except beyond the outer ends of the building.

[Cr. 06-06; Eff. 6-9-06]

15.03 ADMINISTRATION AND ENFORCEMENT.

(1) ZONING ADMINISTRATOR.

(a) Appointment. The Village Planning and Zoning Administrator shall carry out the functions of the Zoning Administrator directly or by delegation to qualified members of his or her staff or consultants.

(b) Duties. The Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this chapter. The duties of the Zoning Administrator shall be as follows:

1. Issue and, when applicable, renew all permits or certificates required by the several provisions of this chapter.
2. Make and maintain records of all matters pertaining to zoning within the areas subject to this chapter including, but not limited to, permit and certificate issuance, applications for zoning amendments, variances, conditional uses, and other zoning approvals, inspections, zoning decisions of other governmental bodies affecting the Village, signs, and all correspondence, protests or objections pertaining to Village zoning matters.
3. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this chapter.
4. Receive, file, and forward to the Board of Zoning Appeals all applications for appeals, variances, and other matters on which the Board of Zoning Appeals is required to act under this chapter.
5. Render, when called upon to do so, administrative interpretations regarding the zoning of specific properties subject to this chapter, and the effect such zoning has on the properties or their use.
6. Advise all interested Village and other governmental agencies of pending zoning matters, and provide required notices to property owners.
7. Serve as the Village staff planning and zoning liaison with the Village Board, Board of Zoning Appeals, Joint Committee, and Planning and Zoning Commission, and keep those boards, committees and commissions abreast of all zoning matters and of recent developments in the fields of community planning and zoning.
8. Issue temporary use permits, zoning permits, certain site plan approvals, and other permits and approvals when authorized by this chapter.
9. Issue orders and take appropriate action to enforce the provisions of this chapter as allowed by law.

(2) VILLAGE BOARD. The Village Board has exclusive authority under this chapter to:

(a) Approve, reject, or approve with conditions requests to rezone land within the jurisdiction of this chapter;

(b) Enact amendments to the text of this chapter.

(c) Hear and decide appeals from the Planning and Zoning Commission and Joint Extraterritorial Zoning Committee on their conditional use permit decisions.

[Am. 13-021, Eff. 10-10-13]

(3) PLANNING AND ZONING COMMISSION.

(a) Jurisdiction. Except as provided in sec. 1.03(2)(b) and sub. (3a), the Village Planning and Zoning Commission shall, in addition to all other powers provided by law:

1. Review and grant final approval or rejection of certain applications and appeals for site plan approval for projects within the Village, as required by §15.05, except where the Village Board waives or modifies such review under §15.19(6).
2. Review and render decisions on all applications for conditional use permits within the Village.
3. Review and decide applications for approval of final development plans for all Planned Unit Developments in the Village.
4. Hold all public hearings as required under this chapter for development approval requests, unless a hearing before another body is expressly required by statute or by other provisions of this chapter.

(b) Required Vote. All actions by the Commission shall require a majority vote of the members present provided that a quorum of at least four (4) members are present.

[Am. 13-021, Eff. 10-10-13]

(3a) JOINT EXTRATERRITORIAL ZONING COMMITTEES.

(a) Jurisdiction. The DeForest-Vienna Joint Extraterritorial Zoning Committee shall have all of the powers of the Planning and Zoning Commission with respect to lands subject to sec. 15.035 within that portion of the ETZ Area that is also within the Town of Vienna. The DeForest-Burke Joint Extraterritorial Zoning Committee shall have all of the powers of the Planning and Zoning Commission with respect to lands subject to sec. 15.035 within that portion of the ETZ Area that is also within the Town of Burke. If established by cooperative plan under §66.0307, Stats., the DeForest-Windsor Joint Extraterritorial Zoning Committee shall have all the powers of the Planning and Zoning Commission with respect to lands subject to sec. 15.035 within that portion of the ETZ Area that is also within the Town of Windsor. Each such body shall hereinafter be referred to as the Joint Committee for the lands under its respective geographic jurisdiction.

[Am. 12-09, Eff. 5-24-12]

(b) Membership. The membership of each Joint Committee shall consist of 3 citizen members of the Village Planning and Zoning Commission and 3 members appointed by the Board of Supervisors of the respective town. Town supervisors shall be eligible for appointment to the Joint Committee. The method of appointment of members shall be determined by the governing body of the respective appointing municipality. The Joint Committee shall elect its own chairperson and may establish its rules of procedure to the extent not in conflict with this chapter or State law.

(c) Voting. All final actions of the Joint Committee shall require a concurring vote of at least four (4) members. Members appointed by the town boards shall be entitled to vote only on those matters which affect lands within the boundaries of the town from which they were appointed.

[Am. 08-14; Eff. 5-16-08]

(4) **BOARD OF ZONING APPEALS.** (a) Jurisdiction. The Board of Zoning Appeals shall have the power to:

1. Hear and decide all appeals from any order, requirement, decision, or determination made by an administrative officer under this chapter.
2. Grant or deny variances consistent with the procedures and standards for variances as established in this chapter.
3. Hear and decide all other matters upon which it is required to pass under this chapter.

(b) Meetings and Rules. All meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the board may determine by rule. All meetings conducted by the board shall be open to the public. Any person may appear at a hearing in person or by a duly authorized agent. The chairman, or in his or her absence the acting chairman, may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings, showing the vote of each member upon each question and shall keep accurate records of its hearings and other official actions. The board may adopt additional rules governing its proceedings not in conflict with this chapter. A copy of every rule, order, decision or determination of the board shall be filed with the Zoning Administrator.

(c) Required Vote. All final actions of the Board of Zoning Appeals shall require a concurring vote of at least four (4) members.

(5) **APPEALS OF ADMINISTRATIVE DECISIONS.**

(a) Time For Appeal. An appeal may be taken to the Board of Zoning Appeals by any persons, firm or corporation, or by any officer, department, board, commission or agency of the Village or, in the case of lands within the ETZ Area, of the town in which the affected land is located, aggrieved by any order, decision or interpretation of an administrative officer under this chapter. Such appeal shall be taken within thirty (30) days after the date of the order, decision or interpretation appealed from, by filing notice of such appeal on a form provided by the Administrator and payment of the fee as established by the Village Board.

[Am. 08-14; Eff. 5-16-08]

(b) Filing. A copy of the notice of appeal shall be served by the appellant on the officer whose decision is being appealed. Such officer shall promptly transmit to the board all papers constituting the record of the action under appeal.

(c) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals that, by reason of facts set forth in the certification, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed unless a restraining order is issued by either the board or by a court of record for due cause shown.

(d) Appeal Hearing and Findings. A public hearing on the appeal shall be conducted by the Board of Zoning Appeals within thirty (30) days of filing. The board shall render a written decision on the appeal without unreasonable delay. In rendering its decision, the board may, in conformity with the provisions of this chapter, 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 issuance of a permit.

(d) Finality of Decisions. All decisions of the Board of Zoning Appeals under this subsection shall be considered final administrative determinations and shall be subject to judicial review in accordance with applicable Wisconsin Statutes.

(6) VARIANCES.

(a) Application for Variance and Hearing Notices. An application for a variance shall be filed in writing with the Zoning Administrator. The application shall contain such information as the Board of Zoning Appeals may from time to time by rule require. Upon receipt of a complete application and the associated fee, notice of the time and place of a public hearing shall be provided by Class 1 notice. The published notice may be supplemented by such additional notice as the Board of Zoning Appeals may require by rule. If the affected property is within an ETZ Area:

1. Within five (5) working days of receipt of a complete application and fee, the Zoning Administrator shall provide all application materials to the clerk of the affected Town with an invitation for Town review against the standards in sub. (c), below.
2. Unless the affected Town indicates in writing that the Town will not be submitting any formal comments, the Zoning Administrator shall schedule the public hearing no sooner than forty-five (45) days from receipt of a complete application, to enable sufficient time for Town review and comment. The Zoning Administrator shall notify the clerk of the affected Town of the time and place of the public hearing as soon as practical.
3. Any recommendation from the affected Town or any other party received in advance of the public or during such hearing shall be incorporated into the official record as testimony on the variance application.

[Am. 12-09, Eff. 5-24-12; Am. 13-021, Eff. 10-10-13]

(b) Hearing and Decision. A public hearing pertaining to the requested variance shall be held within 90 days of the filing of the application and required fee. A decision to grant or deny the requested variance shall be made in writing without unreasonable delay and shall set forth the findings and rationale of the board.

(c) Standards for Variances. The Board of Zoning Appeals shall grant a variance only when it has determined, and made written findings, that all of the following standards are met:

1. That compliance with the strict letter of the zoning ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. It is not sufficient that a variance applicant show that the zoning regulation(s) prevents or burdens his or her planned activity. Such applicant must show by competent evidence that the regulation unreasonably prevents or unnecessarily burdens the proposed activity.
2. That compliance with the strict letter of the zoning ordinance would create unnecessary hardship due to a unique property condition, meaning a special physical feature or limitation of the property that is not generally shared by nearby land or property within the same zoning district. If a variance applicant fails to prove the existence of a unique property condition and a connection between the condition and the hardship, even if the hardship is great, a variance may not be granted.
3. That the requested variance will not be contrary to the public interest or to the intent and purpose of this chapter as stated in §15.01(2).

[Am. 08-14; Eff. 5-16-08]

(d) Conditions. The Board of Zoning Appeals may condition the grant of any variance on compliance with any conditions or restrictions as it may deem reasonably necessary to comply with the standards established in this subsection, to minimize the effect of such variance upon other property or to better carry out the general intent of this chapter.

(e) Effect of Denial of a Variance. No application for a variance which has been denied shall be resubmitted for a period of one (1) year from the date of the order of denial, except on grounds of new evidence or proof of changed conditions found to be material by the Board of Zoning Appeals. For purposes of this paragraph, an application shall be considered a resubmission if it seeks a variance which is substantially similar to a previous request.

[Am. 13-021, Eff. 10-10-13]

(7) MAP AND TEXT AMENDMENTS.

(a) Authority. The regulations imposed and the districts created under this chapter may be amended from time to time by the Village Board.

(b) Initiation of Amendment. Amendments may be proposed by any Village Trustee, a member of the Planning and Zoning Commission, a member of the Board of Zoning Appeals, a member of the joint extraterritorial zoning committee or any person having an ownership or leasehold interest in any property within the Village.

(c) Application for Amendment. An application for an amendment shall be filed with the Zoning Administrator in such form and accompanied by such information as the Zoning Administrator shall specify and the fee established by the Village Board. This paragraph shall not apply to changes proposed by any Village board or commission or the joint extraterritorial zoning committee.

(d) Notice and Hearing. Except as provided in sec.15.035, the Planning and Zoning Commission shall conduct a public hearing on all applications for amendment. The Commission shall give notice of the time and place of such hearing by publishing a Class 2 Notice and providing any notice to adjacent municipalities required by §62.23(7), Stats. Said notice shall include a summary of the changes proposed.

(e) Recommendation and Report. The Planning and Zoning Commission, within 30 days after the close of the hearing held under par. (d), shall submit a written recommendation and report to the Village Board. In making its recommendation, the Commission shall utilize the following criteria:

1. Consistency with the Village's Comprehensive Plan as required by §66.1001, *Stats.*, including but not limited to the Future Land Use map and associated policies and the Growth Phasing map and/or policy.
2. The extent to which the proposed amendment will alleviate a condition in the zoning code which is not conducive to proper community planning.
3. The degree to which all owners of property in the area or same zoning classification would be affected by the proposed amendment.
4. The suitability of any property subject to a proposed district change for the currently zoned uses and for proposed uses.
5. Any hardships created by the current text or district designation sought to be amended.
6. Whether adequate public school facilities and other public services exist or can reasonably be provided to serve the need likely to be created by any additional dwelling units authorized to be constructed as a result of such change.

7. Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers in the vicinity.
8. The recent rate at which land is being developed in the Village and the anticipated effects of the proposed amendment on development rates.
[Am. 13-021, Eff. 10-10-13]

(f) Effect of Denial of Amendment. No application for an amendment which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of the denial, except on grounds of new evidence or proof of changed conditions found to be material by the Village Board.

(g) Development Phasing Agreements. Map amendments, associated with the subdivision of property, may be approved contingent upon the execution by the Village Board and the developer of a Development Phasing Agreement which addresses the number and type of dwelling units which may be constructed in a calendar year. The numbers will be calculated based on the quantity of existing developed platted lots and platted undeveloped lots.

(8) VIOLATIONS AND PENALTIES.

(a) Equitable Relief. In case of any violation of this chapter, the Village Board, the Zoning Administrator, the Planning and Zoning Commission, the applicable joint extraterritorial zoning committee where the violation relates to lands within the ETZ Area, or any property owner who would be specially damaged by such violation, may cause appropriate action or proceeding to be instituted to enjoin the violation or cause an unlawful structure to be vacated or removed.

[Am. 08-14; Eff. 5-16-08]

(b) Forfeitures. Any person found to have violated the provisions of this chapter shall forfeit not less than \$50.00 nor more than \$500 for each such violation. Each day of a continuing violation shall be considered a separate offense.

[Am. 13-021, Eff. 10-10-13]

(c) Remedies Not Exclusive. The remedies and penalties provided in this section are not exclusive. Nothing in this section shall be construed to prevent the Village or any person from commencing any action, or enforcing any remedy authorized by any other law.

15.035 EXTRATERRITORIAL ZONING ADMINISTRATION.

[Am. 08-14; Eff. 5-16-08]

(1) APPLICABILITY. This section shall apply only to zoning matters affecting lands within the ETZ Area. The procedures in this section shall supplement the procedural provisions of sec. 15.03, but shall not be construed to overrule those provisions unless expressly stated herein or when necessary to avoid a direct conflict or to comply with applicable statutory requirements.

(2) TEXT AMENDMENTS. (a) Authority. The regulations imposed by this chapter as they affect lands within the ETZ Area may be amended from time to time by the Village Board upon the affirmative recommendation of each Joint Committee.

[Am. 12-09, Eff. 5-24-12]

(b) Notice and Hearing. The Joint Committees shall conduct a public hearing on all applications for amendment to any regulations under this chapter jointly with the hearing held by the Planning and Zoning Commission pursuant to sec. 15.03(7)(d), or shall each hold their own hearing. The Joint Committees shall vote separately from the Commission on any amendment. The chairman of each Joint Committee shall promptly report the decision of the Committee to the Village Board.

(c) Effect of Joint Committee Recommendation. Only amendments to the regulations of this chapter that have been affirmatively recommended by the Joint Committee with jurisdiction over the part of the ETZ

Area within a particular Town shall be applicable within that Town. Any such amendment shall be codified in such a manner as to exclude its applicability to all or part of the ETZ Area, to the extent not recommended by the appropriate Joint Committees.

[Am. 12-09, Eff. 5-24-12]

(3) MAP AMENDMENTS.

(a) Authority. The zoning district designations of lands within the ETZ Area may be changed from time to time by the Village Board upon the affirmative recommendation of the appropriate Joint Committee as provided in this subsection.

[Am. 12-09, Eff. 5-24-12]

(b) Notice and Hearing. The appropriate Joint Committee shall conduct a public hearing on all applications for zoning district changes within that Joint Committee's jurisdiction. The committee shall give notice of the time and place of such hearing by publishing a Class 2 Notice and providing any notice to adjacent municipalities required by §62.23(7), Stats. In all cases, notice of the hearing shall be mailed to the Clerk of the town in which the lands are located. Said notice shall include a summary of the changes proposed.

(c) Town Review. The Joint Committee shall cooperate with the town in which the lands are located in providing any available information concerning the application upon request. The Joint Committee shall not vote on the application until:

1. The Board of Supervisors for the town in which the lands are located has voted to approve or disapprove the application as evidenced by written certification of the Town Clerk or published minutes of a meeting reflecting such vote;
2. At least sixty (60) days have elapsed since the close of the public hearing on the application without receipt by the Joint Committee of written certification by the Town Clerk of a decision by the Town Board for the town in which the lands are located.

(d) Amendments to Application. In the event an application is amended, the Joint Committee shall promptly notify the Clerk of the Town in which the lands are located of the amendment. If the amendment is made at the public hearing, the Joint Committee shall adjourn the hearing for not less than 10 days and shall promptly notify such Town Clerk of the amendment and of the adjourned hearing date. Amendments made after the close of the public hearing shall require a new public hearing and pars. (b) and (c) shall apply to the amended application.

(e) Recommendation and Report. The chairperson of the Joint Committee shall promptly report its recommendation to the Village Board. The recommendation shall include a statement of any recommendation made by the Town Board of the town in which the lands are located.

(f) Enactment by Village Board. The Village Board may enact an ordinance as approved by the Joint Committee by a majority vote except that an affirmative vote of 3/4 of the members present shall be required if:

1. A protest petition is filed in accordance with §62.23(7a)(f), Stats. or
2. The Clerk of the Town in which the land is located has certified in writing to the Joint Committee or the Village Board that the Town Board has voted to oppose the ordinance.

(4) CONDITIONAL USE PERMITS.

(a) General. Conditional use permit applications for land within the ETZ Area shall be subject to sec. 15.16, except the applicable Joint Committee shall function in all respects in lieu of the Planning and Zoning Commission and subject to the limitations in subs. 4(b) and (c) below.

(b) Town Review. When any application is forwarded to the Joint Committee as provided in sec. 15.16(3)(c), the Zoning Administrator shall mail a copy thereof to the Clerk of the town in which the lands are located. The provisions of subs. 15.16(4)(c), (d) and (e) shall apply to all conditional use applications.

(c) Appeals to Village Board. If the Clerk of the town in which the lands are located has certified to the Joint Committee or the Village Board that the Town Board has voted to recommend rejection of the application, the permit shall not be granted except by a 3/4 vote of the Joint Committee or Village Board on appeal.

[Am. 13-021, Eff. 10-10-13]

(5) SITE PLAN REVIEW. Required site plans for developments in the ETZ Area shall be submitted and reviewed as provided in sec. 15.05(2), except that the applicable Joint Committee shall function in lieu of the Planning and Zoning Commission.

[Am. 13-021, Eff. 10-10-13]

15.04 GENERAL PROVISIONS.

(1) PERMITS AND ZONING COMPLIANCE. No building permit required under Chapter 14, conditional use permit, other permit, or certificate of occupancy required under Chapters 5 and 14 shall be issued until compliance with the provisions of this chapter have been verified by the Zoning Administrator, either by zoning permit or otherwise. Violators will be subject to fines and/or stop work orders.

[Am. 13-021, Eff. 10-10-13]

(2) ANNEXED LAND. All land which may hereafter be annexed to the Village shall, unless otherwise provided in the annexation ordinance, be automatically classified in the A-1 Agricultural District pending a public hearing by the Planning and Zoning Commission and adoption of an ordinance amending the district designation by the Village Board.

(3) NUMBER OF BUILDINGS. Not more than one principal building shall be located on any lot in a single or two-family residence district except buildings used for permitted civic, cultural or institutional uses. Civic, cultural or institutional uses may have more than one principal building per lot, provided, however, the minimum distance between buildings shall be not less than 15 feet and the minimum green space percentage must be met. Multi-family (RM-4), elderly (RM-5), business, industrial, or mixed use planned unit developments (PUD) districts approved pursuant to the provisions of this chapter may also have more than one principal building per lot, provided, the minimum distance between buildings shall not be less than 15 feet and the minimum green space percentage must be met. This subsection shall not apply to agricultural accessory buildings located on lands in any agricultural zoning district.

[Am. 06-06; Eff. 6-9-06]

(4) ACCESSORY STRUCTURES.

(a) Conformance with Requirements For Principal Buildings. Any accessory building which is physically attached to a principal building shall conform to all district regulations applicable to the principal building except minimum floor area requirements.

(b) Construction Restrictions. Except where expressly permitted by the applicable district regulations or approved as part of a site plan under §15.05, no accessory building shall be erected prior to the establishment or construction of the principal building to which it is accessory.

(b) Size of Accessory Structures. Except as provided in sub. (24)(c) the maximum height—of non-agricultural accessory structures shall be:

1. The maximum height set forth in the applicable district regulations;

2. In the RE and RH Districts – fifteen (15) feet;
3. In all other residential districts – twelve (12) feet;
4. In all other districts, thirty-five (35) feet.

Agricultural accessory buildings have no height limitation.

[Am. 06-06, Eff. 6-9-06; Am. 11-10; Eff. 4-15-11; Am. 13-021, Eff. 10-10-13]

(d) Restrictions on Use as a Dwelling. Except for residential uses authorized by a conditional use permit, no accessory building shall be used for dwelling purposes.

(e) Temporary Accessory Structures. Accessory structures designed for the purpose of temporary storage may not be located on the property for more than 120 days in a calendar year and shall meet all accessory structure dimensional standards.

(f) Number of Accessory Buildings. Within any residentially zoned lot, there shall not be more than two (2) detached accessory buildings at any one time.

(g) Restrictions on Placement of Accessory Structures in Easements. No accessory building or structure of any kind shall be placed or maintained in an easement designated for public or private utility, public sewer, public water, stormwater, drainage, public access or other purpose where obstructions such as accessory buildings or structures would interfere with the purpose of the easement in the determination of the Public Works Director, or if in the ETZ Area the affected town board. This paragraph shall apply in addition to all accessory building setback standards in Tables 15.10B, 15.11B, 15.12B, 15.105B, or 15.115B.

[Am. 07-05; Eff. 02-09-07; Am. 13-021, Eff. 10-10-13]

(h) Location of Detached Accessory Buildings. No detached accessory building shall be placed closer than five (5) feet from a principal building. Required yard setbacks for detached accessory buildings shall be as established in Tables 15.10B, 15.11B, 15.12B, 15.105B and 15.115B.

[Cr. 08-14; Eff. 5-16-08; Am. 13-021, Eff. 10-10-13]

(5) **MOBILE HOMES.** No mobile home shall be used for human occupancy unless located in an approved mobile home park and properly connected to public sewer and water utility systems. Travel trailers designed and used for recreational purposes may be occupied on a temporary basis other than as a primary residence in a permitted campground.

(6) **HOME OCCUPATIONS.** All home occupations shall be subject to the following restrictions: (a) All such uses must be incidental and secondary to the use of the dwelling unit for residential purposes and shall not endanger the public health or safety,

(b) All such uses shall be carried on wholly within the principal building, and shall not change the residential character of the dwelling unit or adversely affect the character of the surrounding neighborhood.

(c) All such uses shall be conducted such that no evidence of the business use is perceivable from outside of the home.

(d) Outside storage of materials, equipment or goods related to the home occupation is prohibited.

(e) No internal or external structural alterations to the dwelling unit, whether permanent or temporary, to accommodate the home occupation may be undertaken.

(f) No home occupation may accommodate more than two (2) patrons or clients within the dwelling unit at one time nor more than five (5) patrons or clients during any twenty-four hour period.

(g) **Prohibited Home Occupations.** The following activities shall not be permitted in residential areas as, or as part of, home occupations:

1. Any repair of internal combustion engines or related equipment, including the painting or repair of automobiles, trucks, trailers, boats, motorbikes, motorcycles, or lawn equipment;
2. Animal hospitals, kennels, stables, or bird keeping facilities;
3. Restaurants;
4. Adult oriented establishments;
5. Funeral chapels or homes, crematoria and mausoleums;
6. Medical or dental clinics, except the offices of sole practitioners are allowed if other home occupation standards are met;
7. Manufacturing, producing or assembling of any products unless the home occupation operator sells such products at retail;
8. Public places of amusement, such as theaters or video arcades;
9. The manufacturing, repair, refurbishing or assembly of firearms, ammunition, explosive materials or toxic chemicals;
10. The storage, packaging, shipping or handling of explosive or toxic materials;
11. The sale, offering for sale or advertising for sale of explosive materials or toxic chemicals, except those contained in ammunition for firearms, where any such products sold or offered for sale are physically located on the residential premises at any time.
12. Warehousing, welding or machine shops.
13. Processing of domestically produced or raised animals.
[Am. 06-06; Eff. 6-9-06; Am. 07-27; Eff. 7-20-07]

(7) BUILDING BULK REGULATIONS.

(a) Corner Lots and Through Lots. Where lots have street frontage on more than one side, front yard requirements shall apply to each side adjacent to a street

(b) Minimum Lot Area. No building or other structure shall hereafter be erected, altered or enlarged on a lot which does not meet the minimum lot area and lot width prescribed by the applicable district regulations, except as may otherwise be allowed under Section 15.02(51). Lots created prior to adoption of this chapter are subject to Section 15.17(13).

[Am. 13-021, Eff. 10-10-13]

(c) Lot Area Following Right-of-Way Widening. The minimum lot area requirements for any lot shall be reduced by the number of square feet acquired by federal, state or municipal agency, by condemnation or otherwise, for the purpose of widening or otherwise altering any street abutting the lot, except that the minimum lot area shall not be reduced by more than 25%.

(d) One Hour Firewall Required. The common wall of all duplexes, multi-family and townhouse units shall have a one hour firewall extending from the floor of the lowest living space to the roof of the unit.

(e) Backwater Valve Required. All new construction and renovated dwelling units shall have a backwater valve installed to prevent the reverse flow of stormwater or sewage into the drain system.

(f) New Lots Meeting Bulk Regulations. No lot shall be divided into two (2) or more lots, and no portion of any lot shall be sold or otherwise transferred, unless all lots resulting from such division, sale, or transfer, and all buildings on such lots, will conform with all bulk and dimensional standards applicable to the zoning district in which the lots are located, except where a substandard lot being created is legally restricted from building development.

[Cr. 10-04, Eff. 2-4-10]

(8) PERMITTED IMPROVEMENTS IN REQUIRED BUILDING SETBACK AREAS. Except as prohibited by sec. 15.04(4)(g), the following improvements shall be permitted in the yard setback areas required by the district regulations:

(a) Front and Street Side Yard Setbacks:

1. Landscape features in accordance with sec. 15.06(2)(m);
2. Flag poles;
3. Freestanding yard signs;
4. Basketball backboard and hoop in any residential district;
5. Signs permitted under sec. 15.08;
6. Driveways and parking spaces, with front yard parking allowed only by conditional use in business districts (see Table 15.11B); and
7. Utility service connections and equipment.
8. Ramps specifically designed and required for access by disabled persons.
9. Front porches, which may extend up to 10 feet into the front yard setback.

(b) Interior Side Setbacks:

[Am. 08-14; Eff. 5-16-08]

1. All improvements permitted within front yard setbacks by pars. (a)1-8;
2. Open terraces, decks, patios and similar structures, no portion of which is covered by a roof or other overhead structure, provided that any such improvements may extend no closer to the lot line than allowed for accessory buildings in the applicable zoning district;
3. Play equipment as defined in 15.04(21), swimming pools and their accessory decks to the extent permitted by sec. 15.04(14), and clotheslines and their supporting structures in any residential district;
4. Fences and walls not exceeding ten (10) feet in height above natural grade level in industrial zoning districts and six (6) feet in height above natural grade level in all other districts;
[Am. 09-05, Eff. 3-19-09]
5. Roof overhangs and gutters not extending more than 30" from the building wall; and
6. Other detached accessory buildings and structures allowed by this chapter, provided that accessory building setbacks in the applicable zoning district are met.

(c) Rear Setbacks:

1. All improvements permitted within front or side yard setbacks by pars. (a)1-8 or (b); and
2. All open decks, detached garages, and accessory structures and uses allowed by this chapter, provided that accessory building setbacks in the applicable zoning district are met. Fully or partially enclosed decks, including any deck on which there is located a roofed structure, must meet the principal building setbacks in the applicable zoning district.

[Am. 07-05; Eff. 02-09-07]

(9) **FRONT FOOTAGE AND ACCESS TO LOTS.** All lots shall have a minimum street frontage of no less than forty-five feet (45').

[Am. 08-14; Eff. 5-16-08]

(10) **EXCEPTIONS TO HEIGHT LIMITATIONS.**

(a) Structure height limitations set forth in the district regulations shall not apply to: agricultural structures (exclusive of dwellings), chimneys, cooling towers, elevator bulkheads, fire-towers, ornamental towers and spires, church steeples, public utility poles, towers and wires, small wind energy systems, communications antenna and communications towers, water tanks and standpipes, or necessary mechanical appurtenances. The permitted height of communications antennae and communications towers, including amateur radio antennae and towers, shall be determined under sub. (16).

[Am. 10-04, Eff. 2-4-10]

(b) [Repealed 10-04, Eff. 2-4-10]

(11) **OFF-STREET PARKING AND LOADING.** No building or other structure shall hereafter be erected, altered, or enlarged, nor shall any use of land be established or enlarged unless the minimum off-street parking and loading spaces set out in sec. 15.07 are provided or as provided for under sec. 15.11(2)(b)(4).

(12) **PERFORMANCE STANDARDS.** The performance standards set forth in this subsection are applicable to all land uses and activities except where otherwise indicated, and are designed to protect the public health, safety, and welfare and to protect, maintain, and enhance the quality of the natural environment of the community. All uses shall be conducted in such a manner so as not to cause any significant nuisance, hazard, or commonly recognized offensive conditions or characteristics, including significant emission of dust, gas, smoke, noise, fumes, odors, particulate matter, chemical compounds, humidity, heat, cold, glare, or night illumination or the creation of external vibration or electrical disturbance. Prior to issuance of a zoning permit, building permit, or certificate of occupancy for any use, the Zoning Administrator or Building Inspector may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive condition.

(a) **Noise.** No land use activity shall be conducted in such a manner as to generate sound which, because of its volume, pitch, frequency, repetitiveness, duration or other characteristics or any combination of the foregoing, unreasonably interferes with the use and enjoyment of neighboring properties for uses lawfully permitted thereon.

(b) **Vibration.** No land use activity shall be conducted in such a manner as to cause earthborn vibrations on neighboring properties of sufficient intensity, frequency, duration, or other characteristics or any combination of the foregoing, as to unreasonably interfere with the use and enjoyment of such neighboring properties for uses lawfully permitted thereon, or to cause damage to real or personal property thereon.

(c) **Odor.** No land use shall cause any odor that is offensive to a person of reasonable sensibilities detectable at any lot line of any lot in a residential district for periods exceeding a total of 15 minutes of any day.

(d) Waste Materials. No use or activity shall be so conducted as to cause the harmful discharge of any waste materials per §§11.035(1)(c) and (6), 8.53(2)(e)-(f), 8.70, 9.07(5), 10.05(2), 11.03(7), and 11.035(6) and other applicable sections of the Municipal Code and state and federal law.

(e) Toxic, Hazardous, And Radioactive Materials. Any land use or other activity which involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable standards set forth in State and Federal statutes and regulations regarding the use, storage, transportation, emission, and disposal of such materials. The operator of any such land use or activity shall obtain, maintain and comply with all necessary licenses and permits from the appropriate State and Federal agencies. As part of any permit review process under this chapter, the Village may require such operator to prepare and submit a process safety management, risk management, containment, and emergency response program for approval by the Fire Chief. In the event of any spill or other accident involving toxic, hazardous, or radioactive materials, the responsible party shall immediately notify the Fire Department and Madison HazMat team, and shall follow procedures specified in any approved process safety management, risk management, containment, and emergency response program.

(f) Fire and Explosive Hazards.

1. General. All flammable solid, liquid, and gaseous substances shall be stored and used in accordance with all applicable Federal, State and local statutes, regulations and ordinances, including but not limited to Chapter 5 of this Code.
2. Solid Materials. In all non-residential zoning districts, the storage or use of solid materials or products ranging from incombustible to moderate burning is permitted. In all non-residential zoning districts, the storage or use of solid materials or products ranging from free or active burning to intense burning is permitted, if:
 - a. Any building in which such materials or products are stored or used are is constructed with no less than a two-hour fire-resistance rating on all exterior walls and is protected with an automatic fire extinguishing system; and
 - b. Any area where such materials are stored or used outdoors is located no less than fifty (50) feet from the nearest lot line.
3. Liquid and Gaseous Materials. The storage or use of flammable liquids or gasses shall be permitted in conjunction with any non-residential use that does not share a building or site with a non-farm residential use. Above ground storage tanks shall be limited to 25,000 gallons. Underground storage tanks shall be limited to 100,000 gallons. When flammable gasses are stored or used, the quantity in cubic feet at standard temperature and pressure shall not exceed 30 times the limits of the associated storage tank. The storage of finished products in original sealed containers shall be exempt from the above requirements. Storage tanks for flammable liquids or gasses shall further:
 - a. Be screened from view pursuant to Sec. 15.05(8)(i).
 - b. Be approved by the Zoning Administrator and the Fire Inspector or their designees prior to installation or expansion.
 - c. Not be located between the principal building and any lot line abutting any residential zoning district or use, or sixty (60) feet from the lot line abutting such residential zoning district or use, whichever is greater.
 - d. If above ground, be set back from any lot line as indicated in the following chart.

Size of above ground tank	Minimum setback from all lot lines
Up to 5,000 gallons	20 feet
5,001 to 15,000 gallons	40 feet
15,001 to 25,000 gallons	60 feet

4. Explosive Materials. In addition to all other requirements of this section, any activity involving the storage or use of materials or products which decompose by detonation is prohibited in all districts, except where specifically licensed by the local governing body. Such materials include, but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and perchloric acid; per chlorates; chlorates; hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials, and products and reactor elements such as Uranium 235 and Plutonium 239.

(g) Lighting & Glare. No land use activity shall be conducted so that direct and indirect illumination from a source of light shall cause illumination in excess of 0.5 foot-candles, as measured horizontally at any point on a lot line abutting or within a residential district or in excess of 2.0 foot-candles in non-residential districts, except that when street lighting produces illumination in excess of one foot-candle at a particular point in a residential district, light sources from property in a non-residential district at the same point may add up to 50% percent of the street lighting. Flickering or flashing lights shall be controlled or shielded so as not to cross lot lines.

(h) Heat. Every land use and activity shall be operated such that it does not emit heat beyond the boundary of the lot on which it is located below the highest point of any building located on any other lot.

(i) Electromagnetic Interference. No land use shall be permitted which creates any electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform with all Federal Communications Commission regulations.

(j) Storage of Vehicles. Storage of more than ten (10) vehicles as an accessory use, other than inventory of permitted vehicular sales lots, employee, or guest parking, or service vehicle or trailer parking, within designated parking stalls or loading areas, shall be subject to the following standards and conditions, unless expressly determined by the site plan or conditional use approval authority to be unnecessary to carry out the intent and purpose of this chapter:

1. Such use shall be prohibited unless the conditional use or site plan application adequately demonstrates that the inside storage of the permitted vehicles is impractical.
2. The location(s) of the outdoor storage area shall be selected to minimize its visual impact beyond the property line.
3. No outdoor storage area shall be used for the storage of vehicles prior to completion of construction of a principal building on the lot.
4. The outdoor storage area shall be completely screened by an opaque wall or fence, a portion of a building, or some combination of the foregoing. No fence or wall shall exceed ten (10) feet in height above natural grade level.

5. The land between any fence or wall forming the outer boundary of the outdoor storage area and the nearest property line shall be landscaped in order to buffer the appearance of the fence or wall as required by §§15.05(8)(i) and 15.06(9)(d).
6. The outdoor storage area shall be designed and maintained in such a manner that one or more drive aisles are available to access each motor vehicle that is temporarily stored within the area at all times and to maintain access at all times to all portions of the lot for emergency vehicles.
7. All space within the outdoor storage area to be used for temporary vehicle storage shall be paved with a hard, all-weather surface or graveled.
8. In no case shall more than three (3) vehicles regulated by this paragraph be stored outside of the enclosed outdoor storage area at any one time.
9. A spill prevention and control plan approved by the Zoning Administrator shall be maintained in effect and complied throughout the duration of the vehicle storage use. All stored vehicles shall either be inspected to ensure that they are not leaking fuel, oil, or other toxic or hazardous liquids, or drained of all such liquids.

[Am. 13-021, Eff. 10-10-13]

(13) FENCES AND HEDGES.

(a) Fences Defined. For the purpose of this section, “fence” means an enclosed barrier consisting of vegetation, wood, stone, metal or other material intended to prevent ingress or egress.

(b) Height and Materials Regulated.

1. Residential Districts. In any residence district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected. Fences may be erected, constructed, maintained, or grown to a height not to exceed six (6) feet along side and rear lot lines, but shall not extend into the front setback area, provided, however, that landscape features not exceeding four (4) feet in height and which do not impede ingress or egress to the property may be erected within the front set back area.
2. Security Fences. Security fences are permitted along the property lines in all non-residential districts, but shall not exceed ten (10) feet in height and shall be of open type similar to woven wire or wrought iron fencing. The Planning and Zoning Commission may approve security fencing in residential districts for permitted civic, cultural and institutional uses if the Commission finds that such fencing is necessary for security or safety reasons.
3. All manufactured or constructed fences shall be oriented with posts or other visible supports toward the inside of the subject property and the finished side facing neighboring properties or public rights-of-way.

(c) Prohibited Fences. Except in the agricultural districts, no fence may be constructed which conducts electricity or is designed to transmit an electrical shock. No fence containing barbed wire shall be constructed other than within the agricultural districts; provided, however, that barbed wire may be used in the industrial districts if the devices securing the barbed wire to the fence are ten (10) feet above the ground or higher and project toward the fenced property and away from any public area.

(d) Vision Clearance.

1. On corner lots in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grades within a vision

corner. As used in this paragraph, "vision corner" means the area within a triangle formed by connecting the point of intersection of the rights-of-way of any two streets or of any street with any railroad right-of-way with the following:

- a. If either of the intersecting rights-of-way is a major or arterial street, points located fifty feet (50') from such point of intersection along each of the intersecting right-of-way lines; or
- b. If neither of the intersecting rights-of-way is of a major or arterial street, points located twenty-five feet (25') from such point of intersection, along each of the intersecting rights-of-way.

[Am 04-13; Eff. 5-20-04]

(e) Fence Maintenance. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

(f) Temporary Fences. Fences erected for the protection of plantings, or to warn or construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4)-foot intervals. A building permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.

(14) SWIMMING POOLS.

(a) Definition. A private or residential swimming pool is an outdoor accessory structure containing or designed to contain water in a receptacle or other container located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his or her invitees for swimming, diving or similar water activities, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of the swimming pool.

(b) Permit Required. A permit is required for all in-ground and above-ground pools which require a permanent or hardwired connection to any public utilities. Before work is commenced on the construction or erection of a private or residential swimming pool, a building permit shall be obtained from the Building Inspector. Plans and specifications and pertinent explanatory data shall be submitted to the Building Inspector at the time of application.

(c) Construction Requirements. The Building Inspector shall not issue a permit for construction as provided for in sub. (b), unless the following construction requirements are observed:

1. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all local ordinances.
2. All plumbing work shall be in accordance with all applicable ordinances and state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall chemically treated waters from any pool be drained into the storm sewer system, nor onto lands or other properties adjacent to that on which the pool is located.
3. All electrical installations, including but not limited to lighting and heating, which are provided for, installed, and used in conjunction with a private swimming pool, shall be in conformity with the state laws and local ordinances regulating electrical installations.

(d) Exempt Pools. Storable swimming or wading pools that are so constructed that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from the provisions of par (e). Spas and hot tubs are also exempt.

(e) Pool Safety Measures. Except as provided in par. (d), all swimming pools that are not enclosed with a permanent building, shall have at least one of the following:

1. A fence or wall of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than four (4) feet in height, except the Building Inspector may require a minimum of six (6) feet in height upon a determination that the selected fence design will facilitate climbing. Such fence shall be so constructed as not to have voids, holes, or openings larger than four (4) inches in one dimension. Gates or doors shall be of similar height to the remainder of the fence and shall be kept locked while the pool is not in actual use.
2. A raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top and secured access to such deck.
3. A pool cover or other protective device of such a design and material of sufficient strength to prevent access to the pool. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes.
[Am. 13-021, Eff. 10-10-13]

(f) Setbacks and Locational Requirements.

1. All swimming pools, exempt and non-exempt, shall be erected or constructed only on the rear or side yards of lots occupied by a principal building.
2. No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the zoning code for an accessory structure.
[Am. 04-13; Eff. 5-20-04]

(15) SIMILAR COMPATIBLE USES.

(a) Permitted Uses. Uses not specified in this chapter as either permitted or conditional in any district but which are found by the Planning and Zoning Commission, or relevant Joint Committee as appropriate, to be sufficiently similar to specified permitted uses within the district and which are clearly compatible with the other uses permitted in the district shall be deemed permitted. The Commission or relevant Joint Committee shall make specific findings reflected in their minutes indicating the permitted use found to be similar and compatible.

(b) Conditional Uses. Uses not specified in this chapter as either permitted or conditional in any district which are not found sufficiently similar and compatible to a permitted use as provided in par. (a), but which are similar to and compatible with a specified conditional uses permitted in the district may be permitted as conditional uses by the Planning and Zoning Commission or Joint Committee in accordance with sec. 15.16. The Commission or Joint Committee shall make specific findings reflected in their minutes demonstrating that the conditional use is found to be similar and compatible.
[Am. 08-14; Eff. 5-16-08; Am. 13-021, Eff. 10-10-13]

(c) [Repealed 13-021, Eff. 10-10-13]

(16) REGULATION OF SATELLITE EARTH STATIONS AND COMMUNICATIONS ANTENNA AND COMMUNICATIONS TOWERS.

(a) Permit Required. No person shall erect, install, construct, or place any type of satellite earth station, communications tower or communications antenna on any lot or structure until a building permit has been obtained from the Building Inspector, except for residential television receiving antennae and for satellite dishes not exceeding 24" in diameter. The Building Inspector shall not issue a building permit until a conditional use permit is approved under the provisions of this chapter, except that where the installation of additional antennae and associated equipment will not cause a substantial modification to an existing communications tower or other existing support structure, the Village will not require approval of a new

conditional use permit or conditional use permit amendment for such installation. The terms “substantial modification” and “support structure” shall be as defined in §66.0404(2)(b), *Stats*. Also, in such instances, the Zoning Administrator shall determine whether site plan review under §15.05 will be required, based on the impact to the public and adjacent land owners of such additional installation.

(b) Definitions:

1. *Amateur Radio Antenna* means any combination of materials or equipment located outside of a principal structure on a premises used exclusively for the purpose of sending and/or receiving electromagnetic waves for amateur radio service, including any towers, support structures, guy wires, foundations or similar components of a support structure.
2. *Amateur Radio Service* means the transmission and reception of electromagnetic signals for non-commercial purposes, by an amateur radio operator licensed by the Federal Communications Commission.
3. *Satellite Earth Station* is an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit. Satellite earth stations include those structures commonly referred to as disks, satellite communications systems or home earth satellite stations.
4. *Commercial Communications Antenna* is equipment used for transmitting or receiving radio frequency signals which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, but does not include an amateur radio antenna governed by par. (e).
5. *Commercial Communications Tower* is any pole, spire, structure or combination thereof to which antenna could be attached, or which is designed for an antenna to be attached and a supporting lines, cables, wire and braces, other than a structure exclusively used to support an amateur radio antenna.
6. *Accessory Equipment Structure* is a building or cabinet-like structure located adjacent to or in the immediate vicinity of a commercial communication tower and antenna to house equipment customarily incidental to the receiving or transmitting of wireless signals, broadcasts, cellular telephone or voice messaging paging services.

(c) Application. Application for a conditional use permit to install a satellite earth station, commercial communications tower, or commercial communications antenna (where applicable) shall be made in writing to the Building Inspector and be accompanied by a current fee and a set of plans and specifications, showing the location of the proposed structure with respect to existing structures and property lines, and meeting other submittal requirements in §66.0404(2)(b), *Stats*.

(d) Installation Restrictions.

1. Number of Units. Only one ground-mounted satellite earth station and one ground-mounted television or amateur radio antenna support tower shall be permitted per dwelling unit on any residential lot.
2. Co-location of Commercial Communications Antennas. To minimize the number of tower sites, existing towers shall be utilized whenever feasible for the co-location of commercial communications antenna. A conditional use permit for a new communications tower may be denied if applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under §66.0404(2)(b)6, *Stats*. The Village shall, unless it is shown to be unreasonable, condition the granting of a conditional use permit for each new commercial communications tower upon the applicant placing or constructing the

communications tower to accommodate the collocation of two additional antenna arrays similar in size and function to that placed on the tower by the applicant. The holder of the conditional use permit shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.

3. Location and Setbacks. Ground-mounted satellite earth stations, communications towers, and communications antennas shall meet all location and setback requirements for principal structures for the specific zoning district in which they are located.
4. Mounting. Wall- or roof-mounted satellite earth stations or communications towers and communications antenna shall be attached only to a structure which is constructed to carry the imposed loading. All satellite earth stations, communications towers and communications antenna shall be permanently mounted in accordance with manufacturer's instructions and to meet a minimum wind load design velocity of eighty (80) m.p.h.
5. Height. In all districts, ground-mounted satellite earth stations or communications antenna and communications towers may not exceed twenty (20) feet in height or the minimum height necessary to effectively receive and transmit communications, whichever is greater. Wall- or roof-mounted units, in residential districts, shall not extend more than eight (8) feet, or the minimum height necessary to effectively receive and transmit communications, whichever is greater, above the roof line as measured from the lowest point of the existing roof. Wall- or roof-mounted units in all other districts shall not extend more than twenty (20) feet above the median roof line or the minimum height necessary to adequately receive communications.
6. Electrical Installations. All electrical work performed in connection with the installation of satellite earth stations or communications tower or communications antenna, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code, and the instructions of the manufacturer. In case of conflict the stricter requirement shall govern. All cable used to conduct current or signals from the satellite earth station or communications tower or communications antenna to the receiver shall be installed underground and the location of all underground lines shall be shown on the permit application. All such units shall be adequately grounded against direct lightning strikes.
7. Advertising. No form of advertising or identification, sign, or mural is allowed on any communications tower or communications antenna other than a manufacturer's identification plate and any warning labels or similar communications affixed to the unit by the manufacturer.
8. Color. The color of any satellite dish or television or radio antenna tower and their support structures shall be neutral.
10. Removal. The applicant for a conditional use permit for any commercial communications tower shall provide a written agreement stating that if the tower, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower, antennas, or transmitters upon written request from the Zoning Administrator at no cost to the Village within 60 days of such request. If such listed items are not removed within 60 days of such notification, the Village may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the commission written notice of the cessation of use. A performance bond of \$20,000.00 shall be required to ensure compliance with all applicable requirements for removal of the commercial communications tower and equipment.

(e) Special Regulations for Amateur Radio Antennae.

1. The purpose of this paragraph is to recognize and accommodate the federal and state declared interest in promoting and preserving amateur radio operations while protecting the legitimate interests of the general public including:
 - a. Minimizing the unnecessary detriment to the aesthetic quality of the Village and its extraterritorial zoning area;
 - b. Preserving the character of various neighborhoods within the Village and the values of properties within the Village and its extraterritorial zoning area;
 - c. Providing for adequate review of designs and installation of facilities which pose substantial risk of collapse if improperly designed or installed;
 - d. Protecting the owner and operator of an amateur radio antenna and neighboring property owners and the public in general from unreasonable risks of injury or property damage from the collapse of a communications tower or communications antenna or from electrical charges generated or conducted by such facilities;
 - e. Assuring that all amateur radio operators have a reasonable opportunity to construct and maintain the equipment and facilities necessary to effectively participate in amateur radio operations.
2. In acting on conditional use permit applications for amateur radio antennae, the Planning and Zoning Commission or Joint Committee shall make reasonable efforts to formulate reasonable conditions and the minimal practical restrictions that will allow for the approval of such facilities and shall recommend denial only if it finds that the requested use, if installed and operated in accordance with all reasonable conditions and restrictions, will cause a significant danger to the public safety or welfare. In doing so the Commission or Committee may waive, in whole or in part, any of the provisions of par. (d) if it determines that the purposes of such regulations can be met through other means that can be enforced through appropriate conditions.
3. It shall be a condition to all permits issued under this paragraph that the amateur radio antennae and the operation of the amateur radio service using such antennae shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission.

[Am. 10-04, Eff. 2-4-10; Am. 13-021, Eff. 10-10-13]

(17) DRIVEWAYS. All driveways installed, altered, changed, replaced, or extended shall meet the applicable requirements of §15.07.

[Repd & Recr. 11-10; Eff. 4-15-11]

(18) STORAGE AND PARKING OF RECREATIONAL VEHICLES. (a) Definitions. For purposes of this section, the following definitions shall apply:

1. Recreational Vehicle. Recreational vehicle means any of the following described equipment:
 - a. a "Travel Trailer," defined as a non-motorized, portable, rigid structure built on a chassis and on wheels that is designated to be used as a temporary dwelling for travel, recreation, vacation or other temporary uses and towed by a motor vehicle. The term includes so-called fifth-wheel units.
 - b. a "Pick-up Coach" defined as a structure designed to be mounted on or within the bed of a pick-up truck for use as a temporary dwelling for travel, recreation, vacation or other temporary uses.

- c. a “Motor Home” defined as a portable, temporary dwelling to be used for travel, recreation, vacation, or other temporary uses, constructed as an integral part of, or permanently attached to, a self-propelled vehicle.
 - d. a “Camping Trailer” defined as a folding structure mounted on wheels and designed to be transported and stored in a collapsed position and opened to create usable dwelling space at a destination where it is used for travel, recreation, vacation or other temporary uses.
 - e. a “Converted Van” or “Converted Bus” defined as a recreational structure created by altering or changing an existing auto van or bus to make it suitable for use as temporary sleeping quarters for travel, recreation or other temporary uses.
 - f. a “Utility Trailer” defined as a non-motorized vehicle designed to be towed by a motor vehicle and used to transport one or more boats, snowmobiles, all-terrain vehicle, personal water craft, other off-road equipment or goods or materials.
 - g. a “Snowmobile,” defined as a small vehicle designed for travelling on snow,
[Cr. 11-10; Eff. 4-15-11]
 - h. an “All-terrain vehicle,” defined as a small, open motorized vehicle with three or four wheels, or track system, designed for off-road use that is not a snowmobile.
[Cr. 11-10; Eff. 4-15-11]
2. Boat. Boat means every description of watercraft used or capable of being used as a means of transportation on water.
 3. Yard, Front, has the meaning defined in §15.02(100); provided, however, that notwithstanding §15.04(7)(a), for purposes of this subsection, a corner lot shall be deemed to have a front yard only along the side of the lot abutting the street on which the lot has its street address, and the sides of the lot along the lot line approximately perpendicular to such street and between the front and rear setback lines shall be considered side yards.

(b) Permitted Parking or Storage of Recreational Vehicles and Boats. In all residential and commercial districts the parking or storage of a recreational vehicle or boat is permitted only in the following manner:

1. Parking is permitted inside any enclosed structure which conforms to the zoning requirements of the particular zoning district where located.
2. Parking is permitted outside in the side yard or rear yard, provided it is not nearer than five (5) feet to any lot line, on a hard-surfaced or gravel area, provided inside parking on the premises is not possible.
3. Parking is permitted outside in the front yard setback when inside parking is not possible, only in accordance with the following additional restrictions:
 - a. The overall length of the recreational vehicle or boat, including any part of an attached trailer or any equipment, shall not exceed twenty-two (22) feet and the overall height shall not exceed seven (7) feet.
 - b. The recreational vehicle or boat shall not be located nearer than five (5) feet from any lot line.
 - c. All parts of the recreational vehicle or boat shall be located on a hard-surfaced or gravel area.
4. Except as provided in subpars. 7 and 8, the body of the recreational vehicle or boat must be at least twenty (20) feet from the nearest point of the paved surface of any street.

5. Except as provided in subpars. 7 and 8, no part of the recreational vehicle or boat may extend over any portion of a public sidewalk or other public right-of-way.
6. Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
 - a. Used for dwelling purposes, except that incidental overnight sleeping for periods not exceeding two (2) consecutive nights and not more than fourteen (14) nights in any one calendar year is permitted when the recreational vehicle or boat is stored on the private property of its owner outside of the public right-of-way. Cooking is not permitted at any time.
 - b. Permanently connected to sewer lines, water lines, or electric service. The recreational vehicle or boat may be connected to electric service temporarily for charging batteries, maintenance and similar purposes.
 - c. Used for storage of goods, materials or equipment other than those items considered to be part of the unit or integral to the use of the recreational vehicle or boat as intended by the manufacturer.
7. Notwithstanding subpars. 2-5, a recreational vehicle or boat may be parked anywhere at least five (5) feet from any property line on the premises occupied by the owner, or on the public street frontage abutting such parcel between the lot lines extended, for a period not to exceed forty-eight (48) consecutive hours and not more than four (4) occasions in any calendar month. Such parking shall be deemed to be on separate occasions only if separated by at least 8 consecutive hours. Parking of a recreational vehicle in the front yard setback area shall be permitted only on a hard surface such as asphalt or concrete or on a gravel surface. Notwithstanding the foregoing, no recreational vehicle or boat shall be parked or stored in such a manner or in such location as to impede the safe and unrestricted flow of pedestrian or vehicular safety over any street, sidewalk, trail or other public way. No boat shall be parked on the street unless it is attached to a trailer, and no trailer or other recreational vehicle shall be parked on the street unless it is, or is properly attached to, a motor vehicle.
8. Except as otherwise provided by the district regulations for a commercial district, no recreational vehicle or boat shall be parked for storage on any private property other than that owned or occupied by the owner of the recreational vehicle or boat .
9. No recreational vehicle or boat required to be licensed or registered under state law shall be stored outside on private property unless it is properly registered and has affixed to it a current registration plate, sticker or other proof of registration as required for highway or other off-road use.
[Am. 07-37; Eff. 12-7-07]
10. The restriction in subs. 2 and 3 to parking on a hard surfaced or gravel area shall not apply to up to two (2) snowmobiles between November 1 and April 1, nor to up to two all-terrain vehicles, on any lot.
[Cr. 11-10; Eff. 4-15-11]

(19) STORAGE OF TRACTORS, SEMI-TRACTOR AND TRAILERS AND ROAD MACHINERY. No person, firm or corporation shall park, keep or maintain on properties zoned for residential dwellings any dump trucks, auto wreckers semi-tractor and trailers, or road machinery. Said vehicles may not be kept or parked on said premises whether or not they are in enclosed buildings, except for the purposes of unloading or servicing the premises.

(20) COMMUNITY AND OTHER LIVING ARRANGEMENTS. In addition to the locations permitted by the various district regulations, community living arrangements, foster homes, treatment foster homes and adult family homes shall be permitted as authorized in §62.23(7)(i), Wis. Stats. according to the criteria set forth therein. In cases where §62.23(7)(i) allows a use in a particular district only by special permission, said

permission shall be available by conditional use permit as provided in sec. 15.16. The Village Board may order the cessation of operation, or require an application for a conditional use permit, if it finds that the operation of a community living arrangement or adult family home poses a threat to the health, safety or welfare of the residents of the Village or Town in which it is located under the procedure provided by statute.

(21) **CHILDREN'S PLAY EQUIPMENT.** Play apparatus, including, but not limited to, playhouses, tree houses, forts, climbing gyms, swing sets, gliders, slides and sandboxes shall be placed at a distance from the property line equal to or greater than the setback distance required for detached accessory buildings, whether or not they are placed in or on a foundation.

[Am. 07-05; Eff. 02-09-07]

(22) **PORTABLE OUTDOOR STORAGE UNITS.**

[Cr. 10-04, Eff. 2-4-10]

(a) Applicability. The standards within this subsection apply to portable outdoor storage units in all zoning districts, except that pars. (c)-(e) shall apply only in residential districts.

(b) Permitted Locations. Units may not be placed on a public right-of-way, including public sidewalks and public terrace areas, or on other public property except by the public entity that owns the property. Units may only be placed on property owned by the user/lessee of the storage unit. Units shall be placed on a hard, all-weather surface, such as concrete or asphalt (with gravel allowed for institutional uses in the extraterritorial zoning area). Units may not be placed in such a fashion as to impede or obstruct the flow of drainage or obstruct emergency, vehicle, pedestrian, or utility access to or through the property or area.

(c) Maximum Duration of Placement. No unit shall be placed on the same lot for more than thirty (30) consecutive days, except that the Zoning Administrator may allow an extension of no greater than ninety (90) additional days if he or she determines that a legitimate need therefor has been established.

(d) Maximum Number. Not more than one (1) unit may be placed on any lot at any one time, nor shall there be a unit placed on any lot more than three (3) times in any calendar year.

(e) Maximum Size per Unit: No unit placed on any lot shall exceed eight (8) feet in width, nine (9) feet in height, or sixteen (16) feet in length.

(f) Permitted Uses of Units: Units may be used for temporary storage of personal goods and belongings. Units may not be used for occupancy or sleeping, housing of animals, housing or storage of hazardous, flammable, or unlawful materials or substances. Units shall be closed and secured from unauthorized access at all times when not under the direct supervision of the lot owner or occupant.

(g) Condition of Units: All units shall be maintained in a good and clean condition, free from rust, peeling paint, or other visible deterioration.

(23) **CONSTRUCTION WASTE RECEPTACLES.**

[Cr. 10-04, Eff. 2-4-10]

(a) Permitted Locations. Construction waste receptacles, used to temporarily store waste or recyclable building materials during a construction, renovation, or demolition project, shall be located entirely on the private property where the construction project is occurring, unless written authorization is granted by the DeForest Public Works Director in consultation with the DeForest Police Chief, or the applicable town clerk if the proposed receptacle is located in an extraterritorial zoning area. If placed in a public roadway, orange construction cones, reflectors, or other traffic safety devices shall be placed on or near the receptacle in a manner consistent with standard traffic engineering standards. The placement and maintenance of receptacles in any public right-of-way shall comply with all terms and conditions of any privilege or permit issued pursuant to §66.0425, Wis. Stats. or an applicable ordinance in conformity therewith.

(b) Maximum Duration. Construction waste receptacles shall remain only during the course of the associated construction project, and shall be removed from the premises within forty-eight (48) hours following the earlier of (i) completion of the associated project or (ii) the expiration or revocation of all building permits issued for the project.

(24) SMALL SOLAR OR WIND ENERGY SYSTEMS.

[Cr. 10-04, Eff. 2-4-10]

(a) Applicability. New small solar energy systems and small wind energy systems, as defined in sec. 15.02, are allowed as permitted accessory uses and structures, subject to the standards in this subsection. The applicable requirements of the Wisconsin Statutes, including but not limited to §§66.0401 and 66.0403, shall apply to all such systems.

(b) Permitted Locations. Small wind or solar energy systems shall meet all detached accessory building setbacks in the applicable zoning district. Additionally, small wind energy systems shall not be located in any front yard or side yard having frontage on a public street and shall be set back from the nearest property line, public road right-of-way, nearest inhabited building other than the principal inhabitable structure served by the small wind energy system and any public communication and electrical line by a distance of not less than 1.1 times the total height of the small wind energy system. No small wind energy system shall be sited or operated in a manner that causes permanent or material interference with television or other communication signals.

(c) Height. Rooftop, ground-mounted, and building-mounted small solar energy systems shall comply with the height limits and setbacks for principal structures. For small wind energy systems located on lots up to two (2) acres in area, the total height shall not exceed sixty (60) feet. For small wind energy systems located on lots over two (2) acres in area, the total height shall not exceed 170 feet. The minimum height of the lowest extent of a turbine blade shall be thirty (30) feet above the ground or thirty (30) feet above the maximum allowable height of any structure or obstacle within 100 feet of the small wind energy system, whichever is greater. No small wind energy system tower shall have a climbing apparatus located within twelve (12) feet of the ground.

[Am. 11-10; Eff. 4-16-11]

(d) Noise: Sound emanating from a small wind energy system shall not exceed 75 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring dwelling, not including the principal building(s) served by the small wind energy system.

(e) Appearance and Vegetation. Small wind energy or solar system structures shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. The small wind energy system structure shall be designed as a monopole or other freestanding structure and shall not use guy wires. All electrical connections shall be located underground or within a building. No small wind or solar energy system shall be lighted unless required by the Federal Aviation Administration. Clearing of natural vegetation for the purposes of installing a small wind or solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the small wind or solar energy system and as otherwise prescribed by applicable laws, regulations, and ordinances. No signs of any kind or nature whatsoever shall be permitted on any small wind or solar energy system, except that the manufacturer's identification and appropriate warning signs are allowed.

(f) Security. All access doors or access ways to towers and electrical equipment shall be lockable. Every small wind energy system shall be equipped with both manual and automatic overspeed controls.

(g) Application Procedures: A small wind or solar energy system shall require a building permit before installation. Building permit applications shall include the following information in addition to that required by the Building Code:

1. A site plan drawn to scale showing the location of the proposed small wind or solar energy system and the locations of all existing buildings, structures, public rights-of-way, and property lines. All distances shall be measured and labeled on the site plan.
2. Elevations of the site drawn to scale showing the height, design, and configuration of the small solar or wind energy system and the heights of all existing structures, buildings and electrical lines in relation to property lines and their distance from the small wind or solar energy system.
3. Standard drawings and an engineering analysis of the wind energy system's tower, including load-bearing and wind-bearing capacity.
4. A standard foundation design along with specifications for the soil conditions at the site.
5. Specific information on the type, size, rotor material, rated power output, performance, safety, and noise characteristics of the system including the name and address of the manufacturer, model, and serial number.
6. A description of emergency and normal shutdown procedures.
7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes and this subsection.
8. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator, except in cases where the system will not be connected to the electricity grid.
9. A sound level analysis prepared by the wind turbine manufacturer or other qualified engineer.
10. Evidence of compliance with or non-applicability with Federal Aviation Administration requirements.

15.05 SITE PLAN REVIEW.

(1) APPLICABILITY.

(a) Except as provided in par. (b), a site plan, prepared and approved as provided in this section, shall be required for structures and improvements prior to the issuance of any building or zoning permits in connection with:

1. All permitted uses in the elderly residential zoning district and their related accessory uses and structures.
2. All permitted uses in business and mixed use zoning districts and their related accessory uses and structures.
3. All permitted uses in multi-family residential districts and their related accessory uses and structures.
4. All permitted uses in industrial zoning districts and their related accessory uses and structures.
5. Any alteration or amendment to the site improvements or design of a previously approved site plan.
6. All conditional uses that include site or building improvements, regardless of zoning district.

7. All civic, cultural or government buildings, regardless of zoning district.
8. All other uses, and changes from existing uses, for which a site plan is required pursuant to the provisions of this section or other applicable provision of this chapter.
9. Donation bins, and related uses or structures, including any change to the number, size, or placement of donation bins or related uses or structures.

(b) Site plan approval shall not be required for remodeling or repair work which does not result in the any of the following:

1. Any addition of or to a building or structure or any change in the size or location of any exterior walls or roof components of an existing building or structure.
2. Any modification to exterior site improvements which were part of a previously approved site plan.
3. Any increase in the capacity of a building, structure or lot to accommodate customers, patrons or others, or an increase in the amount of traffic likely to be generated by the use of the lot.
4. Any change in the dimensions or location of access points to the lot or any building or structure thereon, or
5. Any modification to, or change in the location of, any public improvements located on the site other than those made by a governmental entity having jurisdiction over the improvements.

(c) In the case of additions, expansions, or exterior remodeling of buildings, site improvements, or both, where pre-existing buildings or site improvements render full compliance with one or more of §§15.05(7), 15.05(8), 15.05(9), 15.06, 15.065 or 15.07(3) impractical or disproportionate to the extent of the addition, expansion, or exterior remodeling in the determination of the site plan approval authority, such authority may allow less-than-full compliance with such standards as part of the site plan approval process provided that the site and building is enhanced in each of the areas covered by such ordinance sections. In the case of outdoor recreational facilities, the approval authority may also allow less-than-full compliance with such standards as part of the site plan approval process, provided that there are assurances that the facility will be operated by a public or non-profit entity and be available for public use.

[Cr. 11-10; Eff. 4-15-11; Am. 13-021, Eff. 10-10-13]

(2) APPLICATION AND APPROVAL PROCEDURE.

(a) Pre-application Conference. Prior to the official submission of an application for site plan review, the applicant shall confer with the Zoning Administrator and is encouraged to submit a concept plan for initial review and comment. The purpose of this step is to discuss the proposed nature of the contemplated development project, advise on ordinance requirements, and facilitate the subsequent approval process.

(b) Application. The applicant shall submit a site plan application to the Zoning Administrator on a form provided by the Zoning Administrator, in digital PDF and hard copy format. The site plan application shall not be considered for action until and unless the Zoning Administrator approves the application as complete, per the requirements of subs. (3) and (4) below.

(c) Review by Other Local Staff. Promptly upon his or her approval of a complete site plan application, the Zoning Administrator shall forward the complete site plan application and all associated materials to the following: Village Planner; Public Works Director; Village Engineer; Village Parks, Recreation, and Natural Resources Director; Police Chief; Fire Inspector; Planning and Zoning Commission members if in the Village; Clerk of the associated town if in the ETZ Area. Such persons may review the site plan application, and if so shall provide advice and recommendations to the Zoning Administrator within ten (10) business days

of their receipt of such materials to assure consideration in the Zoning Administrator's approval or report to the Planning and Zoning Commission or Joint Committee.

(d) Action by Zoning Administrator; Appeal Procedure. Except as provided in par. (e), the Zoning Administrator shall, within twenty (20) business days of a complete submittal, approve the site plan as presented, approve the site plan with conditions, or reject the site plan indicating reasons for rejection, unless this timeframe is extended by written agreement of the applicant. The Zoning Administrator shall notify the applicant of such action in writing on a form designed for that purpose. Within thirty (30) days of such action, the applicant may appeal in writing all or part of the Zoning Administrator's decision to the Planning and Zoning Commission. During the appeal process, the Zoning Administrator and Building Inspector are authorized to hold the issuance of permits to enable commencement or continuation of building and other activities authorized by the Zoning Administrator's decision, and to issue a "stop work" order for any such activities already commenced.

(e) The Commission may affirm, modify, or reverse the Zoning Administrator's decision. The Zoning Administrator shall inform the Commission of all site plans submitted, reviewed, approved, and rejected under this sub. (d) during each Commission meeting.

(f) Action by Planning and Zoning Commission or Joint Committee. The Zoning Administrator shall not determine a site plan application, but shall forward the complete site plan application and all associated materials along with a report and recommendation to the Planning and Zoning Commission or Joint Committee in all cases where:

1. The applicant has indicated on the application form a desire for Planning and Zoning Commission or Joint Committee action instead of Zoning Administrator action.
2. The application is filed concurrently with a rezoning application, conditional use permit application, or both for the same site.
3. The site plan includes a retail or commercial service building in excess of 20,000 sq. ft.
4. The site plan proposes public improvements other than driveway connections to public streets and sanitary sewer or water lateral connections to existing public mains, or in the opinion of the Zoning Administrator requires such improvements.
5. The Zoning Administrator is unable to determine whether one or more of the standards for approval within subsection (8) will be met.
6. Review under subsection (2)(c) reveals differences that cannot be resolved by the Zoning Administrator.
7. For projects in the ETZ Area, the town board has adopted a resolution requiring the associated Joint Committee to determine site plan applications.

In the above instances, the Commission shall, between ten (10) and sixty (60) days of submittal of a complete application, approve the site plan as presented, approve the site plan with conditions, or reject the site plan including reasons for rejection, unless this timeframe is extended by written agreement of the applicant. The Zoning Administrator shall notify the applicant of such action in writing on a form designed for this purpose.

[Am. 13-021, Eff. 10-10-13]

(3) TECHNICAL SPECIFICATIONS.

(a) Site plans or any portion thereof involving engineering, architecture or land surveying shall be respectively certified by an engineer, architect or land surveyor authorized by the State of Wisconsin to practice as such.

(b) Site plans shall be prepared to a scale of one inch equals thirty feet (1" = 30') or larger, and shall include a graphic scale to enable rough scaling upon reduction or enlargement of the original.

[Am. 13-021, Eff. 10-10-13]

(c) A site plan may be prepared on one (1) or more sheets to show clearly the information required by this section. If prepared on more than one sheet, match lines shall be provided to clearly indicate where the several sheets join.

(4) **REQUIRED SITE PLAN INFORMATION.** All site plans shall be submitted to the Zoning Administrator with the required application, in a number of hard copies determined by the Zoning Administrator and PDF form, and accompanied by payment of all required review fees and escrows as set by the Village Board from time to time. Unless the Zoning Administrator issues a waiver, all site plan applications shall contain the following information:

[Am. 13-021, Eff. 10-10-13]

(a) General Information. The name and address of the owner or developer, the north point, date and scale of drawing and number of sheets, and the zoning and present use of all adjoining properties.

(b) Site Information.

1. The location of the tract by an insert map at a scale of not less than one inch equals two thousand feet (1" = 2000'), indicating such information as the names, numbers and widths of adjoining roads, railroads, subdivisions, towns, existing and proposed easements and utilities; watercourses and their names or other landmarks sufficient to clearly identify the location of the property. A boundary survey of the property, including a metes and bounds or lot and block description may be required by the site plan approval authority.

[Am. 13-021, Eff. 10-10-13]

2. Existing and proposed topography with a maximum contour interval of two (2') feet, except where existing ground is on a slope of less than two (2%) per cent where one (1') foot contours shall be shown.

3. A soil report prepared by or under the direction of a professional engineer experienced in soil and foundation engineering may be required for site plans located in areas with severe building limitations.

[Am. 13-021, Eff. 10-10-13]

4. The outer edges of all mature woodlands and parts of mature woodlands within the lot, and the locations and specimens of all mature trees that are not located within a mature woodland, as these terms are defined in §13.03 of the DeForest Code of Ordinances.

[Cr. 08-14; Eff. 5-16-08]

(c) Parking/Traffic Safety. A parking plan complying with the requirements of sec. 15.07.

(d) Utilities/Stormwater Management.

1. All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and points where connection is to be made to the Village utility system.

2. Provisions for the adequate disposition of storm water, in accordance with Chapter 24 of the DeForest Municipal Code within the Village limits.

[Am. 13-021, Eff. 10-10-13]

3. Provisions for adequate temporary and permanent erosion and sedimentation control measures. Where slopes exceed 12% or where a use is proposed on land having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development

contemplated or that any inherent soil condition or slope problems will be overcome by terracing, retaining walls, oversized foundations and footings, drain tile or other special construction techniques.

(e) Bulk Standards. The proposed location, general use, lot area, building setbacks, building height, number of stories, the number, size and type of any proposed dwelling units or commercial facilities, the minimum green space requirement, driveway width, landscape points and appropriate calculations.

(f) Public Improvements. The location and design specifications of all streets, sidewalks and other public improvements required by any Village ordinance.

(g) Landscape Plan, Lighting Plan, and Potential Tree Protection and Preservation Plan. A landscape plan complying with the requirements of sec. 15.06 and a lighting plan complying with the requirements of sec. 15.065 shall be submitted. Additionally, where the lot for which the site plan is being prepared includes one or more mature woodlands or mature trees outside of a mature woodland, both as defined under §13.03 of the DeForest Code of Ordinances, the applicant shall prepare a Tree Protection and Preservation Plan including the components listed in §13.31(5) of the DeForest Code of Ordinances, except if such a plan was prepared, approved, and implemented as part of a previous land division that included the lot.

[Am. 06-06; Eff. 6-9-06; Am. 08-14; Eff. 5-16-08]

(h) Building Elevations and Exterior Materials. All building elevations shall be provided. Building exterior materials shall be shown on the elevation drawings.

(i) Sufficient information to show how the physical improvements associated with the proposed development interrelate with existing or proposed development of adjacent properties.

(j) A signage plan meeting the requirements of §15.08 to the extent determined practical by the Zoning Administrator, plus any other information as may be required by the Zoning Administrator.

[Am. 08-27; Eff. 8-22-08]

(k) Minor Site Plans. A required site plan review may be designated as a "minor site plan" by the Zoning Administrator if the property is already developed to Village standards. The Zoning Administrator may determine that designated requirements of this subsection need not be submitted in connection with an application for approval of a minor site plan if not necessary to satisfy the intent of this section.

(5) AGREEMENT AND SURETY. No site plan approval shall become effective until the developer provides an executed agreement to construct all required physical or public improvements as are:

(a) Located within public rights-of-way or easements, or

(b) Connected to any public facility as approved by the Village, or

(c) Necessary to repair or restore any public improvements or facilities or any other property not owned by the developer which is likely to be damaged or destroyed as a result of the proposed development activities.

Such agreement shall be accompanied by a letter of credit, bond or other surety in the amount of the estimated cost of the required improvements, guaranteeing the completion of all work covered thereby within the time allowed by the Zoning Administrator, which time may be extended for good cause by the Planning and Zoning Commission upon written application by the owner or developer. The adequacy and amount of any surety and the form of the agreement shall be subject to approval by the Zoning Administrator.

(6) VALIDITY AND REVISIONS. Approval of a site plan under this section shall expire one (1) year after the date of approval, unless within said period a building or zoning permit has been issued for construction in accordance therewith or the approval authority has, within said period, approved an extension. Amendments to an approved site plan and extension requests shall be approved in the same manner as the originally approved site plan, per the procedures in sub (2). A plan amendment shall not be deemed to alter

the expiration date of the originally approved site plan, unless explicitly so provided in the approval authority's decision.

[Am. 13-021, Eff. 10-10-13]

(7) REQUIRED IMPROVEMENTS. Every site plan shall provide that the developer will accomplish all of the following:

(a) Construction of pedestrian walkways for use by occupants and patrons to walk from each occupancy unit to any other within the site and to adjacent sites. Wherever possible, connection shall be made to existing walkways in adjacent developments or shall be aligned with proposed future walkways. Pedestrian walkways shall be not less than six (6) feet in width wherever adjacent vehicular parking may allow for encroachment by parked vehicles over or upon any portion of the sidewalk.

[Am. 08-14; Eff. 5-16-08]

(b) Construction of curb and gutter along all public streets within the Village, and around all parking, driveway, and other vehicular access areas and landscaped islands and peninsulas within the Village and the extraterritorial zoning jurisdiction. The site plan approval authority may modify this standard to facilitate a unique stormwater management approach or condition, for lightly traveled service drives, at the edges of a phase of development of a parking area, or for storage areas. Pervious parking lots are encouraged as part of a submitted stormwater management plan.

[Am. 06-06; Eff. 6-9-06; Am. 08-14; Eff. 5-16-08; Am. 13-021, Eff. 10-10-13]

(c) Installation of an adequate drainage system for the disposition of storm water, and provision of appropriately sized and located areas for snow storage.

[Am. 08-14; Eff. 5-16-08]

(d) Installation of adequate temporary and permanent erosion and sedimentation control measures.

(e) Installation of all public utility facilities necessary to provide utility services to the property. All utilities shall be installed underground except:

1. Equipment such as the electric distribution transformers, electric transmission lines carrying 40,000 volts or more, switchgear, meter pedestals and telephone pedestals which are normally installed above ground may continue to be so installed, in accordance with accepted utility practices, for underground distribution where they are adequately screened from view;
2. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve may be so installed;
3. Temporary overhead facilities required for construction purposes shall be permitted;

(f) Vegetation removal and replacement in conformance with the requirements of sec. 15.06.

(g) All other improvements required by the Village ordinances according to established Village standards.

(8) STANDARDS FOR APPROVAL. The site plan approval authority shall approve a site plan submitted in accordance with this section only if it finds that the development of the property as provided in the site plan and any related agreements, will satisfy all applicable requirements of this chapter including all of the following standards:

[Am. 13-021, Eff. 10-10-13]

(a) The need and opportunity for dangerous traffic movements and increased traffic congestion will be minimized and adequate provisions have been made to assure safe and efficient vehicular and pedestrian traffic flow to, from and within the site;

(b) Each use permitted on the property can be efficiently provided with all necessary public utilities and the full development as permitted according to the plan will not create an unreasonable burden on any public services or utilities;

(c) Storm water and erosion will be managed in accordance with Chapter 24 of the Municipal Code;
[Am. 13-021, Eff. 10-10-13]

(d) All areas designated as wetlands, flood plains, flood ways or habitats for endangered wildlife will be preserved, or will be properly mitigated as approved by the approval authority and by any state or federal agency with jurisdiction over such areas;
[Am. 13-021, Eff. 10-10-13]

(e) Mature woodlands and individual mature trees shall be preserved per the direction of an approved Tree Protection and Preservation Plan, where such a plan is required.
[Am. 08-14; Eff. 5-16-08]

(f) Disruption of existing natural features will be avoided to the greatest extent practicable and such features will be incorporated into the design to the extent feasible;

(g) The number of curb cuts and other points of access to public streets shall be minimized and all such curb cuts or access points shall be located as far from street intersections as practicable and meet the applicable standards of §15.07(7);
[Am. 11-10; Eff. 4-15-11]

(h) Sufficient access shall be provided to all structures on the parcel for emergency vehicles and adequate facilities for fire protection shall be provided;

(i) Outdoor trash storage and compaction areas, storage for more than ten (10) vehicles, truck parking, HVAC equipment, above ground flammable liquid or gas storage tanks, and loading docks are screened, recessed, or enclosed from view. Enclosure or screening shall be accomplished by the use of berms, landscaping plants, a fence or wall, an adjoining building, or some combination thereof as may be required under this chapter. If a fence or wall is used for screening, the materials used shall be similar to those used on the principal structure. Fences or walls for the purposes of this paragraph shall be set back at least eight (8) feet from any property line and such 8-foot setback area shall be used for the planting and maintenance of decorative landscaping between the wall or fence and the property line. The approval authority may approve a reduction or waiver of fence or wall setback, screening, or material requirements for areas adjacent to property with an existing commercial or industrial use with similar storage or loading arrangements as the proposal.
[Am. 09-05, Eff. 319-09; Am. 12-09, Eff. 5-24-12; Am. 13-021, Eff. 10-10-13]

(j) All areas intended for pedestrian traffic shall be clearly distinguished from vehicular traffic areas, adequately lighted, and handicapped accessible in compliance with state and federal standards;

(k) On any portion of any site where the current or post-development slope exceeds or will exceed 12%, adequate engineering measures have been taken to assure the stability of the site and any structures to be located thereon;

(l) All necessary approvals have been received from any other governmental body with jurisdiction over the property to allow for the development according to the plan, unless the site plan approval is made contingent on such approvals being obtained by a date certain;
[Am. 13-021, Eff. 10-10-13]

(m) All public facilities will comply with the applicable design standards established by applicable ordinances;

(n) The development of the property in accordance with the plan will not unreasonably impair the aesthetic appearance of the property or the general area, interfere with the reasonable use or enjoyment of

neighboring properties for uses already established or permitted thereon, significantly impair the value of other properties in the area, impair reasonable pedestrian access and circulation, or result in an unattractive collection of trash, rubbish, or other materials on an inappropriate site or portion of a site;

[Am. 12-09, Eff. 5-24-12]

(o) All reasonable measures have been taken in the design of the site and the improvements thereon to protect the safety of the occupants and frequenters of the site and the general public;

(p) The development according to the plan will not violate any applicable state or federal law, regulation or order or any other applicable ordinance or conflict with any material feature of the Village Master Plan or an applicable comprehensive plan.

(q) Compliance with applicable design standards for commercial uses included in the Comprehensive Plan may be required by the approval authority. All structures in the B-1, B-2, B-3, RM-B, and O-R districts shall have at least 35% of their exterior walls covered by brick, native stone, tinted or textured concrete masonry units, or other decorative material as may be approved by the approval authority, unless another standard is established within the Village's Comprehensive Plan or components thereof. If the amount of decorative material on the exterior walls of principal building is in excess of 35%, then the approval authority may credit the excess amount against the requirement otherwise applicable to the exterior walls of accessory buildings on the same lot.

[Am. 06-06; Eff. 6-9-06; Am. 08-14; Eff. 5-16-08; [Am. 11-10; Eff. 4-15-11; Am. 13-021, Eff. 10-10-13]

(r) Wherever possible, commercial development shall front on adjacent streets.

(s) Site plans shall minimize the impact of parking lots and structures on the streetscape to the extent possible.

[Am. 13-021, Eff. 10-10-13]

(t) In districts zoned B-2 or B-3, where ever possible, less than 50% of off-street parking for the entire property shall be located between the front facade of the principal building and the primary abutting street.

(u) Each facade greater than 100 feet in length shall employ varying setbacks, heights, roof treatments, doorway, window openings, and other structural or decorative elements to reduce apparent size and scale of the building. A minimum of twenty (20) percent of the structure's façades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least two (2) feet. No uninterrupted façade shall extend more than 100 feet. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being two (2) feet or more as measured eave to eave or parapet to parapet. [Am. 13-021, Eff. 10-10-13]

(v) Compliance with design standards for multiple family housing included in the Comprehensive Plan may be required by the approval authority. All structures in the RM-3 and RM-4 districts shall have at least 25% of their exterior walls covered by brick, native stone, tinted or textured concrete masonry units, or other similar decorative material as may be approved by the approval authority, unless another standard is established within the Village's Comprehensive Plan or components thereof. "Exterior" shall be calculated as the total amount of wall space, excluding roofs and windows that is visible from grade level views on each side of the structure, and such calculations shall be included in the application materials. If the amount of decorative material on the exterior walls of principal building is in excess of 25%, then the approval authority may credit the excess amount against the requirement otherwise applicable to the exterior walls of accessory buildings on the same lot.

[Am. 06-06; Eff. 6-9-06; Am. 08-14; Eff. 5-16-08; Am. 13-021, Eff. 10-10-13]

(w) Compliance with applicable design standards for industrial uses included in the Comprehensive Plan may be required by the approval authority. All structures in the M-1, M-2, and M-3 districts shall have at least 20%, 15%, and 15% respectively, of their exterior walls covered by brick, native stone, tinted or textured concrete masonry units, or other similar decorative material as approved by the approval authority, unless a different standard is established within the Village's Comprehensive Plan. "Exterior" shall be calculated as the total amount of wall space, excluding roofs, overhead door and dock areas, and windows, that is visible from

grade level views on each side of the structure, and such calculations shall be included in the application materials. Any amount of decorative material on the exterior walls of principal building in excess of the required percentage, may be credited against the requirement applicable to accessory buildings on the same lot.

[Am. 06-06; Eff. 6-9-06; Am. 08-14; Eff. 5-16-08; Am. 11-10; Eff. 4-15-11; Am. 13-021, Eff. 10-10-13]

(x) In the event that the a fence along a lot line is approved, the applicant shall submit to the Zoning Administrator a perpetual agreement or covenant specifying adequate provisions for ongoing maintenance of such fence. Prior to the installation of such fence, such agreement or covenant shall be approved by the Zoning Administrator and recorded by the applicant against the affected properties.

[Am. 12-09, Eff. 5-24-12; Am. 13-021, Eff. 10-10-13]

(y) The site plan shall conform to all Environmental Standards established in Section 15.04(12).

[Am. 12-09, Eff. 5-24-12; Am. 13-021, Eff. 10-10-13]

(9) **SPECIAL REQUIREMENTS FOR LARGE RETAIL ESTABLISHMENTS.** In addition to all other provisions of this section, the following provisions shall apply to all site plans which include a retail or commercial service building in excess of 20,000 ft² gross floor area. In any case where the provisions of this subsection conflict with, or are more restrictive than any general requirements provided elsewhere in this Code, the requirements of this subsection shall apply.

(a) Building Location. Where buildings are proposed to be located more than 200 feet from a public street, the overall development design shall include smaller buildings on pads or outlots between such buildings and the street. Placement and orientation of buildings shall facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas, and neighborhoods, and must forward community character objectives as described in the Village's Comprehensive Plan.

(b) Building Materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as determined appropriate by the Planning and Zoning Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.

(c) Building Design. The building exterior shall complement other buildings in the vicinity, and shall be of a design determined appropriate by the Plan Commission. In addition to the standards of Section 15.05(8)(a), the more restrictive of the following shall apply:

1. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building.
2. A minimum of twenty (20) percent of the structure's façades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted façade shall extend more than 100 feet.
3. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet.
4. Roofs with particular slopes may be required by the Planning & Zoning Commission to complement existing buildings or otherwise establish a particular aesthetic objective.
5. Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than fifty (50) percent of their horizontal length. The integration of windows into building design is required, and such windows shall be

of transparent glass or tinted to no more than 50% transparency between three (3) to eight (8) feet above the walkway along any façades facing a public street. The use of blinds may be approved where the Planning & Zoning Commission determines that the use thereof will aesthetically enhance the building facade.

6. Building facades shall include a repeating pattern that includes no less than three (3) of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay through a change in plane no less than twenty four (24) inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

(d) Building Entrances. Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance that shall conform to the above requirements.

(e) Building Color. Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades is prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage.

(f) Screening. In addition to the standards of Section 15.05(8)(i), the more restrictive of the following shall apply:

1. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.
2. All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs so as to not be visible from public streets adjacent or within one thousand (1,000) feet of the subject property. Fences or similar rooftop screening devices may not be used to meet this requirement.
3. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above.
4. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Decorative, heavy-duty wood gates may be used. Chain link, wire mesh or wood fencing shall not be used.

(g) Traffic Impact. In addition to the standards of Section 15.05(8)(a), the more restrictive of the following shall apply:

1. All projects shall have direct access to an arterial street, or to a collector level street deemed appropriate by the Plan Commission.
2. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished

through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks.

3. The site design shall provide direct connections to adjacent land uses if determined necessary by the Planning & Zoning Commission to optimize safety and convenience in traffic and pedestrian movements. Prior to approval of developments over 40,000 square feet, the applicant shall provide adequate funding to the Village to hire a traffic engineer of the Village's choice to complete and present a Traffic Impact Analysis following Wisconsin Department of Transportation District One guidelines. The Traffic Impact Analysis shall consider the parking lot 100% full for level of service analysis. Where the project will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of Transportation Engineers, the Village may deny the application, require a size reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.

(h) Parking. In addition to the standards of Section 15.07 and 15.06(10), the more restrictive of the following will apply:

1. Parking lots in which the number of spaces is 20% or greater than the minimum number of parking spaces required in Section 15.07(4), shall be permitted only if the Planning & Zoning Commission finds specific and reasonable justification therefore.
2. Parking lot design shall employ interior, curbed landscaped islands at all parking aisle ends. In addition, the project shall provide landscaped islands within each parking aisle spaced at intervals no greater than one island per every twenty (20) spaces in that aisle. Islands at the ends of aisles shall count toward meeting this requirement.
3. Landscaped and curbed medians, a minimum of ten (10) feet in width from back-of-curb to back-of-curb, shall be used to create distinct parking areas of no more than 120 parking stalls.

(i) Bicycle and Pedestrian Facilities.

1. The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties.
2. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be ten (10) feet; and the minimum width for sidewalks elsewhere in the development shall be five (5) feet.
3. Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least fifty (50) percent of their length. Such landscaping shall match the landscaping used for the street frontages.
4. Crosswalks shall be clearly distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, pavement color or pavement textures in addition to signage.
5. The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every fifty (50) vehicle parking spaces.
6. The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 20,000 square feet of gross floor area.

7. The development shall provide interior pedestrian furniture in appropriate locations at a minimum rate of one (1) bench seat for every 10,000 square feet of gross floor area. Seating in food service areas, or other areas where food or merchandise purchasing activities occur shall not be counted in determining compliance with this requirement. A minimum of four (4) seats shall be located within the store, with a clear view through exit doors to a passenger pick-up or drop-off area.

(j) Central Areas and Features. Each development exceeding eighty thousand (80,000) square feet in total gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development and Village. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.

(ja) Emergency Services and Security Plan. Each project that includes a retail or commercial service building of 20,000 square feet or greater shall be subject to preparation of an Emergency Services and Security Plan (ESSP) by the applicant, submittal of that ESSP with the site plan review application, approval of the ESSP by both the fire and police chiefs, and implementation and ongoing maintenance of the approved ESSP by the property owner. Each ESSP for such projects shall include the following components, except if one or more components is waived by both the fire and police chiefs:

1. Summary of overall approval to emergency services and security, including training, personnel, equipment, site and building design, and ongoing maintenance.
2. Working drawings with all required hydraulic calculations and specifications prepared by the installing contractor for an automatic fire sprinkler system, which shall be designed and monitored in accordance with National Fire Protection Association (NFPA) guidelines; specify sprinkler control rooms located with adequate access for Fire Department, sprinkler maintenance, and inspection personnel and at least forty (40) feet from all gas meters, electrical meters and transformers; allow direct access from the building exterior to the sprinkler control valve; specify hydraulic designs based on 90% available water supply (10% safety margin shall be maintained); and be based on the most current approved water flow test conducted in accordance with NFPA 291.
3. A program and plan for the street addressing of all buildings, and all separate business ownerships within the buildings, consisting of street numbers, not less than six (6) inches in height, placed on the exterior wall of the building(s) facing the street, service drive, or parking lot providing primary access to the building(s) and located adjacent to any primary entrance door. The plan shall also specify that all rear service doors shall also be clearly and permanently labeled with the occupant names and street address.
4. Specifications for a fire alarm system, fire access roads, fire lanes, fire hydrants, fire department standpipes (for buildings of over two stories), and access boxes that meet minimum specifications maintained and from time to time amended by the Fire Department.
5. A plan and provisions for a centrally located security room that will be accessible and used by the Village departments responsible for public safety.
6. A program for emergency and disaster incident preparedness and response.
7. Plans and specifications for an exterior digital security imaging system (DSIS) for security surveillance purposes. The DSIS shall provide for complete surveillance of all exterior building perimeters, rear and side areas, walkways, other common areas and parking lots within the project. Such systems shall function continuously, whether the businesses are open or closed, and shall provide visible surveillance to the above-described areas during hours of darkness.

All digital video recorded by such system shall be archived on the project site for a period of not less than two (2) weeks, and shall be available to the Village for public safety purposes directly through Internet Protocol (IP) transmission via the Village's area wide data network and shall also provide a "real time", "live look" surveillance capability via that same network. Equipment deployed under this requirement shall conform to minimum standards available from the DeForest Police Department. All parcels on which such equipment is operated shall have conspicuously posted at each entrance thereto a sign providing notice that video surveillance equipment is in use.

8. Provisions for the ongoing maintenance and, where necessary, replacement of systems described in this subsection in perpetuity. The project shall be required to provide, install and maintain in good working order all systems described in this subsection, and grant necessary easements to the Village allowing access and maintenance rights to all such systems, devices, and areas. If the development consists of multiple buildings, tenant spaces and/or phases, all systems described above shall be installed and fully operational for the applicable building upon the occupancy of that building or portion of that building.

[Par (j) as created by 08-14; Eff. 5-16-08, renumbered by revisor]

(k) Cart Returns. A minimum of one (1) two hundred (200) square foot cart return area shall be provided for every one hundred (100) parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. Cart return areas shall be reasonably distributed throughout the parking area but no exterior cart return or cart storage areas shall be located within twenty-five (25) feet of the building.

(l) Outdoor Display Areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet. Display areas on building aprons shall maintain a minimum walkway width of ten (10) feet between the display items and any vehicle drives.

(m) Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan, such outdoor storage uses and areas shall be appropriately screened as required by Section 15.06(9).

(n) Landscaping. In addition to the standards of Section 15.06, the following, where more restrictive, shall apply. On-site landscaping shall be provided at time of building occupancy and maintained per the following landscaping requirements:

1. Landscaping plan shall be submitted to the Planning Commission for approval, as part of the site plan.
2. Building foundation landscaping is required for all building elevations in order to provide visual breaks in the mass of the building. Such foundation landscaping shall be placed along thirty (30) percent of the building's total perimeter, predominately near and along customer facades and entrances facing public streets. One (1) ornamental tree with a minimum 1.5" caliper or one (1) minimum 6-foot tall tree ("whips" not permitted), and four (4) shrubs at a minimum height of 18" tall shall be planted for every 10 linear feet of building foundation planting area. One (1) street tree at a minimum of 2.0" caliper shall be planted at fifty (50) foot intervals along, and within ten (10) feet of, all public and private streets and drives, including parking lot connections and circulation drives, and loading areas. Such tree plantings shall be planted in tree wells along the circulation drives adjacent to the sides of the building that face a public or private street, along both sides of internal drives, and along the outside edge of loading areas. See Section 15.06 for appropriate tree species variety.

3. One (1) shade tree at a minimum of 2.0" caliper shall be planted on each parking lot peninsula and island. See Section 15.06 for appropriate tree species variety.
4. Tree wells shall be a minimum of thirty-six (36) square feet. All other landscaped areas shall be at least ten (10) feet wide in their smallest dimension.
5. All parcels of land with buildings exceeding forty thousand (40,000) square feet in total gross floor area shall be separated from any abutting area zoned or planned for residential, institutional, or office use, by a berm not less than six (6) feet in height. The berm shall be planted with a double row of white, green or blue spruce plantings, or similar species and varieties approved by the Zoning Administrator, spaced fifteen (15) feet on center.

(o) Lighting. In addition to the standards of Section 15.04(12)(f), the following, where more restrictive, shall apply:

1. Total cut-off luminaries with angles of less than ninety (90) degrees shall be required for all pole and building security lighting to ensure no fugitive up-lighting occurs.
2. At a minimum, as measured over ambient lighting conditions on a clear night, exterior lighting shall not exceed more than 0.5 foot-candles above ambient levels along all property lines, and shall not exceed an average illumination level of 3.6 foot-candles nor provide less than 0.9 foot-candles in public parking and pedestrian areas.
3. The color and design of pole lighting standards shall be compatible with the building and the Village's public lighting in the area, and shall be uniform throughout the entire development site. The maximum height for all poles shall be twenty (20) feet.

(p) Signage. In addition to the standards contained in Section 15.08, the following, where more restrictive, shall apply.

1. The plan for exterior signage shall provide for modest, coordinated, and complimentary exterior sign locations, configurations, and color throughout the development, including outlots.
2. All freestanding signage within the development shall complement on-building signage.
3. Monument style ground signs are required, and shall not exceed a height of eight (8) feet.
4. Consolidated signs for multiple users may be required instead of multiple individual signs.
5. The Planning & Zoning Commission may require the use of muted corporate colors on signage if proposed colors are not compatible with the Village's design objectives for the area.
6. The use of logos, slogans, symbols, patterns, striping and other markings, and colors associated with a franchise or chain is permitted, and shall be considered as contributing to the number and area of permitted signs.

(q) Natural Resources Protection. Each project shall meet the Erosion Control and Stormwater Management standards found in Chapter 24 of this Code. In general, existing natural features shall be integrated into the site design as a site amenity. Storm water detention or conveyance features shall be adequately maintained by the developer/owner unless dedicated to, and accepted by, the Village.

(r) Outlots. All buildings on outlots shall be of architectural quality comparable to the primary structure as determined by the Planning & Zoning Commission.

[Cr. 05-10, Eff. 4-4-05]

(10) EMERGENCY SERVICES AND SECURITY PLAN. Each site plan submittal including one or more buildings of greater than 40 feet in building height shall include an Emergency Services and Security Plan (ESSP). Such ESSP will be subject to approval by both the fire and police chiefs. The property owner shall be responsible for implementation and ongoing maintenance of the approved ESSP. Each ESSP for such buildings shall include the components listed in §15.05(9)(j), except if one or more components is waived by both the fire and police chiefs.

[Am. 08-14; Eff. 5-16-08]

15.06 LANDSCAPE PLANS.

(1) LANDSCAPE PLAN REQUIRED. A landscape plan prepared by an individual experienced in landscape design shall be submitted as part of all applications for site plan review under §15.05. In the event that a proposed addition would bring the total building size or paved area to 50% or greater of the original building or paved area size, all quantitative landscaping standards in this section shall be met. Smaller building or paved area additions shall require the site to be brought into compliance with the quantitative landscaping standards in proportion to the size of the addition as compared to the original building or paved area to the extent the site plan approval authority determines practical.

[Am. 06-06; Eff. 6-9-06; Am. 13-021, Eff. 10-10-13]

(2) DEFINITIONS AS USED IN THIS SECTION. For the purpose of this section the following definitions shall apply unless the context clearly indicates a different meaning.

(a) Berm: A hill or contour of land that acts as a visual barrier between a lot and adjacent property, alley, or street.

(b) Caliper: A measurement of a tree equal to the diameter of its trunk measured six (6") inches above natural grade for trees less than or equal to four (4") inches in diameter at such point; and measured twelve (12") inches above grade for all other trees.

(c) Diameter at Breast Height or D.B.H. The diameter of a tree measured at four and one-half feet (4-1/2') above the existing grade at the base of the tree.

(d) Deciduous: A plant which sheds its foliage at the end of each growing season.

(e) Evergreen. A tree or shrub whose foliage persists year round. The plant may be a cone and needle bearing plant (i.e., pine, spruce, etc.) or a broadleaf plant (i.e., a rhododendron, holly, etc.)

(f) Opaque: When describing a landscape buffer means a dense, solid mass of plantings completely obstructing the view of uses on the other side of the buffer.

(g) Parkway: Means the area between the street/curb and the property-line.

(h) Remove or Removal: Means the causing or accomplishing of the actual physical removal of a tree, or the effective removal through severe pruning, damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.

(i) Shrub: Deciduous or evergreen woody plant with an expected mature height of generally not more than fifteen (15') feet, with single or multiple trunks or multiple leaders.

(j) Swale: A topographical indentation which channels periodic water runoff.

(k) Tree, Canopy: A deciduous, woody plant with an expected mature height of thirty feet or more and possessing either a single trunk or multiple trunks, except those species listed in sec. 15.06(5)(a)1 or 2.

(l) Woodland: An area or stand of trees not being grown for commercial purposes whose total combined canopy covers an area of one-half (1/2) acre or more and at least fifty percent (50%) of which is

composed of canopies of trees having a caliper of at least eight (8) inches, or any grove consisting of eight (8) or more individual trees having a caliper of at least ten (10) inches whose combined canopies cover at least fifty percent (50%) of the area encompassed by the grove.

(m) Landscape Features. A distinctive area or element intended to aesthetically enhance the site, such as a rock garden, split rail fence, fountain, or bermed planting area. Landscape features may be located within the setbacks, but shall not be located within the street right of way area or vision corner. Landscape features located within the front yard setback shall not exceed four (4) feet in height.

(3) FORM AND CONTENT OF PLANS. All landscape plans shall be titled in the form of: "Landscape Plan, [name and location of project]" shall be drawn at a scale not smaller than 1" = 20' and shall include the following information:

(a) The name and address of the project developer, the location and names of abutting streets and rights of way, a graphic and written scale, the date of the plan and any subsequent revision;

(b) The location and dimensions of all existing and proposed property lines, buildings, structures, parking lots and driveways, roadways and rights-of-way, easements, sidewalks, bicycle paths, refuse disposal areas, fences, freestanding electrical equipment, light fixtures, other surface utility structures, signs and other freestanding structural features, recreational facilities, setbacks and easements.

(c) The location, quantity, installation size, mature size, and both scientific and common names of all proposed plant materials.

(d) Existing and proposed contours, including the location, slope ratios (horizontal/vertical) of all proposed berming, at two foot (2') contour intervals.

(e) The location, dimensions, general elevations and slope ratios of all detention and retention areas and drainage ways.

(f) Details and elevations at the top and bottom of all proposed retaining and screening walls and all fences.

(g) The designation, location, species and size of all existing trees eight inches (8") and larger in diameter measured four feet (4') above natural grade with any trees to be removed clearly identified. In the event a significant number of trees exist in concentrated areas on the site, only the boundaries of the tree grove/forest or woodland area need be shown.

(h) The number and total area in square feet of parking areas, the percentage and area in square feet of all interior parking lot landscape areas, the total linear length of buffer yards, the quantities of various plants to be provided within buffer yards, and the area in square feet of the proposed interior open space on the property.

(i) Additional elevations, cross sections and other site or construction details determined to be necessary by the Zoning Administrator.

(4) LANDSCAPE IMPROVEMENT STANDARDS. The following standards shall apply in determining the landscaping improvements required to be installed as part of the development of land requiring site plan approval:

(a) The development, redevelopment, expansion, or substantial modification of buildings or site improvements or substantial changes in use subject to the provisions of this chapter shall include at least the minimum amount of landscaping described in this section and in the district regulations. Landscaping materials which meet the minimum installation sizes shown below shall earn landscaping points per plant as indicated in the following table. The classifications of individual plant species shall correspond to the

classification used in the publication entitled: A Guide To Selecting Landscape Plants For Wisconsin, E. R. Hasselkus, U. W. Extension Publication: A2865 which shall be maintained on file with the Zoning Administrator for public inspection.

a. LANDSCAPING POINTS AND INSTALLATION SIZES		
PLANT CATEGORY*	LANDSCAPING POINTS PER PLANT	MINIMUM INSTALLATION SIZE
Canopy Tree	75	2" Caliper
Tall Deciduous Tree	30	1 ½" Caliper
Medium Deciduous Tree	15	6' Tall
Low Deciduous Tree	10	4' Tall
Tall Evergreen Tree	40	5' Tall
Medium Evergreen Tree	20	4' Tall
Low Evergreen Tree	12	3' Tall
Tall Deciduous Shrub	5	36" Tall
Medium Deciduous Shrub	3	24" Tall
Low Deciduous Shrub	1	18" Tall
Medium Evergreen Shrub	5	18" Tall/Wide
Low Evergreen Shrub	3	12" Tall/Wide
Bio-Retention Swales/Rain Gardens/Green Roofs (when deliberately planted with appropriate, non-turf species per industry standards)		
Landscaping Points per 100 Square Feet in Area (not to exceed 300 total points)	20	Maximum Spacing Between Plantings 12"

[Am. 12-09, Eff. 5-24-12; Am. 13-021, Eff. 10-10-13]

(b) Method to Determine Future Use of Vacant Land. For the purposes of determining landscaping and buffering requirements of this section, whenever a site is adjacent to vacant or undeveloped land, the method to be used to determine the future use of the adjacent land shall be as follows:

1. Incorporated Lands. The future use of land within the corporate limits of the Village of DeForest shall be that shown on the Village's Zoning Map.
2. Unincorporated Lands. For properties not within the corporate limits of the Village of DeForest, the future use of land shall be that shown in the applicable town Comprehensive Plan. [08-14; Eff. 5-16-08]
3. Plant Variety. The plan shall provide for a variety of species of trees and shrubs on each parcel to provide visual and seasonal diversity and to reduce the likelihood of extensive loss as a result

of insect infestation or the spread of disease within a given species. The required number of different species shall be as follows:

Size of Parcel	Qty. of Tree Species	Qty. of Shrub Species
0 up to but not including 1.5 acres.	N/A	N/A
1.5 acre up to but not including 5 acres	2	3
5 acres up to but not including 15 acres	4	5
15 acres or more	5	7

(5) SELECTION OF SPECIES.

(a) In the preparation of landscape plans under this section, the planting of the following trees is prohibited in the public right-of-way, and shall be minimized within 15 feet of any lot line and parking lot:

1. Ailanthus (Tree of Heaven)
2. Box Elder (*acer nuegundo*)
3. Catalpa
4. Cottonwood (*populus deltoids*)
5. European Mountain Ash
6. European White Birch
7. Fruit-bearing Trees (except that Crabapples and trees where the fruit is intended for harvest shall per permitted)
8. Lombardy Poplar
9. Mulberry
10. Siberian Elm
11. Silver Maple (*acer saccharinum*)
12. Walnut
13. Willow (except along water edges)
14. Evergreen trees (prohibited in the public right-of-way, discouraged in parking lot islands, not discouraged in other locations).
15. American Elm (*almus american*)
16. Black Locust (*robinia pseudacelia*)
17. Hickory (*carya*)
18. Other weak-wooded or trees which deposit significant number of twigs, seed pods, fruits, nuts or other debris as determined by order of the Zoning Administrator.

(b) Several shrubs and trees, which are not native to Wisconsin, have an established history of spreading to nearby parks and conservancy areas. These non-native plants tend to become overly abundant and ultimately eliminate many desirable native species. In addition, some native species are undesirable due to the threat of invasive insects. The control and eradication of these unsuitable plants create a costly management problem. The following species of plant material are prohibited for use as landscape plants:

1. Honeysuckle: *Lonicera-bella*, *Lonicera marrawi*, *Lonicera tatarica*
2. Buckthorn (common): *Rhamnus cathartica*, *Rhamnus frangula* (tall hedge)
3. Russian Olive: *Elaeagnus angustifolia*
4. Norway Maple: *Acer platanoides*
5. Native Ash
6. Paper Birch

(c) The following trees are overused along public roadways in the Village. Therefore, their planting in public rights-of-way shall be allowed only where specifically approved by the Director of Parks, Recreation, and Natural Resources:

1. Maple (acer)
2. Linden and Basswood (tilia)
[Am. 11-10; Eff. 4-15-11; Am. 13-021, Eff. 10-10-13]

(6) SELECTION, INSTALLATION AND MAINTENANCE OF PLANT MATERIALS.

(a) Plant Quality.

1. Planting materials used to comply with this section shall be of specimen quality, shall have been grown in the same hardiness zone as central Wisconsin, and be capable of withstanding extremes of individual site microclimates.
2. Trees selected for planting shall be healthy, free of insects, diseases and damage that would threaten the viability of the plant. Parkway trees and parking lot trees shall have a minimum branching height of six (6) feet above the ground to allow adequate visual and physical clearance.
3. All plant material shall comply with the provisions set forth by the American Standard for Nursery Stock, ANSI Z60.1-1980.

(b) Installation. All landscaping shall be installed according to the following requirements:

1. All plantings shall be installed in accordance with the Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction.
2. All unpaved areas within a street right-of-way and all swales forming the drainage system for a parcel shall be sodded. In all commercial, office and industrial developments, a water supply for maintaining adequate moisture levels in the parkways shall be provided one hundred (100') feet of all points within the parkway. Upon recommendation of the Village Engineer, the Planning and Zoning Commission may require additional sodding of a lot to prevent soil erosion and blockage of drainage systems.
3. The branches of deciduous trees and shrubs may be selectively thinned by up to 1/3 at the time of planting to reduce stress from transplanting in accordance with good horticultural practice. In no case shall trimming result in reducing the overall height of the plant below that specified on the approved landscape plan.
4. All trees and shrubs shall be mulched with a minimum four (4") inch depth and all flower and groundcover beds shall be mulched with a minimum two (2") inch depth of shredded hardwood bark or other generally accepted commercial mulch.
5. Landscape materials shall be selected and located so as to avoid obstructing visual or physical access to fire hydrants. Trees shall not be located closer than ten (10') feet and shrubs shall not be located closer than five (5') feet to fire hydrants, transformers or other utility fixtures.
6. All trees and shrubs shall be located in such a way that they do not obstruct views of vehicles operators and pedestrians at intersections, alleys, driveways, parking lots and sidewalks.

(c) Maintenance.

1. Responsibility of Owner. The owner of any property, whether or not subject to an approved landscape plan required by this section, shall be responsible for the maintenance, repair, weeding, and replacement of all landscaping materials and barriers as may be required by this section. All plant materials shall be maintained in a healthy, vigorous growing condition, and a neat and orderly appearance. Plants shall be replaced as necessary, and shall be kept free of refuse, weeds and debris. Fences, walls, and other barriers, whether or not required by the landscape plan, shall be maintained in good condition and appearance. The owner shall control weeds in accordance with Chapters 11, 12 and 27, and with any subdivider's agreement applicable to the property.

[Am. 06-06; Eff. 6-9-06]

2. Noncompliance with Maintenance Standards. Property owners notified by the Village that their landscaping violates the provisions of this section shall be required to restore or replace said plant material within one growing season. Restoration or replacement of fences, walls and/or other barriers shall be completed within nine months of notice by the Village. If any violation is not corrected within the required period of time, the property owner shall be subject to the penalties set forth in sec. 15.03.

(7) PUBLIC RIGHT-OF-WAY LANDSCAPING REQUIREMENTS.

(a) Applicability. Where a parcel abuts a dedicated public right-of-way, landscaping shall be provided in accordance with this subsection. The requirements of this subsection are in addition to the minimum landscape points required by the district regulations.

(b) Parkway Trees:

1. Location. Trees shall be planted in the parkway along all streets no closer than ten (10) feet from any driveway and forty (40) feet from the corner of an intersection as measured from the right-of-way lines extended.
2. Number. Trees shall be planted not more than forty (40) feet and not less than twenty-five (25) feet apart such that the total number of trees shall equal or exceed the ratio of one (1) for each thirty-five (35) feet of street frontage. Parkway trees required by this paragraph shall be in addition to the minimum landscape points required by this section and the district regulations.
3. Replacement. All parkway trees shall be guaranteed and replaced if necessary during the first two (2) full growing seasons. A complete growing season shall be defined as the dates in any given year between the last and the first frosts, except that if parkway trees are installed by June 1 of any year, that year shall be considered one (1) complete growing season for purposes of this section.

(c) Modifications and Exceptions: The Zoning Administrator may approve modifications and exceptions to the quantity, placement, and spacing of parkway trees, including their placement in other locations on the subject property, in the following circumstances:

1. The parkway is not wide enough to support tree growth.
2. The location of utilities under or above the parkway area would conflict with tree planting.
3. Traffic visibility would be unreasonably impaired.
4. If within the extraterritorial zoning jurisdiction, the associated Town Board has approved a motion or resolution indicating that the Town does not desire trees within parkway areas.

[Am. 13-001]

(8) **MULTI-FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS.** All multifamily residential sites shall comply with this subsection. The requirements of this subsection are in addition to the minimum landscape points required by the district regulations.

(a) All yards shall be seeded or sodded.

(b) All front and exterior side yards on corner lots shall contain a minimum of one (1) canopy tree per fifty (50) lineal feet of street frontage.

[Subd 1 repealed. 13-021, Eff. 10-10-13]

(c) All interior side and rear yards shall contain a mix of canopy, evergreen and other trees equivalent to at least one (1) per fifty (50') lineal feet, and including large shrubs along at least thirty (30%) percent of the interior side and rear property lines. Shrubs shall be spaced at no more than four (4') feet on center. The trees and shrubs may be clustered.

(9) **NON RESIDENTIAL LANDSCAPING REQUIREMENTS.** All non-residential sites shall comply with this subsection.

(a) All yards not covered by buildings, parking lots, or other hard surfaces shall be sodded, seeded or otherwise improved with some combination of turf, a native vegetative ground cover, or a decorative landscaping or erosion control feature.

(b) Foundation plantings shall be provided on those sides of a building that face a public right-of-way in a planting bed with a minimum width of five (5) feet adjacent to the entire building length, except where sidewalks and driveways leading directly into the building are provided for ingress and egress or where otherwise part of an approved site plan under §15.05.

[Am. 13-021, Eff. 10-10-13]

(c) Service yards, loading docks and exterior work areas on lots adjacent to non-industrial uses shall be screened from view from adjacent non-industrial properties and the public right-of-way, public lands, and public access easements. The screening shall consist of an opaque fence or wall constructed of commercial-grade wood; masonry; architectural-grade, decorative metal; or such other decorative material as may be part of an approved site plan under §15.05.

[Am. 13-021, Eff. 10-10-13; Am. 12-09, Eff. 5-24-12]

(d) Outdoor storage yards shall be screened from adjacent non-industrial properties and public rights-of-way, public lands, and public access easements by opaque walls or fences (including opaque doors or gates, if applicable) with a height at least equal to the height of material to be stored or eight (8) feet, whichever is less. Where stored materials exceed eight (8') feet in height, plantings shall be provided along the outside perimeter of all portions of the fence or wall visible from an adjacent property, public right-of-way or other public lands or access easements. The mature height of the plantings shall be not less than the height of the materials being screened, and fast growing species shall be used where practical.

[Am. 12-09, Eff. 5-24-12]

(e) Plans for parking areas shall include a description of snow removal methods and indicate snow storage areas. Plan shall provide sufficient detail to demonstrate that plantings will not be damaged or destroyed by snow removal and storage activities.

Table 15.06A: Minimum landscaping points required by zoning district.

Minimum Landscaping Points Standards (Add for total points required)	Zoning District			
	B-1	B-2	B-3	A-B
For Business Zoning Districts				
per 100 Linear Ft. of Building Foundation	0	50	20	20
per 1,000 sq. ft. of Gross Floor Area	0	20	5	5

per 100 Linear Ft. of Street Frontage	0	50	20	20
per 10,000 sq. ft. of Paved Area or every 20 parking stalls	20	90	40	40
For Industrial Zoning Districts				
	M-1	M-2	M-3	
per 100 Linear Ft. of Building Foundation	50	50	40	
per 1,000 sq. ft. of Gross Floor Area	20	20	20	
per 100 Linear Ft. of Street Frontage	50	50	40	
per 10,000 sq. ft. of Paved Area or every 20 parking stalls	90	90	70	
For Other Non-Residential Zoning Districts				
	RM-B	O-R		
per 100 Linear Ft. of Building Foundation	40	50		
per 1,000 sq. ft. of Gross Floor Area	20	20		
per 100 Linear Ft. of Street Frontage	40	50		
per 10,000 sq. ft. of Paved Area or every 20 parking stalls	70	90		

[Sub. (9) Am. 11-10; Eff. 4-15-11]

(10) **OFF STREET PARKING LOT LANDSCAPING REQUIREMENTS.** In addition to the requirements established in sub. (9), all required off-street parking areas designed to accommodate four (4) or more vehicles in any zone shall be landscaped according to the standards in this subsection.

[Am. 11-10; Eff. 4-15-11]

(a) **Landscaping Objectives.** The specific requirements of this subsection are intended to recognize both the functional importance of parking areas and the public benefits associated with well-designed landscaped areas which enhance the visual environment, promote public safety, moderate the microclimate and reduce nuisances, such as noise and glare. The standards are designed to soften the visual and other sensory impacts of parking areas through the use of large canopy trees and well-designed clustered plantings; as opposed to screening the entire perimeter with a hedge or fence. All landscape plans for parking areas shall be designed to promote these objectives.

(b) **Canopy Tree and Island Requirements.** All off-street vehicular parking areas designed for more than six (6) vehicles shall be provided with canopy trees as provided in this paragraph.

1. **Canopy Trees Standards.** Canopy trees shall be located in tree islands or within ten feet of the periphery of the parking area surface. All newly planted canopy trees shall have a minimum caliper of 1 3/4". Existing mature trees with a caliper of at least 1 3/4" meeting the location requirements of this paragraph may be applied toward the canopy tree requirements.
2. **Tree Islands.** Parking spaces shall be separated by a tree island at the rate of one (1) tree island for each linear row of twelve (12) parking spaces for single row configurations, or for each twenty-four (24) parking spaces in double row configurations. All tree islands shall have a minimum width of four feet (4') as measured from the inside of the curb and a minimum length of 10 feet.
3. **Number.** The minimum number of canopy trees shall be as provided in the following table.

CANOPY TREE REQUIREMENTS	
Number of Stalls	Trees Required
1 to 6	0 trees

7 to 18	1 tree
19 to 30	2 trees
31 to 42	3 trees
43 to 54	4 trees
55 to 66	5 trees
67 to 78	6 trees
79 to 90	7 trees
91 to 102	8 trees
103 to 114	9 trees
Over 114	9 trees plus 1 tree for each 12 spaces or fraction thereof

(c) Parking Area Screening. Where any part of an off-street parking area designed for four (4) or more vehicles is located within 25 feet of a residentially zoned parcel, or is located such that a nearby residentially zoned property would be affected by noise or headlight glare, an opaque screening barrier shall be provided on the parcel where the parking area is located. The effective height of the barrier shall be at least three and one-half (3½) feet above the parking surface. The barrier may consist of wood or masonry fencing, walls, berms, or plant material. Where plant materials are used for screening, they shall be of suitable size and density to accomplish the screening objective within three years from the time of planting.

[Am. 13-021, Eff. 10-10-13]

(d) Minimum Landscape Element Standards. In addition to the requirements of pars. (b) and (c), all parking areas shall be landscaped with plant materials with the total landscaping point value of not less than fifteen (15) points for each parking space. Landscape plantings shall qualify toward the requirements of this section only if they are located within ten (10) feet of the perimeter of a parking lot or within a tree island and provide aesthetic enhancement primarily to the parking area rather than to buildings or general building grounds. The Zoning Administrator may grant a credit against the required landscape total for decorative fences, earth berms, or ground covers, where the applicant demonstrates that they contribute to the landscape objectives of this section. The credit given shall be determined by the Administrator but shall not exceed 25% of the total points required.

[Am. 13-021, Eff. 10-10-13]

(e) Minimum Dimensions for Planted Areas. All landscaped areas with trees shall be a minimum of four (4) feet in all dimensions as measured from the inside of any frame. All landscape areas without trees, but planted with shrubs, shall be a minimum of three (3) feet in all dimensions as measured from inside the frame.

[Am. 13-021, Eff. 10-10-13; Am. 13-021, Eff. 10-10-13]

(f) Waiver and Modification. The site plan approval authority under §15.05(2) may authorize adjustments to the requirements of this section where literal compliance with the specifications and standards is clearly unnecessary or contrary to the public interest due to topographic constraints, existing vegetation, traffic, fire or other public safety considerations or similar factors.

[Am. 13-021, Eff. 10-10-13]

(g) Alternative Screening of Industrial Parking Areas. The site plan approval authority under §15.05(2) may approve a landscaping plan, or portion thereof, for a parking area within an industrial zoned site, which provides for effective screening of the entire parking area from public view and grant a general

exemption from the requirements of pars. (b) and (d) of this subsection. The exemption shall be granted only where all of the following conditions are satisfied:

1. The plan provides for effective screening of the entire parking area from view from all public rights of way, public recreation areas and all residentially zoned properties;
2. Where screening is accomplished by the use of plant materials, they are of a suitable size and density to accomplish complete visual screening during the leaf-on season within five (5) growing seasons after planting;
3. The effective height of the screening is not less than four (4) feet;
4. The plan provides for diversity in the types of plant species or a combination of various plant species and other types of barriers to afford an aesthetically pleasing character to the parking area perimeter;
5. The plan includes a specific plan for snow removal methods and a description of all snow storage areas demonstrating that such snow removal and storage will not cause injury to any required screening;
6. Any portion of the parking area designated for visitor parking meets all of the requirements of pars. (b) and (d) and is visually separated from all other parking areas by tree islands or landscaped planting areas of not less than four feet (4') wide and ten feet (10') long with a minimum of two (2) canopy trees provided in each such area;
7. The site plan approval authority under §15.05(2) finds that the alternative landscaping plan satisfies the general intent of the parking area landscaping provisions of this section and will not be detrimental to the character of the area;
8. The plan complies with all other applicable ordinances and any private deed restrictions or covenants applicable to the property.

[Am. 13-021, Eff. 10-10-13]

(11) MISCELLANEOUS LANDSCAPING REQUIREMENTS.

(a) Retention and Detention Ponds. Landscaping shall be provided around the perimeter of retention and detention ponds generally above the high water level. Only plants which are adapted to temporary flooding may be planted below high water level.

(b) Ground Level Air Conditioning Units and Mechanical Equipment. Ground level air conditioning units and other mechanical equipment shall be landscaped on all sides visible from the public right-of-way to a minimum height of thirty (30) inches. The plants used shall have a mature height which will meet or exceed the height of the equipment which it is screening.

(c) Ground Signs and Ground Lights. The area immediately surrounding the foundation of ground signs shall be planted with shrubs, groundcover, or perennial flowers. Plants shall be selected for a mature height which will not exceed the bottom of the sign's message. Ground lights for signs shall be screened from view from the public rights-of-way with evergreen shrubs or groundcover to a minimum height equal to that of the light(s).

(d) Refuse Receptacles. Refuse receptacles and waste removal areas shall be screened from view on the three sides most visible from public right-of-ways or adjacent properties. The screening shall consist of a solid fence constructed of masonry, or commercial-grade wood fencing materials and shall be a minimum of six (6') feet and a maximum of eight (8') feet tall. Shrubs and/or groundcover shall be planted along such screens to help soften their appearance. Refuse receptacles shall be enclosed on the fourth side with a gate

to contain trash or other debris. The gate side of the waste receptacle shall be oriented toward the interior of the site.

(12) SUBSTITUTIONS AND CHANGES.

(a) Minor Revisions. Once a landscape plan has been approved and a building permit issued, minor revisions to the approved landscape plan, including the substitution of equivalent plantings and ground covers may be approved by the Zoning Administrator where such revisions do not diminish the benefits of the approved landscape plan. All such approvals shall be in writing and be accompanied by revised landscape plans. A revision shall be considered minor when there is no reduction in the quantity of plant material, no significant change in size or location of plant material, and substitute plants are of the same category (i.e., canopy trees, evergreen trees, large or small shrubs, groundcover, etc.) and have approximately the same design characteristics (mature size, spread, density) as the materials being replaced.

(b) Plan Amendment. Any amendments to the approved landscape plan other than those described in sub. (12)(a) shall be approved in the same manner, and in accordance with the same standards, upon which the original approval was given.

[Am. 13-021, Eff. 10-10-13]

(13) ACCEPTANCE OF LANDSCAPE IMPROVEMENTS.

(a) Inspection and Approval. Upon completion of the installation of landscaping on a development site, the Zoning Administrator shall inspect the site for conformance with the adopted landscape plan. Except as provided in par (b), the Zoning Administrator shall approve the installation prior to issuance of any certificate of occupancy required under Chapter 14.

(b) Exception. If inclement weather prohibits completion of the landscaping during a given planting season, prior to issuance of a certificate of occupancy, an applicant may post a bond or establish a cash escrow for the value of the outstanding plant material and cost of labor to install such landscaping. Such bond or escrow shall be held by the Village until such planting is completed to the satisfaction of the Zoning Administrator. In the event the required plantings are not completed within a reasonable time as determined by the Administrator, the Administrator shall cause the planting to be completed and draw on the escrow account to pay costs incurred in connection with such work.

[Am. 13-021, Eff. 10-10-13]

15.065 LIGHTING PLANS AND STANDARDS.

[Cr. 06-06; Eff. 6-9-06]

(1) **PURPOSE.** The purpose of this section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and prevent the creation of nuisances. A further purpose of this section is to regulate outdoor night lighting fixtures to preserve and enhance the area's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.

(2) **APPLICABILITY AND DEFINITIONS.** The requirements of this section apply to all private exterior lighting within the jurisdiction of this chapter, except for lighting within public rights-of-way and/or lighting located on public property. For the purpose of this section, "exterior lighting" means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including general lighting fixtures, searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, signage or other purposes. "Shielded" means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least fifteen degrees below a horizontal plane running through the lowest point on the fixture where light is emitted.

(3) **DEPICTION ON OR WITH REQUIRED SITE PLAN:** Any and all exterior lighting shall be depicted as to its location, orientation and configuration on or with any site plan required for the development of the subject property under §15.05.

(4) REQUIREMENTS.

(a) **Orientation of Fixture.** All exterior lighting shall be shielded, except for incandescent fixtures of 150 Watts or less, and other sources of 70 Watts or less. In no instance shall an exterior lighting fixture of greater than 150 Watts be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is required so as to facilitate compliance with this requirement.

(b) **Fixture Height.** The height of any light fixture shall not exceed 25 feet in any residential zoning district and 35 feet in any other zoning district.

(c) **Intensity of Illumination and Filtering.** Maximum average lighting levels within parking, circulation, and loading areas shall not exceed 2.5 footcandles within non-residential zoning districts and 1.5 footcandles within residential zoning districts. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night. All metal halide fixtures shall be filtered by a translucent glass or acrylic enclosure. Quartz glass shall not be sufficient to satisfy this requirement.

(d) **Flashing, Flickering and other Distracting Lighting.** Flashing, flickering and/or other lighting which may distract motorists are prohibited. This paragraph shall not be construed to prohibit flashing bulbs in a seasonal decorative display provided that such bulbs do not exceed 5 Watts each.

(e) **Minimum Lighting Standards.** All areas designated on required site plans for customer vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.2 footcandles. Private driveways not intended for customer vehicular parking, loading, or circulation are exempt from this minimum lighting standard.

(f) **Nonconforming Lighting.** All lighting fixtures existing prior to June 9, 2006 shall be considered as legal conforming structures (see §15.17). All replacement fixtures shall fully comply with the requirements of this section.

(g) **Display Lot Lighting.** Display lot lighting shall be extinguished within thirty (30) minutes after closing of the business. Under no circumstances shall the illumination of display lots be permitted between 11:00 p.m.

and 7:00 a.m. except that an average exterior lighting intensity for security purposes not exceeding 1.0 footcandle shall be permitted.

(h) Architectural Lighting. All architectural lighting shall be of 150 Watts or less if incandescent, and shall be of 70 Watts or less for other lighting sources. A minimum of 90 percent of the illumination from architectural lighting shall fall on the illuminated structure.

(i) Use of Mercury Vapor Fixtures. No new mercury vapor exterior lighting fixtures shall be installed.

(j) Special Exceptions. The site plan approval authority under §15.05(2) may grant exceptions to the requirements of §15.065(4) in one or more of the following circumstances:

1. For outdoor recreation use and assembly areas such as athletic fields.
2. Under gas station pump island canopies and for other intensive activity areas in which motor vehicles and pedestrians routinely operate in close proximity with one another. Use of recessed canopy lighting to minimize off-site impacts shall be required.
3. In cases where the applicant provides documentation to demonstrate that the overall lighting program being proposed provides a reasonable alternative approach to fully meeting the purpose of §15.065.

[Am. 13-021, Eff. 10-10-13; Am. 11-10; Eff. 4-15-11]

15.07 OFF-STREET PARKING, ACCESS, LOADING.

(1) **OFF-STREET PARKING REQUIRED.** Off street parking shall be provided within the various zoning districts as provided in this section. All required spaces shall be unobstructed and available for use for parking by employees, occupants, patrons or other invitees of the premises. The number of required parking spaces shall be determined as follows:

(a) General. The number of spaces provided shall not be less than that designated for a specified use as set forth in sub (4).

(b) Computation. When any calculation of the number of off-street parking spaces required by this section results in a fractional number, the result shall be rounded to the nearest whole number.

(c) Collective Provisions. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces is not less than the sum of the separate requirements for each such use. Modification of total number of collective spaces serving mixed uses may be granted by the Village Board as part of approval of a Planned Unit Development or any part thereof.

(d) Employee Parking. Parking space requirements based on number of employees shall be calculated on the maximum total number of employees on duty or residing on the premises at any one time.

(e) Maximum Residential Spaces. The total number of accessory parking spaces provided for a single-family, duplex, or multiple-family dwelling shall be not more than 50% or four spaces, whichever is greater, more than the minimum number required.

(2) **DESIGN STANDARDS.** Each required parking space shall comply with the following standards:

(a) Dimensions. A required off-street parking space shall be at least nine (9') feet wide and at least eighteen (18') feet long, twenty-three (23) feet long for parallel spaces, exclusive of access drives or aisles, ramps, columns, or work areas and shall have a vertical clearance of at least seven (7') feet.

(b) Access. Minimum width of aisles providing access to stalls for one way traffic shall be as follows: Aisles shall be not less than twenty-four (24) feet wide for ninety (90) degree parking, fifteen (15) wide for forty-

five degree parking (angle shall be measured between centerline of parking space and centerline of aisle), and twelve (12) feet wide for parallel parking. No parking of more than two (2) spaces shall be designed as to require any vehicle to back into a public street.

(c) Surfacing. All required off-street parking and traffic circulation areas shall be properly graded and paved with asphalt, concrete, pavers, or a similar hard surface, except that gravel or another all-weather, dustless material may be permitted within the ETZ Area if approved by the Joint Committee, for public park sites in which the approved park master plan advises a more rural finish, or for temporary parking associated with a temporary use permitted under §15.16(7). In no case shall any minimum required parking space be provided outside of hard-surfaced or graveled areas.

[Am. 11-10; Eff. 4-15-11; Am. 13-021, Eff. 10-10-13]

(d) Landscaping. All parking areas for four or more vehicles shall be landscaped and screened as provided in sec. 15.06.

[Am. 13-021, Eff. 10-10-13]

(e) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and from public rights-of-way as not to interfere with the residential use or vehicular safety.

[Am. 13-021, Eff. 10-10-13]

(f) Location. All required parking spaces shall be located on the same lot as the building or use served, or on adjacent parcels within five hundred (500) feet of the main entrance to the use served, provided, however that:

1. No parking facilities for a business or industrial use shall be located in a residential zoning district.
2. In any case where required off-street parking is being provided on a different parcel than the use it is intended to serve and/or if two or more parcels share a common parking facility, and such parking in either case is necessary to satisfy the minimum parking requirements of this chapter, a joint parking agreement or easement defining the obligations of each party with respect to the use and maintenance of the parking facility shall be prepared by the applicant, approved by the Zoning Administrator, and executed and recorded against the off-site parcel(s) on which parking is being provided. Such recording shall occur with the Dane County Register of Deeds prior to the issuance of a certificate of occupancy permit. The easement or agreement shall include language that prohibits its termination or amendment without prior approval of the Village of DeForest to ensure that users on all affected parcels are able to maintain adequate parking to serve the specified uses and are able to legally access that parking.

[Am. 08-14; Eff. 5-16-08; Am. 13-021, Eff. 10-10-13]

(3) **LOADING FACILITIES**. Loading facilities as required by sub (4) shall comply with this subsection.

(a) Location. All required loading spaces or berths shall be located on the same lot as the use served. All loading berths, off-street access thereto and vehicles parked adjacent to them at any location which is adjacent to a residential district shall be completely screened therefrom as required by sec. 15.06. No permitted or required loading space or berth shall be located within forty (40') feet of the nearest point of intersection of any two streets or highways. No loading space or berth shall be located in a required front or side yard, and any loading space or berth located in a required rear yard shall be open to the sky.

(b) Calculation. Where the number of loading spaces required by sub. (4) is based upon the area of a building or parcel, the stated number of spaces shall be the minimum provided for each increment of area or any fraction thereof.

(c) Dimensions. Unless otherwise specified, a required off-street loading space or berth shall be ten (10') feet wide and at least forty-five (45') feet long, exclusive of aisles and maneuvering space and shall have a vertical clearance of at least fifteen (15') feet.

(d) Access. Each required off-street loading space or berth shall be design with appropriate means of vehicular access to a street, highway or alley in a manner which will least interfere with traffic movement.

(e) Surfacing. All open off-street loading spaces shall be improved with a compacted select gravel base, not less than seven inches thick, and surfaced with an all-weather, dustless material.

(f) Utilization. Space allocated for any off-street loading berth shall not be used to satisfy any requirement for off-street parking facilities.

(g) Facilities. Uses for which off-street loading facilities are required by this section but which are located in buildings that have a gross floor area of less than 1,000 square feet shall be exempt from the requirements of this subsection if the building is otherwise provided with adequate receiving facilities approved by the Planning and Zoning Commission or, for properties within the ETZ Area, by the Joint Committee, which are accessible by motor vehicle from any adjacent alley or service drive on the same lot.

(4) NUMBER OF SPACES REQUIRED.

(a) General. Except as provided in sub.(b), the required number of off-street parking and off-street loading spaces shall be as set forth in the following table:

[08-14; Eff. 5-16-08]

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
RESIDENTIAL		
Single Family, or Townhouse Dwelling Unit	2 per Dwelling Unit	None
Multi-Family Dwelling Unit: Studio 1 Bedroom 2 Bedroom or more	None Required 2 per Dwelling Unit 2 per Dwelling Unit 2+ Bedroom - 2 per Dwelling Unit One parking space per unit must be located underground or below living quarters for buildings larger than four units.	None required for the first 25 units; thereafter, 1 space for every 100 dwelling units or fraction thereof per building.
Elderly Housing	1 per Dwelling unit plus 1 space for each employee at peak shift	None
Accessory Dwelling Unit	1 per Dwelling Unit	None
Commercial Indoor Lodging	1 per Sleeping room or unit plus 1 space for each employee plus any spaces required for restaurant/lounge, banquet areas and meeting rooms	As required for restaurant/lounge square footage

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
Group, Congregate, Assisted Living, & Nursing Homes	1 per 6 patient beds plus 1 for each employee at peak shift	One
Child Day Care Center	One space per employee plus 0.1 space per person of licensed capacity.	None
Hospital	1 space per 3 beds plus 0.4 spaces per employee plus 1 space per 5 average daily out-patient visits plus 1 space per 10 emergency room treatments	1 per 100,000 sq ft GFA up to 500,000 sq ft plus 1 per 200,000 sq ft thereafter.
NON-RESIDENTIAL		
Indoor Retail Sales of Goods, Shopping Centers	4 per 1,000 sq ft of Gross Leasable Area (GLA)	1 per 50,000 sq ft GLA up to 100,000 plus 1 per 100,000 sq ft up to 500,000 sq ft plus 1 per 200,000 sq ft thereafter.
Service Retail	2.5 per 1,000 sq ft of GLA	Same as Indoor Retail Sales of Goods
Personal Services	2 per treatment station but not less than 4 per 1,000 square feet GFA	None
Motor Vehicle Sales	2.5 per 1000 sq ft of GFA plus interior sales space; 1.5 per 1000 sq ft of external display (does not include stock areas closed to the public)	Same as industrial
Motor Vehicle Service	4 stalls per service bay plus 1 stall per each 500 sq ft exceeding 1,000 sq ft of indoor floor area.	Same as industrial
Mortuary or Funeral Parlor	7 spaces for each room used as a chapel plus one for each funeral vehicle.	One

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
Other Retail/Service Uses	As determined by the Zoning Administrator	Same as Indoor Retail Sales of Goods
Restaurant, Lounge or Bar	10 per 1,000 sq. ft. of Gross Floor Area (GFA)	With indoor seating area, one; with no seating, none
General Offices and Financial Institutions	3 per 1,000 sq ft of GFA	None for the first 30,000 sq ft; 1 per each 100,000 sq ft thereafter
Medical Offices	3 per medical staff employed	None
Industrial	1 per employee of peak shift plus 1 per vehicle operated by the business; plus 1 per 500 sq ft of office space designated as visitor parking	1 per 25,000 sq ft up to 50,000 sq ft; plus 1 for the next 50,000 sq ft plus 1 per 100,000 sq ft thereafter.
Storage/Wholesale/Utility	0.5 per 1,000 sq ft GFA plus any required spaces for office, sales, etc.	One for the first 50,000 sq ft GFA plus one space per 100,000 sq ft thereafter
Mini Warehouse	3 spaces at the office	None
Government	3 per 1000 sq ft of GFA (excluding garage space)	As determined by the Zoning Administrator
Elementary/Middle Schools	1.5 per classroom/teaching room plus 1 per employee	1 per 100,000 sq ft GFA
Secondary/College	1 per employee plus 1 per four students of building design capacity	1 per 100,000. sq ft GFA
Public Assembly	.25 per person in permitted capacity	1 per 100,000 sq ft GFA

(b) Deferred Improvement. The site plan approval authority under §15.05(2) may allow up to twenty-five percent (25%) of the parking spaces required for any business or professional use to remain unimproved and unavailable for parking, subject to the following conditions:

1. The applicant may be required to provide a parking demand analysis prepared by a qualified parking and traffic consultant substantiating the lack of a present need for the required number of spaces.

2. The approval authority may revoke the permission for deferral and require the property owner or his/her successor, to increase the number of paved parking spaces, up to the number required by this section. Such revocation shall be preceded by notice to the applicant and findings by the approval authority after a public hearing that:
 - a. The amount of vehicular traffic actually generated by the use located on the property is greater than the amount anticipated at the time of initial approval as evidenced by the original submissions made by the applicant;
 - b. The use of the property includes, or is proposed by the owner to include, a different or additional use from that proposed by the applicant at the time of approval.
 - c. The building(s) or use(s) on the property have been expanded or the number of vehicles parking on the property have increased since the initiation of the use.
 - d. The use of the property has resulted in an increase in traffic congestion or on-street parking in the vicinity of the property which would be eliminated or reduced if the remaining required off-street parking spaces were improved and made available.
3. A site plan application accompanying a request for deferred improvement of parking spaces shall include a detailed parking plan that shows both the full number of improved parking spaces required by this section as well as the parking spaces proposed for deferred improvement, along with compatible landscaping treatments for the areas of the unimproved parking spaces.
4. The applicant shall file with the Village Zoning Administrator an unconditional agreement and covenant that areas reserved for future parking shall be maintained as landscaped open space according to the plan submitted, until and unless required to be improved and made available for off-street parking as provided in the site plan approval or pursuant to subpar. 2.
5. The agreement and covenant, shall be in recordable form approved by the Zoning Administrator and recorded with the Register of Deeds for Dane County, Wisconsin.
[Am. 13-021, Eff. 10-10-13]

(5) HANDICAPPED ACCESSIBLE PARKING REQUIREMENTS.

(a) General. In any self-park facility, accessible parking spaces shall be set aside for wheel chair access in proportion to the total number of spaces provided as follows:

Total Spaces	Minimum Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9

Total Spaces	Minimum Accessible Spaces
501 to 1000	2% of the total
1001 & over	20 plus 1% of the total over 1000 spaces

(b) Notwithstanding par. (a) in parking facilities serving medical care facilities:

1. Not less than 10% of total spaces shall be accessible.
2. Not less than 20% of the total spaces shall be accessible at any facility specifically operated for treatment of the mobility impaired.

(c) Accessible Parking Space Defined. A parking space shall be deemed accessible only if it meets the following dimensional standards and all of the requirements of pars. (d) and (e) of this subsection:

1. Each space shall be at least sixteen feet (16') wide. One in every eight (8) accessible spaces, but not less than one, shall be served by an adjacent access aisle eight feet (8') wide minimum and shall be designated "van accessible" as provided in the applicable ADA guidelines. All other adjacent access aisles shall be five feet (5') wide minimum.
2. Along at least one aisle to and from each accessible space a minimum vertical clearance of eight feet two inches (8' 2") is provided.

(d) Location of Accessible Spaces

1. Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible entrance to the building served.
2. Accessible parking spaces need not be provided in each parking structure serving a specific property if equivalent or greater accessibility in terms of distance from an accessible entrance is provided through other accessible spaces serving the same building.
3. Accessible parking spaces may be provided on a single level of a multi-level parking structure.

(e) Accessible Route.

1. At least one accessible route with a continuous minimum lateral clearance of thirty-six (36") inches shall be provided from accessible parking spaces to the nearest accessible pedestrian entrance.
2. If an accessible route has less than sixty (60") inches clear width, passing spaces at least 60 inches by 60 inches shall be located at reasonable intervals not to exceed every 200 feet.
3. The floor slope along an accessible route shall not exceed 1:12 with a maximum rise of thirty (30") inches for any run.
4. A level landing shall be provided at the bottom and top of each ramp run. The width of the landing shall be at least as wide as the ramp run and at least sixty (60") inches long. At changes in direction a 60 inch by 60 inch landing shall be provided.
5. The cross slope of ramps shall not exceed 1:50.
6. The floor slope at loading zones shall not exceed 1:50.

7. Whenever practicable, an accessible route shall be provided at the front of parking stalls and shall not cross lanes of vehicular travel. When crossing vehicular travel lanes is necessary, the route of travel shall be designated and clearly marked by a crosswalk.

(6) MODIFICATIONS TO OFF-STREET PARKING REQUIREMENTS.

(a) The approval authority may, as part of its approval of a site plan, planned unit development or conditional use permit, grant a complete or partial waiver of off-street parking requirements for uses within the Business zoning districts to the extent that public off-street parking is available and sufficient to satisfy the demand for parking created by such use.

(b) As part of its approval of a site plan, conditional use permit, or planned unit development, the approval authority may allow for modifications from the parking standards established by this section where, as evidenced by acceptable parking studies, such a modification is in the best interest of the development and will not create parking, circulation or traffic congestion problems for existing or potential uses of other properties. In such cases, the approval authority may require a plan and provisions for deferred improvement of parking spaces per §15.07(4)(b).

(c) As part of its approval of a site plan, conditional use permit, or planned unit development for a commercial service or retail development project within an area demonstrated to experience heavy tourist traffic and/or trucking activity, the approval authority may require that up to five (5) of the required parking spaces under this section be sized to accommodate recreational vehicles, passenger trucks with trailing campers or boats, and/or semi-truck/trailer combinations.

[Am. 13-021, Eff. 10-10-13]

(7) DRIVEWAYS, ACCESS CONTROL, AND VEHICULAR SIGHT DISTANCE.

(a) Driveway Access Location Approval. The location of all private driveway access points onto public streets shall be approved by the Zoning Administrator, or as part of an approved site plan if one is required under §15.05. No new or expanded driveway shall be access a public street (including but not limited to a cul-de-sac bulb) in such a manner that, in the opinion of the Zoning Administrator, would inhibit the efficient storage of plowed snow or other required municipal functions in the public right-of-way.

(b) Maximum Number of Vehicular Access Points Per Lot. There shall be only one driveway access onto a public street for each lot in the RH-1, RE-1, RE-2, RN-1, RN-2A, and RM-6 residential districts, except by conditional use permit. Within all other zoning districts, a maximum of one vehicular access point per lot shall be permitted to abutting arterial and collector streets, where abutting street frontage is less than 350 feet. Where abutting arterial or collector street frontage is 350 feet or greater, one additional private vehicular access point shall be permitted. In cases where one of the proposed vehicular access points is shared between two adjoining lots serving two or more separate uses not located in the aforementioned residential districts, the Planning and Zoning Commission may permit one additional vehicular access point beyond the otherwise applicable limit.

(c) Spacing Between Driveways and Lot Lines. Within the B-2, B-3, and industrial zoning districts, all driveways shall be located at least four (4) feet from all lot lines, except where lesser or no distances are required to allow safe access to the public street or where a shared driveway or cross access driveway is included on an approved site plan under §15.05. In all other zoning districts, all driveways shall be at least two (2) feet from such lot lines, except where lesser or no distances are required to allow safe access to the public street or where a shared driveway or cross access driveway is included on an approved site plan under §15.05.

(d) Minimum Spacing Between Vehicular Access Points. Along arterial and collector streets, there shall be not less than the following minimum distance between vehicular access points on the same side of the street:

1. 100 feet where the speed limit on the abutting street is less than 40 m.p.h., or

2. 200 feet where speed limit on the abutting street is 40 m.p.h. or greater,

except where such spacing is impracticable due to preexisting development patterns.

(e) Access Points Near Arterial and Collector Street Intersections and Roundabouts.

1. No new direct vehicular access shall be permitted from private land directly to an arterial or collector street within 200 feet of the intersection of the right-of-way lines between such street and another arterial or collector street.
2. The Director of Public Works shall determine where direct vehicular access points shall be permitted onto a public street near a roundabout intersection, based on Village design guidelines, standard specifications, and/or factors including roundabout design, signage, intensity of adjacent land uses, traffic volumes, and number of access points requested.

(f) Access Points Across the Street From One Another. Local streets and private access points along both sides of an intersecting public street shall be aligned directly across the street from one another, or placed no less than 150 feet apart from one another if an alignment directly across the street is not practical in the determination of the Director of Public Works.

(g) Minimum Sight Distance at Access Points. Along arterial and collector streets, private access points shall be located and designed in such a manner to ensure driver sight distance in both directions along the intersecting street a minimum distance of 300 feet or, if the speed limit on the abutting street is less than 40 m.p.h., 200 feet.

(h) Maximum Driveway Widths. Maximum driveway openings at lot lines and curb lines are as provided in Tables 15.10B, 15.11B, and 15.12B, except that the Planning and Zoning Commission or appropriate Joint Committee if in the ETZ Area may approve a driveway of greater width as part of an approved site plan under §15.05 if the applicant can demonstrate the need via engineering or turning radius exhibits.

(i) Driveway Approach Surfacing.

1. Except in the A-1X, A-1, A-2, or RH-1 districts and whenever connecting to streets with a rural cross section, all approaches for new driveways, between the road edge or back of curb and the right-of-way line, shall be surfaced with concrete. Where new driveways are constructed in the A-1X, A-1, A-2, or RH-1 districts or where new driveways adjoin streets with a rural cross section, the apron areas shall be hard-surfaced if within the Village and surfaced in accordance with Town driveway regulations if within the ETZ Area. All hard-surfacing shall be complete prior to the issuance of a certificate of occupancy unless otherwise approved in writing by the Zoning Administrator. The Administrator may allow driveway approach construction to be delayed to the following spring if weather conditions do not permit hard-surfacing in the current year. In the case of the resurfacing or reconstruction of existing driveways within the Village, the approach may be bituminous pavement or other hard-surfacing if the former driveway approach was a non-concrete surface or if the approach adjoins a street with a rural cross section.
2. Where concrete approaches are required per paragraph 1. above, residential driveway approaches shall be constructed with a minimum of six (6) inches of concrete over a minimum of four (4) inches of compacted crushed limestone or with a minimum of two and one half (2 ½) inches of bituminous surface material or concrete over a minimum of six (6) inches of compacted crushed stone. All measurements are after compaction.

3. Where concrete approaches are required per paragraph 1. above, non-residential driveway approaches shall consist of a minimum of eight (8) inches poured concrete over a minimum of four (4) inches compacted crushed stone. Measurements are after compaction.

(j) Maximum Driveway Slope. The slope, measured at any point between the property line and garage entrance, shall not exceed twelve percent (12%).

[Sub. (7) Cr. 11-10; Eff. 4-15-11; Am. 13-021, Eff. 10-10-13]

15.08 SIGN PERMITS.

[Repealed and Recr. 08-27; Eff. 8-22-08]

(1) **PURPOSE.** The purpose of this section is to establish standards for the fabrication, erection, and use of signs for all properties within the Village of DeForest and the ETZ Area. This section regulates the location, type, size, and height of signage based on the finding that such regulation furthers the following compelling governmental interests, while still being narrowly defined so as to limit any prohibitions on commercial speech on exterior signage:

(a) To promote the public welfare, health, and safety of all persons using the public thoroughfares and right-of-ways as to the signage displayed thereon, or overhanging, or projecting into such public spaces;

(b) To advance aesthetic goals throughout the community, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the general public;

(c) To aid in the proper development and promotion of business and industry;

(d) To recognize that different zoning districts and different geographic areas of the community have different characteristics, and that sign regulations should vary based in part on those differences;

(e) To implement the community vision, goals and objectives, and signage recommendations contained within the Comprehensive Plan.

(2) SIGN PERMITS.

(a) General Requirements. Except as otherwise provided in §15.08(2)(i), no sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit. This section shall apply and be construed to require a permit for a change of copy on any sign or for any conversions or changes in the sign structure. This section shall not apply to repainting with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure. No new permit is required for signs which are in place as of the date of the adoption of this section, and such signs may remain as legal nonconforming structures. Any alteration or relocation of such signs shall conform with the requirements of this section.

(b) Permit Requirements. Any sign permit granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure.

1. Only those permanent or temporary signs which have been granted a permit from the Zoning Administrator in accordance with the provisions of this section may be erected, installed, constructed or maintained, except those signs specifically exempted from permit requirements in §15.08(2)(i), below.
2. The owner or tenant may include all such signs at one premise under one permit.

(c) Application Procedure. Each initial application for a sign permit shall be filed with the Zoning Administrator on a form provided by that office, prior to installation of a new sign or modification of an existing sign face or sign structure. Each application shall include:

1. The name and address of the permit applicant.
2. The approved site plan for the subject property, per §15.05, or if not previously approved, a site plan for the subject property showing, at a minimum, the location of the proposed sign; the location of all existing signs on the subject property; all property lines and buildings in the subject property; and parking areas, driveways, public roads, and buildings within fifty (50) feet of the proposed sign.
3. A diagram of the proposed sign, drawn to a recognized scale, and listing and depicting the height, width, total square footage and square footage of each sign component, method of attachment, structural support, method of illumination, and sign materials.
4. The subject property's zoning designation.
5. A summary of existing signage on the property, including quantity, location, type, and area of all signs on the subject property both before and after the installation of the proposed sign.
6. The estimated value of the proposed sign.
7. Proof of payment of the appropriate sign permit fee, as established from time to time by the Village Board. Any other item of information that may be reasonably required by the Zoning Administrator for the purpose of application evaluation.

(d) Granting and Issuance.

1. The Zoning Administrator shall review the submitted application for compliance with the requirements of §15.08(2)(c). The application shall not be considered complete until all of the requirements of §15.08(2)(c) are satisfied.
2. Upon the receipt of a complete application, in cases where the requested sign does not require an approval or recommendation from another body under another requirement of this chapter, the Zoning Administrator shall review said application for compliance with the requirements of the remainder of this section, and shall, in writing, approve or deny a sign permit based on the submitted application within ten (10) working days of the acceptance of the complete application and payment of the required fee.
3. Upon the receipt of a complete application, and in cases where the requested sign requires an approval or recommendation from another body under another requirement of this chapter, such as a conditional use permit approval, the Zoning Administrator shall review said application for compliance with the requirements of the remainder of this section, and shall within ten (10) working days of the acceptance of the complete application and payment of the required fee notify the applicant of such additional recommendation or approval and schedule the item on appropriate meeting agenda(s). Following all necessary approvals, the Zoning Administrator shall then, in writing, approve or deny a sign permit based on the submitted application and such additional body's recommendation or action within ten (10) working days of action by the final body with approval or recommending authority.
4. Denial of a sign permit shall not result in total or partial reimbursement of permit fees paid.

(e) Basis for Granting. In deciding whether or not to grant a sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this section; whether the sign is in

compliance with all provisions of the DeForest Municipal Code, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity; whether a conditional use permit or other Village approval has or has not be granted for the sign, if such approval is required under this chapter; and, to the extent not in conflict with any of the above factors, the recommendation of any other local governmental body or interested party.

(f) Enforcement and Revocation.

1. Upon Class I notice and after a public hearing conducted by the Planning and Zoning Commission, any permit may be revoked by the Planning and Zoning Commission in the event that the applicant has failed to comply with the provisions of this section or any conditions that may have accompanied the permit at the time of granting.
2. Any sign permit granted by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within 180 days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.
3. The sign(s) subject to any revoked permits shall be removed by the licensee, sign owner, or property owner within 45 days of such revocation.
4. Revocation shall not result in total or partial reimbursement of permit fees paid.

(g) Appeals. Any person affected by a decision of the Zoning Administrator may petition for a hearing before the Board of Zoning Appeals under the provisions of §15.03(5). The filing of such petition automatically stays removal of any sign involved and already legally erected until the Board of Zoning Appeals decides whether to sustain, modify or withdraw the notice.

(h) Removal of Defective or Dangerous Signs by the Village.

1. If the Zoning Administrator determines that any sign exists in violation of this section, then the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located that such violation must be corrected within ten (10) days of receipt of such notice on penalty of automatic revocation of any sign permit previously granted and summary removal of the sign by the Village at the expense of the owner of the property.
2. If the Zoning Administrator causes such notice to be sent and the violation is not corrected within ten (10) days, the Zoning Administrator shall revoke any sign permit for the defective or dangerous sign and it shall be the duty of the Zoning Administrator to remove such sign. The expense of removing such sign shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within one (1) month of being billed therefore, or has not made arrangement for payment satisfactory to the Village Attorney, then such expense shall become a lien on the property and shall be placed upon the tax roll.

(i) Signs Allowed without Permit. The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area in the zoning district in which they are located.

1. Addresses. Address numerals and other sign information required to identify a location by law or governmental order, rule or regulation provided that such sign does not exceed one (1) square foot in area per officially assigned address, or the size required by any law, order, rule or regulation, whichever is greater.

2. Architectural Elements. Integral decorative or architectural elements of buildings or works of art, so long as such elements or works do not contain a commercial message, trademark, moving parts or moving lights.
3. Auxiliary Signs. Auxiliary signs less than one (1) square foot placed in store windows regarding hours of operation, accepted charge cards, warnings or similar information.
4. Bulletin Boards. Bulletin boards, not exceeding twelve (12) square feet for public, philanthropic or religious institutions located on the premises of said institutions.
5. Business Nameplates. A single non-illuminated nameplate, not exceeding two (2) square feet mounted on the building face denoting the name of a business legally conducted on the premises.
6. Commemorative Signs. Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure denoting the name of that structure or its date of erection.
7. Construction or Project Identification Signs. Per the temporary sign requirements of §15.08(7).
8. Flags and Standards. Flags, standards, emblems and insignia of governmental, civic, philanthropic, religious or educational organizations, less than fifty (50) square feet in area, when not displayed in connection with a commercial promotion or as an advertising device.
9. Garage Sale Signs. Per the temporary sign requirements of §15.08(7).
10. Historical Markers. Commemorative plaques, memorial tablets, or emblems of official historical bodies, not exceeding two (2) square feet, placed flat against a building, monument stone, or other permanent surface.
11. Holiday Decorations. Temporary displays of a primarily decorative nature, in connection with traditionally accepted civic, patriotic or religious holidays.
12. Interior Signs. Signs which are located on the interior of a premise and which are primarily oriented to persons within that premises.
13. Management Signs. Signs not exceeding four (4) square feet which designate the real estate management agent for the premises on which they are located.
14. Menu Board Signs. One (1) menu board sign for a drive-in or drive-through restaurant exclusive of any two-way microphone/speaker devices, provided that the sign does not exceed twenty-five (25) square feet in area or eight (8) feet in height.
15. Model Home Signs. Per the temporary sign requirements of §15.08(7).
16. "Open" Signs. Non-illuminated signs, not exceeding four (4) square feet, which advertise a premises as open for inspection, with no more than one (1) sign per street on which the property has frontage, and not more than two (2) signs in aggregate which are in place only when the related premises are actually open for inspection.
17. Real Estate Signs. Per the temporary sign requirements of §15.08(7).
18. Regulatory and Government Information Signs. Signs erected by or on behalf of a duly constituted governmental body, including, but not limited to legal notices, municipal building or park identification signs, traffic signs or other regulatory, directional or warning signs, that are less than or equal to thirty-two (32) square feet in area except if a regulatory sign. Any other

sign for governmental purposes shall require a permit and be classified according to its purpose under this section.

19. Residential Signs. Signs customarily associated with residential use and not of a commercial nature which do not exceed a total of four (4) square feet. Such signs include property identification names, numbers or names of occupants; signs posted on private property relating to private parking or warning the public against trespass or danger of animals; and Neighborhood Crime Watch signs.
20. Required Signs. Signs required by state or federal statute or regulation which do not exceed 110% of the minimum legal size requirements.
21. Site Information Signs. Signs of no more than four (4) square feet which, without including an advertising of any kind, provide direction or instruction to facilities intended to serve the public, such as rest rooms, public telephones, walkways, parking, and similar facilities.
22. Special Displays/Event Banners. Per the temporary sign requirements of §15.08(7).
23. Temporary Window Signs. Per the temporary sign requirements of §15.08(7).
24. Election or Political Signs. Per the temporary sign requirements of §15.08(7).
25. Sandwich Board. Only within zoning districts specified under §15.08(6)(B)(1).

(3) GENERAL SIGNAGE STANDARDS. The following standards and terms shall be used in this section to assist in the establishment of clear signage regulations. The general definition of a sign is as provided in §15.02(83).

(a) Sign Purposes.

1. Advertising sign, off-premise. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Advertising signs include billboards, but do not include community information signs, unified business center signs if located within the unified business center, off-premise directional signs as defined herein, temporary public event signs, or the small blue highway information signs installed in accordance with applicable Wisconsin Statutes. No new off-premise advertising signs shall be permitted.
[Am. 11-10; Eff. 4-15-11]
2. Auxiliary sign. A sign which provides special information such as price, hours of operation, parking rules, or warning and which does not include brand names, or information regarding product lines or services. It may contain a business logo if the logo is under one (1) square foot in area. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, menu boards, drive through ordering stations, and signs which list prices of gasoline, up to one price listing sign per type of fuel, which must be displayed on a single structure.
3. Business sign, on-premise. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located.
4. Community information sign. A sign which displays information of interest to the general community regarding scheduled public events, public activities, and public facilities and is located either on-premise or off-premise; serves as an identification, entrance, or wayfinding sign for the community; or is located on public lands and advertises sponsors of public events, activities, or facilities thereon. A community information sign may be permanent or seasonal. Temporary signs meeting the criteria in Section 15.08(7) are regulated separately.

5. Directional sign, off-premise. A sign which indicates only the name, direction, and/or distance of an institutional facility or use. This definition does not include off-premise advertising signs, which are prohibited.
6. Directional sign, on-premise. A sign which indicates only the name or logo of the business (if under one square foot) and/or direction of a pedestrian or traffic facility, or a particular building within a complex of structures, on the property on which said facility or building is located.
7. Unified business center sign. A sign displaying the collective name of a group of uses defined as a unified business center under §15.02(92), the names and/or logos of individual occupants of the unified business center, and/or directions to access the unified business center. A unified business center sign may be a freestanding sign or on-building sign.
[Am. 13-021, Eff. 10-10-13]
8. Identification sign. A sign indicating the name and/or address of the tenant of the unit or manager of the property located upon the residential premises where the sign is displayed.
9. Temporary sign. A sign or advertising display (including festoons, pennants, banners, pinwheels and similar devices) intended to be displayed for a certain limited period of time. Included in the definition of "temporary signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offer and personal greeting or congratulatory signs. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose. Refer to §15.08(8) for regulations.

(b) Sign Configurations.

1. Advertising vehicle sign. A vehicle or trailer shall be parked on public rights-of-way or on private property so as to be seen from a public right-of-way, which attached to or located thereon is any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premise. Business vehicles which contain typical business signage and which are actively used for business purposes are not considered advertising vehicle signs.
2. Arm/post sign. A type of small scale freestanding sign mounted on a post or posts, either with a bracket extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.
3. Awning sign. A sign mounted to an awning or canopy which is mounted to the facade of a building, shall be counted as a projecting sign for purposes of determining allowable numbers or types of signs, shall be limited to twelve (12) inch tall script, and shall not exceed ten (10) percent of the awning/canopy area.
4. Freestanding sign. A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes arm/post signs, monument signs, and pylon signs. The sign shall not be erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The base or support(s) of freestanding signs shall be securely anchored to a concrete base or footing, except for public and institutional street and directional signs installed in public rights-of-way. The footing and related supporting structure of a freestanding sign including bolts, flanges, and brackets shall be concealed by the sign exterior and shall be landscaped per §15.06(11)(c).
5. Marquee sign. A type of sign that is often, but not necessarily, a projecting, on-building sign sheltering the entrance and/or entrance approaches of a theater, auditorium, fairground, museum or other use, which advertises present and scheduled events, and may include only

manually changeable letters or messages. For the purposes of this chapter, all non-electronic/non-digital signs with manually changeable letters or messages shall be considered marquee signs.

[Am. 12-09, Eff. 5-24-12]

6. Mobile sign. A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage.
7. Monument sign. A type of freestanding sign with a bottom edge located within one foot of a ground-mounted pedestal.
8. On-building sign. A type of sign permanently affixed to an outside wall of a building.
9. Projecting sign. A type of on-building sign, other than a wall sign, which is attached directly to a building facade, is not greater than twelve (12) square feet in area, and projects not more than four (4) feet from a building facade.
10. Pylon sign. A type of freestanding sign erected upon one or more pylon, pole, or post, general of a scale that is larger than an arm/post sign.
11. Sandwich board sign. A sign designed to be a self-supporting by means of an easel construction, displayed on a hard-surfaced area of the ground, and removable on a daily basis corresponding with the times the business it advertises is open.
12. Wall sign. A type of on-building sign mounted parallel to and directly on a building facade or other vertical building surface. Wall signs shall not project more than eighteen (18) inches beyond the edge of any wall or other surface to which they are mounted. The top of the sign shall extend no higher than the roof above the nearest portion of the building to which it is mounted.
13. Window sign. A type of sign mounted on or within an exterior window with a primary intent to advertise a business or product within the premises.
14. Variable message sign (VMS). An electronic or digital sign which displays words, lines, logos, graphic images, or symbols that can change automatically to provide different information, and which includes computer signs, LCD and other video display signs, and time and temperature signs.

[Am. 12-09, Eff. 5-24-12]

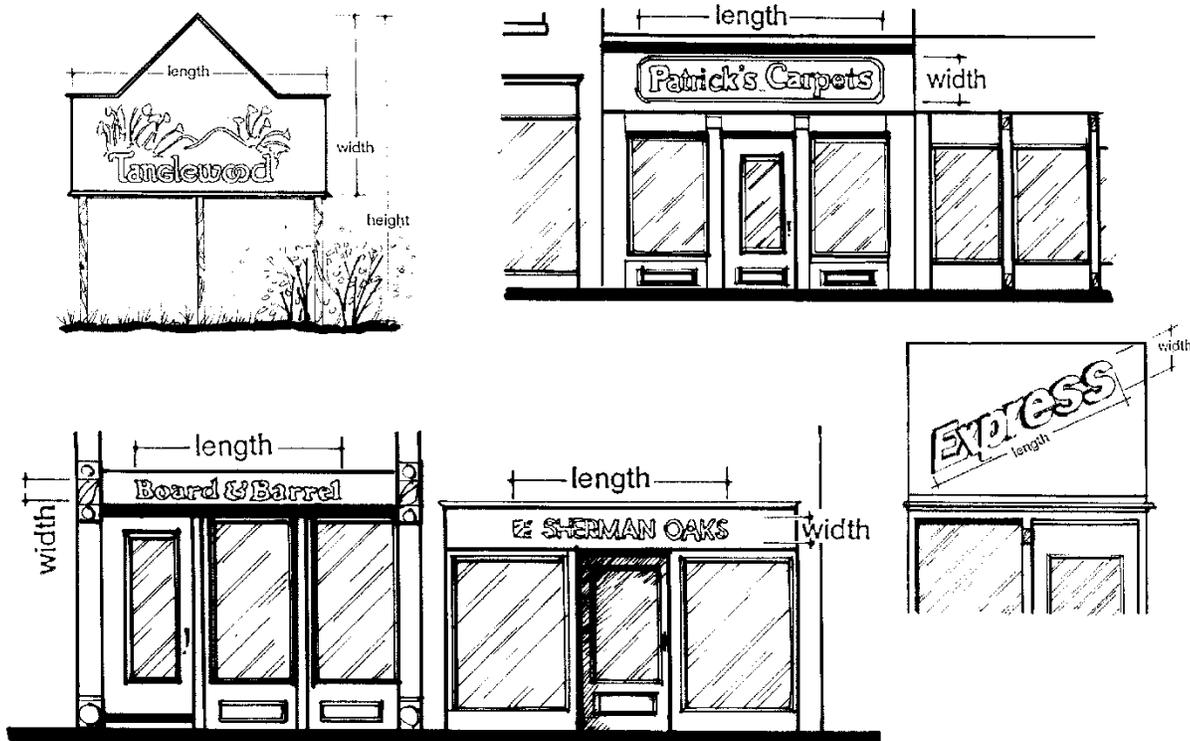
(c) Sign Measurement.

1. Sign height. The height of a freestanding sign shall be measured from the average ground level adjacent to the sign to the top of the sign or from the centerline grade of the nearest adjacent public road, if such information is supplied with the permit application and confirmed by the Zoning Administrator, whichever is higher. The average ground level is defined as the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.
2. Sign area. Sign area shall be measured in the following manner and as depicted in Figure 15.08A:
 - a. In the case of a sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign, including the supports of monument signs not used for copy, shall not be counted as a part of the sign face area unless such structure or bracing is made

a part of the sign's message. Where a freestanding sign (monument or pylon) has two or more display faces, the total area of all of the display faces which can be viewed from any single location shall be considered the sign area.

- b. In the case of a sign on which the message is fabricated together with the background which borders or frames that message, sign area shall be the total area of the entire background.
- c. In the case of a sign on which message is applied to a background which provides no border or frame (such as individual letters to a building face or awning), sign area shall be the combined areas of the smallest rectangles which can encompass each word, letter, figure, emblem, and other element of the sign message.

Figure 15.08A: Measurement of Sign Area



(4) GENERAL SIGNAGE REGULATIONS. The regulations contained in this subsection apply to signs in all zoning districts.

(a) Sign Prohibitions and Limitations.

1. No sign shall be erected at any location where it may, by reason of its position, shape, color or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, nor shall such sign make use of words such as "stop", "look", "drive-in", "danger", or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse users of streets or highways.
2. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
3. No private sign shall be attached to or painted on any natural feature (e.g. tree or rock), fence, public utility pole, public light pole or traffic regulatory structure.
4. No fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants or other decorations shall be permitted.
5. No illuminated flashing signs shall be permitted. Variable message signs meeting the definition and requirements of this section shall not be considered illuminated flashing signs.
6. No sign, other than a government erected sign, shall be permitted within or extending into a public right-of-way, except for projecting and awning signs in the B-1 Central Business District or RM-B Residential Mix-Business District as long as traffic movement is not affected.

7. No illuminated sign shall be permitted unless the illumination of the sign is so designed that the lighting element (except for neon signs) is not visible from any property within a residential zoning district.
8. No mobile or portable signs shall be permitted.
9. No off-premise directional signs shall be permitted for non-governmental or non- institutional uses.
10. No inflatable signs shall be permitted.
11. No advertising vehicle signs shall be permitted. No off-premise advertising signs shall be permitted, except for the small blue highway information signs per applicable Wisconsin Statutes. Existing legal off-premise advertising signs made nonconforming by this section shall be permitted to continue as legal, nonconforming structures, subject to the requirements of §15.17. This prohibition leaves ample and adequate channels of commercial speech communication for the messages typically portrayed on such advertising signage—including but not limited to print media, broadcast media, and point-of-purchase display.
12. Window obstruction by interior signs shall not exceed more than fifty (50) percent for any one window.

(b) Sign Location Requirements.

1. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device. Freestanding signs may not locate within required vision corners under §15.04(13)(d) or Chapter 13, nor otherwise impede traffic or pedestrian visibility.
2. No sign shall be mounted or displayed on, or extend above the roof, if attached to the building.
3. Temporary private signs shall be allowed within public road right-of-way lines only by approval of the Zoning Administrator, in consideration of the advice of the Director of Public Works and the appropriate Village, Town, County, and State authorities, and based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations within the right-of-way. If intended to be permanent, such signs shall also require a conditional use permit.
[Am. 12-09, Eff. 5-24-12]
4. On-premise directional signs less than three (3) feet tall shall be located a minimum of one foot from a property line. The permitted locations of all other freestanding signs shall be as otherwise indicated in this section.
5. All pylon and projecting signs shall have a minimum clearance from grade of ten (10) feet to the bottom of the sign and shall not project into any vehicle circulation area, beyond and public street curb line, or beyond any public street pavement edge if no curb is present.
[Am. 13-021, Eff. 10-10-13]

(c) Community Information Signs. Community information signs, as defined in Section 15.08(3)(a) but not including temporary signs in Section 15.08(7), may be approved within all zoning districts and upon any property by the by the Planning and Zoning Commission or appropriate Joint Committee if located in the ETZ Area. Such signs:

1. May not include copy which may be considered as advertising a product, private or restricted participation event, or business or activity for private profit, except where such copy is

associated with public event, public facility, or public activity sponsors or where such copy is integral to a community entrance or wayfinding sign.

2. May be located on private or public property, including rights-of-way if allowed by the Village Board.
3. May have changeable copy.
4. Shall conform to the visibility requirements of this section and §15.04(13)(d).
5. Shall not be counted as adding to the area of signage on the subject property for the purposes of regulating sign area.
6. Shall conform with the purpose of the Village's sign regulations in Section 15.08(1) and all applicable standards in Section 15.16(3)(f).
[Am. 12-25, Eff. 9-28-12; Am. 13-021, Eff. 10-10-13]

(d) Variable Message Signs (VMS).

1. Length of Cycle. The total length of the scrolling time from start to finish of message of a VMS shall not be shorter than three (3) seconds nor longer than ten (10) seconds. Items of information may not be repeated at intervals that are short enough to cause a VMS to have the effect of a flashing sign.
2. Brightness Adjustment. All VMS shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
3. Included Area. The illuminated or message display area of the VMS shall be included when calculating total permitted sign area in the zoning district in which the sign is located.
4. Maintenance. All VMS shall be maintained so as to be able to display messages in a complete and legible manner.
5. Location. Except by conditional use permit, no VMS shall be allowed within any industrial, B-1, C-1, or RM-B zoning districts; for any residential use regardless of zoning district; or positioned to be visible and within 200 feet from any permitted residential use.

(e) Window Signs.

1. Area. The total of all signs in the window area, including temporary and permanently mounted signs, shall not exceed twenty-five (25) percent of the window area. For any business using no other signs than a permanent window sign, the amount of permanent and temporary window sign area may be increased to thirty-five (35) percent of the window area.
2. Installation. Window signs shall be confined within the transparent glazed area of the window and shall not encroach upon the frame, mullions, or other supporting features of the glass. All permanent window signs that have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the exterior building window or door.
3. Maintenance. All window signs shall be maintained so as to be able to display messages in a complete and legible manner.
4. Location. No window signs shall be allowed within residential zoning districts.

(5) REGULATIONS FOR RESIDENTIAL DISTRICTS. In residential zoning districts listed in §15.09(1) except for the RM-B district, signage shall be permitted per the requirements of §15.08(1) to §15.08(4), §15.08(7) to §15.08(10), and the following:

(a) Identification Sign.

1. For one-family and two-family dwelling:
 - a. Permitted Sign Type: Wall Sign.
 - b. Maximum Permitted Number per Lot: One.
 - c. Maximum Permitted Area per Sign: Two square feet.
2. For single multiple-family dwelling of three or more units on a lot:
 - a. Permitted Sign Type: Wall Sign or Monument Sign.
 - b. Maximum Permitted Number per Lot: One monument or one wall.
 - c. Maximum Permitted Area per Sign: Twelve square feet.
3. For multi-building residential development, subdivision, or institutional use:
 - a. Permitted Sign Type: Wall Sign or Monument Sign.
 - b. Maximum Permitted Number: One per public street or driveway entrance, up to a maximum of three per lot.
 - c. Maximum Permitted Area per Sign: Thirty-two square feet.
 - d. The Village Board, following a recommendation from the Planning and Zoning Commission, may approve a request for an institutional sign(s) in a residential district of an alternative type, number, area, and/or location than specified under this Section 15.08, provided that such sign(s) conforms with the purpose of the Village's sign regulations in Section 15.08(1), visibility requirements within this section, Section 15.04(13)(d), and all applicable standards in §15.16(3)(f).
[Cr. 12-25, Eff. 9-28-12]

(b) Auxiliary Sign. (such as "Beware of Dog" or "No Trespassing"):

1. Permitted Sign Type: Wall Sign or Freestanding Sign.
2. Maximum Permitted Number per Lot: Two.
3. Maximum Permitted Area per Sign: Two square feet.

(c) On-Premise Directional Sign. (for multi-family, multi-building development, or institutional use):

1. Permitted Sign Type: Wall Sign or Monument Sign.
2. Maximum Permitted Number per Lot: One sign for each vehicular entrance, one sign for each vehicular exit, and one sign for each parking area conditions list.
3. Maximum Permitted Area per Sign: Four square feet for general directional signs, and nine square feet for parking area conditions list.

(d) Temporary Sign. Temporary signs are allowed per the requirements of §15.08(7).

(e) On-Premise Business Sign. As allowed for legal, non-conforming business only, signs shall comply with the provisions of §15.08(6)(c).

(f) Off-Premise Directional Sign. For institutional facility only:

1. Permitted Sign Type: Wall Sign or Monument Sign.
2. Maximum Permitted Area per Sign: Four square feet, except larger signs may be allowed by conditional use permit.

(g) Community Information Sign. Shall comply with the provisions of §15.08(4)(c).

(6) REGULATIONS FOR NONRESIDENTIAL DISTRICTS. In all nonresidential and mixed use zoning districts (the RM-B district plus all zoning districts not listed in §15.09(1)(a)), signage shall be permitted per the requirements of §15.08(1) to §15.08(4), §15.08(7) to §15.08(10), §15.05(9)(p) for large retail establishments, and the following:

(a) Signage for Residential Uses. Signage for all residential and institutional land uses, including churches, schools, and government buildings, within non-residential zoning districts shall comply with provisions of §15.08(5).

(b) Signage for Nonresidential (Office, Commercial, Institutional, and Industrial) Uses.

1. On-Premise Business Signs. (also see Figure 15.08C).

a. For C-1 Conservancy and A-1, A-1Ex, and A-2 Zoning Districts:

i. Permitted Sign Type: On-Building (Wall) Sign.

- (a) Maximum Permitted Number per Lot: One.
- (b) Maximum Permitted Area per Sign: One square foot of signage for every linear foot of exposed exterior wall length on that supporting wall, or 48 square feet per building, whichever is greater.

ii. Permitted Sign Type: Freestanding (Monument) Sign.

- (a) Maximum Permitted Number per Lot: One.
- (b) Maximum Permitted Area per Sign: 32 square feet for all combined sign faces seen at one time.
- (c) Maximum Permitted Sign Height: 8 feet.
- (d) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet. The Zoning Administrator may approve lesser sign setbacks for monument signs that are at least 8 feet from any vehicular, bicycle, or pedestrian travel way, based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations. The Planning and Zoning Commission may approve other requested setback adjustments via site plan approval.

- b. For B-1 Central Business Zoning District: In order to maintain the historic character of DeForest's downtown, the following unique sign standards in relation to size, color, material, and illumination shall apply within the B-1 zoning district:
- i. Permitted Sign Type: On-Building (Wall, Awning or Projecting) Sign.
- (a) Maximum Permitted Number per Lot: Two per each business located on the lot, except that for businesses with frontage on only one public street, not more than one sign may be a wall, awning, or projecting sign type.
- (b) Maximum Permitted Area: 32 square feet per business with frontage on only one public street; 64 square feet per business with frontage on more than one public street.
[Am. 11-10; Eff. 4-15-11]
- ii. Permitted Sign Type: Freestanding (Monument or Arm/Post) Sign.
- (a) Maximum Permitted Number per Lot: One per each business located on the lot.
- (b) Maximum Permitted Area Per Sign: 42 square feet for all combined sign faces seen at one time.
- (c) Maximum Permitted Sign Height: 6 feet.
- (d) Minimum Permitted Sign Setback from All Property Lines: 3 feet.
[Am. 12-25, Eff. 9-28-12].
- iii. Permitted Sign Type: Sandwich Board. One sandwich board is allowed per business per street frontage adjacent to the business location, with a maximum of two (2) sandwich boards per business only if each sign is placed on a separate street frontage that is adjacent to the business location. Each sandwich board sign shall not exceed nine (9) square feet in area and four (4) feet in height. They may be displayed outside the building only during business hours, may be located between the curb and sidewalk per sec. 15.08(4)(b)3, shall not obstruct pedestrian or vehicular circulation and visibility, shall be placed directly in front of the business using them, may not obstruct snow storage, and shall be placed directly on the ground or a hard surface.
[Am. 12-09, Eff. 5-24-12]
- iv. Permitted Sign Colors: Color combination schemes shall be limited to no more than four different colors. Varying shades, tints or intensities of a color shall count as a different color for this purpose. Color schemes and lettering styles shall be used consistently on all signage throughout the property. Preferred lettering colors are ivory, white or gold, and with preferred background colors being darker shades. Fluorescent, "day glow," and "neon" colors shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used.
- v. Permitted Sign Materials: Permitted sign materials include wood, brass, textured, low reflectant plastic may be allowed, but internally illuminated plastic signs are not permitted except for a replacement of an internally illuminated sign on the same premises; and high gloss paints, lacquers, varnishes or other "shiny" non-glazing surfaces shall not be used.
[Am. 13-021, Eff. 10-10-13]
- vi. Permitted Sign Illumination: Illumination of exterior signage shall be limited to direct illumination from a shielded light source or individual solid letters with internal lighting sources that backlight the wall in a "halo" effect. The lighting element of all such fixtures shall not be visible from public rights-of-way or adjoining properties. Internally illuminated

signs, including illuminated awnings with or without messages, are not permitted in the B-1 district, except for a replacement of an internally illuminated sign on the same premises.
[Am. 13-021, Eff. 10-10-13]

- vii. Permitted Sign Location: Building mounted signs shall not be located on any portion of upper stories. The location of signs shall be integrated with, and not cover, architectural elements and details. Figure 15.08 B shows permitted building mounted sign locations.

Figure 15.08 B: Permitted Building Mounted Sign Locations in B-1 District



c. For RM-B Residential Mix - Business Zoning District:

i. Permitted Sign Type: On-Building (Wall, Awning or Projecting) Sign.

- (a) Maximum Permitted Number per Lot: One per each business located on the lot, except for corner lots, for which two on-building signs shall be permitted if mounted on separate walls.
- (b) Maximum Permitted Area. 48 square feet for any one business, except by conditional use permit.

ii. Permitted Sign Type: Freestanding (Monument or Arm/Post) Sign.

- (a) Maximum Permitted Number per Lot: One.
- (b) Maximum Permitted Area Per Sign: 48 square feet for all combined sign faces seen at one time.
- (c) Maximum Permitted Sign Height: 8 feet.
- (d) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet. The Zoning Administrator may approve lesser sign setbacks for monument signs that are at least 8 feet from any vehicular, bicycle, or pedestrian travel way, based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations. The Planning and Zoning Commission may approve other requested setback adjustments via site plan approval.

[Am. 12-09, Eff. 5-24-12]

- iii. Permitted Sign Type: Sandwich Board. One sandwich board is allowed per business per street frontage adjacent to the business location, with a maximum of two (2) sandwich boards per business only if each sign is placed on a separate street frontage that is adjacent to the business location. Each sandwich board sign shall not exceed nine (9) square feet in area and four (4) feet in height. They may be out only during business hours, shall be positioned in a way which does not obstruct pedestrian circulation, and may only be placed directly in front of the business using them.
 - iv. Permitted Sign Location: Building mounted signs shall not be located on any portion of upper stories. The location of signs shall be integrated with, and not cover, architectural elements and details.
- d. For B-2 General Business, O-R Office and Research, and A-B Agricultural Business Zoning Districts:
- i. Permitted Sign Type: On-Building (Wall, Projecting, Awning, or Marquee) Sign.
 - (a) Maximum Permitted Number per Lot: One per each unique business operation on a lot, where each such business operation has a separate building entrance that is related to that operation's location within the building. Corner lots shall be allowed one additional on-building sign, if not mounted on the same wall as the other on-building sign(s).
 - (b) Maximum Permitted Area per Sign: For the first sign on each wall, one and one-half (1 ½) square feet of signage for every one linear foot of exposed exterior wall length on that supporting wall, with a maximum sign area for that first sign not to exceed 300 square feet. No other sign on the same wall shall exceed 64 square feet in area. The assignment of permitted sign area to individual businesses within the same building will be at the discretion of the property owner.
 - (c) Permitted Location: On any facade which is visible from a public street, except facades which are adjacent to a residentially zoned property or entirely residential component of a planned unit development.
 - ii. Permitted Sign Type: Freestanding (Monument or Pylon) Sign, for sign placement within 2,000 feet of an interstate highway and/or 1,300 feet of State Highway 19.
 - (a) Maximum Permitted Number per Lot: One.
 - (b) Maximum Permitted Area per Sign: 200 square feet for all combined sign faces seen at one time.
 - (c) Maximum Permitted Sign Height: 10 feet for Monument; 40 feet for Pylon.
 - (d) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet. The Zoning Administrator may approve lesser sign setbacks for monument signs that are at least 8 feet from any vehicular, bicycle, or pedestrian travel way, based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations. The Planning and Zoning Commission may approve other requested setback adjustments via site plan approval.
[Am. 12-09, Eff. 5-24-12]
 - iii. Permitted Sign Type: Freestanding (Monument or Pylon) Sign, for sign placement beyond 2,000 feet of an interstate highway and/or 1,300 feet of any State Highway 19.

- (a) Maximum Permitted Number per Lot: One.
- (b) Maximum Permitted Area per Sign: 64 square feet for all combined sign faces seen at one time.
- (c) Maximum Permitted Sign Height: 8 feet for Monument; 15 feet for Pylon.
- (d) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet. The Zoning Administrator may approve lesser sign setbacks for monument signs that are at least 8 feet from any vehicular, bicycle, or pedestrian travel way, based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations. The Planning and Zoning Commission may approve other requested setback adjustments via site plan approval.
[Am. 12-09, Eff. 5-24-12]

iv. Permitted Sign Type: Unified Business Center Sign.

- (a) Maximum Permitted Number per Unified Business Center: One per every 10 acres or fraction thereof in the unified business center, in addition to the signs permitted for each separate occupant within the unified business center. There shall be no more than one (1) free-standing sign along each public street on which the unified business center has frontage.
- (b) Maximum Permitted Area per Sign: 200 square feet for all combined sign faces seen at one time. The assignment of permitted sign area to individual businesses within the same unified business center will be at the discretion of the property owner.
- (c) Maximum Permitted Sign Height: If a freestanding sign, maximum height shall be 30 feet if located at least 2,000 feet from an interstate highway and 1,300 feet of State Highway 19, and 40 feet within 2,000 feet of an interstate highway or 1,300 feet of State Highway 19.
- (d) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet. The Zoning Administrator may approve lesser sign setbacks for monument signs that are at least 8 feet from any vehicular, bicycle, or pedestrian travel way, based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations. The Planning and Zoning Commission may approve other requested setback adjustments via site plan approval.
[Am. 12-09, Eff. 5-24-12; Am. 13-021, Eff. 10-10-13]

- v. Permitted Sign Type: Sandwich Board. One sandwich board is allowed per business per street frontage adjacent to the business location, with a maximum of two (2) sandwich boards per business only if each sign is placed on a separate street frontage that is adjacent to the business location. Each sandwich board sign shall not exceed nine (9) square feet in area and four (4) feet in height. They may be out only during business hours, shall be positioned in a way which does not obstruct pedestrian circulation, and may only be placed directly in front of the business using them. Sandwich board signs are not allowed in the A-B district.

e. For B-3 Highway Business Zoning District:

- i. Permitted Sign Type: On-Building (Wall, Marquee or Awning) Sign.

- (a) Maximum Permitted Number per Lot: Two per each business located on the lot, with no more than one sign per business per facade.
 - (b) Maximum Permitted Area per Sign: One and one-half square feet of signage for every one linear foot of exposed exterior wall length on that supporting wall. The assignment of permitted sign area to individual businesses within the same building will be at the discretion of the property owner.
 - (c) Permitted Location: On any facade which is visible from a public street, except facades which are adjacent to a residentially zoned property or an entirely residential component of a planned unit development.
- ii. Permitted Sign Type: Freestanding (Monument or Pylon) Sign, for sign placement within 2,000 feet of an interstate highway and/or 1,300 feet of State Highway 19.
- (a) Maximum Permitted Number per Lot: One.
 - (b) Maximum Permitted Area per Sign: 200 square feet for all combined sign faces seen at one time.
 - (c) Maximum Permitted Sign Height: 10 feet for Monument; 45 feet for Pylon.
 - (d) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet. The Zoning Administrator may approve lesser sign setbacks for monument signs that are at least 8 feet from any vehicular, bicycle, or pedestrian travel way, based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations. The Planning and Zoning Commission may approve other requested setback adjustments via site plan approval.
[Am. 12-09, Eff. 5-24-12; Am. 13-021, Eff. 10-10-13]
- iii. Permitted Sign Type: Freestanding (Monument or Pylon) Sign, for sign placement beyond 2,000 feet of an interstate highway and/or 1,300 feet of State Highway 19.
- (a) Maximum Permitted Number per Lot: One.
 - (b) Maximum Permitted Area per Sign: 64 square feet for all combined sign faces seen at one time.
 - (c) Maximum Permitted Sign Height: 8 feet for Monument; 15 feet for Pylon.
 - (d) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet. The Zoning Administrator may approve lesser sign setbacks for monument signs that are at least 8 feet from any vehicular, bicycle, or pedestrian travel way, based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations. The Planning and Zoning Commission may approve other requested setback adjustments via site plan approval.
[Am. 12-09, Eff. 5-24-12]
- iv. Permitted Sign Type: Unified Business Center Sign.
- (a) Maximum Permitted Number per Unified Business Center: One per every 10 acres or fraction thereof in the unified business center, in addition to the signs permitted for

each separate occupant within the unified business center. There shall be no more than one (1) free-standing sign along each public street on which the unified business center has frontage.

- (b) Maximum Permitted Area per Sign: 200 square feet for all combined sign faces seen at one time. The assignment of permitted sign area to individual businesses within the same unified business center will be at the discretion of the property owner.
- (c) Maximum Permitted Sign Height: If a freestanding sign, maximum height shall be 30 feet if located at least 2,000 feet from an interstate highway and 1,300 feet of State Highway 19, and 45 feet if located within 2,000 feet of an interstate highway or 1,300 feet of State Highway 19.
- (d) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet. The Zoning Administrator may approve lesser sign setbacks for monument signs that are at least 8 feet from any vehicular, bicycle, or pedestrian travel way, based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations. The Planning and Zoning Commission may approve other requested setback adjustments via site plan approval.
[Am. 12-09, Eff. 5-24-12; Am. 13-021, Eff. 10-10-13]

f. For M-1, M-2, M-3 Zoning Districts.

i. Permitted Sign Type: On-Building (Wall) Sign.

- (a) Maximum Permitted Number per Lot: Two per each business located on the lot, with no more than one sign per business per facade.
- (b) Maximum Permitted Area per Sign: One and one-half square feet of signage for every one linear foot of exposed exterior wall length on that supporting wall. The assignment of permitted sign area to individual businesses within the same building will be at the discretion of the property owner.
- (c) Permitted Location: On any facade which is visible from a public street, except facades which are adjacent to a residentially zoned property.

ii. Permitted Sign Type: Freestanding (Monument or Pylon) Sign, for a sign located within 2,000 feet of an interstate highway and/or 1,300 feet of State Highway 19:

- (a) Maximum Permitted Number per Lot: One.
- (b) Maximum Permitted Area per Sign: 400 square feet for all combined sign faces seen at one time.
- (c) Maximum Permitted Sign Height: 60 feet
- (d) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet. The Zoning Administrator may approve lesser sign setbacks for monument signs that are at least 8 feet from any vehicular, bicycle, or pedestrian travel way, based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations. The Planning and Zoning Commission may approve other requested setback adjustments via site plan approval.
[Am. 12-09, Eff. 5-24-12; Am. 13-021, Eff. 10-10-13]

- iii. Permitted Sign Type: Freestanding (Monument or Pylon) Sign, for a sign located at least 2,000 feet of any interstate highway and 1,300 feet of State Highway 19:
 - (a) Maximum Permitted Number per Lot: One.
 - (b) Maximum Permitted Area per Sign: 48 square feet for all combined sign faces seen at one time.
 - (c) Maximum Permitted Sign Height: 8 feet for Monument; 15 feet for Pylon.
 - (d) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet. The Zoning Administrator may approve lesser sign setbacks for monument signs that are at least 8 feet from any vehicular, bicycle, or pedestrian travel way, based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations. The Planning and Zoning Commission may approve other requested setback adjustments via site plan approval.
[Am. 12-09, Eff. 5-24-12; Am. 13-021, Eff. 10-10-13]
- iv. Permitted Sign Type: Unified Business Center Sign.
 - (a) Maximum Permitted Number per Unified Business Center: One per every 10 acres or fraction thereof in the unified business center, in addition to the signs permitted for each separate occupant within the unified business center. There shall be no more than one (1) free-standing sign along each public street on which the unified business center has frontage.
 - (c) Maximum Permitted Area per Sign: 150 square feet for all combined sign faces seen at one time. The assignment of permitted sign area to individual businesses within the same unified business center will be at the discretion of the property owner.
 - (c) Maximum Permitted Sign Height: If a freestanding sign, maximum height shall be 30 feet if located at least 2,000 feet from any interstate highway and 1,300 feet from any other state or federal highway, and 40 feet if located within 2,000 feet of any interstate highway or 1,300 feet of any other state or federal highway.
 - (d) Minimum Permitted Sign Setback from All Property Lines: The greater of actual sign height or 3 feet. The Zoning Administrator may approve lesser sign setbacks for monument signs that are at least 8 feet from any vehicular, bicycle, or pedestrian travel way, based on the relationship to pedestrian and vehicular traffic movement and safety, the Village's adopted aesthetic standards for the area, and Village and utility use and operations. The Planning and Zoning Commission may approve other requested setback adjustments via site plan approval.
[Am. 12-09, Eff. 5-24-12; Am. 13-021, Eff. 10-10-13]
- e. For PUD Zoning Districts: Permitted sign types, number, area, location and other characteristics shall be per an approved final development plan under §15.15. No signage which is not shown on an approved final development plan for a planned unit development project, or an amendment thereto, shall be located on any site zoned PUD.

Figure 15.08 C: SUMMARY of Maximum On-Premise Business Sign Areas and Numbers (for Non-Residential Uses).

[Am. 11-10; Eff. 4-16-11; Am. 13-021, Eff. 10-10-13]

Zoning Districts	Maximum Sign Area/Height		Maximum Number of Signs
	On Building Signs	Freestanding Signs	
C-1, A-1, A-1X, A-2	Wall Only: 1 sf of sign area per 1 ft of exterior wall length on that wall or 48 sf per building, whichever is greater	Monument: Up to 32 sf for all combined sign faces seen at one time Max Height: 8 ft monument	1 on-building sign and 1 freestanding sign per lot
B-1	Wall, Awning or Projecting: 32 sf for each business in the building with frontage on one public street; 64 sf for each business with frontage on more than one public street	Monument or Arm/post: 24 sf for all combined sign faces seen at one time Max Height: 5 ft	2 on-building sign per business, with not more than 1 wall, awning, or projecting sign 1 freestanding sign per lot, provided that setbacks met
RM-B	Wall, Awning or Projecting: 48 sf for each business in the building	Monument or Arm/post: 48 sf for all combined sign faces seen at one time Max Height: 8 ft	1 on-building sign per business, 2 for corner lots 1 freestanding sign per lot
B-2, O-R, A-B	Wall, Projecting, Awning, or Marquee: For the first sign, 1½ sf of sign area per 1 ft of wall length on that wall, up to a maximum of 300 sf; 64 sf for each additional wall sign	Monument or Pylon: 64 sf per lot, 200 sf near I-39/90 and STH 19 Max Height: 8 ft monument (10 ft near I-39/90 and STH 19); 15 ft pylon (40 ft near highways)	1 on-building sign per business operation with separate entrance, 2 for corner lots 1 freestanding sign per lot
B-3	Wall, Awning or Marquee: 1 ½ sf of sign area per 1 ft of exterior wall length on that wall	Monument or Pylon: Up to 64 sf per lot, 200 sf near I-39/90 and STH 19 Max Height: 8 ft monument (10 ft near I-39/90 and STH 19); 15 ft pylon (45 ft near highways)	2 on-building signs per business 1 freestanding sign per lot
M-1, M-2, M-3	Wall Only: 1 ½ sf of sign area per 1 ft of exterior wall length on that wall	Monument or Pylon: Up to 48 sf per lot, 200 sf near I-39/90 and STH 19 Max Height: 8 ft monument (10 ft near I-39/90 and STH 19); 15 ft pylon (60 ft near highways)	2 on-building signs per business 1 freestanding sign per lot

NOTE: This table is only a summary of the sign regulations applicable to nonresidential uses. The remainder of §15.08(6) contains more detailed and specific requirements, including allowances for other types of signs in these districts under certain circumstances.

2. Auxiliary Signs for Non Residential Uses (such as required Gas Price Signs or "No Trespassing" sign).
 - a. Permitted Sign Type: Wall Sign, Freestanding Sign, or sign mounted to gas canopy.
[Am. 13-021, Eff. 10-10-13]
 - b. Maximum Permitted Number per Lot: Per approved site plan.
 - c. Maximum Permitted Area per Sign: Combined area of all auxiliary signs on any lot shall not exceed 50% of the permitted freestanding or on-building sign area for the lot, whichever is greater.
3. On-Premise Directional Signs for Non Residential Uses.
[Am. 13-021, Eff. 10-10-13]
 - a. Permitted Sign Type: Wall Sign, Monument Sign, or Arm/post Sign.
 - b. Maximum Permitted Number per Lot: One sign for each vehicular entrance, one sign for each vehicular exit, and one sign for each parking area conditions list.
 - c. Maximum Permitted Area per Sign: Four square feet for general directional signs, and nine square feet for parking area conditions list.
4. Temporary Signs for Non Residential Uses. Temporary signs are allowed per the requirements of §15.08(7).
[Am. 13-021, Eff. 10-10-13]
5. Off-Premise Directional Sign for Non Residential Uses. (for institutional facility only):
[Am. 13-021, Eff. 10-10-13]
 - a. Permitted Sign Type: Wall Sign, Monument Sign, or Arm/post Sign.
 - b. Maximum Permitted Area per Sign: Four square feet, except that larger off-premise directional signs for institutional facilities may be allowed by conditional use permit.
6. Community Information Signs for Non Residential Uses. Per the provisions of §15.08(4)(c).
[Am. 13-021, Eff. 10-10-13]

(7) TEMPORARY SIGNS. Temporary signs may be erected without a sign permit. However, before erecting any temporary sign, the owner or tenant must notify the Zoning Administrator and provide the name and address of the person proposing to erect the sign, a description and location of the sign, and the timeframe for its placement. Only two temporary signs may be displayed on a lot at any one time. All temporary signs shall be anchored and supported in a manner which reasonably prevents the possibility of the signs becoming hazards to the public health and safety. A mobile, portable, or advertising vehicle sign is not a permitted temporary sign. The following are allowable temporary signs:

[Am. 11-10; Eff. 4-15-11; Am. 12-09, Eff. 5-24-12]

(a) Real Estate Signs. One non-illuminated real estate sign per street frontage or a parcel advertising the availability of the premise for sale or lease, to be removed within thirty (30) days of the sale or lease on the property. Such signs shall not be located in the public right-of-way, shall not exceed twelve (12) square feet in area and six (6) feet in height in residential districts and forty-eight (48) square feet in area and eight (8) feet in height in nonresidential districts. For parcels that are adjacent to an interstate, state highway, or federal highway, permitted sign areas and heights shall be doubled, provided that such signs are placed within 100 feet from such interstate or highway. Also, model home signs shall be allowed, provided there is not more than one sign per model home not exceeding four (4) square feet.

[Am. 11-10; Eff. 4-15-11]

(b) Construction or Project Identification Signs. One non-illuminated construction or project identification sign per project under 100,000 square feet and two construction signs per project over 100,000 square feet, listing only the project name, directions for traffic during construction, and the parties involved in the design, construction, demolition, financing or project development. Such signs shall be erected no sooner than the beginning of work for which a valid building or demolition permit has been issued, and shall be removed within ten (10) days of completion of work. Construction signs shall not exceed sixteen (16) square feet for single-family residences, forty-eight (48) square feet on all other parcels of less than 100,000 square feet, or ninety-six (96) square feet on parcels greater than 100,000 square feet. Such signs may be located off-premise if the Zoning Administrator determines an off-premise location is necessary for the purpose of the sign, and with the written approval of the entity that owns the land on which the sign will be placed.

[Am. 13-021, Eff. 10-10-13]

(c) Temporary commercial signs and banners. For sales, limited time offers, grand openings, or other special events only, with such signs totaling not more than one per lot, not exceeding 32 square feet in area, and not greater than eight feet in height if ground mounted nor extending above the roof line if building mounted.

(d) Temporary individual residential signs. Up to two (2) temporary signs, not larger than four (4) square feet each, which advertise garage sales, yard sales or similar merchandise sales during the time the sale is taking place.

(e) Temporary public event signs. For a temporary event of public interest hosted by and/or held at a community organization or institutional facility, such as a neighborhood garage sale or fair operated by a nonprofit organization, up to two (2) signs may be located upon the site of the event and up to four (4) additional signs for such a temporary event may be placed on a separate private property with permission of the property owner, with such limits applicable only to signs greater than four (4) square feet in area. No temporary public event sign shall exceed 32 square feet in area. The content of such signs shall be limited to the name of the event, sponsor, location, direction, date, time, and/or distance to the event. Such signs shall not be erected more than 30 days before the event and shall be removed within 5 days after the event. No off-premise signs shall be permitted for non-governmental or non-institutional events.

[Am. 11-10; Eff. 4-15-11; Am. 13-021, Eff. 10-10-13]

(f) Over-street banners. Banners promoting public events of Village-wide interest displayed over a public street, alley or highway when approved by the Zoning Administrator. Such signs shall not be erected more than 30 days before the event and shall be removed within 5 days after the event. The sponsoring person, firm, organization, or corporation shall provide a certificate of liability insurance in the amount of not less than \$100,000 each person and \$300,000 each occurrence, bodily injury liability; and \$100,000 each occurrence, property damage liability.

(g) Political signs. Temporary political signs are permitted without restriction so long as they locate per the requirements of this section. Signs promoting a candidate or position on an issue for an upcoming election may not be placed in a manner which would impede vehicular or pedestrian safety, must be outside of required vision triangles, and must meet the requirements of §12.03, Wis. Stats. Signs related to an election or referendum may be erected no earlier than (a) in the case of an election of candidates for office, the first day for circulation of nomination papers for such office or (b) in the case of a referendum, the date on which the question is submitted to the electors, and all such signs must be removed within seven (7) days after the election or referendum to which they relate.

(h) Personal greeting or congratulatory signs. One personal greeting or congratulatory sign per premises shall be permitted for up to seven days, limited to eight feet in height and 32 square feet in area and which is not intended for commercial purposes.

(i) Temporary window signs. Signs temporarily affixed to the inside of a window, advertising commercial situations relating to goods or services sold on premises, provided that the total of all signs in the window area, including temporary and permanently mounted signs, does not exceed twenty-five (25) percent of the window

area; that each temporary window sign has the initial date of display permanently and visibly affixed on its face; and that no temporary window sign is displayed for longer than thirty (30) days. For any occupancy using no other signs than a permanent window sign, the amount of permanent and temporary window sign area may be increased to thirty-five (35) percent of the window area.

(8) STRUCTURAL REQUIREMENTS

(a) All signs shall be constructed and mounted so as to comply with State Building Codes.

(b) No sign or any part thereof, or anchor, brace, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe.

(c) No sign or any part thereof, or anchor, brace or guide rod shall be attached, erected, or maintained which may cover or obstruct any door, doorway, or window of any building which may hinder or prevent ingress or egress through such door, doorway, or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire.

(d) All signs shall in no instance create a traffic visibility or other safety hazard.

(e) No sign not designed and constructed to withstand winds during typical Wisconsin storm events shall be erected at any location.

(f) No free-standing sign shall be erected at any location which is not designed and constructed with footings for support of such sign which extend not less than 42 inches below the existing ground level.

(g) No sign attached to a building which is permitted to project away from the building wall shall be designed and constructed in which the attachment to such wall extends above a point of bearing with the roof rafters, except that roof parapets and roof-mounted mechanical equipment screening walls may be used as sign installation areas if integral to the architectural design of the building as determined by the Zoning Administrator.

[Am. 12-09, Eff. 5-24-12]

(h) No illuminated sign shall be erected at any location which is not designed and constructed to meet the following requirements:

1. All signs shall be constructed and maintained to conform with State Electrical Codes and shall bear UL labels. All sign permit applications in which electrical wiring and connections are proposed shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications submitted for the proposed sign and may require additional information relating to the proposed electrical installation from the applicant. If the Electrical Inspector determines that the proposed installation complies with local ordinances relating to the electrical wiring and construction, then the Electrical Inspector shall approve the application and submit the approved application to the Zoning Administrator. The Zoning Administrator may not approve a sign permit application for an illuminated sign unless and until approval is received from the Electrical Inspector.
2. Unless an illuminated sign bears the label of approval of a recognized testing laboratory, all illuminated signs shall be inspected and approved by the Electrical Inspector on the site prior to the erection of the sign. No illuminated sign, despite issuance of the sign permit, shall be erected until the site inspection has been made or waived by the Electrical Inspector and the sign permit initialed or stamped to show the Electrical Inspector's approval.
3. All illuminated signs shall be equipped with a watertight safety switch, located where electric current enters the sign. All parts covering service openings to the electrical supply shall be securely fastened.

4. No illuminated sign shall be connected to an electric power source except by an electrical contractor, unless the only connection to the electric power source is through a grounded three-prong heavy duty plug.
5. All free-standing illuminated signs shall be supplied power only by underground wiring.

Signage found to be in violation of the provisions of this subsection shall be subject to the provisions of the Village of DeForest Building Code and §15.08(2)(h).

(9) MAINTENANCE REQUIREMENTS.

(a) All signs and structures appurtenant thereto shall be maintained in a neat and proper state of appearance.

(b) Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

(c) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this section, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.

(d) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

(e) The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

(f) A sign which is improperly maintained or is abandoned or is unsafe or otherwise exists in violation of this ordinance, shall be removed by the sign permit holder or the owner of the property on which the sign is located within three months from the date of disrepair, abandonment, or unsafe condition unless the sign permit holder or owner receives actual notice from the Zoning Administrator of the problem, per the requirements of §15.08(2)(f).

(10) NONCONFORMING SIGNS.

(a) General Provisions Regarding Nonconforming Signs.

1. Signs lawfully existing at the time of the adoption or amendment of this section may be continued although the use, size, or location does not conform with the provisions of this section. However, it shall be deemed a nonconforming use or structure; and the provisions of §15.17 shall apply. Nonconforming signs may be maintained. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Section. Refer also to §15.08(10)(b)(1), below.
2. Business signs on the premises of a nonconforming use or building may be continued, but new signs for such uses shall not be allowed, nor shall expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable sign areas under this section, may be erected only upon the complete removal of all other signs existing at the time of adoption of this section.
3. Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per §15.08(10)B. Closing businesses must remove their building signs and freestanding sign faces within 60 days of closing, or sooner if

the Zoning Administrator determines that the signs do not meet the maintenance requirements of §15.08(9).

4. Signage not in compliance with the provisions of this section shall be subject to the provisions of §15.08(10)B.
5. Whenever there is a change in the sign user (excluding off-premise signs), sign owner, or owner of the property on which the sign is located, the new sign user, sign owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure. The sign will continue to be considered nonconforming.

(b) Removal of Nonconforming Signs.

1. Alteration of Signs.

a. For the purpose of this section, alteration of a sign is considered to be any structural change to the exterior appearance of any part of the sign, its frame, its supporting structure, material, height, location, or any other alterations of comparable scope.

[Am. 12-09, Eff. 5-24-12]

b. Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee or community information sign; or changing the face of an off-premise advertising sign.

c. A tenant sign which comprises part of a group sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire group sign, or any of its parts, into compliance with the provisions of this section.

2. All non-conforming signs found not to be in compliance with the provisions of this subchapter shall be removed within 30 days of receiving written notice of noncompliance and removal from the Zoning Administrator, except as otherwise provided for in §15.08(2)(f).

3. The penalties of the Village of DeForest Zoning Code or Building Code may be applicable to violations of the provisions of this section.

15.09 ZONING DISTRICTS; MAPS.

(1) ZONING DISTRICTS. In order to carry out the purposes and intent of this chapter, the Village of DeForest and the ETZ Area are hereby divided into the following districts:

(a) Residential Districts

1. RH-1 Rural Housing District
2. RE-1 Residential Estate Single Family Residence District
3. RE-2 Residential Estate Single Family Residence District
4. RN-1 Residential Neighborhood Single Family Residence District
5. RN-2 Residential Neighborhood Single Family Residence District
6. RN-2A Residential Neighborhood Single Family Residence District
7. RM-3 Residential Mix Two Family Housing District
8. RM-4 Residential Mix Multi-Family Housing District
9. RM-5 Residential Mix Elderly Housing District
10. RM-B Residential Mix - Business District
11. RM-6 Residential Mix - Traditional Housing District

(b) Business Districts

1. B-1 Central Business District
2. B-2 General Business District
3. B-3 Highway Business District
4. A-B Agricultural Business District
5. O-R Office and Research District

(c) Industrial Districts

1. M-1 Restricted Industrial District
2. M-2 General Industrial District
3. M-3 Intensive Industrial District

(d) Agricultural Districts

1. A-1 Agricultural District
2. A-1X Exclusive Agricultural District
3. A-2 General Agricultural District

(e) Other Districts

1. C-1 Conservancy District
2. PUD Planned Unit Development District
3. WP Wellhead Protection Overlay District
[Cr. 13-06, Eff. 4-4-13]

(2) ZONING MAPS. The locations and boundaries of the districts established herein are shown upon the DeForest Zoning Map dated December 29, 2007 or as amended from time to time through actions of the Village Board under §15.03(7) and §15.035(3), which are hereby incorporated into this chapter. The Zoning Map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be a part of this Code and shall have the same force and effect as if the maps were fully set forth and described herein.

[Am. 08-14; Eff. 5-16-08]

(3) BOUNDARY LINES. Wherever any uncertainty exists as to the boundary of any zoning district as shown on the Zoning Maps, the following rules shall apply:

(a) Where district boundary lines are indicated as following streets, alleys or similar rights-of-way, they shall be construed as following the center lines thereof.

(b) Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be the boundaries.

(c) Where a single lot held at the effective date of this chapter is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided, however, that this provision shall not apply in any case where it would increase the area of the less restricted portion of the lot by more than twenty percent (20%) nor in any case where it would reclassify any property from the A-1X district.

(d) Where the district boundary line is shown as following the shoreline of any navigable waterway, the boundary shall continue to follow the shoreline despite changes in the location thereof due to accretion or avulsion.

(4) CHANGES IN ZONING DISTRICT DESIGNATION. Upon the enactment of any ordinance changing the district designation of any property, the Zoning Administrator shall make an appropriate amendment to the Zoning Map(s) to reflect the revised zoning.

(5) SPLIT ZONING OF LOTS. No lot shall be divided into more than one zoning district, other than an overlay district or another zoning district intentionally created with boundaries to follow land features other than lot boundaries.

[Cr. 10-04, Eff. 2-4-10]

15.10 RESIDENTIAL DISTRICTS.

(1) PURPOSE. The residential district regulations are intended to govern the location, intensity, and method of development for the residential areas subject to this chapter. The residential districts provide for a variety of housing types and price ranges while at the same time maintaining the character and integrity of homogeneous residential areas and existing neighborhoods. The regulations of each district are designed to provide protection to the character of existing developments while allowing new growth in accordance with specific development standards and objectives. Public utility services are required as a prerequisite to development in all residential districts located within the Village.

(2) RESIDENTIAL DISTRICTS. The residential districts are as follows:

(a) RH-1 Rural Housing District. *Min. 2 acre lot size.* The RH-1 Rural Homes District serves as the highest density rural residential district and is intended primarily for lands within the ETZ Area.

(b) RE-1 Residential Estate Single-Family Residence District *Min. 22,000 sq. ft. lot size.* The RE-1 Single-Family Residence District serves as the lowest density residential district for areas not considered rural in character.

(c) RE-2 Residential Estate Single-Family Residence District *Min. 15,000 sq. ft. lot size.* The RE-2 zoning classification serves as a low density, suburban residential district.

(d) RN-1 Residential Neighborhood Single-Family Residence District *Min. 12,000 sq. ft. lot size.* The RN-1 Single-Family Residence District is designed to provide for relatively large lots in a neighborhood setting.

(e) RN-2 Residential Neighborhood Single-Family Residence District *Min. 10,000 sq. ft. lot size.* The RN-2 zoning classification provides an urban single-family home environment.

(f) RN-2A Residential Neighborhood Single-Family Residence District *Min. 7,000 sq. ft. lot size.* The purpose of the RNA Single-Family Residence District is to provide for a district which allows for a more generally affordable single-family home.

(g) RM-3 Residential Mix Two-Family Housing District *Min. 12,000 sq. ft. lot size.* The RM-3 district provides for an urban environment of medium density residential development utilizing single-family detached, two-family dwelling units, and townhomes.

[Am. 13-021, Eff. 10-10-13]

(h) RM-4 Residential Mix Multi-Family Housing District *Min. 12,000 sq. ft. lot size.* The RM-4 district provides for the highest density residential development permissible.

(i) RM-5 Residential Mix Elderly Housing District. The RM-5 district is established to preserve certain areas to accommodate elderly persons in multiple family dwellings. It is intended to provide for developments which are specifically designed to meet the particular needs of elderly persons in accordance with all State and Federal Laws authorizing or regulating such developments.

(j) RM-6 Residential Mix Traditional Housing District *Min. 6,000 sq. ft. lot size.* The RM-6 District is intended to allow the continued use of certain existing small residential lots primarily within the area of the

Village bounded by Main Street, Yahara Street, Cleveland Avenue and Murray Street. The district provides for an urban environment of medium density residential development utilizing single-family detached and two-flat dwellings. A two-flat dwelling is defined as a single family home which has been converted for use as two dwelling units; an example being a two story home with an upstairs apartment.

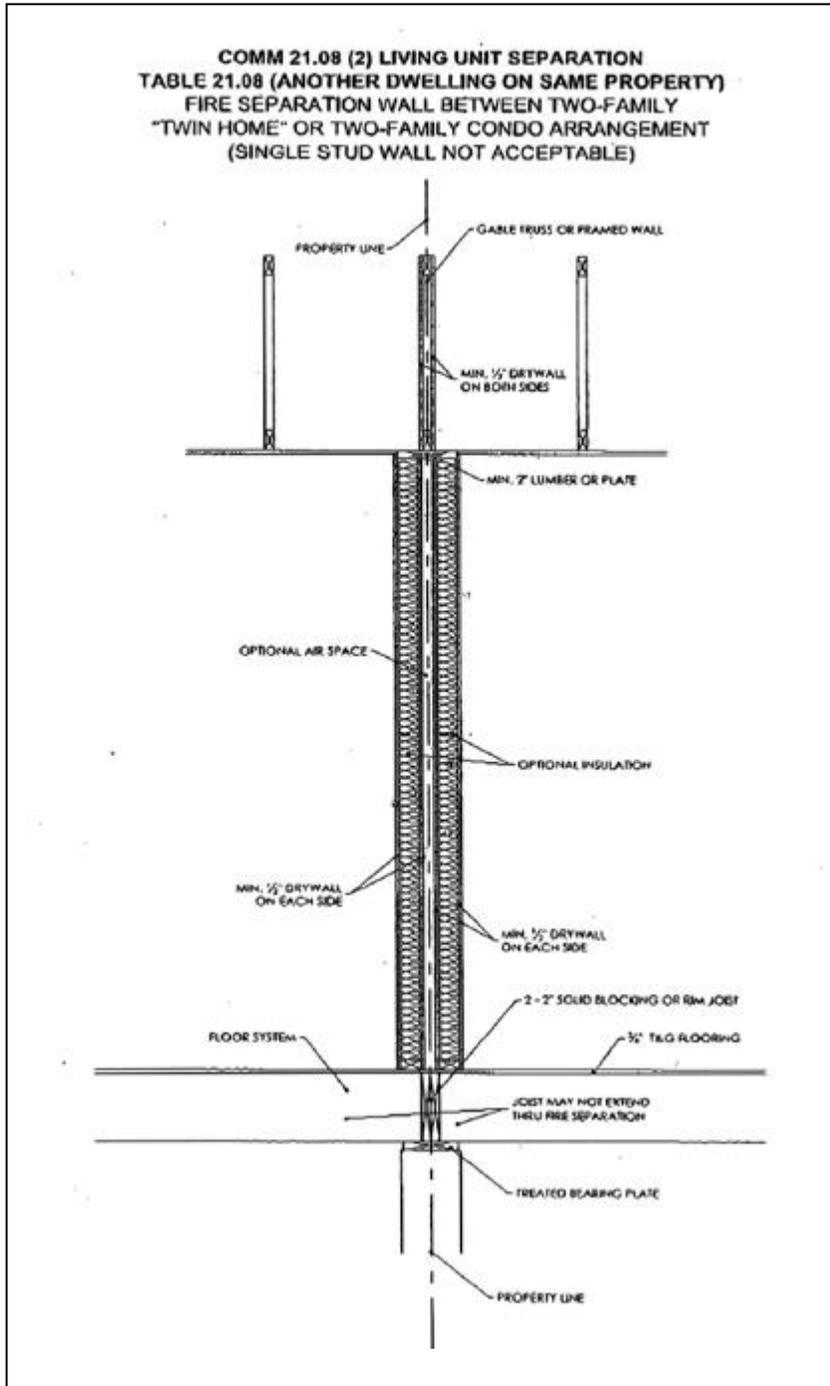
(3) PERMITTED USES. The permitted and allowable conditional uses in each of the residential zoning districts shall be as set forth in Table 15.10A.

(4) BULK STANDARDS. No structure or lot shall be developed, used, or occupied unless it meets the minimum lot width, lot area, yard requirements, height limits and other dimensional standards set forth in Table 15.10B and this subsection.

(a) Zero Lot Line Construction. In residential districts where zero lot line construction is allowed in Table 15.10A, the following standards shall supersede any conflicting standards in Table 15.10B.

1. Lot width at minimum building setback line: The aggregate widths of both lots that a duplex occupies shall total not less than 80 feet. No single lot width shall be less than 35 feet.
2. Lot area (each unit): Minimum 5,000 square feet.
3. Principal Building Setback—Side Yard: Zero feet on side yard(s) that includes the common wall(s) of the structure; 8 feet on other side yards.
 - a. Each unit shall have a separate water lateral connection and meter. The size, type, and installation shall be in accordance with plans and specifications approved by the Village Public Works Committee or its designee.
5. The common wall between the units shall meet the requirements in the graphic that follows, and shall extend from the basement floor to the top of the roof. Compliance with such standard shall be confirmed in writing by the applicant and building inspector, before the building permit shall be issued.

COMM 21.08 (2) LIVING UNIT SEPARATION
TABLE 21.08 (ANOTHER DWELLING ON SAME PROPERTY)
FIRE SEPARATION WALL BETWEEN TWO-FAMILY
"TWIN HOME" OR TWO-FAMILY CONDO ARRANGEMENT
(SINGLE STUD WALL NOT ACCEPTABLE)



6. The developer shall provide, with the application, a draft agreement or covenant specifying maintenance standards for the common wall, maintenance and replacement standards for exterior surfaces of the building to maintain a neat and harmonious appearance over time, maintenance standards for any common sewer lateral and any other common features, and restrictions against construction of detached single family residences on any of the affected lots in the event either or all sides of the zero lot line construction dwelling are destroyed. Such agreement or covenant shall also provide that it may not be terminated, amended or otherwise altered without the approval of the Village Board. Such agreement shall be subject to Village Zoning Administrator approval, and then recorded by the developer against all affected properties and continually maintained by the property owners before the building permit will be issued or the conditional use permit takes effect.

[Am. 06-06; Eff. 6-9-06, Am. 07-05; Eff. 02-09-07; Am. 11-10; Eff. 4-16-11]

TABLE 15.10 A RESIDENTIAL DISTRICT USES

[Am. 13-021, Eff. 10-10-13]

Key: P = Permitted Use C = Conditional Use A = Accessory Use NP = Not Permitted

TYPE OF USE	RH-1	RE-1	RE-2	RN-1	RN-2	RN-2A	RM-3	RM-4	RM-5	RM-6
--------------------	-------------	-------------	-------------	-------------	-------------	--------------	-------------	-------------	-------------	-------------

Residential Uses

Single-Family Detached Residence	P	P	P	P	P	P	P	NP	NP	P
----------------------------------	---	---	---	---	---	---	---	----	----	---

Two-Family Residential	NP	NP	NP	NP	NP	NP	P	NP	NP	NP
------------------------	----	----	----	----	----	----	---	----	----	----

Multiple-Family Residential	NP	P	NP	NP						
-----------------------------	----	----	----	----	----	----	----	---	----	----

Two Flat Residential [Am. 13-021, Eff. 10-10-13]	NP	P								
---	----	----	----	----	----	----	----	----	----	---

Multiple-Family Residential (Elderly Only)	NP	P	NP							
--	----	----	----	----	----	----	----	----	---	----

Townhouse Residential [Am. 13-021, Eff. 10-10-13]	NP	NP	NP	NP	NP	NP	P	P	NP	NP
--	----	----	----	----	----	----	---	---	----	----

Zero Lot Line Construction	NP	NP	NP	NP	NP	NP	P	P	P	C
----------------------------	----	----	----	----	----	----	---	---	---	---

Day Care (1-3 persons not including family members)	P	P	P	P	P	P	P	P	P	C
---	---	---	---	---	---	---	---	---	---	---

Community Living Arrangements (1-8 residents)	P	P	P	P	P	P	P	P	P	P
---	---	---	---	---	---	---	---	---	---	---

Community Living Arrangements (9-15 residents)	C	C	C	C	C	C	C	P	C	C
--	---	---	---	---	---	---	---	---	---	---

Community Living Arrangements (16 plus residents)	NP	C	NP	NP						
---	----	----	----	----	----	----	----	---	----	----

Temporary campground associated with special event, subject to §15.16(10). On lots with pre-existing civic, cultural, or institutional use only. [Cr. 10-04, Eff. 2-4-10; Am. 11-10; Eff. 4-16-11]	C	C	C	C	C	C	C	C	C	C
---	---	---	---	---	---	---	---	---	---	---

Business Uses

Bed and Breakfast	C	NP	C							
-------------------	---	----	----	----	----	----	----	----	----	---

Group Day Care Center (4 or more persons not including family members)	C	C	C	C	C	C	C	C	C	C
--	---	---	---	---	---	---	---	---	---	---

Public, Cultural and Recreation Uses

Indoor Civic, Cultural & Institutional (Incl. Schools, Churches, Local Government & Emergency Services)	C	C	C	C	C	C	C	C	C	C	C
---	---	---	---	---	---	---	---	---	---	---	---

Outdoor Recreational/ Open Space (Public/ Private)	C	C	C	C	C	C	C	C	C	C	C
--	---	---	---	---	---	---	---	---	---	---	---

Industrial and Higher Intensity Uses

Utilities/Communication Towers/Transportation	C	C	C	C	C	C	C	C	C	C	C
---	---	---	---	---	---	---	---	---	---	---	---

Low Mass and Low Intensity Uses

Agricultural uses w/not more than 1 livestock animal per acre of land	P	NP									
---	---	----	----	----	----	----	----	----	----	----	----

Agricultural-Related Office/Research/ Laboratory		NP									
--	--	----	----	----	----	----	----	----	----	----	----

Accessory Uses

Home Occupation	P	P	P	P	P	P	P	P	P	P	P
-----------------	---	---	---	---	---	---	---	---	---	---	---

Residential Garage/Carport - Detached Not to exceed 625 square feet per dwelling unit.	P	P	P	P	P	P	P	P	P	P	P
--	---	---	---	---	---	---	---	---	---	---	---

Accessory building of up to 200 square feet, including sheds but not garages/carports	P	P	P	P	P	P	P	P	P	P	P
---	---	---	---	---	---	---	---	---	---	---	---

Accessory building of over 200 square feet, including sheds, garages/carports over 625 square feet per dwelling unit, and farm out buildings	C	C	C	NP							
--	---	---	---	----	----	----	----	----	----	----	----

On-Site Parking Lot	NP	P	P	NP							
---------------------	----	----	----	----	----	----	----	----	---	---	----

Small solar or wind energy system, subject to Section 15.04(24) [Cr. 10-04, Eff. 2-4-10].	P	P	P	P	P	P	P	P	P	P	P
---	---	---	---	---	---	---	---	---	---	---	---

TABLE 15.10B RESIDENTIAL DISTRICT BULK STANDARDS[Am. 13-021, Eff. 10-10-13]

[Am. 07-05; Eff. 02-09-07; Am. 13-021, Eff. 10-10-13]

BULK STANDARDS	RH-1	RE-1	RE-2	RN-1	RN-2	RN-2A	RM-3	RM-4	RM-5	RM-6
Minimum Lot Width (Lineal Ft.) [Am. 08-14; Eff. 5-16-08]	150	100	100	100	80	**70	100	**100	**100	50
Minimum Lot Frontage on Public Street (Lineal Ft.) [Am. 13-021, Eff. 10-10-13]	NA	60	60	60	50	40	60	60	60	40
Minimum Lot Area (Sq. Ft.)	Unsewered Lots =20,000 Sewered Lots= 15,000	22,000	15,000	12,000	10,000	**7,000	12,000	12,000	12,000	6,000
Minimum Lot Area/per Dwelling Unit (Sq. Ft.)	0	22,000	15,000	12,000	10,000	**7,000	5,000	2,500	2,000	3,000
Max. Building Height (Ft.) Residential	35	35	35	35	35	35	35	40	40	35
Max. Building Height (Ft.) Non-Residential	40	40	40	40	40	40	40	40	40	40
Max. Number of Stories	3	3	3	3	3	3	3	3	3	3
Minimum Floor Area/D.U. (Sq. Ft.)	1,200/ 1 story 1,800/ 2+story	2,500/ 1 story; 3,200/ 2+story	1,700/ 1 story; 2,200/ 2+story	1,200/ 1 story 1,800/ 2 story	1,100/ 1 story 1,800/ 2 story	1,000/ 1 story 1,400/ 2 story	900/ 1 story 1,400/ 2 story	600/ studio 800/ 1 bdrm 1,100/ 2+ bdrm	600/ studio 800/ 1 bdrm 1,100/ 2+ bdrm	800/ 1 story 1,200/ 2 story
Minimum Principal Building Setbacks (See also Section 15.04(8) for permitted intrusions into setbacks)										
Front and Street Side Yard (Ft.) [Am. 13-021, Eff. 10-10-13]	30	30	30	30	25	25	25	25	25	20
Interior Side Yard (Ft.) [Am. 13-021, Eff. 10-10-13]	15	15	10	10	8	8	8	10	10	8
Rear Yard (Ft.)	50	40	40	30	30	25	30	30	30	25

Minimum Detached Accessory Building Setbacks (See also Section 15.04(4), regarding restrictions for placement in easements) [Am. 13-021, Eff. 10-10-13]										
Front and Street Side Yard (Ft.) [Am. 13-021, Eff. 10-10-13]	35	35	35	30	25	25	25	25	25	20
Interior Side Yard (Ft.) [Am. 13-021, Eff. 10-10-13]	5	5	5	5	5	5	5	5	5	5
Rear Yard (Ft)	5	5	5	5	5	5	5	5	5	5
Animal Housing Building Rear Yard Setback (Ft)	50	N/A								
Minimum Green Space %	50%	60%	60%	60%	60%	50%	50%	40%	40%	40%
Maximum Driveway Opening										
Residential At Property Line/Curb Line [Am. 13-021, Eff. 10-10-13]		20/24	20/24	20/24	20/24	20/24	26/32	26/32	26/32	20/24
Non Residential At Property Line/Curb Line [Am. 13-021, Eff. 10-10-13]		26/32	26/32	26/32	26/32	26/32	26/32	26/32	26/32	266/32
Minimum Landscaping Points (add for total points)										
-per 100 Linear ft. of Building Foundation		50	50	50	50	50	50	50	45	50
-per 1000 sq. ft. G.F.A.		20	20	20	20	20	20	20	20	20
-per 100 Linear ft/Street Frontage		50	50	50	50	50	50	50	45	50
-per 10,000 sq. ft. of Paved Area or 20 stalls		N/A	N/A	N/A	N/A	N/A	N/A	100	90	N/A

* One per lot of minimum acreage established by sec. 15.10(2)(b)

** Lots Platted After April 15, 1999

15.105 RESIDENTIAL MIX - BUSINESS DISTRICT.

[Renum. from 15.18 and Am. 13-021, Eff. 10-10-13]

(1) **PURPOSE.** The RM-B District is established to maintain the attractive pedestrian-friendly scope of a naturally formed or carefully planned mixed use business and residential area that also provides for the needs of surrounding residential areas, is the central place for many non-commercial community activities including cultural and civic functions, and is not predominated by the need to support automobile-oriented retailing.

(2) **GENERAL STANDARDS.** All buildings and uses hereafter established or enlarged within the RM-B District shall conform to the following standards. The Village may require that a commitment to meeting such standards will be met at the time of rezoning a particular parcel of land to the RM-B zoning district.

(a) Off-street parking facilities must be established to alleviate traffic congestion and to promote shopping convenience and business prosperity, in accordance with the standards in §15.07.

(b) All commercial establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold on or from the premises where produced.

(c) Except where authorized as permitted accessory or incidental functions, all business, service, storage, and display of goods shall be conducted within completely enclosed buildings.

(d) Garages are permitted, provided that such garages may only be used for the parking of motor vehicles used by tenants of the premises or used by the business on the premises.

(e) New development projects shall contain a mix of commercial and residential uses on the same lot and/or in the same building.

(3) **BUILDING AND SITE DESIGN:** Structures and site designs in the RM-B district shall be as substantially as possible like those described in components of the Village's Comprehensive Plan that, in the determination of the Village Planning and Zoning Administrator, are applicable to the lands zoned RM-B. Other structure or site design types may be included only by a Conditional Use Permit.

(4) **PERMITTED USES.** Only those permitted principal uses or accessory uses as designated with a "P" in Table 15.105 A shall be permitted within the RM-B District.

(5) **CONDITIONAL USES.** Those uses designated with a "C" in Table 15.105 A shall be permitted only in accordance with a conditional use permit as provided in sec. 15.16.

(6) **BULK STANDARDS.** No structure or lot shall be developed, used or occupied unless it meets the minimum lot width, lot area, yard requirements, height limits and other dimensional standards set forth in Table 15.105 B. The maximum floor area for any single retail or commercial service occupancy shall be 20,000 square feet.

(7) **LANDSCAPING.** Landscaping requirements can be met using adjacent open space area. Adjacent open space will be designated at the time of site plan review. Parking lot

landscaping shall be in accordance with sec. 15.06(10) Off-Street Parking Lot Landscaping Requirements.

(8) SITE PLAN REVIEW. All uses in the RM-B district require site plan review as per sec. 15.05.

(9) PARKING. Parking requirement can be met using adjacent streets and alleys and will be designated for each use at the time of site plan review. Handicapped spaces shall be designated by staff.

TABLE 15.105 A RESIDENTIAL MIX - BUSINESS DISTRICT USES	
Key: P = Permitted Use C = Conditional Use	
NAME/DESCRIPTION OF USE	RM-B
RESIDENTIAL	
Single-Family Residence	C
Duplex Residential. [Am. 13-021, Eff. 10-10-13]	P
Multiple-Family Residential	P
Multiple-Family Residential (Elderly Only)	P
Zero Lot Line Construction. [Am. 13-021, Eff. 10-10-13]	P
Home Day Care (1-3 Persons)	P
Home Occupation (not to exceed 800 square feet in principal building)	P
On-Site Parking Lot , residential	P
Residential Garage - Attached	P
Residential Garage - Detached not to exceed 625 square feet per dwelling unit.	P

**TABLE 15.105 A
RESIDENTIAL MIX - BUSINESS DISTRICT USES**

Key: P = Permitted Use C = Conditional Use

NAME/DESCRIPTION OF USE	RM-B
SERVICE RETAIL	
Banks and other financial institutions.	P
Barbershops , beauty shops, and hairdressers.	P
Bed and Breakfast. [Am. 13-021, Eff. 10-10-13]	P
Day care centers.	P
Duplicating , blueprinting, photocopying, addressing, mailing, mailing list and stenographic services.	P
Funeral homes and undertaking facilities.	C
Garment pressing establishments, hand laundries, hat cleaning and blocking shops and coin-operated dry cleaning establishments.	P
Gasoline service stations ; provided that all gasoline pumps, storage tanks and accessory equipment must be located at least 10 feet from any existing or proposed street line and all storage tanks must be underground.	C
General grocery stores, fruit and vegetable stores, meat and fish stores, dairy products stores, and miscellaneous food stores.	P
Gift , novelty and souvenir shops.	P
Hotels , motor hotels, motels and similar lodging facilities.	C

**TABLE 15.105 A
RESIDENTIAL MIX - BUSINESS DISTRICT USES**

Key: P = Permitted Use C = Conditional Use

NAME/DESCRIPTION OF USE	RM-B
Laundries and retail dry-cleaning establishments, including coin operated laundries, commonly called Laundromats.	P
Liquor stores.	C
Photographic studios and commercial photography establishments.	P
Radios, TV , high-fidelity sound equipment, electronic amplifier, stereophonic sound system, musical instrument or other such device sales, service, repair, testing, demonstration facility.	P
Recreation, indoor including billiards and pool establishments, bowling centers, movie theater, fitness/exercise center, skating rinks, and similar commercial facilities.	P
Restaurants and other eating places, predominant number of patrons carry out, although some seating inside may be provided, including drive-in and drive-through type establishments. Also includes any restaurant with sidewalk cafes and other outdoor service.	C
Restaurants and other eating places, predominant number of patrons sit down at restaurant to eat, although some may carry out food, not including drive-in and drive-through type establishments and sidewalk cafes or other outdoor service.	P
Retail bakers , including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery.	P
Retail sales, soft goods including: antique and secondhand stores, bookstores (not including adult books) and stationary stores, camera/photographic supply stores, candy nut or confectionary, clothing and shoe stores, and variety stores, drug stores and pharmacies, electrical supply stores, florist shops, jewelry, watch and clock stores including repair services, news dealers and newsstands, sporting goods stores and bicycle shops, tobacco and smoker's supplies stores, home furnishings and floor coverings stores, paint and wallpaper stores.	P

**TABLE 15.105 A
RESIDENTIAL MIX - BUSINESS DISTRICT USES**

Key: P = Permitted Use C = Conditional Use

NAME/DESCRIPTION OF USE	RM-B
Reupholstery and furniture repair and interior design studios.	P
Tailor shops , dressmaker shops, garment and shoe repair shops and shoe shine parlors.	P
Taverns , bars and other drinking places.	P
Telephone and telegraph offices.	P
PROFESSIONAL SERVICES	
Accounting , auditing and bookkeeping firms or services.	P
Advertising agencies, consumer credit reporting, news agencies, employment agencies.	P
Computer services.	P
Engineering and architectural firms or consultants.	P
Insurance company , agent, broker, and service representative offices.	P
Law offices.	P
Newspaper , periodical or book publishing and printing establishments.	C
Offices , meeting places, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political; religious; charitable; or other non-profit membership organizations.	P

**TABLE 15.105 A
RESIDENTIAL MIX - BUSINESS DISTRICT USES**

Key: P = Permitted Use C = Conditional Use

NAME/DESCRIPTION OF USE	RM-B
Physician/Surgeon , dentist/dental surgeon, osteopathic physician, optometrist and chiropractor offices.	P
Real estate agents, brokers, managers and title companies.	P
Scientific , or Educational firms, agencies, offices or services, but not research laboratories or manufacturing operations.	P
Veterinarian's offices and facilities for domestic animals.	C
AG RELATED USES	
Seasonal flower or vegetable plants, landscaping supply or similar produce sales and seasonal sales of cut trees for holiday decorations within or adjacent to a temporary structure, and for a duration not to exceed 90 days in a calendar year.	C
Seasonal vegetable, fruit, or other farm product sales, but not other types of products or merchandise within a permanent sales establishment.	C
MISCELLANEOUS	
Communications antennae.	C
Detached Garage shall only be used for the parking of motor vehicles used by tenants of the premises or vehicles used by the business on the premises.	C
Government , local municipal facilities, libraries, educational institutions, police and fire stations and post offices.	P
Group Day Care Center (4 or More Persons).	C

**TABLE 15.105 A
RESIDENTIAL MIX - BUSINESS DISTRICT USES**

Key: P = Permitted Use C = Conditional Use

NAME/DESCRIPTION OF USE	RM-B
Hospital or medical center, long term nursing care facility.	C
Indoor Civic, Cultural & Institutional (Incl. Schools & Emergency Services).	P
Parking lots , parking garages, or parking structures, public.	P
Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages.	P
Outdoor Recreational/Open Space (Public/ Private) parks and playgrounds.	C
Utilities/Transportation	C

**TABLE 15.105 B
RESIDENTIAL MIX - BUSINESS DISTRICT BULK STANDARDS**

DESCRIPTION	RM-B
Minimum Lot Width (Lineal Ft.)	60
Minimum Lot Area (Sq. Ft.)	6,000
Minimum Lot Area/D.U. (Sq. Ft.)	1,050
Minimum Floor Area/D.U. (Sq. Ft.)	400 studio 800 1 bedroom 1,100 2+ bedroom
Surface Parking within Minimum Front Yard for Principal Buildings . [Am. 13-021, Eff. 10-10-13]	C
Minimum Green Space (%) Utilizing the combination of	15%

adjacent public open space and common space, and with a Stormwater management plan approved by the Village if in the Village limits. [Am. 13-021, Eff. 10-10-13]	
---	--

**TABLE 15.105 B
RESIDENTIAL MIX - BUSINESS DISTRICT BULK STANDARDS**

Minimum Principal Building Setbacks

Front and Street Side Yard (Ft.) [Am. 13-021, Eff. 10-10-13]	10 (Less than 10 ft. permitted as a conditional use)
Interior Side Yard (Ft.) [Am. 13-021, Eff. 10-10-13]	10 (Less than 10 ft. permitted as a conditional use)
Rear Yard (Ft.)	10 (Less than 10 ft. permitted as a conditional use)
Maximum Building Height (Ft.) - Principal	60
Maximum Garage size	625 feet, with such limit in downtown area only
Maximum Number of Stories - Principal Building	3
Maximum Driveway Opening -At Property Line	34
Maximum Driveway Opening -At Curb Line	40
Minimum Building Exterior Decorative Material Required [Cr. 11-10; Eff. 4-16-11]	35%

Minimum Landscaping Points Standard: See Section 15.06 and Table 15.06A for landscaping requirements.
[Am. 11-10; Eff. 4-16-11]

*Minimum lot area per dwelling unit is the smallest amount of square feet allowed per one dwelling unit. The minimum lot area per dwelling unit is applied once a lot is delineated and the green space has been dedicated. The remaining lot area is used in calculating the max. number of dwelling units that could be placed on that specific lot.

15.11 BUSINESS DISTRICTS.

(1) PURPOSE. The general purposes of the Business Districts are, among other things:

(a) To promote the most desirable use of land so that adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base of the community.

(b) To place in separate districts those businesses which may create noise, odors, hazards or unsightliness, or which may generate substantial vehicular traffic.

(c) To permit selected business uses in districts where adjacency to residential areas has sufficient elements of service or convenience to such areas to offset the disadvantages, and to allow, where appropriate, the introduction of residential uses within certain business districts where such uses will be both compatible and mutually supportive.

(d) To encourage the grouping in appropriate locations of compatible business uses which will tend to draw trade that is mutually interchangeable and so promote public convenience and business prosperity and minimize traffic and pedestrian congestion.

(e) To provide for the establishment of off-street parking facilities to alleviate traffic congestion and to promote shopping convenience and business prosperity.

(2) B-1 CENTRAL BUSINESS DISTRICT.

(a) Purpose. The B-1 District is established to maintain the attractive pedestrian-friendly scope of a naturally formed community business area that provides for the needs of surrounding residential areas, is the central place for many non-commercial community activities including cultural and civic functions, and is not predominated by the need to support automobile-oriented retailing. The trade area for a B-1 District may include the entire Village and, for tourism oriented activities, the region.

(b) General Standards. All buildings and uses hereafter established or enlarged within the B-1 Central Business District shall conform to the following standards:

1. Except as conditional uses authorized under par. (d), no part of the first or ground floor of any building shall be used for residential purposes.
2. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold on or from the premises where produced.
3. Except where authorized as permitted accessory or incidental functions, all business, service, storage, and display of goods shall be conducted within completely enclosed buildings.
4. Parking requirements in the B-1 district may be satisfied, in whole or in part, by spaces available on adjacent public streets and alleys as determined at the time of site plan review to the extent the Commission determines that the number of on-site parking stalls otherwise required is unnecessary due to available public parking spaces.

(c) Permitted Uses. Only those permitted principal uses or accessory uses as designated with a "P" in the B-1 column of Table 15.11A shall be permitted within the B-1 District.

(d) Conditional Uses. Those uses designated with a "C" in the B-1 column of Table 15.11A shall be permitted only in accordance with a conditional use permit as provided in sec. 15.16.

(e) Dimensional Standards. Lots and buildings shall conform to the maximum and minimum dimensional standards established in the B-1 column of Table 15.11B.

(f) Performance Standards. All uses in the district shall conform to the performance standards set forth in §15.04(12).

[Am. 13-021, Eff. 10-10-13]

(3) B-2 GENERAL BUSINESS DISTRICT.

(a) Purpose. The B-2 District is intended to accommodate retail, service and other businesses which serve the needs of the surrounding neighborhood or community areas without creating any detrimental or deleterious effect on the use, value and enjoyment of adjacent or nearby residential property or on the safe and expeditious movement of traffic in the public streets. These uses are likely to rely on customers who access the property in automobiles, and therefore, require more significant accommodations to vehicular functions.

(b) General Standards. All buildings and uses hereafter established or enlarged within the B-2 General Business District shall conform to the following standards:

1. No building shall be used for residential purposes except as an accessory use by the owner or operator of the business premises.
2. All outside storage, which is permitted as an accessory use only, shall be enclosed by decorative screening as provided in section 15.05.

(c) Permitted Uses. Only those permitted principal uses or accessory uses as designated with a "P" within the B-2 column of Table 15.11A shall be permitted within the B-2 District.

(d) Conditional Uses. Those uses designated with a "C" in the B-2 column of Table 15.11A shall be permitted only in accordance with a conditional use permit as provided in sec. 15.16.

(e) Dimensional Standards. Lots and buildings shall conform to the maximum and minimum dimensional standards established in the B-2 column of Table 15.11B.

(f) Performance Standards. All uses in the district shall conform to the performance standards set forth in §15.04(12).

[Am. 13-021, Eff. 10-10-13]

(4) B-3 HIGHWAY BUSINESS DISTRICT.

(a) Purpose. The B-3 District is intended to provide for retail, office and other commercial businesses which benefit from direct access or visibility to heavily traveled major arterial roads or highways. This district is designed to support commercial activities which require large land areas, are oriented to the automobile and do not depend upon adjoining uses for reasons of comparison shopping and pedestrian traffic.

(b) General Standards. All buildings and uses hereafter established or enlarged within the B-3 Highway Business District shall conform to the following standards:

1. No building shall be used for residential purposes except as an accessory use by the owner or operator of the business premises and except that accommodations may

be offered to the transient public by motels, hotels, and inns as part of commercial indoor lodging.

2. All outside storage, which is permitted as an accessory use only, shall be enclosed by approved screening as provided in sec. 15.05.

(c) Permitted Uses. Only those permitted principal uses or accessory uses as designated with a "P" within the B-3 column of Table 15.11A shall be permitted within the B-3 District.

(d) Conditional Uses. Those uses designated with a "C" in the B-3 column of Table 15.11A shall be permitted only in accordance with a conditional use permit as provided in sec. 15.16.

(e) Dimensional Standards. Lots and buildings shall conform to the maximum and minimum dimensional standards established in the B-3 column of the district standards table.

(f) Performance Standards. All uses in the district shall conform to the performance standards set forth in §15.04(12).

[Am. 13-021, Eff. 10-10-13]

(5) A-B AGRICULTURAL BUSINESS DISTRICT.

(a) Purpose. The A-B Agriculture-Business District is designed to provide for those uses which are commercial in nature; are associated with local agricultural production; require a rural location due to extensive land area needs or proximity of resources; and do not require urban services.

(b) Permitted Uses. Only those permitted principal uses or accessory uses as designated with a "P" within the A-B column of Table 15.11A shall be permitted within the A-B District.

(c) Conditional Uses. Those uses designated with a "C" in the A-B column of Table 15.11A shall be permitted only in accordance with a conditional use permit as provided in sec. 15.16.

(d) Dimensional Standards. Lots and buildings shall conform to the maximum and minimum dimensional standards established in the A-B column of Table 15.11B. The building height limitation stated therein shall not apply to agricultural buildings such as silos, bins, feed and seed storage facilities.

(e) Performance Standards. All uses in the district shall conform to the performance standards set forth in §15.04(12).

[Am. 13-021, Eff. 10-10-13]

TABLE 15.11A BUSINESS DISTRICT USE LIST

[Am. 04-13; Eff. 5-20-04; Am. 09-05, Eff. 319-09]

NAME/DESCRIPTION OF USE	B-1	B-2	B-3	A-B
SERVICE RETAIL				
Animal Grooming facilities [Cr. 12-09, Eff. 5-24-12]	P	P		
Banks and other financial institutions.	P	P		
Barbershops , beauty shops, and hairdressers.	P	P		
Bed and Breakfast establishments , as defined by §254.61(1), Stats. [Am. 13-021, Eff. 10-10-13]	P	P	P	
Day care centers. [Am. 12-09, Eff. 5-24-12]	P	P	C	
Duplicating , blueprinting, photocopying, addressing, mailing, mailing list and stenographic services.	P	P		
Funeral homes and undertaking facilities.	C	C		
Garment pressing establishments, hand laundries, hat cleaning and blocking shops and coin-operated dry cleaning establishments. [Am. 13-021, Eff. 10-10-13]	P	P	P	
General grocery stores, supermarkets, fruit and vegetable stores, meat and fish stores, dairy products stores, including ice cream stores and miscellaneous food stores.	P	P	P	
Hotels , motor hotels, motels and similar lodging facilities.		P	P	
Laundries and dry-cleaning establishments, including coin operated laundries, commonly called Laundromats.	P	P	C	

TABLE 15.11A BUSINESS DISTRICT USE LIST

[Am. 04-13; Eff. 5-20-04; Am. 09-05, Eff. 319-09]

NAME/DESCRIPTION OF USE	B-1	B-2	B-3	A-B
Liquor stores. [Am. 13-021, Eff. 10-10-13]	P	P	P	
Photographic studios and commercial photography establishments.	P	P		
Places of Worship , including churches, synagogues, mosques, and meeting houses.	C	C	C	C
Radios, TV , high-fidelity sound equipment, electronic amplifier, stereophonic sound system, musical instrument or other such device sales, service, repair, testing, demonstration facility.	P	P		
Recreation, outdoor including amusement parks, drive-in theaters, golf courses open to the public, golf driving range, archery range, baseball batting cages, miniature golf courses, and similar commercial recreational facilities.		P	P	
Recreation, indoor including billiards and pool establishments, bowling alley, movie theater, fitness/exercise center, skating rinks, and similar commercial facilities.	P	P		
Restaurant , Sit down, substantially all patrons sit at tables inside, although some may carry out food.	P	P	P	
Restaurant , Carry out, predominant number of patrons carry out, although some inside seating is provided. Excludes drive thru type establishments. [Am. 13-021, Eff. 10-10-13]	P	P	P	
Restaurant , drive through type establishment [Cr. 13-021, Eff. 10-10-13]	C	P	P	
Restaurant , Concession establishments without seating, selling ice cream, popcorn, and comparable items as the primary use. [Am. 12-09, Eff. 5-24-12]	P			

TABLE 15.11A BUSINESS DISTRICT USE LIST

[Am. 04-13; Eff. 5-20-04; Am. 09-05, Eff. 319-09]

NAME/DESCRIPTION OF USE	B-1	B-2	B-3	A-B
Restaurants , Sidewalk cafes with outdoor service [Am. 12-09, Eff. 5-24-12]	P	C	C	
Retail bakers , including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery.	P	P		
Retail sales, soft goods including: antique and secondhand stores, bookstores (not including adult books), gift, novelty and souvenir shops, stationary stores, camera/photographic supply stores, candy nut or confectionary, clothing and shoe stores, department and variety stores, drug stores and pharmacies, electrical supply stores, florist shops, jewelry, watch and clock stores including repair services, news dealers and newsstands, sporting goods stores and bicycle shops, tobacco and smoker's supplies stores, home furnishings and floor coverings stores, paint and wallpaper stores in buildings under 20,000 square feet in area.	P	P	P	
Retail sales, hard goods including home appliance and furniture stores, automotive accessory stores for the sale of items such as tires, batteries or other automotive accessories, farm supply and equipment dealers, furniture, home furnishings and floor coverings stores, garden supply and equipment stores, including power mowers, hardware stores, paint, glass and wallpaper stores in buildings under 20,000 square feet in area.		P	P	
Retail sales , Hard and Soft Goods as defined above in excess of 20,000 square feet of area.		C	C	
Reupholstery and furniture repair and interior design studios. [Am. 13-021, Eff. 10-10-13]	P	P		
Tailor shops , dressmaker shops, garment and shoe repair shops and shoe shine parlors	P	P		
Taverns , bars and other drinking places. [Am. 13-021, Eff. 10-10-13]	P	P	P	

TABLE 15.11A BUSINESS DISTRICT USE LIST

[Am. 04-13; Eff. 5-20-04; Am. 09-05, Eff. 319-09]

NAME/DESCRIPTION OF USE	B-1	B-2	B-3	A-B
<p>Telephone and telegraph offices.</p>	P	P	P	
<p>Restaurants, Sidewalk cafes with outdoor service. [Am. 12-09, Eff. 5-24-12]</p>	P	C	C	
<p>Retail bakers, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery.</p>	P	P		
<p>Retail sales, soft goods including: antique and secondhand stores, bookstores (not including adult books), gift, novelty and souvenir shops, stationary stores, camera/photographic supply stores, candy nut or confectionary, clothing and shoe stores, department and variety stores, drug stores and pharmacies, electrical supply stores, florist shops, jewelry, watch and clock stores including repair services, news dealers and newsstands, sporting goods stores and bicycle shops, tobacco and smoker's supplies stores, home furnishings and floor coverings stores, paint and wallpaper stores in buildings under 20,000 square feet in area.</p>	P	P	P	
<p>Retail sales, hard goods including home appliance and furniture stores, automotive accessory stores for the sale of items such as tires, batteries or other automotive accessories, farm supply and equipment dealers, furniture, home furnishings and floor coverings stores, garden supply and equipment stores, including power mowers, hardware stores, paint, glass and wallpaper stores in buildings under 20,000 square feet in area.</p>		P	P	
<p>Retail sales, Hard and Soft Goods as defined above in excess of 20,000 square feet of area.</p>		C	C	
<p>Reupholstery and furniture repair and interior design studios.</p>	P	C		

TABLE 15.11A BUSINESS DISTRICT USE LIST

[Am. 04-13; Eff. 5-20-04; Am. 09-05, Eff. 319-09]

NAME/DESCRIPTION OF USE	B-1	B-2	B-3	A-B
Tailor shops , dressmaker shops, garment and shoe repair shops and shoe shine parlors.	P	P		
Taverns , bars and other drinking places.	P	P	C	
Telephone and telegraph offices.	P	P	P	
SERVICE RETAIL, HEAVY				
Automobile repair shops , including shops for general mechanical repairs, automobile body repair, establishments primarily engaged in specialized services such as electrical, battery and ignition repair, radiator repair, glass replacement and repair, carburetor repair and wheel alignment service, and repair of tires, but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, and not including establishments exclusively for the painting of automobiles.	C	P	P	
Automobile washing , cleaning or polishing establishments, including self-service car washes.		P	P	
Automobile and truck , passenger, new and/or used, dealers.		P	P	
Commercial parking lots , parking garages, parking structures.	C	C	C	C
Gasoline service stations; provided that all gasoline pumps, storage tanks and accessory equipment must be located at least 10 feet from any existing or proposed street line and all storage tanks must be underground.		P	P	
Motorized bicycle , motorcycle, go-cart, snowmobile, aircraft or other motorized vehicles and components, sales, service, repair, testing, demonstration or other use of motorized bicycles, with the provision that such activity, when carried out in an establishment which also engages in the sale, repair or other operations with nonmotor-driven bicycles, shall constitute a separate and distinct use.		C	P	

TABLE 15.11A BUSINESS DISTRICT USE LIST

[Am. 04-13; Eff. 5-20-04; Am. 09-05, Eff. 319-09]

NAME/DESCRIPTION OF USE	B-1	B-2	B-3	A-B
Motorboat or other water craft, marine supply, water craft motors or components, sales, rental, service, repair, testing, demonstration facilities or establishment.		C	P	
Motor freight operations , including truck terminals, transfer facilities, vehicle maintenance, cleaning and repair as a component of trucking operations, provided that any such operation is on the same lot as an ongoing permitted use in the zoning district, outdoor truck parking shall be limited to forty (40) truck-trailer combinations, vehicles shall not exceed fourteen thousand (14,000) pounds gross vehicle weight when located within one hundred fifty (150) feet of a residential district boundary line, and outdoor truck parking areas shall be positioned and/or screened in a manner that minimizes visibility from nearby land uses and public rights-of-way. [Cr.10-51; Eff. 11-12-10; Appl to ETZ 11-11; Eff. 4-14-11]				C
Piston-type engine or motor, or any type of device, appliance or equipment operated by such engine or motor sales, service, repair, testing, and/or demonstration establishment. Up to ten unenclosed vehicles awaiting sale or repair shall be allowed only within the limits and in accordance with any conditions established by conditional use permit. All other vehicles shall be stored within a building or otherwise enclosed as provided in Section 15.16(8).		C	C	C
Plumbing , heating and air conditioning equipment dealers.	C	P	P	
Rental and leasing establishments providing floor sanding and waxing machines, ladders, scaffolds, tools, chairs or other furniture, or other types of equipment or similar items. [Am. 13-021, Eff. 10-10-13]	P	P	P	
Rental or leasing establishment for passenger automobiles, limousines or trucks without drivers, truck trailers, utility trailers, automobile passenger trailers, trailer home, mobile home or camper.		C	P	
Truck parking as an accessory use , when used in the conduct of a permitted business listed in this section. Outdoor truck parking shall be limited to not more than ten truck-trailer combinations (40 in the A-B district), shall be limited to vehicles of not over fourteen thousand (14,000) pounds gross vehicle weight when located within one hundred		C	C	C

TABLE 15.11A BUSINESS DISTRICT USE LIST

[Am. 04-13; Eff. 5-20-04; Am. 09-05, Eff. 319-09]

NAME/DESCRIPTION OF USE	B-1	B-2	B-3	A-B
fifty (150) feet of a residential district boundary line, and shall be positioned and/or screened in a manner that minimizes visibility from nearby land uses and public rights-of-way [Am.10-51; Eff. 11-12-10; Appl to ETZ 11-11; Eff. 4-14-11]				
Wholesale merchandise establishment, in a commercial service building greater than 20,000 square feet in gross floor area. [Am. 13-021, Eff. 10-10-13]		P	P	
Wholesale merchandise establishment, in a commercial service building less than 20,000 square feet in gross floor area. [Cr. 13-021, Eff. 10-10-13]		C	C	
PROFESSIONAL SERVICES [Am. 08-14; Eff. 5-16-08]				
Accounting , auditing and bookkeeping firms or services.	P	P	P	
Advertising agencies, consumer credit reporting, news agencies, employment agencies.	P	P	P	
Computer services.	P	P	P	
Engineering and architectural firms or consultants.	P	P	P	
Insurance company, agent, broker, and service representative offices	P	P	P	
Law offices.	P	P	P	
Newspaper , periodical or book publishing and printing establishments.	C	C	P	
Offices , meeting places, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political; religious; charitable; or other non-profit membership organizations.	P	P	P	

TABLE 15.11A BUSINESS DISTRICT USE LIST

[Am. 04-13; Eff. 5-20-04; Am. 09-05, Eff. 319-09]

NAME/DESCRIPTION OF USE	B-1	B-2	B-3	A-B
Physician/Surgeon , dentist/dental surgeon, osteopathic physician, optometrist and chiropractor offices.	P	P	P	
Real estate agents, brokers, managers and title companies.	P	P	P	
Scientific, or educational firms, agencies, offices or services, but not research laboratories or manufacturing operations.	P	P	P	
Veterinarians' offices and facilities. [Am. 13-021, Eff. 10-10-13]	P	P	P	P
AG RELATED USES				
Agricultural byproducts , sales and storage				C
Agricultural machinery and equipment sales, service and repair				P
Agricultural supply stores, including distribution, mixing, blending and storage of feeds, seeds and fertilizers				P
Greenhouses and nurseries.		P	P	P
Hauling of dead livestock				C
Kennels and boarding facilities for domestic animals.		C	C	C
Laboratories , plant genetic and agricultural-related experimentation				C
Processing and preserving of natural agricultural products, fruits and vegetables				P

TABLE 15.11A BUSINESS DISTRICT USE LIST

[Am. 04-13; Eff. 5-20-04; Am. 09-05, Eff. 319-09]

NAME/DESCRIPTION OF USE	B-1	B-2	B-3	A-B
<p>Riding stables and riding schools. [Cr. 11-10; Eff. 4-16-11; Am. 13-021, Eff. 10-10-13]</p>				C
<p>Seasonal flower or vegetable plants, landscaping supply or similar produce sales and seasonal sales of cut trees for holiday decorations within or adjacent to a temporary structure, and for a duration not to exceed 60 days in a calendar year.</p>	C	P	P	P
<p>Seasonal vegetable, fruit, or other farm product sales, but not other types of products or merchandise within a permanent sales establishment. [Am. 11-10; Eff. 4-16-11]</p>	C	P	P	P
<p>Small-scale Methane Generating Equipment and alcohol distilling equipment designed for use in farming operations, sales and service.</p>				P
<p>Stockyards and livestock auction facilities</p>				C
<p>Trucking services limited to livestock and agricultural commodities</p>				P
<p>Wind driven electrical generating equipment, sales and service</p>				P
<p>Year-round lawn and garden material, supply, and/or equipment sales, service and repair. [Am.10-51; Eff. 11-12-10; Appl to ETZ 11-11; Eff. 4-14-11; Am. 13-021, Eff. 10-10-13]</p>		P	P	P
<p>MISCELLANEOUS</p>				
<p>Accessory building, single, provided such building is used solely for the purpose of storing inventory, goods or equipment used in the ordinary course of the business conducted in the principal building on the premises. [Am. 13-021, Eff. 10-10-13]</p>	P	P	P	P

TABLE 15.11A BUSINESS DISTRICT USE LIST

[Am. 04-13; Eff. 5-20-04; Am. 09-05, Eff. 319-09]

NAME/DESCRIPTION OF USE	B-1	B-2	B-3	A-B
Accessory buildings , multiple, provided such buildings are used solely for the purpose of storing inventory, goods or equipment used or sold in the ordinary course of the business conducted in the principal building on the premises.	C	C	C	C
Convention Centers or exposition centers, buildings or grounds [Am. 11-10; Eff. 4-16-11]	C	C	C	
Communications towers and antennas.	C	C	C	C
Government , local municipal facilities, libraries, educational institutions,, police and fire stations and post offices.	P	P	P	
Hospital or medical center, long term nursing care facility		C	C	
Mobile home parks			C	
Parking lots , parking garages, or parking structures, public.	P	P	P	
Parks and playgrounds.	C	C	C	
Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages.	P	P	P	
Residential units , above the ground floor of a commercial use building. [Am. 13-021, Eff. 10-10-13]	P			
Residential units , on the ground floor, for owner/operator of the premises as an accessory use. [Am. 13-021, Eff. 10-10-13]	P	C	C	C
Residential buildings (multi-family) , of not less than 600 square feet for two bedroom units and not less than 1000 square feet for three bedroom units, if provided with on-site enclosed or underground parking. More than one principal building may be permitted on a lot.	C			

TABLE 15.11A BUSINESS DISTRICT USE LIST

[Am. 04-13; Eff. 5-20-04; Am. 09-05, Eff. 319-09]

NAME/DESCRIPTION OF USE	B-1	B-2	B-3	A-B
Small solar or wind energy system subject to Section 15.04(24) [Cr. 10-04, Eff. 2-4-10]	P	P	P	P
Temporary campground associated with special event, subject to Section 15.16(10). [Cr. 10-04, Eff. 2-4-10]	NP	C	C	C

TABLE 15.11B BUSINESS DISTRICT DIMENSIONAL STANDARDS

DESCRIPTION	B-1	B-2	B-3	A-B
Minimum Lot Width (Lineal. Ft.) [Am. 08-14; Eff. 5-16-08]	60	100	150	100
Minimum Lot Area (Sq. Ft.)	6,000	15,000	30,000	20,000
Minimum Lot Area/D.U. (Sq. Ft.)	1,050	15,000	30,000	20,000
Surface Parking within Minimum Front Yard Setback (Ft.) [Am. 13-021, Eff. 10-10-13]	C	C	C	C
Floor Area/D.U. (Sq. Ft.)	400 studio 800 1 bdrm 1,100 2+ bdrm	400 studio 800 1 bdrm 1,100 2+ bdrm	400 studio 800 1 bdrm 1,100 2+ bdrm	
Minimum Green Space (%) Utilizing the combination of adjacent public open space and common space, and with a Stormwater management plan approved by the Village if in the Village limits.	15% (Less than 15%, minimum of 5% permitted as a conditional use)	15%	15%	40%
Minimum Principal and Accessory Building Setbacks				

Front and Street Side Yard (Ft.) [Am. 13-021, Eff. 10-10-13]	10 (Less than 10 ft. permitted as a conditional use)	25 (Less than 25, minimum of 15 permitted as a conditional use)	25 (Less than 25, minimum of 15 permitted as a conditional use)	50
Interior Side Yard (Ft.) [Am. 13-021, Eff. 10-10-13]	10 (Less than 10 ft. permitted as a conditional use)	10	10	10
Rear Yard (Ft.) [Am. 13-021, Eff. 10-10-13]	10 (Less than 10 ft. permitted as a conditional use)	10	10	10

TABLE 15.11B BUSINESS DISTRICT DIMENSIONAL STANDARDS

DESCRIPTION	B-1	B-2	B-3	A-B
Maximum Building Height (Ft.) – Principal [Am. 08-14; Eff. 5-16-08]	45	65	80	40
Maximum Building Height (Ft.) - Accessory	15	15	15	30
Maximum Accessory Building Size	150 sq. ft.	650 sq. ft.	650 sq. ft.	50% of principal building size
Maximum Driveway Opening -At Property Line	26	40	40	40
Maximum Driveway Opening -At Curb Line	32	46	46	46
Minimum Building Exterior Decorative Material Required [Am. 11-10; Eff. 4-16-11]	35%	35%	35%	N/A

Minimum Landscaping Points Standard: See Section 15.06 and Table 15.06A for landscaping requirements.
[Am. 11-10; Eff. 4-16-11]

15.115 OFFICE AND RESEARCH DISTRICT.

[Renum. from 15.19 and Am. 13-021, Eff. 10-10-13]

(1) **PURPOSE.** The O-R Office and Research District is established to provide for large administrative offices and research and development activities and testing laboratories, all of which are integrated in a planned development. Also, other business and professional offices, support uses typically found in an office park setting, and very limited industrial uses are allowed. To maintain an attractive setting for the uses within the district, large sites and extensive landscaped areas are required, together with development design standards. The O-R District is intended to be located primarily on and near collector streets and arterial highways to provide for good accessibility to these uses.

(2) **GENERAL STANDARDS.** All buildings, uses, and sites hereinafter established or enlarged in the O-R District shall conform to the following standards:

(a) All business, servicing or processing, except off-street parking and off-street loading, outside storage areas as provided below, and drive-up service windows for banks and financial institutions, shall be conducted within completely enclosed buildings. All storage, except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet or more than eight (8) feet in height, and no materials or equipment stored shall exceed the height of such screening. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than five percent (5%) of the total lot area.

(b) The exterior appearance of any building constructed within this district shall be compatible with that of adjoining structures especially as it relates to rooflines and building materials. Where possible, all existing mature, healthy trees shall be retained. Except for woodlots, marshes and other lands maintained in a natural state, all land areas not covered by buildings, structures, storage areas, parking lots, loading areas, and driveways, shall be landscaped. Landscaping shall mean decorative plazas, mounds, pools or the planting of grass, shrubs, trees and other plant materials or other comparable surface cover.

(c) Accessory off-street parking lots and loading berths, and access driveways shall be located, designed, and improved, so as to provide for safe and convenient access from adjoining streets, as well as safe and convenient circulation within the site. Access driveways and parking lots shall be separated from principal pedestrian walkways and recreational areas by pavement markings, curbs, planting areas, fences or other appropriate materials to ensure pedestrian safety. Off-street parking lots for employees shall be located in required rear yards to the rear of a building or in an interior side yard beyond the larger of the required front yard or the actual front building setback. Any parking lot located in a required side or rear yard shall be located not less than twenty (20) feet from any lot line of a residential zoning district. Access driveways shall be designed and located so that such driveways do not provide a direct unlandscaped view from the street to any loading berths or storage areas.

[Am. 12-18, Eff. 9-14-12]

(d) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereinafter, shall be limited to vehicles of not over one and one-half (1-1/2) tons capacity when located within one hundred fifty (150) feet of a residential zoning district.

(e) No use shall be so conducted as to cause the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or

within any water system or water, or into the atmosphere. All uses shall be conducted in such a manner so as to preclude any nuisance, hazard, or commonly recognized offensive conditions or characteristics, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare or night illumination. Prior to issuance of a building permit, the Zoning Administrator may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive condition.

(3) **PERMITTED USES.** Only those permitted principal uses or accessory uses as designated with a “P” in Table 15.115 A shall be permitted within the O-R District.

(4) **CONDITIONAL USES.** Those uses designated with a “C” in Table 15.115 A shall be permitted only in accordance with a conditional use permit as provided in §15.16.

(5) **BULK STANDARDS.** No structure or lot shall be developed, used or occupied unless it meets the minimum lot width, lot area, yard requirements, height limits, and other dimensional standards as set forth in Table 15.115 B.

(6) **SITE PLAN REVIEW AND POSSIBLE EXEMPTION.** Any developer or owner of lands zoned or proposed to be zoned O-R may develop its own standards to regulate the development of a property and create an architectural review or development committee to administer such standards, provided such standards, categories of committee membership, and development review process shall be approved by the Village Board. In developing the standards, due consideration shall be given to pedestrian circulation, preservation and linkage of open space areas, location of future buildings, and the clustering of amenities to provide for a planned integrated development. Village Board approval of such standards and an architectural review or development review committee may, at the discretion of the Village Board, obviate the need for subsequent Village site plan review under §15.05.

TABLE 15.115 A OFFICE AND RESEARCH DISTRICT <small>[Am. 2012-18, Eff. 9-14-12]</small>	
Key: P = Permitted Use C = Conditional Use	
NAME/DESCRIPTION OF USE	O-R
SERVICE AND RETAIL USES	
Banks and other financial institutions.	P
Day care centers.	P
Health clubs , fitness centers, and similar facilities.	P

**TABLE 15.115 A
OFFICE AND RESEARCH DISTRICT**

[Am. 2012-18, Eff. 9-14-12]

Key: P = Permitted Use C = Conditional Use

NAME/DESCRIPTION OF USE	O-R
Hotels , motor hotels, motels and similar lodging facilities.	C
Recreation, indoor including billiards and pool establishments, bowling centers, movie theaters, skating rinks, and similar commercial facilities, but not including health clubs, fitness centers, and similar facilities	C
Restaurants and other eating places, predominant number of patrons sit down at restaurant to eat, although some may carry out food, not including drive-in and drive-through type establishments.	C
Retail sales, soft goods , in individual retail occupancies not exceeding 5,000 square feet in area and in building having not more than 20,000 square feet devoted to retail sales, with uses including but not limited to: antique and secondhand stores, bookstores (not including adult books), gift, novelty (not including adult novelties) and souvenir shops, stationery stores, camera/photographic supply stores, candy nut or confectionary, clothing and shoe stores, department and variety stores, drug stores and pharmacies, electrical supply stores, florist shops, jewelry, watch and clock stores including repair services, news dealers and newsstands, sporting goods stores and bicycle shops, tobacco and smoker's supplies stores, home furnishings and floor coverings stores, paint and wallpaper stores.	P
Taverns , bars and other drinking places.	C
Telephone and telegraph offices.	C
PROFESSIONAL SERVICES AND RESEARCH USES	
Accounting , auditing and bookkeeping firms or services.	P
Advertising agencies, consumer credit reporting, news agencies, employment agencies.	P

**TABLE 15.115 A
OFFICE AND RESEARCH DISTRICT**

[Am. 2012-18, Eff. 9-14-12]

Key: P = Permitted Use C = Conditional Use

NAME/DESCRIPTION OF USE	O-R
Computer services, data processing and telecommunication centers.	P
Engineering and architectural firms or consultants.	P
Insurance company, agent, broker, and service representative offices.	P
Law offices.	P
Newspaper , periodical or book publishing and printing establishments.	C
Offices , meeting places, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political; religious; charitable; or other non-profit membership organizations.	P
Physician/Surgeon , dentist/dental surgeon, osteopathic physician, optometrist and chiropractor offices.	P
Real estate agents, brokers, managers and title companies.	P
Scientific firms, agencies, offices or services.	P
Research and development activities , and testing laboratories, provided no manufacturing or the fabrication, assembly or production of articles, other than prototypes or models used of experimentation or research, shall be allowed.	P
Veterinarian's offices and facilities for domestic animals.	C

**TABLE 15.115 A
OFFICE AND RESEARCH DISTRICT**

[Am. 2012-18, Eff. 9-14-12]

Key: P = Permitted Use C = Conditional Use

NAME/DESCRIPTION OF USE	O-R
MANUFACTURING/INDUSTRIAL USES	
<p>Production, or processing, cleaning, servicing, testing or repair of materials, goods or products, produced or assembled manually or by a light industrial process using only light machinery; conducted entirely within enclosed, substantially constructed buildings (except for loading and unloading); not including outdoor storage of raw materials or manufactured products; and limited to the following uses, products, components, or circumstances:</p> <ul style="list-style-type: none"> – Electronic and electrical products and instruments, such as transistors, semiconductors, small computers, scanners, monitors and compact communication devices, – High technology products related to the fields of physics, oceanography, astrophysics, metallurgy, chemistry and biology, – Laser technology, radiology, X ray and ultrasound products, manufacturing and assembly; – Medical and dental supplies, – Optical, fiber optical and photographic products and equipment; – Orthopedic and medical appliances, such as artificial limbs, brace supports and stretchers, – Scientific and precision instruments and components, including robotics; – Products related to process design, process simulation, software development, and safety engineering. – Specific products not listed above but similar in character. 	P
<p>Small-scale products (finished weight not exceeding fifty pounds) related to energy and environmental or to telecommunications and satellite applications. [Am. 13-021, Eff. 10-10-13]</p>	C
<p>Small-scale products (finished weight not exceeding fifty pounds) related to the resource industries of agriculture and food production, forestry, petrochemicals and mining. [Am. 13-021, Eff. 10-10-13]</p>	C
<p>Wholesale, warehouse or distribution centers without outdoor storage. (Does not include storage or distribution centers for bottled gas, butane, fuel oil or solid fuels). [Am. 13-021, Eff. 10-10-13]</p>	
MISCELLANEOUS USES	
<p>Communications antennae.</p>	C

**TABLE 15.115 A
OFFICE AND RESEARCH DISTRICT**

[Am. 2012-18, Eff. 9-14-12]

Key: P = Permitted Use C = Conditional Use

NAME/DESCRIPTION OF USE	O-R
Convention Centers or exposition centers, buildings or grounds.	C
Detached Garage shall only be used for the parking of motor vehicles used by the business on the premises.	C
Government , local municipal facilities, libraries, educational institutions, police and fire stations and post offices.	P
Hospital , long term nursing care facility, or other health care facility involving overnight stays.	C
Indoor Civic, Cultural & Institutional (Incl. Educational and Training Centers & Emergency Services).	P
Medical, dental, optical, and similar clinics (not including overnight stays).	P
Parking lots , parking garages, or parking structures.	P
Heliports.	C
Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages.	C
Outdoor Recreational/Open Space (Public/ Private) parks and playgrounds.	C
Utilities/Transportation.	C

TABLE 15.115 B
OFFICE AND RESEARCH DISTRICT BULK STANDARDS

[Am. 12-18, Eff. 9-13-12]

DESCRIPTION	O-R
Minimum Lot Width (Lineal Ft.)	125
Minimum Lot Area (Sq. Ft.)	40,000
Maximum Floor Area Ratio	1.5
Maximum Building Coverage	0.5
Surface Parking within any minimum required front yard	By conditional use permit, or as otherwise allowed under alternative standards approved by the Village Board under Section 15.115(6)
Minimum Green Space (%) Utilizing the combination of adjacent public open space and common space, and with a stormwater management plan approved by the Village if in the Village limits. [Am. 13-021, Eff. 10-10-13]	20%
Minimum Principal Building Setbacks	
Front and Street Side Yard (Ft.) [Am. 13-021, Eff. 10-10-13]	25
Interior Side Yard (Ft.) [Am. 13-021, Eff. 10-10-13]	10
Rear Yard (Ft.)	10
Maximum Building Height (Ft.) or Number of Stories – Principal Building	80 feet or 6 stories, whichever is greater
Maximum Driveway Opening – At Property Line	40

Maximum Driveway Opening – At Curb Line	46
Minimum Decorative Exterior Material Required	35%
Minimum Landscaping Points Standard: See Section 15.06 and Table 15.06A for landscaping requirements.	
per 100 Linear Ft. of Building Foundation	50
per 1000 sq. ft. of Gross Floor Area	20
per 100 Linear Ft. of Street Frontage	50
per 10,000 sq. ft. of Paved Area/ or 20 stalls	90

15.12 INDUSTRIAL DISTRICTS.

(1) **PURPOSE.** The Industrial districts are designed to provide for the grouping together of compatible industries which are not objectionable to the community as a whole. The regulations are intended to preserve lands for industrial and allied uses and to prohibit the intrusion of residential and other incompatible uses into the industrial areas.

The M-1 Restricted Industrial District is intended for industrial uses which have high standards of environmental performance and which can be located in close proximity to commercial uses, and in locations convenient to residential areas, without adverse impacts on such areas. The district regulations are designed to permit the operations of manufacturing, wholesaling, and warehousing activities and be conducive to the development and protection of offices, research and development institutions, and certain specialized manufacturing establishments, all of a non-nuisance type. Some retail uses are permitted which service the industrial area or which do not depend upon intensive visits of retail customers.

The M-2 General Industrial District is intended for most types of manufacturing operations. Industrial and ancillary operations are permitted only in a clean and quiet manner and only if in compliance with the district's environmental performance standards. This District accommodates areas that are predominantly industrial in character, including light manufacturing, transportation and wholesaling operations, and a limited number of retail and service establishments.

The M-3 Intensive Industrial District is designed primarily for manufacturing, assembling, or fabricating activities including large scale or specialized operations whose external effects are likely to be felt to some degree by surrounding districts. These operations are likely to generate substantial noise, smoke, dust, heat, cold, humidity fumes, particulate matter, electrical disturbance, radiation emission, glare, night, illumination, vibrations, smells, risk of spills, fires or explosions and shall require conditional use approval.

(2) **GENERAL PROVISIONS.** All properties in the M-1, M-2 or M-3 industrial districts shall comply with the following requirements.

(a) Allowable Uses are expressed in categories. The initial determination of whether a use (or a portion of a use) fits within a particular category as described below is to be made by the Zoning Administrator. Persons objecting to this initial determination may appeal the determination to the Board of Zoning Appeals. A use or operation within these districts may have several segments or components. Some of these segments may be classified as permitted use segments and others as conditional use segments. Where this is the case, conditional use approval shall be required and shall extend only to the portion of the operation that requires conditional use approval. Conditional use approval is required at any point after initial construction and occupancy on a site when the use or operation changes so as to bring it within the scope of sec. 15.16.

The uses identified with a "P" within Table 15.12A, shall be permitted in accordance with the specified parameters. The uses identified with a "C" within Table 15.12A are allowed with an approved conditional use permit.

(am) Mineral Extraction Operations. Mineral extraction operations may be authorized in the ETZ Area within the M-2 and M-3 districts by approval of a conditional use permit. All mineral extraction operations are subject to §15.04(12) and §15.16(4). [Cr. 06-06; Eff. 6-9-06]

(b) Similar and Compatible Uses. Other uses similar and compatible to those allowed as permitted uses in accordance with the conditions specified. The determination of whether a use is similar and compatible shall be made in accordance with this chapter.

(c) Accessory Uses and Temporary Uses. Uses which are incidental to the operation of an approved use are permitted if in compliance with sec. 15.16. Incidental is defined as an integral part of the principal use; e.g. outdoor storage would be incidental to a lumber yard.

(d) Dimensional Standards. Lots and buildings shall conform to the minimum dimensional standards as provided in Table 15.12B.

(e) Landscaping Requirements. All uses shall conform to the applicable requirements for landscaping set forth in sec. 15.06.

(f) Parking and Loading Requirements. All uses shall conform to the applicable requirements for off-street parking and loading set forth in sec. 15.07.(4) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereinafter, shall be limited to vehicles of not over four (4) tons gross vehicle weight when located within one hundred fifty (150) feet of a residence district boundary line. Parking and loading areas shall have a permanent, durable, and dustless surface, and be graded as to prevent the accumulation of surface water.

(g) Sign Requirements. All uses shall conform to the applicable requirements for signs set forth in sec. 15.08.

(h) General Standards. All buildings and uses thereafter established or enlarged shall conform to the following standards:

1. No part of any building or property shall be used for residential purposes except where permitted as an accessory use; and

2. Outdoor vending machines for the sale or display of merchandise shall not occupy an aggregate ground area of more than sixteen (16) square feet; and
3. All industrial, wholesale, warehouse, business, service or retail activities shall be conducted within completely enclosed buildings. Accessory or incidental functions such as outside storage and parking are subject to approval as provided in sec. 15.16; and shall be completely screened as described in secs. 15.05 and 15.06.
4. All industrial, wholesale, warehouse, business, service or retail activities shall comply with the performance standards set forth in §15.04(12).
[Am. 13-021, Eff. 10-10-13]

(i) Setback Provisions.

1. The principal building setbacks from a property line adjacent to a residential district shall be equal to the height of the building or the minimum setback provided in Table 15.12B, whichever is greater.
2. Subpar. 1 shall not apply to increase the setback distance required by Table 15.12B due to the height of stacks, tanks, bulkheads, or ventilating equipment, including towers enclosing the same and parapets not more than three (3) feet in height.
3. The minimum distance between any points of any two structures on an individual site shall be at least ten feet or the minimum distance set forth in the state building code fire wall regulations, whichever is greater.
4. Exception: Minimum side or rear setbacks prescribed for the M-1, M-2 and M-3 districts within the Village may be reduced or waived by conditional use permit issued in accordance with sec. 15.16 to allow for the interconnection of two or more buildings on different lots by the construction of an enclosed walkway, mechanical conveyance system, skywalk or similar facility designed to allow convenient movement of persons, materials, products or equipment from one building to another, provided that the following conditions are met:
 - a. If the parcels are not under common ownership, appropriate easements, joint use agreements, or similar agreements are in effect authorizing the use of the entire connecting structure by the occupants of at least one of the buildings.
 - b. No manufacturing, assembly, office, clerical, storage or other functions, other than the conveyance of persons, materials, products or equipment shall be conducted within the normal setback area.
 - c. Such other conditions as are prescribed pursuant to sec. 15.16.

TABLE 15.12A
INDUSTRIAL DISTRICT USES
 [Am. 09-05, Eff. 3-19-09; Am. 13-021, Eff. 10-10-13]

DESCRIPTION	M-1	M-2	M-3
INDUSTRIAL DISTRICT USES			
Mineral Extraction (ETZ Area only)		C	C
<p>Production, or processing, cleaning, servicing, testing or repair of materials, goods or products, limited to the following uses, products, components, or circumstances:</p> <ul style="list-style-type: none"> - Electronic and electrical products and instruments, such as transistors, semiconductors, small computers, scanners, monitors and compact communication devices, - High technology products related to the fields of physics, oceanography, [cont'd] astrophysics, metallurgy, chemistry and biology, - Laser technology, radiology, X ray and ultrasound products, manufacturing and assembly; - Medical and dental supplies, - Optical, fiber optical and photographic products and equipment; - Orthopedic and medical appliances, such as artificial limbs, brace supports and stretchers, - Scientific and precision instruments and components, including robotics; - Products related to process design, process simulation, software development, and safety engineering. 	P	P	P
<p>Production of specific products not listed above but similar in character and which are produced or assembled manually or by a light industrial process by virtue of the use of only light machinery; conducted entirely within enclosed, substantially constructed buildings; which do not include the use of the open area around such buildings for storage of raw materials or manufactured products, or for any industrial purpose other than loading and unloading operations.</p>	P	P	P
<p>Small-scale products (finished weight not exceeding fifty pounds) related to energy and environmental or to telecommunications and satellite applications.</p>	P	P	P
<p>Small-scale products (finished weight not exceeding fifty pounds) related to the resource industries of agriculture and food production, forestry, petrochemicals and mining.</p>	P	P	P

TABLE 15.12A
INDUSTRIAL DISTRICT USES
 [Am. 09-05, Eff. 3-19-09; Am. 13-021, Eff. 10-10-13]

DESCRIPTION	M-1	M-2	M-3
Production, processing, cleaning, servicing, testing or repair of materials, goods or products, involving the following uses, products, components, or circumstances: Cameras and other photographic equipment; Ceramic products, such as pottery, figurines and small glazed tiles; Cosmetics and toiletries, pharmaceutical products, perfumes, and perfumed soaps; small electrical household appliances, such as lighting fixtures, irons, fans and toasters; Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery; Electrical supplies, manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation and dry cell batteries. [Am. 13-021, Eff. 10-10-13]	P	P	P
Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious and semiprecious stones, rubber, shell, wood (but not including a planing mill) and yarn. [Am. 13-021, Eff. 10-10-13]	P	P	P
Products related to material research and development in such areas as prepared glass, ceramics, carbon fiber, metals, textiles, polymers, plastics, chemical foams and inorganic chemicals such as liquid crystals, and synthetic fuels. [Am. 13-021, Eff. 10-10-13]		P	P
Products (finished weight exceeding fifty pounds or sold in bulk) related to energy and environmental or to telecommunications and satellite applications. [Am. 13-021, Eff. 10-10-13]		P	P
Products (finished weight exceeding fifty pounds or sold in bulk) related to the resource industries of agriculture and food production, forestry, petro-chemicals and mining. [Am. 13-021, Eff. 10-10-13]		P	P
Recycling of building construction material, including sorting, separating, processing, and packaging, as strictly and indoor use with no outdoor operations or storage. [Cr. 07-34; Eff. 9-28-07; Am. 13-021, Eff. 10-10-13]		P	P
Crematories	C	C	C

TABLE 15.12A
INDUSTRIAL DISTRICT USES
 [Am. 09-05, Eff. 3-19-09; Am. 13-021, Eff. 10-10-13]

DESCRIPTION	M-1	M-2	M-3
Foundries			C
Grain elevators and storage			C
Incinerators			C
Laboratories - research, development and testing, including testing facilities and equipment, and manufacturing and fabrication of products in conjunction with such research or development.	C	P	P
Laundries and dry cleaning establishments, industrial and retail (with a central plant serving more than one retail outlet) including supply services such as linens, uniforms and diapers. [Am. 13-021, Eff. 10-10-13]	C	P	P
Pilot plants or other facilities for the testing of manufacturing, processing or fabrication methods, or for the testing of products or materials. [Am. 13-021, Eff. 10-10-13]	C	C	P
TRANSPORTATION RELATED USES			
Air freight terminals	C	C	P
Automobile painting and undercoating services	C	C	P
Automobile/truck storage facilities, subject to the temporary vehicle storage requirements of Section 15.16(8)			C
Automobile, truck and motorcycle, rental, sales and service, subject to the temporary vehicle storage requirements of Section 15.16(8) [Am. 13-021, Eff. 10-10-13]	P		

TABLE 15.12A
INDUSTRIAL DISTRICT USES
 [Am. 09-05, Eff. 3-19-09; Am. 13-021, Eff. 10-10-13]

DESCRIPTION	M-1	M-2	M-3
Automobile accessory stores	P		
Automobile service station; for the retail sale of and dispensing of fuel, lubricants, tires batteries, accessories, and diagnostic centers, repair garages, tire installation, vehicle washes and minor services customarily incidental thereto with limited outdoor storage (up to ten vehicles).	C	C	
Automobile driving schools.	P		
Bus sales and maintenance shops.	C	C	P
Bus and railroad passenger stations, terminals, turnarounds, and lots.	C	C	
Heliports	C	C	C
Mobile home or garage dealers with displays	C	C	C
Motor freight operations, including truck terminals, transfer facilities, vehicle maintenance, cleaning and repair as a component of trucking operations.		C	C
Parcel delivery and pick up services and facilities.	C	C	P
Rail freight terminals, switching yards, shops and roundhouses.	C	C	C
Recreational vehicle sales and service including campers, snowmobiles, trailers and boats.	C	C	C

TABLE 15.12A
INDUSTRIAL DISTRICT USES
 [Am. 09-05, Eff. 3-19-09; Am. 13-021, Eff. 10-10-13]

DESCRIPTION	M-1	M-2	M-3
Sales, retail or wholesale, and servicing of construction equipment and farm equipment.		C	C
Semi-tractor truck/trailer sales, rentals and service.		C	C
Taxicab garages. [Am. 13-021, Eff. 10-10-13]	C	P	
Towing services, subject to the temporary vehicle storage requirements of Section 15.16(8).	C	C	P
SERVICE RELATED USES			
Adult Oriented Establishments.		C	P
Bars/cocktail lounges, including dancing and/or live entertainment, but not including Adult Oriented Establishments. [Am. 13-021, Eff. 10-10-13]	C	C	C
Bowling centers [Am. 13-021, Eff. 10-10-13]	C	C	
Business services such as: commercial art and photography, computer and data processing, photo-finishing and equipment rental and leasing.	P	P	
Cabinetmaking shops.	P	P	
Construction firm offices, shops, storage areas, display rooms. [Am. 13-021, Eff. 10-10-13]	P	P	P

TABLE 15.12A
INDUSTRIAL DISTRICT USES
 [Am. 09-05, Eff. 3-19-09; Am. 13-021, Eff. 10-10-13]

DESCRIPTION	M-1	M-2	M-3
Contractor's equipment storage yards		C	C
Daycare and group housing	C		
Electrical shops	P	P	
Exterminating and fumigating shops	C	P	P
Furniture cleaning, upholstering, and repair.	P	P	P
Greenhouses and nurseries, retail sales or wholesale.	P		
Hospitals and other medical care complexes.	C	C	
Hotels, motels, including "bed and breakfast" facilities.	C	C	C
Landscape contractor offices with outdoor storage.		C	C
Landscape contractor offices with indoor storage [Am. 13-021, Eff. 10-10-13]	P	P	P
Lawnmower sales and repairs.	P		
Lumber companies and/or yards, building material/home supplies, sales, and service.	C	C	C

TABLE 15.12A
INDUSTRIAL DISTRICT USES
 [Am. 09-05, Eff. 3-19-09; Am. 13-021, Eff. 10-10-13]

DESCRIPTION	M-1	M-2	M-3
Lumber and building material yards selling on a wholesale basis or selling predominantly to building contractors with most deliveries made by the yard to off-site destinations.		C	C
Machine shops.	C	P	P
Machinery storage yards.			C
Ornamental ironworks shops.	P	P	P
Packing and crating services.	P	P	P
Plumbing, heating, water softener, and fixture supplies sales and service. [Am. 13-021, Eff. 10-10-13]	P	P	
Recreation facility, indoor, including amusements, interactive sports, weight training/exercise facility, tennis/racquetball courts, indoor ice or roller skating rinks or similar activities.	C	C	
Recreation facility, outdoor, including sports complexes.	C	C	
Refrigeration shops.	C	P	
Restaurant, Sit down, where substantially all patrons sit at tables inside, although some may carry out food.	C	C	C
Restaurant, Carry out, where the predominant number of patrons carry out, although some inside seating is provided. Includes drive thru type establishments.	C	C	C

TABLE 15.12A
INDUSTRIAL DISTRICT USES
 [Am. 09-05, Eff. 3-19-09; Am. 13-021, Eff. 10-10-13]

DESCRIPTION	M-1	M-2	M-3
Retail catalog sales and mail order stores.	P	P	
Retail outlet stores, accessory to a manufacturing, wholesale or distribution establishment.	P	P	P
Retail sales or services including health and recreation facilities and eating and drinking places, that exclusively or predominantly serve businesses and employees of the industrial area and/or are a minor part of the total parcel usage by area, volume or similar measures.	P	P	P
Sewer and septic tank sales, cleaning and rodding service.	C	C	
Sheet metal shops.	P	P	P
Sign contractors. [Am. 13-021, Eff. 10-10-13]	C	P	P
Sporting goods, including bicycle sales and repair shops.	P		
Stone companies, construction and landscaping related, not including quarries.		C	C
Taxidermists.	P		
Trade and vocational schools. [Am. 13-021, Eff. 10-10-13]	C	P	P
Welding shops.		P	P

**TABLE 15.12A
INDUSTRIAL DISTRICT USES**
[Am. 09-05, Eff. 3-19-09; Am. 13-021, Eff. 10-10-13]

DESCRIPTION	M-1	M-2	M-3
Window cleaning services.	P	P	P
WAREHOUSE OR DISTRIBUTION RELATED USES			
Mini-warehouses	C	C	C
Wholesale, warehouse or distribution centers without outdoor storage. (Does not include storage or distribution centers for bottled gas, butane, fuel oil or solid fuels).	P	P	P
Wholesale, warehouse, or distribution centers with outdoor storage. Includes facilities which handle bottled gas, butane, fuel oil or solid fuels and facilities with outdoor storage.		C	C
UTILITY/GOVERNMENT RELATED USES			
Electric power production and substations.	C	C	C
Fire and police stations.	P	P	P
Highway maintenance shops and yards, with limited storage of asphalt, salt and other bulk materials.	C	C	C
Natural gas transmission and distribution.	C	C	C
Parking lots, public; park and ride lots.	C	C	C
Power Plants.			C

TABLE 15.12A
INDUSTRIAL DISTRICT USES
 [Am. 09-05, Eff. 3-19-09; Am. 13-021, Eff. 10-10-13]

DESCRIPTION	M-1	M-2	M-3
Postal Services. [Am. 13-021, Eff. 10-10-13]	C	P	P
Pumping stations, water towers, water works, or wells; public.	C	C	C
Telephone exchanges, telephone transmission equipment, buildings and service yards. [Am. 13-021, Eff. 10-10-13]	C	P	P
Towers associated with microwave relay, communications, radio and television and radar related facilities	C	C	C
Utility operation offices, shops, storage areas, display rooms, service yards or garages. [Am. 13-021, Eff. 10-10-13]	C	P	P
Waste material storage, processing, treatment or disposal, as a principal use.			C
MISCELLANEOUS USES			
Agricultural buildings and structures as an accessory use.	P	P	
Convention Centers or exposition centers, buildings or grounds.	C	C	C
Cultivation of field and garden crops as an accessory use.	C	C	C
Farms, includes crops and animals, as an accessory use.	C	C	C

TABLE 15.12A
INDUSTRIAL DISTRICT USES
 [Am. 09-05, Eff. 3-19-09; Am. 13-021, Eff. 10-10-13]

DESCRIPTION	M-1	M-2	M-3
Offices for business or professional services, associations, financial institutions, personnel training centers or call centers and telecommunication centers.	P	P	
Outdoor storage of bulk materials as an accessory use.		C	C
Residence of the proprietor, caretaker, or watchman as an accessory use.	C	C	C
Small solar or wind energy system, subject to Section 15.04(24). [Cr. 10-04, Eff. 2-4-10].	P	P	P
Zero lot line construction.	C	C	

TABLE 15.12B
INDUSTRIAL DISTRICT DIMENSIONAL STANDARDS

BULK STANDARDS	M-1	M-2	M-3
Minimum Lot Width (Lineal Ft.)	100	100	150
Minimum Lot Area (Sq. Ft.)	25,000	30,000	40,000
Principal and Accessory Building Setbacks			
Minimum Front and Street Side Yard Setback (Ft.) [Am. 10-04, Eff. 2-4-10; Am. 13-021, Eff. 10-10-13]	30 (Less than 30, minimum of 20 permitted as a conditional use)	30	40
Minimum Interior Side Yard Setback (Ft.) [Am. 10-04, Eff. 2-4-10; Am. 13-021, Eff. 10-10-13]	15 (Less than 15, minimum of 10 permitted as a conditional use)	15	20

**TABLE 15.12B
INDUSTRIAL DISTRICT DIMENSIONAL STANDARDS**

BULK STANDARDS	M-1	M-2	M-3
Minimum Rear Yard Setback (Ft.) [Am. 10-04, Eff. 2-4-10; Am. 13-021, Eff. 10-10-13]	25 (Less than 25, minimum of 20 permitted as a conditional use)	25	30
Maximum Principal Building Height (Ft.) [Am. 13-021, Eff. 10-10-13]	45	65	80
Maximum Accessory Building Height (Ft.) [Am. 10-04, Eff. 2-4-10; Am. 13-021, Eff. 10-10-13]	25	25	25
Minimum Green Space (%) - Utilizing the combination of adjacent public open space and common space and with a stormwater management plan approved by the Village if in the Village limits. [Am. 10-04, Eff. 2-4-10]	20% (Less than 20%, minimum of 10% permitted as a conditional use)	20% (Less than 20%, minimum of 10% permitted as a conditional use)	20% (Less than 20%, minimum of 10% permitted as a conditional use)
Minimum Building Decorative Material Required [Am. 11-10; Eff. 4-16-11]	20%	15%	15%
Maximum Driveway Opening at Property Line (Ft.) [Am. 11-10; Eff. 4-16-11]	45	45	45
Maximum Driveway Opening at Curb Line (Ft.) [Am. 11-10; Eff. 4-16-11]	50	50	50
Minimum Landscaping Points Standard: See Section 15.06 and Table 15.06A for landscaping requirements. [Am. 11-10; Eff. 4-16-11]			

15.13 A-1 AGRICULTURE DISTRICT.

(1) **PURPOSE.** The A-1 Agriculture District is established to preserve, in agricultural uses, lands suited to future urban development pending proper timing and the economical provision of public utilities and community facilities to ensure orderly development.

(2) **PERMITTED USES.** The following uses are permitted in the A-1 district:

(a) Agricultural uses, but not including commercial dairies, commercial hatcheries and commercial mink, fox or other fur bearing animal farms, and rat farms, commercial feeding of garbage or offal to swine or other animals. Accessory buildings or structures used for shelter or feeding of livestock are permitted provided that they are located not less than one hundred fifty (150) feet from any lot in a residence district.

(b) Public parks, trails and playgrounds.

(c) Accessory uses, including but not limited to the following:

1. Noncommercial athletic fields and playing fields.
2. Home occupations.
3. Seasonal roadside produce stands no larger than 200 square feet.
4. Temporary buildings for storage of building materials and equipment and construction purposes when on the same or adjoining lot as the principal use for a period not to exceed the duration of such construction.

(d) A single family dwelling for the owner or the operator of an agricultural operation on the premises.

(e) Offices for State, County, City, Village, Town or other taxing municipality.

(f) On-site composting.

(3) **CONDITIONAL USES.** The following conditional uses may be allowed in the A-1 district upon approval of a conditional use permit.

(a) Agricultural uses, including commercial dairies, commercial hatcheries and commercial mink, fox or other fur bearing animal farms, and rat farms, but not including commercial feeding of garbage or offal to swine or other animals. Buildings or structures used for shelter or feeding of livestock shall be located not less than one hundred fifty (150) feet from any lot in a residence district.

(b) Cemeteries, including mausoleums, crematoriums and columbariums in conjunction therewith, provided that crematoriums shall be located not less than three hundred (300) feet from any lot line.

(c) Greenhouses, provided such buildings are located not less than one hundred fifty (150) feet from any lot in a residence district.

(d) Laboratories for research, development and testing, provided such buildings shall not be located less than one hundred fifty (150) feet from any lot line.

(e) Public utility and public service uses as follows:

1. Electric substations.
2. Gas regulator stations, mixing stations and gate stations.
3. Radio and television towers.
4. Railroad rights-of-way, including rights-of-way for switch, spur or team tracks, but not including railroad yards and shops, or freight and service buildings.
5. Sewerage system lift stations.
6. Telephone exchanges, microwave relay towers, telephone transmission equipment buildings.
7. Water pumping stations and water reservoirs.
8. Processed sludge drying facilities accessory to public owned sewerage plants.

(f) Outdoor recreational facilities, swimming, tennis, boating, horse riding, skiing and other sports. Accessory clubhouses and maintenance buildings may be authorized provided they are located not less than one hundred (100) feet from any lot in a residence district, except buildings for shelter and keeping of horses and buildings and facilities for boating shall be not less than three hundred (300) feet from any such lot.

(g) Landscape nurseries and tree service uses (non-retail) including processing mulches and soils and storage of decorative landscape materials such as fencing and logs provided storage areas, buildings or processing areas shall be located not less than one hundred fifty (150) feet from any lot in a residence district.

(h) Golf courses, including golf driving ranges, provided clubhouses and maintenance buildings shall be located not less than three hundred (300) feet from any lot in a residence district.

(i) Airports, landing strips or landing fields and accessory structures.

(j) Veterinary clinics and hospitals provided that any building used for such purposes shall be not less than one hundred (100) feet from any residence district.

(k) Kennels and the retail sale of pet food, pet supplies and similar items accessory thereto.

(l) Horse boarding stables, riding stables, and the retail sale of bridles, saddles, grooming materials and similar items accessory thereto.

(m) Training of dogs or horses at a permitted kennel or horse boarding facility.

(n) Park and ride lots.

(o) Planned unit developments.

(4) **LOT AREA AND WIDTH REQUIREMENTS.** In the A-1 Agriculture district, there shall be provided a lot area of not less than five (5) acres and a lot width of not less than two hundred (200) feet.

[Am. 12-18, Eff. 9-14-12]

(5) **HEIGHT REGULATIONS.** In the A-1 agricultural district, no building or structure, shall exceed fifty (50) feet in height.

(6) **YARD REQUIREMENTS.** In the agricultural district front, side and rear yards shall be provided, each of which shall not be less than the following:

(a) Front yard--eighty (80) feet.

(b) Side yards--Principal building: fifty (50) feet, Accessory building: forty-five (45) feet.

(c) Rear yard-- Principal building fifty (50) feet, Accessory building: forty-five (45) feet.

(7) **LANDSCAPING STANDARDS.** Landscaping shall be provided such that the points credited pursuant to sec. 15.06 total not less than the sum of the following:

(a) 20 points per 100 linear feet of building foundation.

(b) 10 points per 1,000 square feet of gross floor area.

(c) 20 points per 100 linear feet of street frontage.

(d) 40 points per 10,000 square feet of paved area or per 20 parking stalls.

(8) **DRIVEWAY STANDARDS.** Driveway openings shall not exceed twenty-four (24) feet at the property line nor thirty-six (36) feet at the curb line.

15.131 A-1 EXCLUSIVE AGRICULTURE DISTRICT.

(1) **PURPOSE AND INTENT.**

(a) Statement of purpose. The purposes of the A-1-Exclusive Agriculture district are to: preserve productive agricultural land for food and fiber production; preserve productive farms by preventing conflicts between incompatible uses and controlling public service costs; maintain a viable agricultural base to support agricultural processing and service industries; and pace and shape urban growth.

[Am. 13-021, Eff. 10-10-13]

(b) Lands to be included within the A-1 Exclusive Agriculture District. The A-1 Exclusive district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as

mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation.

(2) PERMITTED USES. The following uses are permitted in the A-1 Exclusive Agriculture District:

(a) Agricultural uses, except that the keeping or raising of livestock is permitted only on parcels of at least 5 acres.

(b) Residence for a farm owner/operator who derives substantial income from the farm operation.

(c) Residences for owners of at least 35 acres of land who were approved by the Dane County Zoning & Natural Resources Committee under the applicable site approval process between November 1, 1992 and April 14, 1994

(d) Secondary farm residences which are occupied by a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the farm.

(e) Rental of existing primary or secondary residences no longer utilized in the operation of the farm.

(f) Day care for not more than 8 children.

(g) Utility services.

(h) Road side stands.

(i) Structures and improvements that are consistent with agricultural uses.

(j) Home occupations.

(3) CONDITIONAL USES.

(a) Standards Applicable to Conditional Uses in the A-1 Exclusive Agriculture District.

1. The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any conditional use permit.

2. In deciding applications for conditional use permits the following factors shall be considered in addition to the standards set forth in sec. 15.16:

a. The statement of purposes of the A- 1 Exclusive District as set forth in sub. (1).

b. The potential for conflict with agricultural use.

c. The need of the proposed use to be located in an agricultural area.

d. The availability of suitable alternative locations for the proposed use.

- e. The productivity of the lands involved.
- f. The extent to which the proposed use is located so as to reduce to a minimum the amount of land to be converted from productive agricultural use.
- g. The need for public services created by the proposed use.
- h. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.

(b) Authorized Conditional Uses. The following may be authorized as conditional uses in the A-1 Exclusive District:

- 1. Single family dwellings or mobile homes occupied by parents or children of the farm operator and including dependency living arrangements, provided that at least one occupant earns substantial income from the farm operation.
- 2. Governmental uses.
- 3. Religious uses.
- 4. Separation of farm dwellings and related structures which existed prior to the effective date of this ordinance and which remain after farm consolidation.
- 5. Private schools.
- 6. Horse boarding stables, riding stables, hay and sleigh rides.
- 7. Mineral extraction operations, subject to sec. 15.04(12) and sec. 15.16(4).
[Am. 06-06; Eff. 6-9-06]
- 8. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and candy in connection therewith.
- 9. Asphalt plants or ready-mix concrete plants for production of material to be used in construction or maintenance of public roads, limited in time to the duration of the public project.
- 10. Retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Said use shall be limited to a maximum of 150 sq. ft. of floor space.
- 11. Seasonal storage of recreational equipment and motor vehicles owned by private individuals within existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this ordinance.

(4) BUILDING HEIGHT LIMITS.

(a) Residential dwellings - Same as in the RE-1 District.

(b) Residential accessory buildings shall not exceed 16 feet in height.

(c) Agricultural accessory buildings -No limitation on height.

(5) LOT AREA REGULATIONS.

(a) The minimum lot size to establish or maintain a farm operation is 35 acres.

(b) The minimum lot size for residential uses shall be one (1) acre.

(6) SETBACK REQUIREMENTS.. No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway right-of-way than 25 feet.

(7) SIDE YARD REQUIREMENTS. (a) Side yards for residential dwellings shall total not less than 25 feet and no single side yard shall be less than 10 feet.

(b) Accessory buildings, cages or hives for housing of animals or insects shall be located at least 100 feet from any residential district.

(8) REAR YARD REQUIREMENTS.

(a) Rear yards for residential dwellings and residential accessory buildings shall be the same as for the RE- 1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from any residential district.

(9) GENERAL PROVISIONS APPLICABLE TO THE A-1 EXCLUSIVE AGRICULTURE DISTRICT. The following regulations shall apply in the A-1 Exclusive District:

(a) Residential and residential accessory buildings on parcels of less than 35 acres in the A-1 Exclusive Agriculture District shall comply with the yard, area and setback requirements of the RE-1 district.

(b) Any residential building or its accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt provided the locational requirements of the RE-1 Residence District are met.

15.132 A-2 AGRICULTURE DISTRICT.

(1) STATEMENT OF PURPOSE. The purpose of the A-2 Agriculture District is to provide for low density land uses compatible with agricultural and other rural uses and to accommodate agricultural uses on parcels of less than 35 acres.

(2) PERMITTED USES. The following uses are permitted in the A-2 District:

(a) Agricultural uses.

(b) Single family detached residences.

(c) Utility services.

(d) Home occupations.

(e) Accessory buildings.

1. Accessory buildings include private garages and buildings clearly incidental to a permitted use of the premises. The building shall not be used for the storage of goods or merchandise considered to be a dealer's inventory or for storage of machinery or equipment used off of the premises for other than agricultural purposes.

3. Accessory buildings may be built on parcels of land in the A-2 Agriculture District without the necessity of there being a residence on the property.

(f) Horse boarding stables, riding stables, hay and sleigh rides.

[Cr. 13-021, Eff. 10-10-13]

(3) **CONDITIONAL USES.** The following uses require a conditional use permit in the A-2 District:

(a) Mineral extraction operations, asphalt plants, ready mix concrete plants. Mineral extraction operations are subject to sec. 15.04(12) and 15.16(4).

[Am. 06-06; Eff. 6-9-06]

(b) Radio, television transmitting towers, microwave towers, community television antenna installations including the buildings or structures necessary for their operation but not including buildings for offices, studios or the like.

(c) Dumping grounds, sanitary landfill sites, demolition material disposal sites and incinerator sites shall also comply with §60.72 Wis. Stats. and shall meet the minimum standards as adopted by the State Department of Natural Resources.

(d) Cemeteries.

(e) Airports, landing strips or landing fields together with accessory structures.

(f) Religious uses.

(g) Salvage recycling centers.

(h) Solid waste recycling centers.

(i) Dependency living arrangements.

(j) Governmental uses.

(k) Native wildlife rehabilitation facilities.

(l) Parking or storage of not more than two trucks, semi-tractors or semi-trailers which have a gross vehicle weight of over 12,000 lbs.

(m) Private schools.

(n) Kennels, horse shows and similar events.

[Am. 13-021, Eff. 10-10-13]

(o) Unlimited livestock on 3 to 16 acres.

(p) Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and candy.

(q) Seasonal storage of recreational equipment and motor vehicles owned by private individuals in existing accessory farm buildings. The storage of a dealers inventory or the construction of any new buildings for storage shall be considered a commercial use.

(r) Training of dogs at a dog kennel or training of horses at a horse boarding facility.

(s) Family businesses, subject to the following limitations:

1. All employees, except one or one full-time equivalent, shall be a member of the family residing on the premises.
2. The Village Board may limit the percentage of the property that may be devoted to the business.
3. The conditional use permit holder may be restricted to a service oriented business and thus prohibited from manufacturing or assembling products or selling products on the premises or any combination thereof.
4. The conditional use permit may restrict the number and types of machinery and equipment the permit holder may be allowed to bring or operate on the premises.
5. The design, size, and location of the structure(s) or area(s) used for the business may be subject to conditions set forth in the conditional use permit.
6. The conditional use permit shall automatically expire on sale of the property or the business to any entity not party to the original conditional use permit application.

[Cr. 08-14; Eff. 5-16-08]

(4) BUILDING HEIGHT LIMITS. Building height limitations shall be the same as for the A-1 Exclusive Agriculture District.

(5) AREA AND FRONTAGE REGULATIONS

(a) Minimum lot size in the A-2 District shall be one (1) acre and minimum lot width shall be 150 feet.

(b) Keeping of livestock shall be restricted according to lot sizes as follows:

1. On parcels of less than 2 acres the keeping of livestock is not permitted.

2. On parcels of between 2 acres and 16 acres livestock shall be limited to 1 animal unit per each full acre.
3. On parcels of more than 16 acres, the number of livestock permitted is not restricted.

(c) For salvage recycling centers the minimum area is three acres.
[Am. 08-14; Eff. 5-16-08]

(6) **SETBACK REQUIREMENTS.** No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer than 25 feet from any street or highway right-of-way.

(7) **SIDE YARD REQUIREMENTS.**

(a) Side yards for residential dwellings and residential accessory buildings shall be the same as for the RE-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from any residential district, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(8) **REAR YARD REQUIREMENTS.**

(a) Rear yards for residential dwellings and residential accessory buildings shall be the same as for the RE- 1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from any residential district, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(9) **OFF-STREET PARKING.** Off-street parking space shall be provided in accordance with the provision of sec. 15.08.

15.14 C-1 CONSERVANCY DISTRICT.

(1) **PURPOSE.** The C-1 Conservancy district is established to preserve and perpetuate in an open state certain areas such as lakes and waterways, wetlands and marshes, flood plains and stream beds, certain agricultural lands, slopes and other areas of aesthetic value which, because of their unique physical features, are deemed desirable and functional as natural drainage ways and water retention areas, natural habitats for plant and animal life, green space and similar uses beneficial to the community. The regulations of the conservancy district are intended not only to preserve and perpetuate certain open space land and water areas for multiple purpose uses consistent with the intent and purpose of this ordinance, but also to protect the community from the costs which may be incurred when unsuitable development occurs in certain areas.

(2) PERMITTED USES. The following uses are permitted in the conservancy district:

(a) Land and water preserves, including arboretums and sustained forestry yield.

(b) One single-family detached dwelling for the use of the owner or caretaker.

(c) Outdoor recreational activities including boating, swimming, harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds, fishing, trapping, raising of fish and wild animals or the provisions of natural habitat for the foregoing.

(d) Public parks, trails and playgrounds.

(e) Outdoor public educational facilities.

(f) Noncommercial athletic fields and play fields.

(g) Municipal facilities and uses, including, recreational buildings and community centers, provided such buildings shall be located not less than fifty (50) feet from any lot in a residential district.

(3) CONDITIONAL USES. The following conditional uses may be allowed in the C-1 Conservancy district upon approval of a conditional use permit.

(a) Cemeteries, including mausoleums, crematoriums and columbariums in conjunction therewith, provided that crematoriums shall be located not less than three hundred (300) feet from any lot line, and that mausoleums and columbariums shall be located not less than twenty-five (25) feet from any lot line.

(b) Golf courses, including golf driving ranges, provided clubhouses and maintenance buildings shall be located not less than three hundred (300) feet from any lot in a residential district.

(c) Improvement, including but not limited to the alteration, creation, damming and dredging of water courses and bodies of water.

(d) Land and water, including the following uses, provided that buildings, structures or accessory facilities shall be located not less than three hundred (300) feet from any lot in a residential district:

1. Boat landing piers, boat rentals.

2. Commercial Campgrounds and facilities.

3. Other uses and facilities for outdoor recreation, including buildings containing dwelling units or lodging rooms for use by the transient public when accessory to such outdoor recreation use.

(e) Public utility and public service uses as follows:

1. Electric substations.

2. Gas regulator stations, mixing stations and gate stations.
3. Radio and television towers.
4. Railroad rights-of-way, including rights-of-way for switch, spur or team tracks, but not including railroad yards and shops, or freight and service buildings.
5. Sewerage system lift stations.
6. Telephone exchanges, microwave relay towers, telephone transmission equipment buildings.
7. Water pumping stations and water reservoirs.

(f) Outdoor recreational uses including, tennis, horse riding, skiing and other sports. Accessory clubhouses and maintenance buildings may be authorized as conditional uses provided they are located not less than fifty (50) feet from any lot in a residential district, except buildings for shelter and keeping of horses and buildings and facilities for boating shall be not less than three hundred (300) feet from any such lot.

(g) Accessory uses, including but not limited to the following.

1. Roadside stands.
2. Temporary buildings for storage of building materials and equipment for construction purposes when located on the same or adjoining lot as the principal use for a period not to exceed the reasonable duration of construction.

(4) HEIGHT REGULATIONS. In the C-1 Conservancy district, no building or structure shall exceed two and one-half (2 $\frac{1}{2}$) stories nor thirty-five (35) feet in height.

(5) YARD REQUIREMENTS. In the C-1 Conservancy district front, side and rear yards shall be provided, each of which shall not be less than the following:

(a) Front yard- twenty five (25) feet.

(b) Side yards--each ten (10) feet. If the adjacent property is zoned residential, the setback shall be twenty (20) feet except as otherwise specified in this section.

(c) Rear yard- twenty-five (25) feet. If the adjacent property is zoned residential, the setback shall be fifty (50) feet except as otherwise specified in this section.

(6) LOT AREA. There shall be no minimum required lot size in the C-1 Conservancy District except that no lands designated as land and water preserves, within the C-1 Conservancy district under common ownership on the effective date of this chapter shall be divided in any manner which results in the creation of a new lot less than 35 acres in area.

15.15 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

- 15.15 (1) Purpose and Intent
- 15.15 (2) Minimum Area
- 15.15 (3) Permitted Uses
- 15.15 (4) Procedures for Approval
- 15.15 (5) Changes to Approved Planned Unit Developments.
- 15.15 (6) Standards For Approval
- 15.15 (7) Subdivision Review
- 15.15 (8) Street Design Standards
- 15.15 (9) Open Space Requirements
- 15.15 (10) Extraterritorial Provisions

(1) **PURPOSE AND INTENT.** The purpose of this section is to encourage improved design in the development of land by providing relief from rigid zoning requirements which are designed for conventional developments but which may preclude desirable but unconventional development. The PUD district shall not be used as a substitute when the Village Board determines that a one or more standard zoning districts would enable implementation of a particular development plan in substantially similar form to that envisioned. In other words, the PUD district shall not be the default choice for new development projects, but instead should be reserved for developments where conforming to standard zoning districts would be impractical or significantly compromise the vision of the development. The PUD district and this section is further intended to promote the following objectives:

(a) Diversification in the use permitted, and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived as unified projects.

(b) Environmental design in the development of land that is of a higher quality than would otherwise be possible through the strict application of general zoning requirements.

(c) Promotion of the functional and beneficial use of common open space.

(d) Preservation of archeological and historic resources and natural landscape features and amenities of a development site and utilization of such features in a harmonious fashion.

(e) Creation of a variety of uses in compatible arrangements which provide a greater choice of living, employment and shopping environments.

(f) Efficient use of land resulting in more cost effective networks of utilities, streets and other facilities.

(g) Coordination of architectural styles, building forms and relationships, graphics and other private improvements.

[Am. 13-021, Eff. 10-10-13]

(2) **MINIMUM AREA.** A Planned Unit Development shall not be less than three (3) acres of contiguous land under a single form of ownership. This subsection shall not be interpreted to prohibit the post-development sale of all or part of an approved PUD subject to the provisions of this section and all applicable statutes and subdivision regulations.

[Am. 13-021, Eff. 10-10-13]

(3) PERMITTED AND CONDITIONAL USES. The uses which may be permitted uses or conditional uses under a Planned Unit Development include a mixture of uses, including any uses listed as permitted or conditional uses in different standard zoning districts in this chapter. All permitted and conditional uses within each Planned Unit Development shall be as listed within the approved Final Development Plan for that Development. No use is permitted as a matter of right in the PUD District or as a conditional use except as may be provided in an approved Final Development Plan for each particular Planned Unit Development.

[Am. 13-021, Eff. 10-10-13]

(4) PROCEDURES FOR APPROVAL.

(a) Concept Plan and Pre-application Conference. Prior to preparation of a formal application, the applicant shall provide the Zoning Administrator with a concept plan for the proposed Planned Unit Development and confer on procedures, submittal requirements, relationships to Village plans, and standards for approval. The applicant and/or Zoning Administrator may choose to refer the concept plan to the Planning and Zoning Commission or the Joint Committee to obtain information and guidance relating to the preparation of an application. The views expressed by the Zoning Administrator shall be for informational purposes only and designed to afford the applicant the opportunity to revise the application prior to its formal submission to address staff concerns.

(b) Preliminary Application/Zoning Map Amendment Submission. The applicant shall submit a completed Planned Unit Development Preliminary Development Plan/rezoning application on a form(s) provided by the Zoning Administrator, nine (9) hard copies and a digital PDF copy of a Preliminary Development Plan prepared in accordance with par. (c), and an application fee as established by the Village Board. All Preliminary Development Plan documents shall be prepared in Microsoft Word or other commonly available word processing software.

(c) Preliminary Development Plan. The preliminary development plan shall contain the following:

1. The name and address of all owners of the site proposed for development as well as the name and address of all professional site planners, architects, engineers, surveyors or other consultants;
2. A legal description of the site covered by the plan;
3. A general area plan drawing reflecting the intended land uses and the location of each, and all future proposed street locations within the site when the proposed Planned Unit Development is intended to be developed in more than one phase;
4. The location of all property lines, existing streets, easements, utilities and any other significant physical features;
5. Date, north arrow and graphic scale (not less than one inch equals one hundred feet (1" = 100')) of all drawings submitted;
6. The present zoning district designation(s) of the property;

7. An indication of the existing conditions on the tract including contour lines at two (2) foot intervals, water courses and existing drainage facilities, wooded areas and isolated trees of six inches (6") or more in diameter, existing streets, sidewalks or other improvements, and existing buildings and structures with an indication of those which will be removed and those which will be retained as part of the development;
8. A description of the area surrounding the site showing land use, streets, peculiar physical or natural features, public facilities and existing zoning;
9. Quantitative data indicating the following:
 - a. Minimum and maximum number of dwelling units;
 - b. Approximate gross and net residential densities, excluding all streets and roadways;
 - c. Total amount of usable open space area provided in the tract;
 - d. Such other calculations as the Planning and Zoning Commission or, if the property is located wholly or partially in the ETZ Area, the Joint Committee may require.
10. A development schedule indicating:
 - a. the approximate date when construction of the project will begin;
 - b. the stages in which the project will be built and the approximate date when construction of each stage will begin;
 - c. the approximate dates when the development of each stage will be completed; and
 - d. the area and location of common open space that will be provided at each stage;
 - e. a schedule of deadlines for submission of final development plans for each phase of the proposed development if final development plans encompassing the entire development will not be filed within one (1) year from the date of approval of the preliminary development plan.
11. An explanation of the methods proposed by the applicant to provide for the maintenance and regulation of common areas and open spaces, including copies of any proposed deed restrictions, building covenants and organizational documents of any property owner's association or similar agreements; and
12. Such other documents explaining other circumstances as the Planning and Zoning Commission or Joint Committee may require.

(d) Public Hearing. Upon receipt of a complete application, the Zoning Administrator shall schedule the matter for public hearing before the Planning and Zoning Commission. Notice

of the hearing shall be given by publication of a Class 2 notice as provided in Chapter 985, *Stats.* and providing any notice to adjacent municipalities required by §62.23(7), *Stats.* The hearing may be continued as necessary for the submission of additional information or the revision of the application documents.

(e) Planning and Zoning Commission Action. Within thirty (30) days after the completion of the hearing, the Planning and Zoning Commission shall make findings with regard to the standards set forth in sub (6) and §15.03(7)(e), and forward a report to the Village Board with a recommendation to approve, approve with conditions, or reject the Preliminary Development Plan and associated rezoning to the PUD district.

(f) Board Action on Preliminary Development Plan. Approval of the Preliminary Development Plan by the Village Board shall constitute approval of the general arrangement of the Plan, the provisions submitted by the applicant, a waiver of those provisions of the general zoning code which are set forth in the Preliminary Development Plan, and approval of a rezoning of the lands within the Planned Unit Development to the PUD District. Such rezoning shall take effect only when a Final Development Plan associated with the Planned Unit Development is subsequently approved by the Planning and Zoning Commission or Joint Committee and a building permit is issued thereunder. Such Board approval of the Preliminary Development Plan and associated zoning map amendment shall become void, as to any lands for which a final development plan application is not submitted by the latest of:

1. one (1) year from the date of approval of the preliminary development plan;
2. the date set forth in the approved preliminary development plan pursuant to subpar. (c)10e;
3. any date established by the Village Board by resolution extending the period provided in subpar. (f)1 or 2.

(g) Final Application Submission. Nine (9) hard copies and one digital PDF copy of a completed Final Development Plan application form and the Final Development Plan shall be filed with the Zoning Administrator. All Final Development Plan documents shall be prepared in Microsoft Word or other commonly available word processing software. At the discretion of the applicant, one or more complete Final Development Plan applications may be submitted concurrently with a Preliminary Development Plan application associated with all or part of the same land. The Final Development Plan submission shall be accompanied by a fee and review escrow in accordance with a fee schedule set by the Village Board. The Final Development Plan shall include the following:

1. Any amendments required as part of the preliminary review process;
2. A site plan of the proposed development indicating the general location of the following:
 - a. All buildings, structures and other improvements, including architectural elevation or perspective drawings of all buildings and improvements sufficient to show the developer's intent;
 - b. Common open space (for developments with residential use) and recreation facilities with a designation of the intended uses;

- c. Off-street parking facilities and number of spaces to be provided;
 - d. Sidewalks;
 - e. Illuminated areas;
 - f. Screening or buffering of the development perimeters;
 - g. All areas and streets which are intended to be dedicated to the public;
 - i. Landscaping plan;
 - j. A detailed plan for signage including locations, dimensions, heights, and qualitative standards.
[Cr. 08-27; Eff. 8-22-08; renumbered from 1j by revisor]
3. Quantitative data indicating the following:
 - a. Maximum number of dwelling units;
 - b. Maximum lot coverage of buildings and structures (percent of total);
 - c. Maximum impervious surface coverage of all building and structures, driveways, roads, sidewalks, patios and other non-porous surfaces (percent of total);
 - d. Approximate gross and net residential densities, excluding all streets and roadways;
 - e. Minimum amount of usable open space area provided in the tract;
 - f. Such other calculations as the Planning and Zoning Commission or, if the property is located wholly or partially in the ETZ Area, the Joint Committee may require.
 - g. Minimum square footage for each residential use type within the proposed PUD.
 4. A checklist specific to the PUD listing the use, design, dimensional, and other requirements and conditions of the Final Development Plan, in order to facilitate later developer, builder and home/business owner compliance with the Final Development Plan.
 5. Clear indication of which submitted materials are intended to be included in the Final Development Plan as regulatory materials enforceable by the Village, and which submitted materials the applicant is intending as supplemental, non-regulatory components and/or components that are proposed to be enforced by others aside from the Village.
[Cr. Ord. 06-06, Eff. 3-9-06]

(h) Planning and Zoning Commission Action. The Planning and Zoning Commission (or appropriate Joint Committee if in the ETZ Area) shall review the Final Development Plan for conformity with the approved Preliminary Development Plan and the provisions of this section. If the Final Development Plan complies with the approved Preliminary Development Plan except for changes required as a condition of such approval, and subject to approval of such changes, and if the Planning and Zoning Commission or Joint Committee approves all of the features as shown on the site plan required by sub. (4)(g)2, the Planning and Zoning Commission or Joint Committee shall, by resolution, approve, approve with conditions, or reject the Final Development Plan. The Zoning Administrator shall deliver for recording the approved Final Development Plan, resolution, and all ordinances, dedications, covenants and such other documents as may be required as a condition of the approval.

(i) Recording of Final Development Plan; Rezoning of Lands. The applicant shall record the approved Final Development Plan and associated documents upon receipt from the Zoning Administrator. Upon presentation of evidence of recording and an application for a building permit within the Final Development Plan area for an authorized use, the rezoning of the Final Development Plan area shall become effective and the Zoning Administrator shall cause the official zoning map to reflect the rezoning.

(j) Lapse of PUD Approvals. The applicant shall conform to the development schedule in the approved Final Development Plan. If no building permit has been issued in the Planned Unit Development within five (5) years from the approval of the associated Final Development Plan or if any improvement is not completed within five (5) years from the date set forth in the Preliminary Development Plan, all associated Preliminary Development Plan and Final Development Plan approvals shall lapse and be void. The Village Board may, by resolution, extend the period for the beginning of construction, the establishment of an approved use, or completion of a phase of development as provided in the development schedule. If a Preliminary Development Plan or Final Development Plan lapses under the provisions of this section, the Zoning Administrator shall notify the applicant of the lapse of approval and the property owner shall promptly cause the property to be brought into compliance with all of the district regulations in effect prior to the approvals granted pursuant to par. (i). In the event such land has been rezoned to the PUD district but the approvals have lapsed under this section, the Zoning Administrator shall initiate an application to rezone the land from PUD back to the zoning district over the land before PUD, or the nearest comparable zoning district.

[Am. 13-021, Eff. 10-10-13]

(5) AMENDMENTS TO APPROVED PLANNED UNIT DEVELOPMENTS. The Zoning Administrator may authorize an amendment to an approved Preliminary Development Plan and/or Final Development Plan in the design, location, siting and height of buildings and structures; lot dimensional standards; and any other standards or features specifically identified for such consideration in the Plan(s), if required by engineering, topographic, lot configuration, or other circumstances not foreseen at the time such Plan(s) was approved, provided that the amendment does not result in any of the following:

- (a) A change in the approved use, character, or vision of the development;
- (b) An increase by more than five percent (5%) in the overall coverage of structures;
- (c) An increase in the density or intensity of use by more than five percent (5%);
- (d) A reduction of more than five percent (5%) in approved open space; or

(e) A reduction of minimum required off-street parking and loading spaces by more than 25 percent (25%).

(f) A reduction in any minimum lot area, minimum floor area, or dimensional requirement by more than five percent (5%), unless the reduction is necessary to allow for a conveyance of land to the Village or another governmental entity for public purposes.

(g) A conflict with the specific intent of the Village Board or Plan Commission in approval of the Plan(s).

Any other amendment to the Preliminary Development Plan shall be classified as major amendments, and must be approved by Village Board, following a recommendation from the Planning and Zoning Commission (or Joint Committee if in the ETZ Area). Any other amendment to the Final Development Plan must be approved by the Planning and Zoning Commission (or Joint Committee if in the ETZ Area). Each approved amendment to the Final Development Plan must be recorded by the applicant before the Village will issue a building permit authorized under the approved amendment.

(6) STANDARDS FOR APPROVAL. No planned unit development shall be approved unless the Planning and Zoning Commission shall determine all of the following:

(a) That the proposed site will be provided with adequate drainage facilities for surface and storm waters.

(b) That the proposed site is accessible from public roads that are adequate to carry the traffic that will be generated from the proposed development.

(c) That the proposed development can be adequately, safely, and efficiently provided with, and will not place an undue burden on, public utility services and facilities.

(d) That the streets and driveways on the site of the proposed development will be adequate to serve the residents of the development and will meet the minimum construction standards and specifications of all applicable ordinances of the Village, except to the extent such standards and specifications are modified as part of the approved Preliminary or Final Development Plans.

(e) That the character or uses of the proposed development will not adversely affect real estate values in, or the character of, the neighborhood adjacent to the proposed development or the development of such areas as permitted by the zoning code.

(f) That adequate provision has been made for the maintenance of any common grounds, parks, open spaces, recreational areas, community buildings, or other common facilities included in the proposed development.

(g) That adequate safeguards have been provided to prevent the subsequent development of, and construction of, buildings and structures upon, any common grounds, parks, open spaces, or recreational areas included in the proposed development.

(h) That the proposed development offers a cohesive design which is compatible with the physical nature of the site and surrounding area.

(i) That the proposed development will produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the intent of the Village Master Plan or applicable comprehensive plan.

(j) That, to the extent the plan provides for lot dimensions, setbacks, building heights, landscape treatments or other design features which do not conform to the general district regulations, modifications or those regulations in the context of the overall development plan will not adversely affect the public health, safety or welfare.

(k) That the proposed design satisfies all of the requirements of this section and all applicable subdivision regulations.

(l) That the schedule for development and submission of final development plans as set forth in a preliminary development plan is reasonable considering the scope of the development and its proposed phases, the impact of the schedule on Village planning, and the ability of the Village and other governmental entities to accommodate the needs created by the development as development occurs.

(7) **SUBDIVISION REVIEW.** The applicable subdivision review under the Village subdivision ordinance shall be carried out as an integral part of the review of a planned unit development. The plans required must be submitted in a form which substantially satisfy requirements of the subdivision regulations for the preliminary and final plat approvals. Subdivision applications may be submitted for the whole, a part, or parts of the overall planned unit development as indicated by phases in the final development phasing plan.

(8) **STREET DESIGN STANDARDS.**

(a) Circulation. All commercial buildings shall have access on internal or frontage roads. The road system must give consideration to properties beyond the planned unit development.

(b) Streets. Streets in a planned unit development may be dedicated to public use or may be retained under private ownership. They shall be constructed in accordance with standards required by local governmental regulations, or as otherwise specified in the planned unit development conditional use permit.

(9) **OPEN SPACE REQUIREMENTS.**

(a) Distribution and Design:

1. Open space shall be distributed equitably throughout a planned unit development in relationship to the uses to which it serves.
2. Open spaces shall be generally linked to provide a continuous network.
3. Buildings and other structures shall be positioned on a site to provide for maximum, usable open space.
4. Retention basins and ponds shall have a minimum of fifty (50) feet of usable open space surrounding the perimeter of such ponds and basins.

5. No proposed open space area may be accepted as usable common open space unless its character and quality have been approved by the Planning and Zoning Commission. When making its determination the Commission shall give consideration to the following variables:
 - a. The topography and existing amenities of the proposed area, including trees, ground cover and other natural features.
 - b. The manner in which the proposed area is to be improved and maintained for recreational or amenity purposes.
 - c. The existence of public parks or other public recreational facilities in the vicinity and the relationship thereto.

(b) Open Space Conveyance and Maintenance:

1. All land shown on the final development plan as common open space must be conveyed under one of the following options:
 - a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures or improvements which have been placed on it.
 - b. It may be conveyed to trustees provided in a declaration of covenants recorded against the property establishing a property owners association or similar organization for the maintenance of common open spaces within the planned unit development. The common open space must be conveyed to the trustees subject to the covenants to be approved by the Planning and Zoning Commission and Village attorney, which covenants restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
2. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use as provided herein. However, no change of use authorized under amendments of the plan may be considered as a waiver of any of the covenants limiting the use of common open space areas. All rights to enforce these covenants against any use permitted under further amendment of the plan are expressly reserved.
3. If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
 - a. The legal right to develop the common open space for the uses specified in the final development plan must be conveyed to a public agency.
 - b. The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space. The fee title to the common open space shall be

vested in the Village in the event of a substantial default in the stated conditions or

- c. The covenants governing the use, improvement, and maintenance of the common open space shall authorize the Village Board to enforce their provisions.
- 4. Once a planned unit development plan has been approved, the common grounds, parks, open spaces, and recreational areas included in the said plan shall not be used for the construction of any building or structure which has not been approved by the Parks, Recreation & Natural Resources Committee as part of a final development plan, nor shall such common grounds, parks, open spaces, or recreational areas be thereafter computed as a part of the required minimum lot area or required yard of any other building or structure.
- 5. Minimum Amount. A minimum of fifty percent (50%) of the gross area of a residential planned unit development which includes any residential uses shall be devoted to open space. Such open space shall be limited to the following:
 - a. Recreational open space, including but not limited to: swimming pools, tennis courts, recreation buildings, jogging trails/fitness courses, detention basins designed for recreational use, tot lots, ball and soccer fields.
 - b. Common open space, which shall include, but not be limited to the following:
 - (i) Detention and retention basins and ponds not designed for dual recreational use, natural water features, wetlands, and conservation areas. However, such open spaces when combined shall not exceed fifty percent (50%) of the required open space.
 - (ii) Perimeter open space, including but not limited to: open space abutting roadways, adjoining property, and parking lots.
- 6. Access. Convenient access to all common open space shall be guaranteed to all residents within the development.
- 7. Useable Common Open Space.
 - a. Each residential planned unit development shall have a minimum amount of usable common open space as specified by the table below:

Density (d.u./net acre)	Common Open Space (% of gross site area)
Less than 4	15%
Greater than 4, Less than 8	20%
Greater than 8	25%

Such usable common open space shall not include:

- (i) Areas reserved for the exclusive use or benefit of an individual tenant or owner,
- (ii) Dedicated streets, alleys, and other public rights-of-way,
- (iii) Vehicular drives, parking, loading and storage areas, or
- (iv) Irregular or unusable narrow strips of land less than fifteen (15) feet wide.

(10) EXTRATERRITORIAL PROVISIONS.

(a) If all of the property for which an application is submitted under this section is located in the ETZ Area, the appropriate Joint Committee shall act in lieu of the Planning and Zoning Commission and shall have all of the powers and duties of the Commission under this section.

(b) The appropriate Joint Committee shall act jointly with the Planning and Zoning Commission in reviewing and making recommendations on any application partially within the ETZ Area and shall hold all required hearings jointly.

(c) No rezoning associated with a Planned Unit Development which includes any lands in the ETZ Area shall be approved by the Village Board unless first recommended for approval by the appropriate Joint Committee, and subject to all other requirements of sec. 15.035.

[Am. 08-14; Eff. 5-16-08; Am. 13-021, Eff. 10-10-13]

15.155 WP WELLHEAD PROTECTION OVERLAY DISTRICT

(1) **PURPOSE.** Persons served by the DeForest Water Utility depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. This WP overlay district institutes land use regulations within 1,200 feet of each municipal well, designated in the Village's wellhead protection plan and mapped as WP areas on the zoning map. The district is intended to protect groundwater quality and promote the health, safety and general welfare of municipal water users. Authority for Village adoption of this district and enforcement of associated regulations is established under §62.23(7)(a) and (c), Stats., and §NR 811.16, Wis. Adm. Code.

(2) **SEPARATION DISTANCES.** Minimum separation distances shall be maintained between any well and other facilities within the WP overlay district per the standards in §NR 811.12, Wis. Adm. Code.

(3) **CONDITIONAL USES.** Subject to the separation standards in subsection (2), the uses listed within this subsection (3) are conditional uses within the WP overlay district, provided that such uses are allowed in the underlying zoning district. Uses not listed below are permitted by right in the WP district, provided such uses are permitted by right in the underlying zoning district and subject to any applicable separation standards in subsection (2).

- (a) Animal waste storage areas and facilities.
- (b) Asphalt products manufacturing plants.
- (c) Automobile fueling, service, painting, repair, and/or maintenance facilities.
- (d) Building materials and product sales.
- (e) Car washes.
- (f) Cartage and express facilities.
- (g) Cemeteries.
- (h) Center-pivot or other large-scale irrigated agriculture operations.
- (i) Chemical storage, sale, processing, and/or manufacturing facilities.
- (j) Dry cleaning establishments.
- (k) Dumping or disposing of garbage, refuse, trash, or demolition material.
- (1) Electronic circuit assembly plants.
- (m) Electroplating plants.
- (n) Exterminating shops.
- (o) Fertilizer manufacturing or storage facilities.

- (p) Foundries and forge plants.
- (q) Highway salt storage areas.
- (r) Industrial liquid waste storage areas.
- (s) Junk yards and salvage yards.
- (t) Metal reduction and refinement plants.
- (u) Mineral extraction operations.
- (v) Motor and machinery service and assembly shops.
- (w) Motor freight terminals.
- (x) Petroleum products storage tanks, and/or processing of petroleum products.
- (y) Pharmaceuticals manufacturing.
- (z) Photography studios, including the developing of film and pictures.
- (aa) Plastics manufacturing.
- (bb) Printing and publishing establishments.
- (cc) Pulp and paper manufacturing.
- (dd) Septage disposal sites.
- (ee) Sludge disposal sites.
- (ff) Storage, manufacturing or disposal of toxic or hazardous materials.

(gg) Underground petroleum products storage tanks, and above-ground petroleum product storage tanks greater than 660 gallons. All new or replaced tanks shall also be installed in compliance with SPS 310, Wis. Adm. Code.

(hh) Woodworking and wood products manufacturing.

(ii) Any other use with characteristics similar to one or more of the above listed uses, in the determination of the Zoning Administrator.

(4) CONDITIONAL USE PERMIT APPLICATION, STANDARDS, AND CONDITIONS.

(a) Application. In addition to conditional use permit application requirements in §15.16(3)(a), the Zoning Administrator may require an environmental impact study, environmental assessment, or such other information as necessary to evaluate the application against the conditional use permit standards in this subsection and in §15.16.

(b) Standards. Standards for conditional use permit approval are included within

§15.16(t). In its consideration of conditional use permits applications for one of the listed conditional uses in subsection (3) within the WP overlay district, the Planning and Zoning Commission and Village Board shall consider the following additional factors:

1. The Village's responsibility as a public water supplier to protect and preserve public health, safety and welfare.
2. The potential of the proposed use to seriously threaten or degrade groundwater quality.
3. The availability of alternative uses, locations, and operational characteristics, and the cost, effect, and extent of availability of such alternatives.
4. The proximity of the applicant's property to other potential sources of contamination or vulnerable activities or uses.
5. The then-existing condition of the associated well, well field, well recharge area, and the vulnerability to further contamination.
6. 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.
7. The zone of contribution (5-year, 50-year, 100-year) for the associated well within which the proposed use is located.
8. Any other hydrogeological data or information which is available from any public or private agency or organization.
9. The potential benefit, both economic and social, from the approval of the application.

(c) Approval Conditions. In its approval of any conditional use permit within the WP overlay district, the Village Board may impose conditions as specified under §15.16(g) and:

1. Environmental and/or safety monitoring to indicate whether the facility may be emitting any contaminants.
2. A financial guarantee in a form determined by the Village for future monitoring and cleanup costs.
3. Any requirement authorized for existing facilities under subsection (5).

(5) REQUIREMENTS FOR EXISTING FACILITIES AND LAND USES.

(a) At the request of the Zoning Administrator, existing facilities, as defined under §15.02, shall provide to the Village copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results.

(b) Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the Village Board, including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.

(c) Existing facilities, when upgrading or expanding, shall replace equipment or expand in a manner that improves existing environmental and safety technologies and performance.

(d) At the request of the Zoning Administrator, existing facilities shall devise and file with the Village, a contingency plan for unexpected release of contaminants or other emergency events that is satisfactory to the Village Board.

(6) VIOLATIONS AND COMPLIANCE. In the event an individual and/or facility within the WP district causes the release of any contaminants which endanger the public, in the determination of the Village Board, the individual or facility causing said release shall immediately cease and desist, and provide clean-up satisfactory to the Village Board. The individual or facility will be held financially responsible for all environmental cleanup costs, along with all required Village consultant fees for oversight, review and documentation. Following any such discharge, the Village may require additional environmental and/or safety monitoring.

[Cr. 13-06, Eff. 4-4-13]

15.16 CONDITIONAL USES.

(1) PURPOSE. Conditional uses are certain land uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to the location, development, and operation of such uses. The purpose of this section is to provide for the approval of conditional uses where, in light of requirements or restrictions imposed as conditions of approval, such uses will not be detrimental to the public health, safety or welfare and will meet the standards for the approval of conditional use permits in this section.

[Am. 13-021, Eff. 10-10-13]

(2) CONDITIONAL USE PERMITS. Whenever the regulations of any zoning district authorize one or more conditional uses, such uses shall be permitted only upon issuance of, and in compliance with, a conditional use permit under this section. Conditional use permits shall terminate on the earliest of:

(a) The date or event specified in any limited conditional use permit issued under sub. (4) or any temporary use permit issued under sub. (7);

(b) The effective date of a change in the district designation of the property or the district regulations which results in the use becoming a prohibited use in the district, subject to the provisions of 15.17;

(c) The discontinuation of the operations authorized by the conditional use permit for any period of twelve (12) consecutive months;

(d) One (1) year after the date of issuance if the approved conditional use has not been implemented nor substantial construction to facilitate the use commenced;

(e) Entry of an order by the municipal court or any court of record terminating the permit upon a finding that the conditions set forth in the permit have been materially or repeatedly violated; or

(h) The reversal of conditional use permit approval by the Village Board upon an appeal under sub. (3)(e).

[Am. 13-021, Eff. 10-10-13]

(3) PROCEDURE FOR APPROVAL.

(a) Application. All applications for conditional use permits shall be submitted on a form provided by the Zoning Administrator. The application shall contain a description of the property, the name of the applicant, a description of the proposed use including applicable operational characteristics, a conceptual site and building plan if site and building improvements are anticipated or required to accommodate the conditional use, and such other information as the Zoning Administrator shall determine necessary for appropriate review. The application shall describe all conditions and restrictions proposed by the applicant to assure that the proposed use will continually meet the standards set forth in par. (f). The Zoning Administrator may reject any application which does not contain the required information or which proposes a use not authorized as a conditional use by the applicable district regulations.

[Am. 11-10; Eff. 4-16-11]

(b) Pre-application Conference. Upon receipt of a complete application, the Zoning Administrator may schedule a pre-application conference with the applicant or the applicant's representative and those Village or Town officers or employees deemed appropriate by the Administrator. The purpose of the conference is to discuss the application informally and to provide the applicant with the results of the staff review of the proposal and to identify those ways in which the proposed use complies or fails to comply with the intent of the Zoning Code and the standards for approval. The views expressed by the staff shall be for informational purposes only and designed to afford the applicant the opportunity to revise the application prior to its formal submission to address staff concerns.

(c) Review by Planning and Zoning Commission. The Zoning Administrator shall forward the complete application, along with any changes made by the applicant pursuant to par. (b) to the Planning and Zoning Commission and shall schedule a public hearing on the application before the Commission. Public notice of the hearing shall be provided by publication of a Class 1 notice pursuant to Ch. 985, Wis. Stats. The date of the hearing shall be between fourteen (14) and forty-five (45) days after the final complete application is filed.

(d) Commission Action. The Planning and Zoning Commission shall consider all comments made at the public hearing and any recommendations made by Village staff or consultants. The Commission, by resolution, shall within sixty (60) days of the public hearing, approve, approve with conditions or reject the application, except where the applicant provides an extension in writing. The Commission shall make findings as to whether or not the proposed use will satisfy each of the standards for approval set forth in par. (f) and such findings shall be recorded in the minutes of the Commission.

(e) Appeal to the Village Board. An appeal of a decision under par. (d) may be taken to the Village Board by any person, firm or corporation; any officer, department, board, commission or agency of the Village or, in the case of lands within the ETZ Area, the town in

which the affected land is located, who is aggrieved by the decision. Such appeal shall be made in writing to the Zoning Administrator within ten (10) days after the date of the Planning and Zoning Commission's decision. In the case of an appeal:

1. The Zoning Administrator and Building Inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the conditional use permit, and shall issue a "stop work" order for any such activities already commenced.
2. The Zoning Administrator shall immediately notify the applicant and property owner of the appeal in writing, and shall schedule the appeal for Village Board consideration.
3. The Village Board shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving and reviewing the Commission's findings and making its own findings as to whether or not the proposed use will satisfy the standards for approval set forth in par. (f), and shall have all of the powers of the Commission under par. (g) and sub. (6). The Village Board's determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.

(f) Standards for Approval. No conditional use permit shall be granted unless the Planning and Zoning Commission finds that the use authorized thereby, as limited by any enforceable conditions:

1. Will be consistent with the purposes and intent of the zoning code, and will not adversely affect the public health, safety or welfare;
2. Will not be hazardous, harmful or otherwise adverse to the environment or to the reasonable use and value of nearby properties or the community in general;
3. Will be compatible with the existing uses of, and structures upon, surrounding properties, and will not impede the normal and orderly development and improvement of other properties for uses permitted in the district;
4. Will be designed and operated in a manner which minimizes adverse effects, including visual impacts, on surrounding properties and the community as a whole;
5. Provides adequate means of ingress and egress so as to minimize traffic congestion in the public streets and will not cause any significant traffic problems;
6. Has, or makes provision for, adequate utilities, access roads, drainage and other necessary site improvements;
7. Will be consistent with the applicable Comprehensive Plan and any adopted Detailed Neighborhood Plan for the area in which it is located; and
8. Conforms to all other applicable requirements for the zoning district in which it is located, and all applicable standards in §§15.11 and 15.12

(g) Conditions on Approval. In granting any conditional use permit, the Planning and Zoning Commission may impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the proposed use as it determines to be reasonably necessary to protect the public health, safety and welfare and to assure continued compliance with each of the standards set forth in par. (f). The Commission may require such written agreements, deed restrictions, easements or other documents as it deems necessary to assure that any conditions imposed will be satisfied. The conditions and restrictions imposed may include, without limitation, specifications for any or all of the following:

1. Landscaping;
2. Type of construction;
3. Construction schedules and completion dates;
4. Sureties;
5. Lighting;
6. Fencing;
7. Operational controls and restrictions;
8. Hours of operation;
9. Traffic circulation and access restrictions;
10. Setback and yard requirements;
11. Sewage and water supply systems;
12. Screening of exterior structures or operations;
13. Off-street parking;
14. Limits on the timeframe that the conditional use permit will remain valid.

(h) Issuance of Permit. Upon approval of a conditional use permit application by the Planning and Zoning Commission and the provision of such guarantees established as conditions of such approval, the Zoning Administrator shall issue a conditional use permit setting forth the authorized use and all restrictions and conditions placed thereon, subject to the appeal provisions of subsection (e). Copies of all such permits shall be maintained in the files of the Zoning Administrator and the Building Inspector, and may be recorded by the Village against the property and placed on the official zoning map. In the event the Village Board rejects or modifies a conditional use permit on appeal, the conditional use permit shall be null and void.

(i) Extraterritorial Provisions. If all of the property for which an application is submitted under this section is located in the ETZ Area, the appropriate Joint Committee shall act in lieu of the Planning and Zoning Commission and shall have all of the powers and duties of the Commission under this section. Any appeal of the Joint Committee's action shall proceed according to subsection (e). The appropriate Joint Committee shall act jointly with the Planning and Zoning Commission in reviewing and making recommendations on any application partially within the ETZ Area and shall hold all required hearings jointly.

[Am. 13-021, Eff. 10-10-13]

(4) MINERAL EXTRACTION OPERATION PERMITS.

(a) Applicability. The subsection shall apply to all mineral extraction operations and applications for conditional use permits authorizing such operations.

(b) Application Requirements. An application for a conditional use permit to conduct a mineral extraction operation shall include a written description of the proposed operation including a time schedule of development and termination, a site plan and a topographic reclamation plan.

(c) Setbacks. Excavations below the grade of an abutting public street or highway shall be set back from the street or highway a distance at least equal to the required building setback distance provided in the district regulations.

(d) Soil Reclamation. Topsoil from the area of operation shall be saved and stored on site for reclamation of the area. Proposed storage areas shall be shown on the site plan.

(e) Site Restoration. Restoration of the area of operations is required as follows:

1. Final slopes shall not be graded more than 3:1 except in a quarry operation.
2. The area shall be covered with topsoil and seeded to prevent erosion.
3. The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of the Zoning Administrator.

(f) Nonconforming Operations. Mineral extraction operations which existed prior to 1969 and were registered with, and approved by, the Dane County Zoning Administrator shall be considered nonconforming uses in accordance with sec. 15.17.

(5) SPECIAL REQUIREMENTS FOR LARGE RETAIL ESTABLISHMENTS. In addition to the requirements of sub. (3), an application for a conditional use permit for approval of a retail or commercial service building in excess of 20,000 ft² gross floor area shall include a written Compatibility Report containing all of the information required in pars. (a) through (f).

(a) A description of how the proposed development is compatible with adopted Village Plans, including the Comprehensive Plan, Detailed Neighborhood Plans, and other plans officially adopted by the Village;

(b) A completed Development Questionnaire form prepared and approved by the Zoning Administrator providing such information concerning the details of the proposed development as the Zoning Administrator determines necessary or appropriate to allow for full evaluation of the size, scope, nature and details of the proposed development;

(c) A Community Impact Analysis which shall include the following elements:

1. Identification and assessment of the impacts of proposed project, including positive, negative, and indirect impacts.
2. Proposed measures to mitigate adverse impacts and/or maximize positive impacts including provision of infrastructure or public services improvements sufficient to support the project. Any adverse impacts that cannot be mitigated shall be identified.
3. An Economic Impact Analysis including the following information:
 - i. A description of the types of jobs to be created and their wage ranges;
 - ii. An estimate of the number of full-time (40 hrs/wk) and part time (less than 40 hrs/wk) jobs to be created;

- iii. An estimate of the amount of local labor to be used in the construction of the project and in employment positions created by the project. Local labor shall be estimated both in terms of Village and county residents or businesses;
- iv. An evaluation of the market and financial feasibility of the project, including a trade area analysis indicating the market proposed for the project and the area from which patrons will be attracted, and any plans for phased construction. The evaluation shall include any further market studies prepared for the project by the applicant;
- v. An analysis of whether the proposed project will result in more than one acre of commercial land for every 150 residents of the Village;
- vi. An evaluation of the impact of the proposed project on commercial vacancy rates in the Village of DeForest and nearby sites;
- vii. An estimate of the extent to which the proposed project will reduce the diversity of the Village's economic base by eliminating smaller businesses;
- viii. An evaluation of the projected costs and benefits to the community resulting from the project including:
 - (a) projected costs arising from increased demand for, and required improvements to, public services and infrastructure, including an explanation of the level of services required;
 - (b) the value of improvements to public services and infrastructure to be provided by the project;
 - (c) the projected tax revenues to the Village of DeForest to be generated by the project;
 - (d) the projected impact of the project on land values (both residential and commercial) and the potential resultant loss or increase in tax revenues to the Village of DeForest;
 - (e) a short-term and long term projection of increased revenues to the Village of DeForest, and costs resulting from the proposed project;
 - (f) A comparison between the amount of revenue generated by the proposed project that will be retained and redirected back into the economy of the Village of DeForest trade area and that which is so retained and redirected by other chain stores and locally-owned, independent retailers in the Village of DeForest trade area; and
 - (g) An estimate of the extent to which the proposed project would preclude higher value development on the site.
- ix. The projected lifespan of the proposed buildings;

x. A copy of all written policies maintained by the proposed users of the site on corporate giving and volunteer participation in the community.

(d) For development totaling over 40,000 square feet of gross floor area, a completed Transportation and Traffic Impact Analysis in a format consistent with the requirements of the State of Wisconsin WisDOT District 1;

(e) For developments which include more than 40,000 square feet of gross floor area, an escrow fund in an amount determined by the Zoning Administrator to be sufficient to reimburse the Village for its costs in hiring a consultant of its choice with appropriate experience to complete and present an Economic and Fiscal Impact Analysis.

(f) Unless the entire project is included in an adopted Detailed Neighborhood Plan, a conditional use application which includes development exceeding 80,000 square feet in total gross floor area of all combined buildings for retail or commercial service uses within the development shall be accompanied by a Detailed Neighborhood Plan for all areas within one thousand five hundred (1,500) feet of the subject property, as measured from the outer perimeter of the subject property or group of properties proposed for development, and other nearby lands as determined by the Plan Commission and Village Board to be part of the neighborhood. The Detailed Neighborhood Plan shall clearly demonstrate the provision of land use, multi-modal transportation, utility, stormwater management and community character components, and patterns that clearly forward the objectives of the Village's Comprehensive Plan, as determined by the Plan Commission and Village Board. The Detailed Neighborhood Plan shall be approved by the Village Board as a precondition to approval of the conditional use permit. The Detailed Neighborhood Plan shall contain the following specific elements at a scale of not less than 1 inch equals 400 feet:

1. Land use with specific zoning districts and/or land uses;
2. Transitional treatments such as berms and/or landscaping between areas with differing land uses or character;
3. A complete public and private road network;
4. A pedestrian and bicycle network;
5. Transit routes and stops, including possible park-and-ride locations, where applicable;
6. A conceptual stormwater management network;
7. Public facility sites including parks, schools, conservation areas, public safety facilities and public utility facilities;
8. Recommendations for community character themes including building materials, landscaping, streetscaping and signage.

(g) Use Restrictions Prohibited. Where any building requiring a conditional use permit under this subsection is proposed as a replacement location for a business already located within the Village, the permit shall be conditioned upon an agreement by the applicant and the

proposed occupant of the building that it will not impose any restriction on the type of reuse which may be made of the previously occupied building through conditions of sale or lease.

(6) LIMITED CONDITIONAL USE PERMITS. In any case where requested by the applicant, or in lieu of denial of an application where the Planning and Zoning Commission finds that the standards set forth in par. (f) will be satisfied during a limited period of time, the Commission may grant a limited conditional use permit. The Commission shall specify in the resolution granting the permit a date, or objectively determinable event, upon which the permit will expire and set forth the reasons for the limitation.

(7) TEMPORARY USE PERMITS. Any use allowed in the applicable zoning district (whether as a permitted or conditional use) may be permitted by the Zoning Administrator without a requirement for a conditional use permit for periods of not more than ninety (90) days in any calendar year on any zoning lot as provided in this section. Such authorization shall be in the form of a temporary use permit issued by the Zoning Administrator setting forth the allowed use, the dates during which the use is permitted, and any conditions or restrictions determined necessary by the Zoning Administrator to meet the standards in subsection (3)(f) and other requirements of this chapter. Appeals from decisions of the Zoning Administrator shall be made to the Board of Zoning Appeals in accordance with §15.03 and the rules of the Board of Zoning Appeals. A temporary use permit may be issued only upon an application in compliance with sub. (3)(a) and upon a finding by the Zoning Administrator that:

(a) The proposed use will, for the period allowed, satisfy all of the standards of sub. (3)(f);

(b) The use proposed has not generated objections within the previous two years, and is not likely to generate significant public comment, such that a public hearing appears necessary;

(c) No member of the Planning and Zoning Commission or Village Board has objected to the issuance of temporary use permits for the same or a similar use within the previous two years; and

(d) If the subject property is located in the ETZ Area, no member of the Joint Committee or the Town Board of the town in which the land is located has objected to the issuance of temporary use permits for the same or similar use within the last two years. A decision by the Zoning Administrator to refuse a request for a temporary use permit shall not be deemed a final decision for purposes of appeal, but the application shall, at the request of the applicant, be treated as an application for a regular or limited conditional use permit and be processed according to the procedure in sub. (3).

[Am. 08-14; Eff. 5-16-08; Am. 11-10; Eff. 4-16-11; Am. 13-021, Eff. 10-10-13]

(9) TEMPORARY CAMPGROUND ASSOCIATED WITH SPECIAL EVENT.

(a) Applicability. This subsection shall apply to all temporary accommodations to tourists and guests during special events open to the public in tent, recreational vehicle (RV), or trailer camper accommodations and to applications for conditional use permits authorizing such accommodations in conjunction with special events.

(b) Permitted Zoning Districts. Temporary camping accommodations as described in par. (a) may be allowed by conditional use permit in certain zoning districts, per Tables 15.10A, 15.11A, 15.12A, and within planned unit development zoning districts if approved by the Village

Board. Within residential zoning districts, such uses may be allowed only for civic, cultural, educational, recreational, or religious entities and only on lots where the pre-existing principal use is an approved civic, cultural, educational, or religious institution.

(c) Maximum Number and Duration: Uses approved under par. (b) shall not continue for more than a ten (10) day period for any approved special event and each lot (or set of contiguous lots under unified ownership) shall be limited to a maximum of two (2) events per calendar year.

(d) Application Requirements. In addition to the requirements of sub. (3), an application for a conditional use permit shall include the following information:

1. Name(s), address(es), and telephone number(s) of the owner(s), applicant(s) and location of the site.
2. Details and description of the event, including precise dates, times, location, and estimated number of attendees.
3. Description of provisions for potable water supplies/water stations, sanitary bathroom facilities, and waste disposal structures. No direct discharge of any wastewater shall be permitted on site.
4. Site plan, professionally drawn to a recognized scale, indicating and labeling:
 - i. All existing buildings, parking lots, driveways, and other applicable site improvements.
 - ii. The proposed event area and parking and/or camping area, including the number of parking /camping spaces and surface cover of the area. Recreational vehicles used for camping will be permitted only on hard surfaces and all vehicles shall be spaced to allow at least ten (10) foot wide aisles for ingress and egress in all locations.
 - iii. Adequate space for ingress, travel, and egress for emergency and recreational vehicles to a public street.
 - iv. Locations of other structures on property including tents, tables, or inflatable structures.
 - v. Locations and dimensions of temporary signage.
 - vi. Detailed site information if there will be grading, toilet facilities, showers, or other temporary or permanent site improvements made.

(e) Review Process. The review process shall be as provided in sub. (3). In addition, prior to Planning and Zoning Commission action, the Village Public Safety Committee shall provide a recommendation on the proposal if located within the DeForest Area Fire and EMS District.

[Am. 13-021, Eff. 10-10-13]

15.17 NONCONFORMING USES, STRUCTURES AND LOTS.

[Repealed & Recr. 13-021, Eff. 10-10-13]

(1) **PURPOSE.** It is necessary and consistent with the establishment of the various zoning districts by this chapter that buildings, structures and uses which do not conform to the district regulations be eliminated or made to conform to the regulations as soon as reasonable fairness to the property owner or occupant permits. The purpose of this section is to provide for the regulation of nonconforming buildings, structures and uses and to specify the circumstances and conditions under which nonconforming buildings, structures and uses may be continued in accordance with §§62.23(7)(h) and 62.23(7a), *Stats.* The provisions of this section are intended only to excuse, on the terms and conditions set forth herein, noncompliance with the regulations of this chapter, and nothing herein shall be construed to waive or modify any other statute, regulation or ordinance governing the use of land or the occupancy of any building.

(2) **CONTINUATION OF A NONCONFORMING USE.** Any nonconforming use lawfully established prior to the date it becomes prohibited by this Chapter may be continued without expansion and in a manner of operation existing upon such date, except as specified for nonconforming uses in this section.

(3) **MODIFICATION OF A NONCONFORMING USE.** A nonconforming use shall not be expanded, enlarged, extended, or reconstructed unless the use qualifies under subsection (5).

(4) **DISCONTINUANCE OF A NONCONFORMING USE.** When any nonconforming use of any structure or land is discontinued for a period of twelve (12) consecutive months, or is changed into different use, any future use of said structure or land shall be in complete conformity with the provisions of this chapter.

(5) **MAINTENANCE AND REPAIR OF A NONCONFORMING USE.** The ordinary maintenance and repair of a nonconforming use is permitted, including necessary repairs and incidental alterations that do not exacerbate the adverse impacts of the nonconforming use in relation to the intent and purpose of this chapter. Except as otherwise provided in this section, whenever a nonconforming use is damaged to the extent of more than 50 percent of the then-current equalized assessed value of the use and associated structure, such use shall not be restored except in conformity with the regulations of the district in which it is located. Notwithstanding the previous sentence, the structural repairs or alterations in a conforming structure containing a nonconforming use shall not during its lifetime exceed 50 percent of the equalized assessed value of said structure at the time of the first known structural repair or alteration, unless the use within said structure is permanently changed to a conforming use.

(6) **CONTINUANCE OF NONCONFORMING STRUCTURE.** Any structure lawfully established may be continued at the size and in a manner of operation existing upon such date, except as provided for nonconforming structures in this section.

(7) **EXPANSION OF NONCONFORMING STRUCTURE.** Any nonconforming structure may be extended, enlarged, reconstructed, moved, or structurally altered, provided that said extension, enlargement, reconstruction, movement or alteration does not create any new violation of any setback or building requirements of the zoning district, nor increase the degree of the existing nonconformity except as:

- (a) permitted under subsection (8),
- (b) required by law or governmental order,
- (c) required to comply with the provisions of this chapter, or
- (d) in accordance with a variance granted by the Zoning Board of Appeals.

(8) **DAMAGED OR DESTROYED NONCONFORMING STRUCTURE.** A damaged or destroyed nonconforming structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, without any limits on the costs of the repair, reconstruction, or improvement, if all of the following apply:

- (a) The nonconforming structure was damaged or destroyed on or after March 2, 2006.
- (b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(9) **UNSAFE STRUCTURES.** Nothing in this chapter shall preclude the Zoning Administrator from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare.

(10) **FUTURE MODIFICATION OF NONCONFORMING STRUCTURES.** When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure shall be in conformance with the provisions of this Chapter.

(11) **ORDINARY MAINTENANCE OF A NONCONFORMING STRUCTURES.** Ordinary maintenance, repairs (including repairs reasonably necessary to prevent the deterioration of a structure), and remodeling of a nonconforming structure are permitted. Ordinary maintenance, repairs, and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures), insulation, and the replacement of doors, windows, and other non-structural components.

(12) **TIMING OF BUILDING PERMIT.** Any structure for which a building permit has been lawfully granted prior to an amendment to this Chapter causing the structure or use to become nonconforming, may be completed in accordance with the approved plans, provided construction is started within 365 calendar days after issuance of the permit, and construction is completed within the term of the permit. If all such conditions are met, the construction or alteration within the scope of the permit shall not be deemed a change in the use or an expansion of the nonconformity for purposes of this section.

(13) **NONCONFORMING RECORDED LOTS.** A lot of record lawfully created and not designated as an unbuildable outlot, but that does not meet one or more the minimum lot dimensional requirements for the zoning district may be utilized for a new permitted-by-right use in that district, provided the measurements of such lot area, dimensions, and setbacks are equal to or greater than 75 percent of the minimum requirements of the district. Said lot shall not be more intensively developed unless combined with one or more abutting lots (or portions thereof) so as to create a lot that meets the requirements of this Chapter.