

# **CHAPTER 84**

# **GENERAL ZONING ORDINANCE**

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## **CHAPTER 84**

## **GENERAL ZONING ORDINANCE**

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### **ARTICLE I: INTRODUCTION AND DEFINITIONS.**

#### **SECTION 84.01 Title.**

This Chapter shall be known, cited, and referred to as the Village of Cross Plains Zoning Ordinance, except where as referred to herein, where it shall be known as “this Chapter.”

#### **SECTION 84.02 Authority.**

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed so as to limit the application or interpretation of this Chapter.

#### **SECTION 84.03 Purpose and Intent.**

This Chapter is adopted for the purpose of protecting the health, safety, morals, comfort, convenience, and general welfare of the public. This Chapter is designed to control and lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote adequate light and air; to protect groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve, protect, and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and to preserve burial sites as defined in Sec. 157.70(1)(b), Wisconsin Statutes. It is also the intent of this Chapter is to implement certain goals and objectives of the Village of Cross Plains Comprehensive Plan, which are best addressed through zoning approaches, as enabled by Wisconsin Statutes.

**SECTION 84.04 Separability and Non-Liability.**

It is hereby declared to be the intention of the Village of Cross Plains Village Board that provisions of this Chapter are separable in accordance with the following:

- (a) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- (b) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- (c) If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- (d) The Village does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

**SECTION 84.05 Abrogation.**

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Chapter abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

**SECTION 84.06 Rules of Interpretation.**

- (a) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Cross Plains.
- (b) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this Chapter, the regulations that are more restrictive or which impose higher standards or requirements shall prevail. In all instances, where there are conflicts between the text of this Chapter and any tables or figures of this Chapter, the text shall prevail.
- (c) No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit (e.g. swing set, clothesline, etc.), and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.
- (d) Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Chapter, and the construction of which shall have been started within one year from the date of such permit.
- (e) Except as provided in this Chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (See Article V), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this Chapter. In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used.
- (f) Except for outlots authorized under Chapter 83; Land Division and Subdivision to contain permanently protected green space area, no yard or other open space area shall be considered as providing a yard or open space for a building or structure on any other lot.

**SECTION 84.07 Jurisdiction.**

This Chapter is applicable to all territory located within the corporate limits of the Village of Cross Plains.

**SECTION 84.08 Re-enactment and Repeal.**

- (a) This Chapter, in part, carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters previously known collectively as Chapter 4; Zoning for the Village of Cross Plains, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued there under are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.
- (b) All provisions of Chapter 4 of the Village of Cross Plains Code of Ordinances which are not re-enacted herein are hereby repealed.
- (c) The adoption of this Chapter shall not adversely affect the Village's right to prosecute any violation of the predecessor Zoning Code, provided the violation occurred while that Chapter was in effect.

**SECTION 84.09 Effective Date.**

This Chapter shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the Official Zoning Map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to developer agreement provisions.

## **SECTION 84.10 Word Usage.**

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

- (a) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (b) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (c) The masculine gender shall include the feminine, and vice versa.
- (d) The words “shall,” “must,” and “will” are mandatory.
- (e) The words “may,” “can,” and “might” are permissive.
- (f) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (g) The word “Village” shall mean the Village of Cross Plains, Wisconsin.
- (h) The word “County” shall mean the County of Dane, Wisconsin.
- (i) The word “State” shall mean the State of Wisconsin.
- (j) The words “Plan Commission” shall mean the Village of Cross Plains Plan Commission.
- (k) The words “Village Board” shall refer to the Village of Cross Plains Village Board.
- (l) The words “Board” or “Board of Appeals” shall refer to the Village of Cross Plains Zoning Board of Appeals.
- (m) If there is any ambiguity between the text of this Chapter and any illustration or figure, the text shall control.

**SECTION 84.11 Abbreviations.**

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

Abbreviation	Meaning
CUP	Conditional Use Permit
ft	Foot
GSA	Gross site area
ISR	Impervious surface ratio
LSR	Landscape surface ratio
MGD	Maximum gross density
MLA	Minimum lot area
N/A	Not applicable
NDA	Net developable area
sq. ft.	Square feet
Wis. Stats.	Wisconsin Statutes

## **SECTION 84.12 Definitions.**

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. Definitions provided by this Section include:

**Access:** A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

**Acre:** 43,560 square feet.

**Accessory Structure, Nonresidential:** A structure subordinate to the principal building which is located on the same nonresidential parcel.

**Accessory Structure, Residential:** A structure subordinate to the principal building which is located on the same residential parcel. Accessory residential structures include garages, carports, other parking spaces, swimming pools, tennis courts, and tool sheds. Accessory structures in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a Home Occupation and shall not include the boarding of animals or the keeping of fowl or farm animals. The post of a carport is considered the wall for setback purposes.

**Accessory Structure, Attached:** An accessory structure which is physically connected to the principal building. Attached accessory structures shall be considered part of the principal structure and are subject to the setback standards for the principal structure.

**Accessory Structure, Detached:** An accessory structure which is not physically connected to the principal building. A minor attachment does not render an accessory structure attached. Examples of minor attachments include, but are not limited to, decks 18" or less above grade, arbors and fences, and similar open unclosed structures such as breezeways over the pedestrian pathway between structures and no wider than 5-feet.

**Accessory Use:** A use subordinate to the principal use of a building and serving a purpose customarily incidental to the use of the principal land use. Accessory uses in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a Home Occupation and shall not include the boarding of animals or the keeping of fowl or farm animals.

**Addition:** Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load bearing wall. Any walled and roofed addition connected by a fire wall or is separated by independent perimeter load bearing walls is new construction.

**Alley:** A minor public street or thoroughfare providing secondary access to a property. Alley access does not constitute frontage for the purposes of minimum lot frontage.

**Animal Unit:** A measure which represents a common denominator for the purpose of defining a Husbandry or Intensive Agricultural land use. The animal unit measure relates to the maximum carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following figure indicates the number of common farm species which comprise a single animal unit:

**Figure 84.12a: Animal Units**

Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit
Horse (>2 yrs)	1	Calves (<1 yr)	5	Lambs	14
Colt (<2 yrs)	2	Brood Sow or Boar	2	Chickens – Egg Layers	30
Cattle (>2 yrs)	1	Hogs (up to 220 lbs)	3	Chickens – Fryers	60
Cattle (<2 yrs)	2	Sheep	10	Turkeys	50

*Source: The Stockman's Handbook*

**Appeal:** A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 84.169.

**Arterial Street:** A public street or highway intended to be used primarily for through traffic. Arterial streets include highways as well as local streets.

**Basement:** That portion of a building between floor and ceiling having at least one-half of its height below grade.

**Block:** The property abutting the street between the two nearest intersecting or intercepting streets. A railroad right-of-way, the boundary line of un-subdivided acreage, or a body of water shall be regarded the same as an intersecting or intercepting street for the purpose of defining a “block.”

**Bufferyard:** Any permitted combination of distance, vegetation, fencing, and berming which results in a reduction of visual and other interaction with an adjoining property.

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

**Building Coverage:** The percentage of a lot covered by principal and accessory buildings, including all structures with a roof.

**Building Height:** The vertical distance from the highest grade-level at the front wall of the building to the highest point of the roof.

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

**Building Separation:** The narrowest distance between two buildings (see minimum building separation).

**Bulk:** The combination of building height, size, and location on a lot.

**Caliper:** A measurement of the size of a tree equal to the diameter of its trunk measurement four foot above natural grade.

**Comprehensive Plan:** The long-range master plan for the desirable use and development of land in the Village as adopted and as amended from time to time by the recommendation of the Commission and adopted by the Village Board.

**Condominium:** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with separate interest

in space. A condominium may include, in addition, separate interest in other portions of such property.

**Co-working Space:** A type of work place that involves a shared working environment, often an office, and independent activity. Unlike in a typical office environment, those co-working are usually not employed by the same organization.

**Deck:** A structure that has no roof or walls and is considered part of a building or structure. Setbacks shall be measured from the post of the deck.

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

**Development:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; deposition of materials; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

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

**Dwelling, Attached:** A dwelling joined to another dwelling at one or more sides by a shared wall or walls.

**Dwelling, Detached:** A dwelling entirely surrounded by open space on the same lot.

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

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

**Extraterritorial Area:** The area outside of the Village limits in which the Village of Cross Plains may exercise extraterritorial powers of planning, land division, and/or zoning review.

**Façade:** The wall planes of a building which are visible from one side or perspective (e.g. front, side, rear).

**Family:** A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, other than in an adult family home or CBRF or other institutional facility. No such group shall contain over three persons, except ones related by blood, adoption, marriage, or are legally cared for. The following uses are not considered a dwelling unit: a group occupying a boardinghouse, motel, hotel, club, fraternity, or sorority house, or other similar uses.

**Farm Building:** Any building, other than a dwelling unit, used for storing agricultural equipment or farm produce or products, having livestock or poultry, or processing dairy products.

**Floor Area:** The sum of the gross horizontal areas of the floors of a building, including interior balconies, mezzanines, basements, and attached accessory buildings, stairs, escalators, unenclosed and enclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the outside of the exterior walls and to the center of interior walls dividing attached buildings.

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

**Garage:** An accessory building or portion of a building in which one, but not more than four, motor vehicles are housed.

**Gross Density:** The result of dividing the number of dwelling units located on a site by the gross site area (see maximum gross density).

**Gross Floor Area:** The total floor area on all levels of a building.

**Gross Site Area:** The total area of a single lot or the sum of multiple lots.

**Group Development:** See Section 84.118.

**Impervious Surface:** Surfaces that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Village Building Inspector to be impervious within the meaning of this definition will also be classed impervious surfaces.

**Impervious Surface Ratio:** A measure of the intensity of use of a piece of land and its water absorption ability. It is measured by dividing the total of all impervious surfaces within the lot by the gross lot area.

**Intensity:** A term used to describe the amount of gross floor area or landscaped area on a lot or site compared to the gross site area.

**Landmark:** Any identified improvement, which has a special character or special historic interest or cultural value as part of the heritage of the Village.

**Landmark Site:** Any parcel of historic significance having value in tracing the history of aboriginal man or upon which a historical event has occurred, and which has been designated as a landmark site pursuant to this Chapter. A landmark site includes the parcel upon which the landmark has been built.

**Landscaped Area:** The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The landscaped area includes the area located within planted and continually maintained landscaped planters.

**Landscape Surface Area Ratio:** The percentage of the gross site area or lot area which is preserved as permanently protected landscaped area.

**Large Development:** See Section 84.118.

**Lot:** A parcel of land having frontage on a public or private street occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter.

**Lot Area:** The area contained within the property boundaries of a recorded lot.

**Lot, Corner:** A lot abutting upon two or more streets at their intersection or upon two parts of the same street. The point of intersection of the street lines is the “corner.”

**Lot Depth:** The mean horizontal distance between the front and rear lot lines.

**Lot Frontage:** Lot width measured at each street lot line.

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

**Lot Line:** A lot line is the property line (including the vertical plane established by the line and the ground) bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

**Lot Line, Front:** A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line. (See also lot line, street side). See Figure 84.12b.

**Lot Line, Rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be established at the time of subdivision or lot creation or shall be assigned by the Zoning Administrator. See Figure 84.12b.

**Lot Line, Side:** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line. See Figure 84.12b.

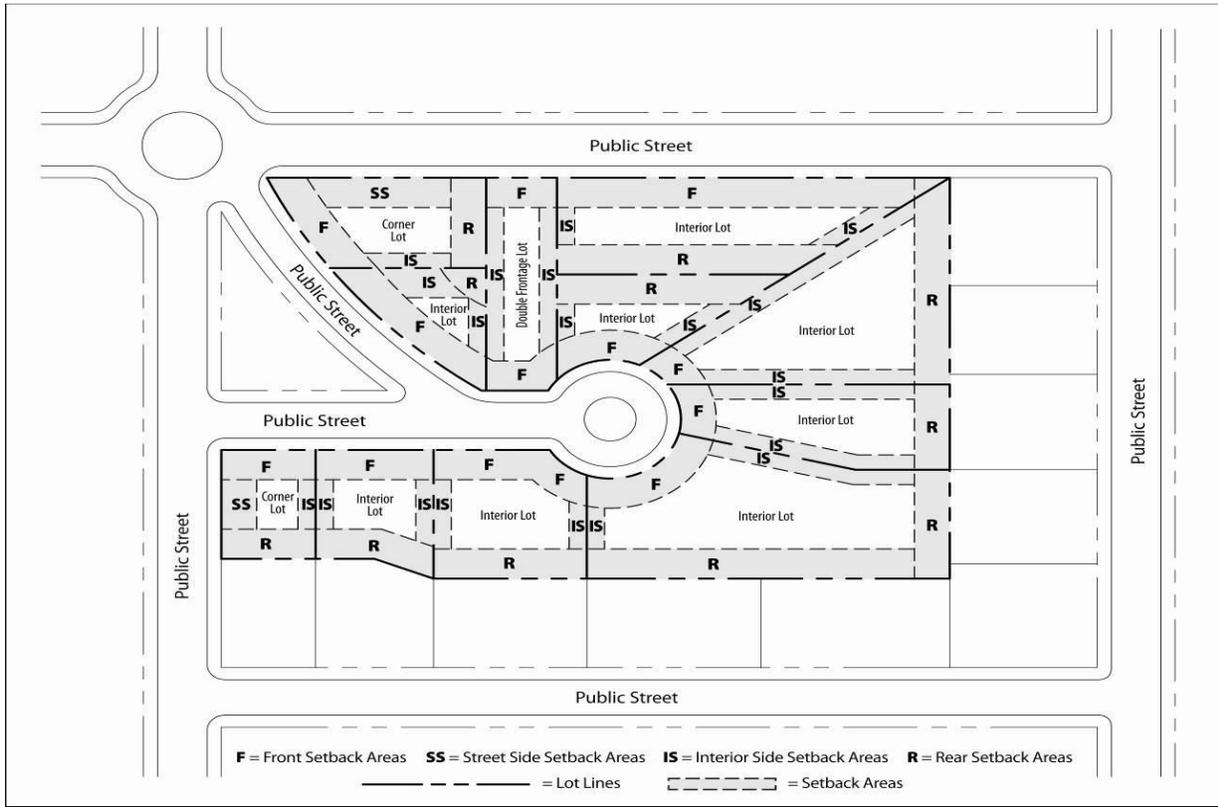
**Lot Line, Street Side:** Any lot line which abuts a public or private street right-of-way which is not the front lot line (see also lot line, front). See Figure 84.12b.

**Lot of Record:** A platted lot or lot described in a certified survey map or in a metes and bounds description which has been approved by the Village or by Dane County, and has been recorded in the office of the Register of Deeds.

**Lot, Through:** A lot having frontage on two parallel or approximately parallel streets (also “double-frontage”). See Figure 84.12b.

**Lot Width:** The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot lines and at the rear of the required front yard (see minimum lot width).

**Figure 84.12b: Lot Descriptions**



**Manufactured Home:** A one or two family home certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with §70.043(1) Wis. Stats. and subchapters III, IV, and V of chapter SPS 321, Wis. Adm. Code, or a comparable foundation as approved by the local building inspector, is installed according to manufacturer’s instructions, is properly connected to utilities, has asphalt shingles and a gable or hip roof, has insulated glass windows, has vinyl, aluminum or other quality siding, and is a minimum of 22 feet wide. For purpose of enforcement of this Chapter, manufactured homes shall be allowed as permitted and conditional uses where “single family” residences and “two family” residences are allowed as permitted and conditional uses. Also known as a “modular home.”

**Maximum Building Size:** The largest permitted total gross floor area a building may contain (see building size).

**Maximum Gross Density:** The maximum number of dwelling units permitted per acre of Gross Site Area (see gross density).

**Minimum Building Separation:** The narrowest permitted building separation.

**Minimum Landscape Surface Ratio:** The lowest permitted landscape surface ratio (see landscape surface ratio).

**Minimum Lot Area:** The minimum size lot permitted within the specified zoning district.

**Minimum Lot Width:** The smallest permissible lot width for the applicable zoning district.

**Minimum Setback:** The narrowest distance permitted from a street, side, or rear property line to a structure.

**Mixed Use:** Some combination of residential, commercial, industrial, office, institutional, and/or other land uses within a district or development.

**Mobile Home:** A transportable, factory-built home designed to be used as a single family, year round residential dwelling and built to national Manufacturing Housing Construction and Safety Standards Act of 1974.

**Navigable Water:** All natural inland lakes, rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, including the Wisconsin portion of boundary waters, which are navigable under the laws of Wisconsin. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

**Net Developable Area:** The area of a site which may be disturbed by development activity. Net developable area is the result of subtracting undevelopable area from the gross site area.

**Nonconforming Building or Structure:** Any building or other structure which was lawfully existing under ordinances or regulations preceding this Chapter, but which would not conform to this Chapter if the building or structure were to be erected under the provisions of this Chapter.

**Nonconforming Development:** A lawful development approved under ordinances or regulations preceding the effective date of this Chapter, but which would not conform to this Chapter if the development were to be created under the current provisions of this Chapter.

**Nonconforming Lot:** A lot which does not comply with the minimum lot area or width requirements of the district in which it is located.

**Nonconforming Use:** An active and actual use of land, buildings, or structures, which was lawfully existing prior to the enactment of this Chapter, which has continued as the same use to the present, and which, does not comply with all the applicable regulations of this Chapter.

**Nonresidential Use:** The individual uses listed under “Agricultural Land Uses,” “Institutional Land Uses,” “Commercial Land Uses,” “Industrial Land Uses,” “Storage Land Uses,” “Transportation Land Uses,” “Extraction and Disposal Land Uses,” and “Energy Production Land Uses” in Article III.

**Noxious Matter or Materials:** Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

**Official Zoning Map:** The map adopted and designated by the Village as being the “Official Zoning Map.”

**Opacity:** The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard’s vertical plane which obstructs views into an adjoining property.

**Other Permanently Protected Green Space:** Permanently protected green space areas which are not constrained by one of the protected natural resources (i.e. wetlands, floodplains, steep slopes, lakeshores, and woodlands). Examples include portions of private lots, outlots, or parcels commonly held by a property owners association, which are deed restricted from site disruption.

**Outdoor Wood Furnace:** An outdoor accessory structure designed to heat water through a wood fire and then transmit that heated water to the principal building for direct use and/or heating the principal building.

**Overlay Zoning District:** A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts.

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

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

**Parcel:** Any contiguous quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. Parcel includes an easement supporting or related to a primary parcel and a condominium unit. Only one such designation by the owner shall be allowed under this Chapter.

**Parking Space, Designated:** An area of a parking lot, street, or drive which has been designated for parking on a site plan and is located on a paved surface per the requirements of Section 84-104. On single family and two family lots, the driveway and the spaces within a garage may be used as designated parking spaces.

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

**Pier:** Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter which is removed seasonally. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.

**Porch:** A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building. The post of the porch is considered the wall for setback purposes.

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

**Regional Flood:** A flood determined by the department of natural resources which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

**Residential Use:** The individual uses identified as dwelling unit types in Section 84.55.

**Scale (of Development):** A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

**Setback:** The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line, excluding permitted intrusions per Section 84.73.

**Single Family Residential:** See Section 84.55(a).

**Site Area:** See gross site area.

**Slope:** An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: 3:1 slope is three feet horizontal and one foot vertical).

**Start of Construction:** The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

**Steep Slope:** Steep slopes are areas which contain a gradient of 12 percent or greater.

**Story:** That portion of a building, other than a basement, that is between the surface of any floor and the surface of the next floor above it or, if there is not a floor above, then the space between such floor and the ceiling next above it.

**Street:** A right-of-way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated and includes all of the area between the roadway or right-of-way lines.

**Substandard Lot:** A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter.

**Structure:** Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location

on the ground, excluding landscape features, fences, swimming pools, public utilities, and other minor site improvements.

**Temporary Use:** A land use which is present on a property for a limited and specified period of time.

**Two Family Residential:** A building designed for two separate dwelling units in which one dwelling unit may have a roof, wall, or floor in common with another dwelling unit. For the purposes of this Chapter, Duplex, Twin House, and Two Flat dwellings are considered to be two family residential. A single family dwelling with an attached accessory dwelling unit is not a two family dwelling.

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

**Use:** The purpose for which land or a building or structure is arranged, designed, or intended, or for which it is, or may be, occupied or maintained.

**Use, Principal:** The main use to which a parcel is devoted and the main purpose for which the premises exists.

**Variance:** A relaxation of the terms of this Chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Chapter would result in unnecessary and undue hardship.

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

**Wharf:** Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.

**Woodland:** Areas of trees whose combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the Village of Cross Plains and its environs.

**Yard:** An open space, other than a court, on a lot unoccupied and unobstructed from the group upward except as otherwise provided in this Chapter.

**Yard, Front:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

**Yard, Rear:** A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot.

**Yard, Side:** A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

**Yard, Street Side:** For corner lots, 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.

**Zoning Administrator:** The Village of Cross Plains Administrator/Clerk-Treasurer or other person appointed by the Village Board.

**SECTIONS 84.13 - 84.19 Reserved**

**ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS.**

**SECTION 84.20 Purpose.**

The area located within the jurisdiction of this Chapter is hereby divided into zoning districts of such number as is necessary to achieve compatibility of land uses within each district, to implement the Village of Cross Plains Comprehensive Plan, and to achieve the other purposes of this Chapter.

**SECTION 84.21 Standard Zoning Districts.**

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter are hereby divided into the following standard zoning districts.

Abbr.	Zoning District Name
C	Conservation
RH-35	Rural Holding
SR-1	Single Family Residential – 1
SR-3	Single Family Residential – 3
SR-4	Single Family Residential – 4
SR-5	Single Family Residential – 5
DR-6	Duplex Residential – 6
MR-8	Multi-Family Residential – 8
MR-16	Multi-Family Residential – 16
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
MSMU	Main Street Mixed Use
BP	Business Park
LI	Light Industrial
GI	General Industrial
ME	Mineral Extraction
PD	Planned Development

**SECTION 84.22 Map of Standard Zoning Districts.**

Zoning districts established by this Chapter are shown on the Official Zoning Map of the Village of Cross Plains, which together with all explanatory materials thereon, is hereby made part of this Chapter.

### **SECTION 84.23 Interpretation of Zoning District Boundaries.**

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the Village of Cross Plains:

- (a) Zoning district boundaries shown as following or approximately following the limits of any city, town, or county boundary shall be construed as following such limits.
- (b) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- (c) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Village of Cross Plains or Dane County tax maps shall be construed as following such lines.
- (d) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (e) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- (f) Zoning district boundaries shown as separated from, any of the features listed in paragraphs (a) through (e), above, shall be construed to be at such distances there from as are shown on the Official Zoning Map.
- (g) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

### **SECTION 84.24 Description and Purpose of Zoning Districts.**

The following Sections specify the description and purpose of the standard zoning districts established by this Chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. Definitions and regulations for land uses are provided in Article III. Section 84.54 includes a Table of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right, by conditional use, as accessory uses, or as temporary uses.

## **SECTION 84.25 (C) Conservation Zoning District.**

- (a) **Intent.** This district is intended to preserve the natural state of scenic areas in the Village and to prevent the uncontested, uneconomical, and premature spread of residential and other development, and to help discourage intensive development of marginal or especially scenic lands, so as to prevent hazards to public and private property, and to avoid harm to the public good because of misuse of environmentally sensitive areas. No residential use of any kind will be allowed in this district.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Cultivation
  - (2) Selective Cutting
  - (3) Passive Outdoor Recreation
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Clear Cutting
  - (2) Active Outdoor Recreation
  - (3) Essential Services
  - (4) Small Scale Public Services and Utilities
  - (5) Large Scale Public Services and Utilities
  - (6) Campground
  - (7) Communication Tower
  - (8) Large Wind Energy System
  - (9) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Landscape Feature
  - (2) On-Site Parking
  - (3) Satellite Dish
  - (4) Personal Antenna and Towers
  - (5) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Small Wind Energy System
  - (2) Small Solar Energy System
- (f) **Permitted Temporary Uses.** None.
- (g) **Density, Intensity, and Bulk Regulations for the (C) Conservation District.** None.
- (h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:
  - (1) Article VI: Overlay Zoning Districts
  - (2) Article VII: Performance Standards
  - (3) Article VIII: Landscaping Regulations
  - (4) Chapter 87: Signage Regulations

**SECTION 84.26 (RH-35) Rural Holding Zoning District.**

- (a) **Intent.** This district intends to permit very low density single family detached residential development at a density of no more than one dwelling unit for every 35 gross acres. This district acts as a “holding zone” to preserve productive agricultural lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and may maintain eligibility for farming incentive programs.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Cultivation
  - (2) Selective Cutting
  - (3) Community Garden
  - (4) Outdoor Open Space Institutional
  - (5) Passive Outdoor Recreation
  - (6) Essential Services
  - (7) Small Scale Public Services and Utilities
  - (8) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(h)
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Single Family (35 acre lot)
  - (2) Husbandry
  - (3) On-Site Agricultural Retail
  - (4) Clear Cutting
  - (5) Intensive Agriculture
  - (6) Agricultural Services
  - (7) Market Garden
  - (8) Indoor Institutional
  - (9) Large Scale Public Services and Utilities
  - (10) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
  - (11) Community Living Arrangement (16+ residents) meeting the requirements of Section 84.57(j)
  - (12) Artisan Production Shop
  - (13) Commercial Animal Boarding/Daycare
  - (14) Bed and Breakfast
  - (15) Vacation Rental Home
  - (16) Campground
  - (17) Intensive Outdoor Activity
  - (18) Production Greenhouse
  - (19) Indoor Food Production
  - (20) Indoor Storage and Wholesaling

- (21) Transit Center
  - (22) Airport
  - (23) Communication Tower
  - (24) Extraction
  - (25) Composting
  - (26) Recycling and Waste Disposal
  - (27) Sand and Mineral Processing
  - (28) Large Wind Energy System
  - (29) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (1) Home Occupation
  - (2) In-Home Daycare (4-8 children)
  - (3) In-Family Suite
  - (4) Farm Residence
  - (5) Residential Accessory Structure
  - (6) Nonresidential Accessory Structure
  - (7) Recreational Facility
  - (8) Landscape Feature
  - (9) Residential Kennel
  - (10) Residential Stable
  - (11) Residential Chicken Coop
  - (12) Residential Apiary
  - (13) On-Site Parking
  - (14) Company Cafeteria
  - (15) Satellite Dish
  - (16) Personal Antenna and Towers
  - (17) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (1) Accessory Dwelling Unit
  - (2) Migrant Employee Housing
  - (3) Small Wind Energy System
  - (4) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (1) Temporary Farm Product Sales
  - (2) Temporary Outdoor Sales
  - (3) Temporary Outdoor Assembly
  - (4) Temporary Shelter Structure
  - (5) Temporary Storage Container
  - (6) Temporary On-Site Construction Storage
  - (7) Temporary Contractor's Project Office

- (8) Temporary On-Site Real Estate Sales Office
- (9) Temporary Relocatable Building
- (10) Garage or Estate Sale
- (11) Farmer’s Market (requires conditional use permit)

(g) **Density, Intensity, and Bulk Regulations for the (RH-35) Rural Holding District.**

	Residential Uses	Nonresidential Uses
Maximum Lot Area	2 acres	2 acres
Minimum Lot Area	1 acre	1 acre
Minimum Lot Frontage	50 feet	50 feet
Maximum Density	1 dwelling unit per 35 acres	N/A
Maximum Building Coverage of Lot	30 percent	30 percent
Minimum Landscape Surface Ratio	50 percent	50 percent
Minimum Lot Width	150 feet	150 feet
Minimum Front Setback	30 feet	30 feet
Minimum Street Side Setback	30 feet	50 feet
Minimum Side Setback	50 feet	50 feet
Minimum Rear Setback	50 feet	50 feet
Maximum Principal Building Height	35 feet	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	100 feet	100 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Minimum Parking Required	See Article III	See Article III
Accessory Building Side Setback	10 feet	10 feet
Accessory Building Rear Setback	10 feet	10 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	20 feet

(h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:

- (1) Article VI: Overlay Zoning Districts
- (2) Article VII: Performance Standards
- (3) Article VIII: Landscaping Regulations
- (4) Chapter 87: Signage Regulations

## **SECTION 84.27 (SR-1) Single Family Residential – 1 Zoning District.**

- (a) **Intent.** This district intends to preserve and enhance existing areas of very low density single family detached dwellings. Unlike the case for the (RH-35) Rural Holding District, the land use standards for this district permit primarily single-family detached residential development at an approximate density of 1 dwelling unit per acre and a variety of related institutional land uses, and are not oriented to a wide range of agricultural activities.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Single Family
  - (2) Selective Cutting
  - (3) Community Garden
  - (4) Outdoor Open Space Institutional
  - (5) Passive Outdoor Recreation
  - (6) Essential Services
  - (7) Small Scale Public Services and Utilities
  - (8) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(h)
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Cultivation
  - (2) Clear Cutting
  - (3) Indoor Institutional
  - (4) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
  - (5) Bed and Breakfast
  - (6) Large Wind Energy System
  - (7) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Home Occupation
  - (2) In-Home Daycare (4-8 children)
  - (3) In-Family Suite
  - (4) Residential Accessory Structure
  - (5) Nonresidential Accessory Structure
  - (6) Recreational Facility
  - (7) Landscape Feature
  - (8) On-Site Parking
  - (9) Satellite Dish
  - (10) Personal Antenna and Towers
  - (11) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Accessory Dwelling Unit
  - (2) Residential Chicken Coop

- (3) Residential Apiary
- (4) Small Wind Energy System
- (5) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
  - (1) Temporary Outdoor Assembly
  - (2) Temporary Shelter Structure
  - (3) Temporary Storage Container
  - (4) Temporary On-Site Construction Storage
  - (5) Temporary Contractor’s Project Office
  - (6) Temporary On-Site Real Estate Sales Office
  - (7) Temporary Relocatable Building
  - (8) Garage or Estate Sale
- (g) **Density, Intensity, and Bulk Regulations for the (SR-1) Single Family Residential – 1 District.**

	Residential Uses	Nonresidential Uses
Minimum Lot Area	1 acre	20,000 square feet
Maximum Density	1 dwelling unit per acre	N/A
Minimum Lot Frontage	50 feet	50 feet
Maximum Building Coverage of Lot	35 percent	35 percent
Minimum Landscape Surface Ratio	45 percent	45 percent
Minimum Lot Width	150 feet	150 feet
Minimum Front Setback	30 feet	30 feet
Minimum Street Side Setback	30 feet	30 feet
Minimum Side Setback	25 feet	25 feet
Minimum Rear Setback	50 feet	30 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	50 feet	50 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	10 feet	10 feet
Accessory Building Rear Setback	10 feet	10 feet
Maximum Accessory Building Height	Lesser of 15 feet or principal building height	20 feet

(h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:

- (1) Article VI: Overlay Zoning Districts
- (2) Article VII: Performance Standards
- (3) Article VIII: Landscaping Regulations
- (4) Chapter 87: Signage Regulations

**SECTION 84.28 (SR-3) Single Family Residential – 3 Zoning District.**

- (a) **Intent.** This district intends to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 3 dwelling units per acre.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Single Family
  - (2) Selective Cutting
  - (3) Community Garden
  - (4) Outdoor Open Space Institutional
  - (5) Passive Outdoor Recreation
  - (6) Essential Services
  - (7) Small Scale Public Services and Utilities
  - (8) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(h)
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Cultivation
  - (2) Clear Cutting
  - (3) Indoor Institutional
  - (4) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
  - (5) Bed and Breakfast
  - (6) Large Wind Energy System
  - (7) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Home Occupation
  - (2) In-Home Daycare (4-8 children)
  - (3) In-Family Suite
  - (4) Residential Accessory Structure
  - (5) Nonresidential Accessory Structure
  - (6) Recreational Facility
  - (7) Landscape Feature
  - (8) *Repealed (Ordinance #05-2017)*
  - (9) On-Site Parking
  - (10) Satellite Dish
  - (11) Personal Antenna and Towers
  - (12) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Accessory Dwelling Unit

- (2) Residential Chicken Coop
  - (3) Residential Apiary
  - (4) Small Wind Energy System
  - (5) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (1) Temporary Outdoor Assembly
  - (2) Temporary Shelter Structure
  - (3) Temporary Storage Container
  - (4) Temporary On-Site Construction Storage
  - (5) Temporary Contractor’s Project Office
  - (6) Temporary On-Site Real Estate Sales Office
  - (7) Temporary Relocatable Building
  - (8) Garage or Estate Sale
- (g) **Density, Intensity, and Bulk Regulations for the (SR-3) Single Family Residential – 3 District.**

	Residential Uses	Nonresidential Uses
Minimum Lot Area	12,000 square feet	12,000 square feet
Maximum Density	3 dwelling units per acre	N/A
Minimum Lot Frontage	50 feet	50 feet
Maximum Building Coverage of Lot	45 percent	45 percent
Minimum Landscape Surface Ratio	40 percent	40 percent
Minimum Lot Width	100 feet	100 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	25 feet	25 feet
Minimum Side Setback	12 feet	15 feet
Minimum Rear Setback	25 feet	20 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	24 feet	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	10 feet	10 feet
Accessory Building Rear Setback	10 feet	10 feet
Maximum Accessory Building Height	Lesser of 15 feet or principal building height	20 feet

- (h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:
- (1) Article VI: Overlay Zoning Districts
  - (2) Article VII: Performance Standards
  - (3) Article VIII: Landscaping Regulations
  - (4) Chapter 87: Signage Regulations

**SECTION 84.29 (SR-4) Single Family Residential – 4 Zoning District.**

- (a) **Intent.** This district intends to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 4 dwelling units per acre.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Single Family
  - (2) Selective Cutting
  - (3) Community Garden
  - (4) Outdoor Open Space Institutional
  - (5) Passive Outdoor Recreation
  - (6) Essential Services
  - (7) Small Scale Public Services and Utilities
  - (8) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(h)
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Cultivation
  - (2) Clear Cutting
  - (3) Indoor Institutional
  - (4) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
  - (5) Bed and Breakfast
  - (6) Large Wind Energy System
  - (7) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Home Occupation
  - (2) In-Home Daycare (4-8 children)
  - (3) In-Family Suite
  - (4) Residential Accessory Structure
  - (5) Nonresidential Accessory Structure
  - (6) Recreational Facility
  - (7) Landscape Feature
  - (8) *Repealed (Ordinance #05-2017)*
  - (9) On-Site Parking
  - (10) Satellite Dish
  - (11) Personal Antenna and Towers
  - (12) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Accessory Dwelling Unit

- (2) Residential Chicken Coop
- (3) Residential Apiary
- (4) Small Wind Energy System
- (5) Small Solar Energy System

(f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

- (1) Temporary Outdoor Assembly
- (2) Temporary Shelter Structure
- (3) Temporary Storage Container
- (4) Temporary On-Site Construction Storage
- (5) Temporary Contractor’s Project Office
- (6) Temporary On-Site Real Estate Sales Office
- (7) Temporary Relocatable Building
- (8) Garage or Estate Sale

(g) **Density, Intensity, and Bulk Regulations for the (SR-4) Single Family Residential – 4 District.**

	Residential Uses	Nonresidential Uses
Minimum Lot Area	9,600 square feet	9,600 square feet
Maximum Density	4 dwelling units per acre	N/A
Minimum Lot Frontage	50 feet	50 feet
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	35 percent	35 percent
Minimum Lot Width	80 feet	80 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	25 feet	25 feet
Minimum Side Setback	10 feet	15 feet
Minimum Rear Setback	25 feet	25 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	20 feet	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	10 feet	10 feet
Accessory Building Rear Setback	10 feet	10 feet
Maximum Accessory Building Height	Lesser of 15 feet or principal building height	20 feet

- (h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:
- (1) Article VI: Overlay Zoning Districts
  - (2) Article VII: Performance Standards
  - (3) Article VIII: Landscaping Regulations
  - (4) Chapter 87: Signage Regulations

**SECTION 84.30 (SR-5) Single Family Residential – 5 Zoning District.**

- (a) **Intent.** This district intends to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 5 dwelling units per acre.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Single Family
  - (2) Two Flat
  - (3) Selective Cutting
  - (4) Community Garden
  - (5) Outdoor Open Space Institutional
  - (6) Passive Outdoor Recreation
  - (7) Essential Services
  - (8) Small Scale Public Services and Utilities
  - (9) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(h)
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Cultivation
  - (2) Clear Cutting
  - (3) Indoor Institutional
  - (4) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
  - (5) Bed and Breakfast
  - (6) Large Wind Energy System
  - (7) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Home Occupation
  - (2) In-Home Daycare (4-8 children)
  - (3) In-Family Suite
  - (4) Residential Accessory Structure
  - (5) Nonresidential Accessory Structure
  - (6) Recreational Facility
  - (7) Landscape Feature
  - (8) *Repealed (Ordinance #05-2017)*
  - (9) On-Site Parking
  - (10) Satellite Dish
  - (11) Personal Antenna and Towers
  - (12) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (1) Residential Chicken Coop
  - (2) Residential Apiary
  - (3) Small Wind Energy System
  - (4) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (1) Temporary Outdoor Assembly
  - (2) Temporary Shelter Structure
  - (3) Temporary Storage Container
  - (4) Temporary On-Site Construction Storage
  - (5) Temporary Contractor’s Project Office
  - (6) Temporary On-Site Real Estate Sales Office
  - (7) Temporary Relocatable Building
  - (8) Garage or Estate Sale
- (g) **Density, Intensity, and Bulk Regulations for the (SR-5) Single Family Residential – 5 District.**

	Residential Uses	Nonresidential Uses
Minimum Lot Area	7,200 square feet	9,000 square feet
Maximum Density	5 dwelling units per acre	N/A
Minimum Lot Frontage	50 feet	50 feet
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	35 percent	35 percent
Minimum Lot Width	60 feet	80 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	25 feet	25 feet
Minimum Side Setback	7 feet	15 feet
Minimum Rear Setback	25 feet	30 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	14 feet	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	10 feet	10 feet
Accessory Building Rear Setback	10 feet	10 feet
Maximum Accessory Building Height	Lesser of 15 feet or principal building height	20 feet

- (h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:
- (1) Article VI: Overlay Zoning Districts
  - (2) Article VII: Performance Standards
  - (3) Article VIII: Landscaping Regulations
  - (4) Chapter 87: Signage Regulations

**SECTION 84.31 (DR-6) Duplex Residential – 6 Zoning District.**

- (a) **Intent.** This district intends to create, preserve, and enhance areas for single family detached and two family attached dwellings at an approximate density of 6 dwelling units per acre.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Single Family
  - (2) Two Flat
  - (3) Twin House
  - (4) Duplex
  - (5) Selective Cutting
  - (6) Community Garden
  - (7) Outdoor Open Space Institutional
  - (8) Passive Outdoor Recreation
  - (9) Essential Services
  - (10) Small Scale Public Services and Utilities
  - (11) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(h)
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Mobile Home
  - (2) Mobile Home Subdivision
  - (3) Mobile Home Park
  - (4) Cultivation
  - (5) Clear Cutting
  - (6) Indoor Institutional
  - (7) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
  - (8) Bed and Breakfast
  - (9) Large Wind Energy System
  - (10) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Home Occupation
  - (2) In-Home Daycare 4-8 Children
  - (3) In-Family Suite
  - (4) Residential Accessory Structure
  - (5) Nonresidential Accessory Structure
  - (6) Landscape Feature
  - (7) Recreational Facility
  - (8) *Repealed (Ordinance #05-2017)*
  - (9) On-Site Parking
  - (10) Satellite Dish
  - (11) Personal Antenna and Towers
  - (12) Communication Antenna

- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
  - (1) Small Wind Energy System
  - (2) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
  - (1) Temporary Outdoor Assembly
  - (2) Temporary Shelter Structure
  - (3) Temporary Storage Container
  - (4) Temporary On-Site Construction Storage
  - (5) Temporary Contractor’s Project Office
  - (6) Temporary On-Site Real Estate Sales Office
  - (7) Temporary Relocatable Building
  - (8) Garage or Estate Sale

(g) **Density, Intensity, and Bulk Regulations for the (DR-6) Duplex Residential–6 District.**

	Residential Uses	Nonresidential Uses
Minimum Lot Area	7,200 square feet for single family or two-flat dwelling unit 6,000 square feet per dwelling unit for duplex or twin house	12,000 square feet
Maximum Density	6 dwelling units per acre	N/A
Minimum Lot Frontage	50 feet	50 feet
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	35 percent	35 percent
Minimum Lot Width	55 feet for single family or two-flat 100 feet for duplex 55 for each twin house lot	80 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	25 feet	25 feet
Minimum Side Setback	10 feet or 0 feet	15 feet
Minimum Rear Setback	25 feet	25 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	20 feet or 0 feet	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	10 feet	10 feet
Accessory Building Rear Setback	10 feet	10 feet
Maximum Accessory Building Height	Lesser of 15 feet or principal building height	20 feet

- (h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:
- (1) Article VI: Overlay Zoning Districts
  - (2) Article VII: Performance Standards
  - (3) Article VIII: Landscaping Regulations
  - (4) Chapter 87: Signage Regulations

**SECTION 84.32 (MR-8) Multi-Family Residential – 8 Zoning District.**

- (a) **Intent.** This district intends to create, preserve, and enhance areas for multi-family uses in small buildings at medium densities, up to 8 dwelling units per acre.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Single Family
  - (2) Two Flat
  - (3) Twin House
  - (4) Duplex
  - (5) Townhouse (3-4 units per building)
  - (6) Multiplex (3-4 units per building)
  - (7) Apartment (3-4 units per building)
  - (8) Selective Cutting
  - (9) Community Garden
  - (10) Outdoor Open Space Institutional
  - (11) Passive Outdoor Recreation
  - (12) Essential Services
  - (13) Small Scale Public Services and Utilities
  - (14) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(h)
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Townhouse (5-8 units per building)
  - (2) Multiplex (5-8 units per building)
  - (3) Apartment (5-8 units per building)
  - (4) Mixed Use Building Residential Use
  - (5) Cultivation
  - (6) Clear Cutting
  - (7) Indoor Institutional
  - (8) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
  - (9) Community Living Arrangement (16+ residents) meeting the requirements of Section 84.57(j)
  - (10) Institutional Residential
  - (11) Bed and Breakfast
  - (12) Boarding House
  - (13) Transit Center
  - (14) Satellite Dish
  - (15) Personal Antenna and Towers
  - (16) Communication Antenna
  - (17) Large Wind Energy System
  - (18) Large Solar Energy System

- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Home Occupation
  - (2) In-Home Daycare 4-8 Children
  - (3) In-Family Suite
  - (4) Residential Accessory Structure
  - (5) Nonresidential Accessory Structure
  - (6) Landscape Feature
  - (7) Recreational Facility
  - (8) *Repealed (Ordinance #05-2017)*
  - (9) On-Site Parking
  - (10) Satellite Dish
  - (11) Personal Antenna and Towers
  - (12) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
  - (1) Small Wind Energy System
  - (2) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
  - (1) Temporary Outdoor Assembly
  - (2) Temporary Shelter Structure
  - (3) Temporary Storage Container
  - (4) Temporary On-Site Construction Storage
  - (5) Temporary Contractor's Project Office
  - (6) Temporary On-Site Real Estate Sales Office
  - (7) Temporary Relocatable Building
  - (8) Garage or Estate Sale

(g) **Density, Intensity, and Bulk Regulations for the (MR-8) Multi-Family Residential – 8 District.**

	Residential Uses	Nonresidential Uses
Minimum Lot Area	5,000 square feet per dwelling unit	12,000 square feet
Maximum Density	8 dwelling units per acre	N/A
Minimum Lot Frontage	50 feet	50 feet
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	30 percent	30 percent
Minimum Lot Width (per building, not unit)	80 feet	80 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	25 feet	25 feet
Minimum Side Setback	20 feet	20 feet
Minimum Rear Setback	25 feet	25 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	40 feet	40 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Parking Requirements	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	10 feet	10 feet
Accessory Building Rear Setback	10 feet	10 feet
Maximum Accessory Building Height	Lesser of 15 feet or principal building height	20 feet

(h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:

- (1) Article VI: Overlay Zoning Districts
- (2) Article VII: Performance Standards
- (3) Article VIII: Landscaping Regulations
- (4) Chapter 87: Signage Regulations

**SECTION 84.33 (MR-16) Multi-Family Residential – 16 Zoning District.**

- (a) **Intent.** This district intends to create, preserve, and enhance areas for multi-family uses in small and mid-sized buildings at higher densities, up to 16 dwelling units per acre.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Single Family
  - (2) Two Flat
  - (3) Twin House
  - (4) Duplex
  - (5) Townhouse (3-8 units per building)
  - (6) Multiplex (3-8 units per building)
  - (7) Apartment (3-8 units per building)
  - (8) Selective Cutting
  - (9) Community Garden
  - (10) Outdoor Open Space Institutional
  - (11) Passive Outdoor Recreation
  - (12) Essential Services
  - (13) Small Scale Public Services and Utilities
  - (14) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(h)
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Apartment (11-16 units per building)
  - (2) Mixed Use Building Residential Use
  - (3) Cultivation
  - (4) Clear Cutting
  - (5) Indoor Institutional
  - (6) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
  - (7) Community Living Arrangement (16+ residents) meeting the requirements of Section 84.57(j)
  - (8) Institutional Residential
  - (9) Bed and Breakfast
  - (10) Boarding House
  - (11) Transit Center
  - (12) Large Wind Energy System
  - (13) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Home Occupation
  - (2) In-Home Daycare 4-8 Children

- (3) In-Family Suite
  - (4) Residential Accessory Structure
  - (5) Nonresidential Accessory Structure
  - (6) Landscape Feature
  - (7) Recreational Facility
  - (8) *Repealed (Ordinance #05-2017)*
  - (9) On-Site Parking
  - (10) Satellite Dish
  - (11) Personal Antenna and Towers
  - (12) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
- (1) Small Wind Energy System
  - (2) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (1) Temporary Outdoor Assembly
  - (2) Temporary Shelter Structure
  - (3) Temporary Storage Container
  - (4) Temporary On-Site Construction Storage
  - (5) Temporary Contractor's Project Office
  - (6) Temporary On-Site Real Estate Sales Office
  - (7) Temporary Relocatable Building
  - (8) Garage or Estate Sale

(g) **Density, Intensity, and Bulk Regulations for the (MR-16) Multi-Family Residential – 16 District.**

	Residential Uses	Nonresidential Uses
Minimum Lot Area	2,500 square feet per dwelling unit	12,000 square feet
Maximum Density	16 dwelling units per acre	N/A
Minimum Lot Frontage	50 feet	50 feet
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	30 percent	30 percent
Minimum Lot Width (per building, not unit)	100 feet	100 feet
Minimum Front Setback	30 feet	30 feet
Minimum Street Side Setback	30 feet	30 feet
Minimum Side Setback	20 feet	20 feet
Minimum Rear Setback	30 feet	25 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	40 feet	40 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	10 feet	10 feet
Accessory Building Rear Setback	10 feet	10 feet
Maximum Accessory Building Height	Lesser of 15 feet or principal building height	20 feet

(h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:

- (1) Article VI: Overlay Zoning Districts
- (2) Article VII: Performance Standards
- (3) Article VIII: Landscaping Regulations
- (4) Chapter 87: Signage Regulations

**SECTION 84.34 (NMU) Neighborhood Mixed Use Zoning District.**

- (a) **Intent.** This district intends to permit residential development and small-scale commercial uses compatible with adjacent residential uses and neighborhood character.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Single Family
  - (2) Two Flat
  - (3) Mixed Use Building Residential Use
  - (4) Selective Cutting
  - (5) Community Garden
  - (6) Outdoor Open Space Institutional
  - (7) Passive Outdoor Recreation
  - (8) Essential Services
  - (9) Small Scale Public Services and Utilities
  - (10) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(h)
  - (11) Office
  - (12) Personal or Professional Service
  - (13) Indoor Sales or Service
  - (14) Artisan Production Shop
  - (15) Indoor Maintenance Service
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Cultivation
  - (2) Clear Cutting
  - (3) Market Garden
  - (4) Indoor Institutional
  - (5) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
  - (6) Community Living Arrangement (16+ residents) meeting the requirements of Section 84.57(j)
  - (7) Physical Activity Studio
  - (8) Indoor Commercial Entertainment
  - (9) Outdoor Commercial Entertainment
  - (10) In-Vehicle Sales and Service
  - (11) Group Daycare Center
  - (12) Bed and Breakfast
  - (13) Vacation Rental Home
  - (14) Commercial Indoor Lodging
  - (15) Boarding House
  - (16) Transit Center

- (17) Off-Site Parking
- (18) Large Wind Energy System
- (19) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Home Occupation
  - (2) In-Home Daycare 4-8 Children
  - (3) In-Family Suite
  - (4) Residential Accessory Structure
  - (5) Nonresidential Accessory Structure
  - (6) Landscape Feature
  - (7) Recreational Facility
  - (8) Residential Kennel
  - (9) On-Site Parking
  - (10) Company Cafeteria
  - (11) Incidental Outdoor Display
  - (12) Incidental Indoor Sales
  - (13) Incidental Light Industrial
  - (14) Satellite Dish
  - (15) Personal Antenna and Towers
  - (16) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
  - (1) Accessory Dwelling Unit
  - (2) Small Wind Energy System
  - (3) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
  - (1) Temporary Outdoor Sales
  - (2) Temporary Outdoor Assembly
  - (3) Temporary Shelter Structure
  - (4) Temporary Storage Container
  - (5) Temporary On-Site Construction Storage
  - (6) Temporary Contractor's Project Office
  - (7) Temporary On-Site Real Estate Sales Office
  - (8) Temporary Relocatable Building
  - (9) Garage or Estate Sale
  - (10) Farmers market (requires conditional use permit)

(g) **Density, Intensity, and Bulk Regulations for the (NMU) Neighborhood Mixed Use District.**

	Residential Uses	Nonresidential Uses
Minimum Lot Area	9,600 square feet	9,600 square feet
Maximum Density	8 dwelling units per acre	N/A
Minimum Lot Frontage	50 feet	50 feet
Maximum Building Size	N/A	5,000 square feet for 1 <sup>st</sup> floor 10,000 square feet total
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	35 percent	35 percent
Minimum Lot Width (per building, not unit)	80 feet	80 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	25 feet	12 feet
Minimum Side Setback	10 feet	15 feet
Minimum Rear Setback	25 feet	15 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	20 feet	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear	5 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	10 feet	10 feet
Accessory Building Rear Setback	10 feet	10 feet
Maximum Accessory Building Height	Lesser of 15 feet or principal building height	20 feet

(h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:

- (1) Article VI: Overlay Zoning Districts
- (2) Article VII: Performance Standards
- (3) Article VIII: Landscaping Regulations
- (4) Chapter 87: Signage Regulations

**SECTION 84.35 (CMU) Community Mixed Use Zoning District.**

- (a) **Intent.** This district intends to permit a wide range of large and small scale office, retail, service, and lodging uses that are compatible with the desired community character.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Mixed Use Building Residential Use
  - (2) Selective Cutting
  - (3) Community Garden
  - (4) Outdoor Open Space Institutional
  - (5) Passive Outdoor Recreation
  - (6) Essential Services
  - (7) Small Scale Public Services and Utilities
  - (8) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(i)
  - (9) Office
  - (10) Personal or Professional Service
  - (11) Indoor Sales or Service
  - (12) Artisan Production Shop
  - (13) Indoor Maintenance Service
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Single Family
  - (2) Two Flat
  - (3) Cultivation
  - (4) Clear Cutting
  - (5) Market Garden
  - (6) Indoor Institutional
  - (7) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
  - (8) Community Living Arrangement (16+ residents) meeting the requirements of Section 84.57(j)
  - (9) Institutional Residential
  - (10) Outdoor Display
  - (1) Physical Activity Studio
  - (12) Indoor Commercial Entertainment
  - (13) Outdoor Commercial Entertainment
  - (14) In-Vehicle Sales and Service
  - (15) Group Daycare Center
  - (16) Commercial Animal Boarding/Daycare
  - (17) Bed and Breakfast
  - (18) Vacation Rental Home

- (19) Commercial Indoor Lodging
  - (20) Boarding House
  - (21) Vehicle Sales
  - (22) Vehicle Service
  - (23) Vehicle Repair
  - (24) Intensive Outdoor Activity
  - (25) Transit Center
  - (26) Off-Site Parking
  - (27) Large Wind Energy System
  - (28) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (1) Home Occupation
  - (2) In-Home Daycare 4-8 Children
  - (3) In-Family Suite
  - (4) Residential Accessory Structure
  - (5) Nonresidential Accessory Structure
  - (6) Landscape Feature
  - (7) Recreational Facility
  - (8) Residential Kennel
  - (9) On-Site Parking
  - (10) Company Cafeteria
  - (11) Incidental Outdoor Display
  - (12) Incidental Indoor Sales
  - (13) Incidental Light Industrial
  - (14) Satellite Dish
  - (15) Personal Antenna and Towers
  - (16) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
- (1) Accessory Dwelling Unit
  - (2) Small Wind Energy System
  - (3) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (1) Temporary Outdoor Sales
  - (2) Temporary Outdoor Assembly
  - (3) Temporary Shelter Structure
  - (4) Temporary Storage Container
  - (5) Temporary On-Site Construction Storage
  - (6) Temporary Contractor's Project Office
  - (7) Temporary On-Site Real Estate Sales Office

- (8) Temporary Relocatable Building
- (9) Garage or Estate Sale
- (10) Farmer’s Market (requires conditional use permit)

(g) **Density, Intensity, and Bulk Regulations for the (CMU) Community Mixed Use District.**

	Residential Uses	Nonresidential Uses
Minimum Lot Area	9,600 square feet	9,600 square feet
Maximum Density	8 dwelling units per acre	N/A
Minimum Lot Frontage	50 feet	50 feet
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	30 percent	30 percent
Minimum Lot Width (per building, not unit)	80 feet	80 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	25 feet	25 feet
Minimum Side Setback	10 feet	10 feet
Minimum Rear Setback	25 feet	25 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	20 feet	20 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	10 feet
Accessory Building Rear Setback	3 feet	10 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	20 feet

(h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:

- (1) Article VI: Overlay Zoning Districts
- (2) Article VII: Performance Standards
- (3) Article VIII: Landscaping Regulations
- (4) Chapter 87: Signage Regulations

**SECTION 84.36 (MSMU) Main Street Mixed Use Zoning District.**

- (a) **Intent.** This district intends to permit both large and small scale “downtown” commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. The district is also intended to retain the existing “Main Street” characteristics of the core blocks in the Village’s historic downtown by establishing Downtown Design Standards and review procedures specific to this district.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Mixed Use Building Residential Use
  - (2) Selective Cutting
  - (3) Community Garden
  - (4) Outdoor Open Space Institutional
  - (5) Passive Outdoor Recreation
  - (6) Active Outdoor Recreation
  - (7) Essential Services
  - (8) Small Scale Public Services and Utilities
  - (9) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(h)
  - (10) Office
  - (11) Personal or Professional Service
  - (12) Indoor Sales or Service
  - (13) Artisan Production Shop
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Single Family
  - (2) Two Flat
  - (3) Cultivation
  - (4) Clear Cutting
  - (5) Market Garden
  - (6) Indoor Institutional
  - (7) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
  - (8) Community Living Arrangement (16+ residents) meeting the requirements of Section 84.57(j)
  - (9) Institutional Residential
  - (10) Outdoor Display
  - (11) Physical Activity Studio
  - (12) Indoor Commercial Entertainment
  - (13) Outdoor Commercial Entertainment
  - (14) In-Vehicle Sales or Service
  - (15) Group Daycare Center

- (16) Bed and Breakfast
  - (17) Vacation Rental Home
  - (18) Commercial Indoor Lodging
  - (19) Boarding House
  - (20) Indoor Maintenance Service
  - (21) Transit Center
  - (22) Off-Site Parking
  - (23) Large Wind Energy System
  - (24) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (1) Home Occupation
  - (2) In-Home Daycare 4-8 Children
  - (3) In-Family Suite
  - (4) Residential Accessory Structure
  - (5) Nonresidential Accessory Structure
  - (6) Recreational Facility
  - (7) Landscape Feature
  - (8) On-Site Parking
  - (9) Company Cafeteria
  - (10) Incidental Outdoor Display
  - (11) Incidental Indoor Sales
  - (12) Incidental Light Industrial
  - (13) Satellite Dish
  - (14) Personal Antenna and Towers
  - (15) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
- (1) Accessory Dwelling Unit
  - (2) Small Wind Energy System
  - (3) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (1) Temporary Outdoor Sales
  - (2) Temporary Outdoor Assembly
  - (3) Temporary Shelter Structure
  - (4) Temporary Storage Container
  - (5) Temporary On-Site Construction Storage
  - (6) Temporary Contractor's Project Office
  - (7) Temporary On-Site Real Estate Sales Office
  - (8) Temporary Relocatable Building
  - (9) Garage or Estate Sale

(10) Farmer’s Market (requires conditional use permit)

(g) **Density, Intensity, and Bulk Regulations for the (MSMU) Main Street Mixed Use District.**

	<b>Nonresidential and Residential Uses</b>
Minimum Lot Area (per building, not unit)	N/A
Maximum Density	8 units per acre
Minimum Lot Frontage	50 feet
Maximum Building Coverage of Lot	80 percent
Minimum Landscape Surface Ratio	N/A
Minimum Lot Width	N/A
Maximum Front and Street Side Setback	Buildings fronting Main St.: 15 feet Buildings fronting Mill Creek Pkwy: 10 feet
Maximum Side Setback	0 feet or 10 feet
Minimum Rear Setback	15 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Height	20 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	0 feet or 20 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Parking Required	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	10 feet
Accessory Building Rear Setback	10 feet
Maximum Accessory Building Height	20 feet

(h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:

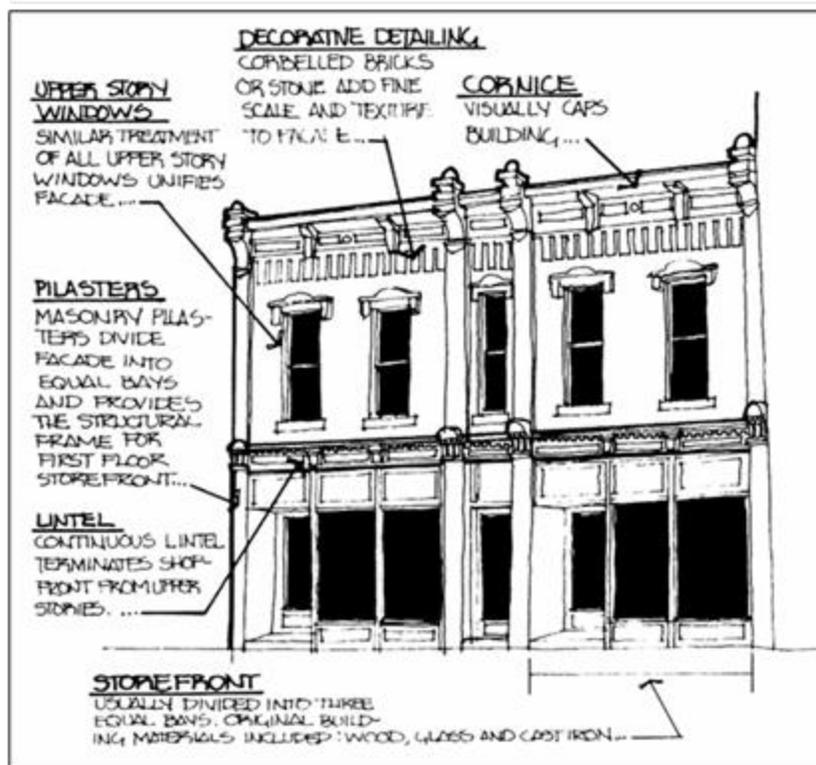
- (1) Article VI: Overlay Zoning Districts
- (2) Article VII: Performance Standards
- (3) Article VIII: Landscaping Regulations
- (4) Chapter 87: Signage Regulations

(i) **Downtown Design Standards.**

- (1) **Purpose.** These standards are intended to implement the urban design recommendations of the Comprehensive Plan, by preserving and enhancing the historical quality of the downtown, and by attaining a consistent visually pleasing image for the downtown area. As emphasized by said Plan, this district is designed to forward both aesthetic and economic objectives of the Village by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 84.165 for the procedures applicable to proposal review in this district.
- (2) **Application of Regulations.** The regulations of this Section shall apply to:
  - a. New nonresidential development within the mapped boundaries of the Main Street Mixed Use district.
  - b. Changes to the exterior of any nonresidential building within the mapped boundaries of this district.
  - c. All portions of any nonresidential structure that are visible from any public street right-of-way within the mapped boundaries of this district.
- (3) **Review and Approval.** All development in this district shall follow the procedures of Section 84.165.
- (4) **Design Theme.**
  - a. **Overall Design Theme:** The design theme for the downtown area is based on its historical, pedestrian-oriented development pattern that incorporates retail, residential, and institutional uses. Building orientation and character includes minimum setbacks at the edge of the sidewalk, multi-story structures, use of alleys for access, and on-street or other off-site parking. The design theme varies by location.

- b. **Nonresidential Design Theme:** The nonresidential design theme is characterized by a variety of architectural styles popular at the time, including Italianate, Romanesque, and Neoclassical, in a two-story format with office, storage, or residential located over commercial. The facades of these buildings have a traditional main street storefront appearance, are relatively small in scale, have street yard and side yard setbacks of zero feet, have prominent horizontal and vertical patterns formed by regularly spaced window and door openings, detailed cornice designs, rich detailing in masonry coursing, window detailing and ornamentation, and are predominately of brick, stone, or wood. Exterior building materials are of high quality. Exterior appurtenances are minimal. Exterior colors are harmonious, simple, and muted. Exterior signage blends, rather than contrasts, with buildings in terms of coloring (complementary to building), location (on-building), size (small), and number (few).

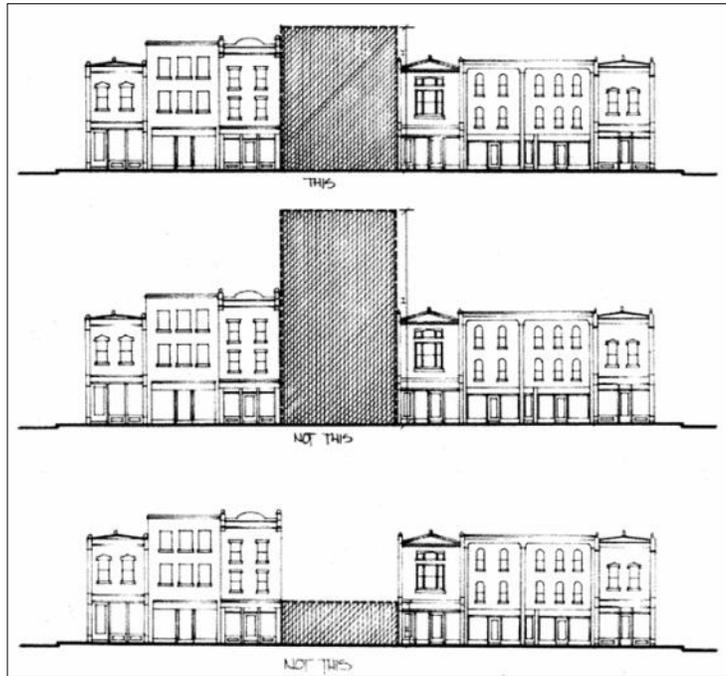
Figure 84-36a: Architectural Components



- (5) **Designated Historic Structures.** These regulations are separate and in addition to requirements related to changes to state and national landmarks.

- (6) **Design Standards.** Construction, including new structures, building additions, building alterations, and restoration or rehabilitation shall correspond to the urban design guidelines as recommended by the Plan Commission and adopted by the Village Board, and as evidenced by certain existing structures within the Downtown, and by the following requirements for building setback; height; building mass; horizontal rhythms (created by the placement and design of façade openings and related elements such as piers, columns); vertical rhythms (created by the placement and design of façade details such as sills, transoms, cornices and sign bands); roof forms; exterior materials; exterior surface features and appurtenances; exterior colors; exterior signage; on-site landscaping; exterior lighting; parking and loading area design; and the use of screening.
- a. **Building Setback.** Throughout the district, the setback of buildings from street-yard and side-yard property lines shall be compatible with existing buildings in the immediate area which conform to the general design theme noted in Subsection (4) above.
  - b. **Building Height.** Throughout the district, the height of buildings shall be compatible with existing buildings in the immediate area which conform to the general design theme noted in Subsection (4) above. In no instance shall buildings be more than one story taller or shorter than the height of a building of similar use on one of the immediately adjoining properties, which conform to the general design theme noted in Subsection (4) above. See Figure 84.36b.

**Figure 84.36b: Building Height Example**



- c. **Building Mass.** Throughout the district, the mass of buildings shall be compatible with existing buildings in the immediate area which conform to the general design theme noted in Subsection (4) above. The characteristic proportion (relationship between façade height and width) of the general design theme shall be maintained. Building mass for large structures (with a façade area exceeding 5,000 square feet) shall be disguised through the use of façade articulations, or through the use of exterior treatments which give the impression of directly adjoining individual buildings.
- d. **Horizontal Rhythms.** The horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building, and shall be compatible with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (4) above.
- e. **Vertical Rhythms.** The floor heights on main façades shall appear visually in proportion to those of adjoining buildings. The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices and sign bands shall be compatible in design and elevation with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (4) above.
- f. **Roof Forms.** Flat or gently sloping roofs which are not visible from the street shall be used. Mansards or other exotic roof shapes not characteristic of the general design theme noted in Subsection (4) above, as determined by the Plan Commission, shall not be used. Throughout the District, roof shapes not characteristic of the general design theme noted in Subsection (4) above, shall not be used. See Figure 84.36c.

Figure 84.36c: Roof Forms



- g. **Exterior Materials.** Selected building materials shall be compatible with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (4) above.
1. **Masonry.** Stone or brick facing should be of even coloration and consistent size. Cinder block, concrete block, concrete slab, or concrete panel shall not be permitted.
  2. **Siding.** Wood or thin board texture vinyl or textured metal clapboard siding may be appropriate, particularly if the proposed non-masonry exterior was used on a building which conforms to the general design theme noted in Subsection (4) above. In certain instances clapboard, board and batten may be in keeping with the general design theme. Asphalt shingles shall not be permitted.
  3. **Glazing.** Clear, or slightly tinted glass or related glazing material shall be used. Mirrored glass, smoked glass, or heavily tinted glass shall not be permitted.

- h. **Exterior Surface.** Exterior surface appurtenances shall be compatible with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (4) above.
  - 1. The traditional storefront design theme (characterized by strong horizontal and vertical rhythms formed by building openings, windows, and transom windows) shall be employed for all new nonresidential buildings including, but not limited to, retail, office, professional service, personal service, maintenance, lodging, entertainment, and storage uses.
  - 2. Throughout the district, avoid cluttering building façades with brackets, wiring, meter boxes, antennae, gutters, downspouts and other appurtenances. Unnecessary signs shall also be avoided. Where necessary, such features shall be colored so as to blend in, rather than contrast, with the immediately adjacent building exterior. Extraneous ornamentation which is inconsistent with the general design theme noted in Subsection (4) above, is also prohibited.
- i. **Awnings.** Throughout the district, awning size, color and placement should complement the architectural character of the building. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used. Aluminum or suspended metal canopies shall be prohibited. Signage applied to awnings shall be simple and durable. Backlit awnings are prohibited.
- j. **Exterior Colors.** Selected exterior colors for structures and appurtenances including fixtures and signs shall be compatible and harmonious with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (4) above. Specifically:
  - 1. Primary (red, blue, green, and yellow) colors, black, and fluorescent, “day glow”, and/or “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.
  - 2. High gloss paints, lacquers, varnishes or other shiny non-glazing surfaces shall not be used.
  - 3. Color combination schemes shall be limited to no more than three different colors for all the structures and appurtenances on a property. (Varying shades, tints or intensities of a color shall count as a different color for this purpose.)
  - 4. Color schemes shall be used consistently throughout the property, including on both the upper and lower portions of buildings, and on all façades of a building or structure.

- k. **Exterior Lighting.** Throughout the district, on-site exterior lighting shall be compatible and harmonious with the general design theme noted in Subsection (4) above. Specifically:
  - 1. **Pedestrian Lighting:** The design, color, height, location and light quality of on-site pedestrian lighting shall be consistent with the pedestrian lighting fixtures.
  - 2. **Vehicular Circulation Lighting:** The design, color, height, location and light quality of on-site vehicular circulation lighting for officially designated historic properties shall be consistent with the lighting fixtures approved by the Plan Commission.
  - 3. Additional lighting standards are found in Section 84.106.
- l. **Signage.** All signage existing upon the adoption date of this Ordinance and which does not comply with the standards of Chapter 87: Signage may be continued as long as it is well maintained. However, the maintenance of such legal nonconforming signs shall be limited to repair of the sign structural or lighting elements, and to the repainting or replacement of the sign face with identical new material, message, and original appearance. Should a change in material, message, or original appearance be desired, the legal nonconforming sign shall be removed.
- m. **Cleaning.** Structural components and exterior materials shall be cleaned when necessary, and with only the gentlest possible methods. Low pressure water and soft natural bristle brushes are acceptable. Sandblasting is never acceptable. Other methods shall be pre-approved by the Village Board.
- n. **Rehabilitation and Restoration.** New projects, building additions, and new appurtenances and features shall comply with the provisions of Subsections a through m above. The following standards shall apply where existing construction is proposed for rehabilitation and/or restoration:
  - 1. **In General.** Buildings shall be restored relying on physical evidence (such as photographs, original drawings, and existing architectural details) as much as possible, in keeping with the general design theme noted in Subsection (4) above. Specifically, throughout the Main Street Mixed Use District the provisions of this Subsection shall apply.

2. Exterior Materials and Surface Features. Materials and features identical to the original shall be used when possible. Where such knowledge or materials are lacking, materials and features in common use at the time of building erection, shall be used. Significant architectural features, including cornices, moldings and coursings shall be preserved or replaced with identical features and materials where possible.
3. Windows and Doors. The size, proportion and rhythm of original windows and doors shall not be altered. Original window and door openings shall not be blocked, except with a dark opaque panel placed behind the window or door to preserve the appearance of the opening. Where now blocked in another manner, blocked window and doors shall be restored using said method. Window and door features, including lintels, sills, architraves, shutters, pediments, hoods and hardware, shall be preserved where possible, or replaced with identical features and materials. Dark frames (i.e. anodized bronze) shall be used to replace storefront and upper story windows. Clear aluminum finishes and mill finish aluminum storm windows are prohibited. Real shutters and awnings shall be used if there is evidence that they were a component of the original building design. Vinyl and plastic shutters and awnings shall be prohibited.
4. Shop Fronts. Shop fronts should fit inside the original shop front in terms of all three dimensions (vertical, horizontal and front to back articulation).
5. Display Windows. Display windows should be restored to their original appearance.
6. Entrances and Porches. Original porches and steps shall be retained, except as required to meet accessibility standards. Porches, steps and related enclosures which do not comply with the architectural design theme, as determined by the Plan Commission, shall be removed.
7. Roofs. The original roof shape and character of visible materials shall be retained. Original architectural features which give the roof its essential character, including dormer windows, cupolas, cornices, brackets, chimneys and weathervanes, shall be preserved if in keeping with the architectural design theme as determined by the Village Board

**SECTION 84.37 (BP) Business Park Zoning District.**

- (a) **Intent.** This district intends to accommodate high-quality business, industrial, office, and related land uses at an intensity that is compatible with the overall community character of the Village.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Selective Cutting
  - (2) Community Garden
  - (3) Outdoor Open Space Institutional
  - (4) Passive Outdoor Recreation
  - (5) Essential Services
  - (6) Small Scale Public Services and Utilities
  - (7) Office
  - (8) Personal or Professional Service
  - (9) Indoor Sales or Service
  - (10) Artisan Production Shop
  - (11) Indoor Maintenance Service
  - (12) Light Industrial
  - (13) Indoor Storage and Wholesaling
  - (14) Satellite Dish
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Cultivation
  - (2) Clear Cutting
  - (3) Indoor Institutional
  - (4) Active Outdoor Recreation
  - (5) Institutional Residential
  - (6) Physical Activity Studio
  - (7) Indoor Commercial Entertainment
  - (8) Outdoor Commercial Entertainment
  - (9) Group Daycare Center
  - (10) Commercial Indoor Lodging
  - (11) Outdoor Maintenance Service
  - (12) Transit Center
  - (13) Heliport
  - (14) Off-Site Parking
  - (15) Large Wind Energy System
  - (16) Large Solar Energy System
  - (17) Commercial Animal Boarding/Daycare Facility
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Nonresidential Accessory Structure
  - (2) Recreational Facility
  - (3) Landscape Feature
  - (4) On-Site Parking

- (5) Company Cafeteria
- (6) Incidental Indoor Sales
- (7) Incidental Light Industrial
- (8) Incidental Outdoor Display
- (9) Satellite Dish
- (10) Personal Antenna and Towers
- (11) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
  - (1) Small Wind Energy System
  - (2) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
  - (1) Temporary Outdoor Assembly
  - (2) Temporary Shelter Structure
  - (3) Temporary Storage Container
  - (4) Temporary On-Site Construction Storage
  - (5) Temporary Contractor’s Project Office
  - (6) Temporary On-Site Real Estate Sales Office
  - (7) Temporary Relocatable Building
  - (8) Garage or Estate Sale
  - (9) Farmer’s Market (requires conditional use permit)

(g) **Density, Intensity, and Bulk Regulations for the (BP) Business Park District.**

	Nonresidential Uses
Minimum Lot Area	9,600 square feet
Minimum Lot Frontage	50 feet
Maximum Building Coverage of Lot	50 percent
Minimum Landscape Surface Ratio	30 percent
Minimum Lot Width	80 feet
Minimum Front Setback	25 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	50 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Minimum Parking Required	See Article III

- (h) **Regulations Applicable to All Uses.** Most Development will also be subject to the following requirements:
- (1) Article VI: Overlay Zoning Districts
  - (2) Article VII: Performance Standards
  - (3) Article VIII: Landscaping Regulations
  - (4) Chapter 87: Signage Regulations

**SECTION 84.38 (LI) Light Industrial Zoning District.**

- (a) **Intent.** This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. The primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Selective Cutting
  - (2) Community Garden
  - (3) Outdoor Open Space Institutional
  - (4) Passive Outdoor Recreation
  - (5) Essential Services
  - (6) Small Scale Public Services and Utilities
  - (7) Office
  - (8) Personal or Professional Service
  - (9) Indoor Sales or Service
  - (10) Artisan Production Shop
  - (11) Indoor Maintenance Service
  - (12) Light Industrial
  - (13) Indoor Storage and Wholesaling
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Cultivation
  - (2) Clear Cutting
  - (3) Indoor Institutional
  - (4) Active Outdoor Recreation
  - (5) Large Scale Public Services and Utilities
  - (6) Group Daycare Center
  - (7) Outdoor Maintenance Service
  - (8) Vehicle Repair
  - (9) Production Greenhouse
  - (10) Indoor Food Production
  - (11) Outdoor Storage and Wholesaling
  - (12) Personal Storage Facility
  - (13) Distribution Center
  - (14) Off-Site Parking
  - (15) Large Wind Energy System
  - (16) Large Solar Energy System
  - (17) Commercial Animal Boarding/Daycare Facility

- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Nonresidential Accessory Structure
  - (2) Recreational Facility
  - (3) Landscape Feature
  - (4) On-Site Parking
  - (5) Company Cafeteria
  - (6) Incidental Indoor Sales
  - (7) Incidental Light Industrial
  - (8) Incidental Outdoor Display
  - (9) Satellite Dish
  - (10) Personal Antenna and Towers
  - (11) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
  - (1) Small Wind Energy System
  - (2) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
  - (1) Temporary Outdoor Assembly
  - (2) Temporary Shelter Structure
  - (3) Temporary Storage Container
  - (4) Temporary On-Site Construction Storage
  - (5) Temporary Contractor's Project Office
  - (6) Temporary On-Site Real Estate Sales Office
  - (7) Temporary Relocatable Building
  - (8) Garage or Estate Sale
  - (9) Farmer's Market (requires conditional use permit)

(g) **Density, Intensity, and Bulk Regulations for the (LI) Light Industrial District.**

	<b>Nonresidential Uses</b>
Minimum Lot Area	20,000 square feet
Minimum Lot Frontage	50 feet
Maximum Building Coverage of Lot	60 percent
Minimum Landscape Surface Ratio	30 percent
Minimum Lot Width	80 feet
Minimum Front Setback	25 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	50 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Minimum Parking Required	See Article III
Accessory Building Side Setback	10 feet
Accessory Building Rear Setback	10 feet
Maximum Accessory Building Height	20 feet

(h) **Regulations Applicable to All Uses.** Most Development will also be subject to the following requirements:

- (1) Article VI: Overlay Zoning Districts
- (2) Article VII: Performance Standards
- (3) Article VIII: Landscaping Regulations
- (4) Chapter 87: Signage Regulations

**SECTION 84.39 (GI) General Industrial Zoning District.**

- (a) **Intent.** This district intends to provide space for manufacturing and industrial operations which are potentially incompatible with other uses and which should be distant from residential areas.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Selective Cutting
  - (2) Community Garden
  - (3) Outdoor Open Space Institutional
  - (4) Passive Outdoor Recreation
  - (5) Essential Services
  - (6) Small Scale Public Services and Utilities
  - (7) Office
  - (8) Personal or Professional Service
  - (9) Indoor Sales or Service
  - (10) Artisan Production Shop
  - (11) Indoor Maintenance Service
  - (12) Light Industrial
  - (13) Indoor Storage and Wholesaling
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Cultivation
  - (2) Clear Cutting
  - (3) Indoor Institutional
  - (4) Active Outdoor Recreation
  - (5) Large Scale Public Services and Utilities
  - (6) Vehicle Service
  - (7) Vehicle Repair
  - (8) Intensive Outdoor Activity
  - (9) Sexually-Oriented Land Use
  - (10) Heavy Industrial
  - (11) Production Greenhouse
  - (12) Indoor Food Production
  - (13) Outdoor Storage and Wholesaling
  - (14) Distribution Center
  - (15) Freight Terminal
  - (16) Heliport
  - (17) Off-Site Parking
  - (18) Communication Tower
  - (19) Composting
  - (20) Recycling and Waste Disposal
  - (21) Salvage or Junkyard

- (22) Sand and Mineral Processing
- (23) Large Wind Energy System
- (24) Large Solar Energy System
- (25) Commercial Animal Boarding/Daycare Facility
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Nonresidential Accessory Structure
  - (2) Recreational Facility
  - (3) Landscape Feature
  - (4) On-Site Parking
  - (5) Company Cafeteria
  - (6) Incidental Indoor Sales
  - (7) Incidental Light Industrial
  - (8) Incidental Outdoor Display
  - (9) Satellite Dish
  - (10) Personal Antenna and Towers
  - (11) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
  - (1) Small Wind Energy System
  - (2) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
  - (1) Temporary Shelter Structure
  - (2) Temporary Storage Container
  - (3) Temporary On-Site Construction Storage
  - (4) Temporary Contractor's Project Office
  - (5) Temporary On-Site Real Estate Sales Office
  - (6) Temporary Relocatable Building
  - (7) Garage or Estate Sale

(g) **Density, Intensity, and Bulk Regulations for the (GI) General Industrial District.**

	<b>Nonresidential Uses</b>
Minimum Lot Area	9,600 square feet
Minimum Lot Frontage	50 feet
Maximum Building Coverage of Lot	60 percent
Minimum Landscape Surface Ratio	30 percent
Minimum Lot Width	80 feet
Minimum Front Setback	25 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	50 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Minimum Parking Required	See Article III
Accessory Building Side Setback	10 feet
Accessory Building Rear Setback	10 feet
Maximum Accessory Building Height	20 feet

(h) **Regulations Applicable to All Uses.** Most Development will also be subject to the following requirements:

- (1) Article VI: Overlay Zoning Districts
- (2) Article VII: Performance Standards
- (3) Article VIII: Landscaping Regulations
- (4) Chapter 87: Signage Regulations

**SECTION 84.40 (ME) Mineral Extraction Zoning District.**

- (a) **Intent.** This district intends to provide for quarrying and sand and gravel extraction, uses which, if sited properly, can be located within the Village.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Selective Cutting
  - (2) Community Garden
  - (3) Light Industrial
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Cultivation
  - (2) Clear Cutting
  - (3) Heavy Industrial
  - (4) Communication Tower
  - (5) Extraction
  - (6) Sand and Mineral Processing
  - (7) Large Wind Energy System
  - (8) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (1) Nonresidential Accessory Structure
  - (2) On-Site Parking
  - (3) Satellite Dish
  - (4) Personal Antenna and Towers
  - (5) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
  - (1) Small Wind Energy System
  - (2) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
  - (1) Temporary Shelter Structure
  - (2) Temporary Storage Container
  - (3) Temporary On-Site Construction Storage
  - (4) Temporary Contractor's Project Office
  - (5) Temporary On-Site Real Estate Sales Office
  - (6) Temporary Relocatable Building
  - (7) Garage or Estate Sale

(g) **Density, Intensity, and Bulk Regulations for the (ME) Mineral Extraction District.**

	Nonresidential Uses
Minimum Lot Area	2 acres
Minimum Lot Frontage	50 feet
Maximum Building Coverage of Lot	60 percent
Minimum Landscape Surface Ratio	30 percent
Minimum Lot Width	150 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	50 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Minimum Parking Required	See Article III
Accessory Building Side Setback	10 feet
Accessory Building Rear Setback	10 feet
Maximum Accessory Building Height	20 feet

(h) **Regulations Applicable to All Uses.** Most Development will also be subject to the following requirements:

- (1) Article VI: Overlay Zoning Districts
- (2) Article VII: Performance Standards
- (3) Article VIII: Landscaping Regulations
- (4) Chapter 87: Signage Regulations

## **SECTION 84.41 (PD) Planned Development.**

- (a) **Purpose.** The purpose of this district is to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district (see Article II). In exchange for such flexibility, planned developments shall provide a much higher level of site design, architectural control, and other aspects of aesthetic and functional excellence than normally required for other developments.
- (b) **Intent.** Planned developments are intended to encourage, promote, and provide improved environmental design by allowing for greater freedom, imagination, and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this Chapter and the Village of Cross Plains Comprehensive Plan. To this end, planned developments allow diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage economic development and more rational developments with regard to public services and to encourage and facilitate preservation of open space and natural resources. Planned developments are not intended to circumvent the intent of other zoning districts or this Chapter.
- (c) **Applicability.**
  - (1) **Ownership.** A tract of land proposed to be developed as a PD shall be under the control of a single owner where the owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements, and other provisions with the county.
  - (2) **Size.** There is no minimum or maximum size for a PD.
  - (3) **Condominiums.** Condominium projects with jointly owned common spaces and/or commonly owned structural walls, roofs, or other structural elements must be approved as PDs if, as a result of a condominium division of the land, the lot requirements of the district in which the development is located cannot otherwise be met. This requirement would apply to townhouses where the resulting lot size would be less than otherwise required.
- (d) See Section 84.167 for the process to establish Planned Development Zoning.
- (e) See Section 84.167(c)(3) and 84.167(c)(4) for the General Development Plan and Specific Implementation Plan requirements.
- (f) Planned Developments are exempt from the requirements of Section 84.118 Group and Large Developments.

## **SECTIONS 84.42 - 84.49 Reserved**

## ARTICLE III: LAND USE REGULATIONS.

### SECTION 84.50 Purpose.

The purpose of this Article is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. Certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional use or temporary use permit.

### SECTION 84.51 Regulation of Allowable Uses.

The allowable land uses for each zoning district are established in Article II of this Chapter. Detailed descriptions and regulations for uses are found in Sections 84.55 through 84.66. Even if a land use may be indicated as permitted by right or requiring a conditional use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this Chapter or unless an appropriate variance has been granted pursuant to Section 84.166. For land uses not specifically listed, the Zoning Administrator shall make an interpretation to determine if an amendment to this Chapter is necessary.

- (a) **Principal Land Uses Permitted by Right.** Principal land uses listed as permitted by right (designated by the letter “P” in Section 84.54) are permitted per the general land use requirements of this Article; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this Chapter; and per any and all other applicable Village, county, state, and federal regulations.
- (b) **Principal Land Uses Permitted as Conditional Uses.** Principal land uses allowed only with a conditional use permit (designated by the letter “C” in Section 84.54) may be permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (a), above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in Section 84.161. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. Except for uses approved under a general development plan and specific implementation plan in a planned development (see Section 84.167), all uses requiring a conditional use permit shall comply with the procedural requirements of Section 84.161.

- (c) **Accessory Land Uses.** Accessory land uses are allowed subject to all the requirements and exceptions applicable to principal land uses permitted by right as listed in Subsection (a), above. Accessory land uses allowed only with a conditional use permit are subject to all the requirements and exceptions applicable to principal land uses requiring a conditional use permit as listed in Subsection (b), above. Accessory land uses shall also comply with the following listed regulations.
  - (1) No accessory structure or use shall be constructed on any lot prior to the establishment of an allowable principal use, unless otherwise stated in this Chapter.
  - (2) Accessory land uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard.
  - (3) With the exception of an in-home suite or Accessory Dwelling Units, in no instance shall an accessory structure, cellar, basement, tent, or recreational trailer be used as a residence.
- (d) **Temporary Land Uses.** Temporary land uses permitted by right (designated by the letter “P” in the Table of Land Uses in Section 84.54) are permitted on a temporary basis subject to permitting requirements of Section 84.162 of this Chapter. Temporary land uses permitted only with a conditional use permit (designated by the letter “C” in the Table of Land Uses) may be permitted subject to temporary use and conditional use permitting requirements of Sections 84.162 and 84.161.

**SECTION 84.52 Regulation Applicable to All Land Uses.**

All uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter.

- (a) **Land Use Regulations and Requirements.** All uses of land shall comply with all the regulations and requirements of this Chapter. Such regulations directly relate to the protection of the health, safety, and general welfare of the residents of the Village of Cross Plains.
- (b) **Density, Intensity, and Bulk Regulations and Requirements.** All development and use of land shall comply with all the applicable requirements of Articles II and IV of this Chapter.
- (c) **Overlay Zoning District Requirements.** All land use and/or development of land shall comply with all the regulations and requirements any applicable Overlay Zoning District (see Article VI).
- (d) **Exterior Site and Building Design Standards.** All new, remodeled, and expanded residential and nonresidential development shall comply with the all applicable building and site design guidelines as required in Section 84.101 of this Chapter.
- (e) **Performance Standards.** All development of land shall comply with all applicable requirements established in Article VII.
- (f) **Landscaping Regulations.** All development of land shall comply with all the regulations and requirements of Article VIII pertaining to the provision of

landscaping and bufferyards. Such requirements address issues such as minimum required landscaping of developed land and minimum required bufferyards between adjoining zoning districts which are directly related to the effective bulk of a structure.

- (g) **Signage Regulations.** All land use and/or development of land shall comply with all requirements of Chapter 87, pertaining to the type and amount of signage permitted on property. Such requirements address issues such as the maximum area of permitted signage and the number and types of permitted signage.
- (h) **Number of Buildings per Lot.** Only one principal building shall be permitted on any one lot, with the following exceptions:
  - (1) Group Developments (per Section 84.118)
  - (2) Large Developments (per Section 84.118)
  - (3) Planned Developments (per Section 84.167)
  - (4) Temporary buildings
  - (5) Mobile home parks
- (i) **Mixing Residential and Nonresidential Uses in a Building.** With the exception of Mixed Use Building Residential Uses, Accessory Dwelling Units, and Home Occupations, no building containing a nonresidential land use shall contain a residential land use.
- (j) **Number of Land Uses per Building.** No more than one nonresidential land use shall be permitted in any building with the following exception: multiple permitted by right land uses are allowed in a multi-business building and only require a land use permit (Section 84.163) to confirm the proposed tenants are permitted by right. Examples include a multi-tenant office building; a strip mall; an antique mall; a downtown building mixing office, personal or professional services, and indoor sales and service land uses; co-working space; and other arrangements with multiple permitted uses in one or more occupied spaces. A land use which is regulated as a conditional use may only occupy multi-tenant buildings as approved through the conditional use process (Section 84.161) or a successor conditional use.

- (k) **Accessory Uses.** Accessory uses may be allowed where they comply with the following conditions and requirements:
- (1) **Location.** Detached accessory buildings shall be located in the rear yard.
  - (2) **Separation from principal structures.** Detached accessory buildings shall be located a minimum of five (5) feet from a residential dwelling unit on the same lot, except where the structure will be constructed to fire-rating standards of the Uniform Dwelling Code. The “separation” distance between a dwelling unit and accessory structure is determined by measuring the perpendicular distance from wall to wall of the structures. Minor attachments such as handrails, latticework, trellises, or pergolas may be located in the required separation area and do not render the structures attached for setback purposes.
  - (3) **Accessory structures attached to principal buildings.** When an accessory building is structurally attached to a principal structure, it shall be subject to, and must conform to, all regulations of this chapter applicable to principal structures. Examples include attached garages and sunrooms.
  - (4) **Conversion of accessory structures to dwellings.** The conversion of any accessory structure into a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter. The resulting occupancy will comply with the requirements governing new construction in such district, including minimum lot size, lot area per dwelling unit, building of lot coverage, dimensions of yards and other open spaces, and off-street parking.
  - (5) **Accessory structures without principal structure.** No accessory structure shall be erected or constructed prior to the erection or construction of the principal structure, except for a garage on an abutting lot to a residential lot under the same ownership containing the principal buildings.
- (l) **Group and Large Development Requirements.** A Group or Large Development may include any of the land uses in this Chapter. All uses and/or development of land within a Group or Large Development shall comply with all requirements of Section 84.118.
- (m) **Planned Development Requirements.** All uses and/or development of land within a planned development shall comply with all requirements of Section 84.41 and 84.167.
- (n) **Nonconforming Lots, Uses, Structures, and Site Requirements.** Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in Article II. Land uses located on substandard lots or on nonconforming lots or in nonconforming structures shall comply with all the regulations and requirements of Article V. Substandard lots are buildable, provided the structures meet all other requirements of this Chapter.

- (o) **Land Use Permit Review Required.** All uses are subject to land use permit review and approval in accordance with Section 84.163 of this Chapter. For new or modified developments, a site plan is required. See Subsection (p) immediately below.
- (p) **Site Plan Review Required.** All development involving physical modifications to a site including but not limited to new development, building additions, and additions to paving are subject to site plan review and approval in accordance with Section 84.164 of this Chapter, except for single family and two family residential uses on individual lots in any zoning district.
- (q) **Procedural Regulations and Requirements.** All land use and/or development of land shall comply with all requirements of Article IX, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements.
- (r) Other applicable municipal codes may include:
  - (1) Chapter 51 Vehicles and Traffic
  - (2) Chapter 61 Public Facilities
  - (3) Chapter 65 Erosion Control and Stormwater Management
  - (4) Chapter 82 Annexation Policy
  - (5) Chapter 83 Land Division Subdivision

**SECTION 84.53 Detailed Land Use Descriptions and Regulations.**

The land use categories employed by this Chapter are defined in Section 84.55 through Section 84.66. Land use categories which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 84.152 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

**SECTION 84.54 Table of Land Uses.**

The Table of Land Uses on the following pages is provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text of this Chapter and any the Table of Land Uses, the text shall prevail.

Conservation	Rural Holding (RH-35)	Single Family Residential – 1 (SR-1)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 5 (SR-5)	Duplex Residential – 6 (DR-6)	Multi-Family Residential – 8 (MR-8)	Multi-Family Residential – 16 (MR-16)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Main Street Mixed Use (MSMU)	Business Park (BP)	Light Industrial (LI)	General Industrial (GI)	Mineral Extraction (ME)	
																<b>Land Uses Permitted:</b> Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit
																<b>Dwelling Unit Type</b>
	C															(1) Single family 35 acre lot
		P														(1) Single family 1 acre lot
			P													(1) Single family 12,000 sq. ft. lot
				P												(1) Single family 9,600 sq. ft. lot
					P	P	P	P	P	C	C					(1) Single family 7,200 sq. ft. lot
					P	P	P	P	P	C	C					(2) Two Flat 7,200 sq. ft. lot
						P	P	P								(3) Twin House
						P	P	P								(4) Duplex
							P	P								(5) Townhouse 3-4 units
							C	P								(5) Townhouse 5-8 units
							P	P								(6) Multiplex 3-4 units
							C	P								(6) Multiplex 5-8 units
							P	P								(7) Apartment 3-4 units
							C	P								(7) Apartment 5-8 units
								C								(7) Apartment 8-16 units
						C										(8) Mobile Home 7,200 sq. ft. lot
						C										(9) Mobile Home Subdivision 7,200 sq. ft. lot
						C										(10) Mobile Home Park 7,200 sq. ft. per du
							C	C	P	P	P					(11) Mixed Use Building Residential Use

Conservation	Rural Holding (RH-35)	Single Family Residential – 1 (SR-1)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 5 (SR-5)	Duplex Residential – 6 (DR-6)	Multi-Family Residential – 8 (MR-8)	Multi-Family Residential – 16 (MR-16)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Main Street Mixed Use (MSMU)	Business Park (BP)	Light Industrial (LI)	General Industrial (GI)	Mineral Extraction (ME)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit
<b>Agricultural Land Uses</b>																
P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(1) Cultivation
	C															(2) Husbandry
	C															(3) On-Site Agricultural Retail
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(4) Selective Cutting
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(5) Clear Cutting
	C															(6) Intensive Agriculture
	C															(7) Agricultural Services
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(8) Community Garden
	C								C	C	C					(9) Market Garden
<b>Institutional Land Uses</b>																
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(1) Indoor Institutional
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(2) Outdoor Open Space Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(3) Passive Outdoor Recreation
C												C	C	C		(4) Active Outdoor Recreation
C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(5) Essential Services
C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(6) Small Scale Public Services and Utilities
C	C												C	C		(7) Large Scale Public Services and Utilities
	P	P	P	P	P	P	P	P	P	P	P					(8) Comm. Living Arrangement 1-8 Res.
	C	C	C	C	C	C	C	C	C	C	C					(9) Comm. Living Arrangement 9-15 Res.
	C						C	C	C	C	C					(10) Comm. Living Arrangement 16+ Res.
							C	C		C	C	C				(11) Institutional Residential

Conservation	Rural Holding (RH-35)	Single Family Residential – 1 (SR-1)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 5 (SR-5)	Duplex Residential – 6 (DR-6)	Multi-Family Residential – 8 (MR-8)	Multi-Family Residential – 16 (MR-16)	Neighborhood Mixed Use (NMMU)	Community Mixed Use (CMU)	Main Street Mixed Use (MSMU)	Business Park (BP)	Light Industrial (LI)	General Industrial (GI)	Mineral Extraction (ME)
									P	P	P	P	P	P	(1) Office
									P	P	P	P	P	P	(2) Personal or Professional Service
									P	P	P	P	P	P	(3) Indoor Sales or Service
										C	C				(4) Outdoor Display
	C								P	P	P	P	P	P	(5) Artisan Production Shop
									C	C	C	C			(6) Physical Activity Studio
									C	C	C	C			(7) Indoor Commercial Entertainment
									C	C	C	C			(8) Outdoor Commercial Entertainment
									C	C	C				(9) In-Vehicle Sales or Service
									C	C	C	C	C		(10) Group Daycare Center
	C								C	C		C	C	C	(11) Commercial Animal Boarding/Daycare
	C	C	C	C	C	C	C	C	C	C	C				(12) Bed and Breakfast
	C								C	C	C				(13) Vacation Rental Home
									C	C	C	C			(14) Commercial Indoor Lodging
							C	C	C	C	C				(15) Boarding House
C	C														(16) Campground
									P	P	C	P	P	P	(17) Indoor Maintenance Service
												C	C		(18) Outdoor Maintenance Service
										C					(19) Vehicle Sales
										C			C		(20) Vehicle Service
										C		C	C		(21) Vehicle Repair
	C									C			C		(22) Intensive Outdoor Activity
													C		(23) Sexually-Oriented Land Use

**Land Uses Permitted:**  
Refer to the detailed definitions and requirements listed for each land use on the following pages.  
P: By Right  
C: By Conditional Use Permit

Conservation	Rural Holding (RH-35)	Single Family Residential – 1 (SR-1)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 5 (SR-5)	Duplex Residential – 6 (DR-6)	Multi-Family Residential – 8 (MR-8)	Multi-Family Residential – 16 (MR-16)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Main Street Mixed Use (MSMU)	Business Park (BP)	Light Industrial (LI)	General Industrial (GI)	Mineral Extraction (ME)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit
<b>Industrial Land Uses</b>																
												P	P	P	P	(1) Light Industrial
															C	(2) Heavy Industrial
															C	(3) Production Greenhouse
															C	(4) Indoor Food Production
<b>Storage Uses</b>																
												P	P	P		(1) Indoor Storage and Wholesaling
															C	(2) Outdoor Storage and Wholesaling
															C	(3) Personal Storage Facility
<b>Transportation Land Uses</b>																
							C	C	C	C	C	C				(1) Transit Center
															C	(2) Distribution Center
															C	(3) Freight Terminal
															C	(4) Airport
												C			C	(5) Heliport
									C	C	C	C	C	C		(6) Off-Site Parking
<b>Telecommunication Land Uses</b>																
C	C													C	C	(1) Communication Tower
<b>Extraction and Disposal Land Uses</b>																
															C	(1) Extraction
															C	(2) Composting
															C	(3) Recycling and Waste Disposal
															C	(4) Salvage or Junkyard
															C	(5) Sand and Mineral Processing
<b>Energy Production Land Uses</b>																
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(1) Large Wind Energy System
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(2) Large Solar Energy System

Conservation	Rural Holding (RH-35)	Single Family Residential – 1 (SR-1)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 5 (SR-5)	Duplex Residential – 6 (DR-6)	Multi-Family Residential – 8 (MR-8)	Multi-Family Residential – 16 (MR-16)	Neighborhood Mixed Use (NMMU)	Community Mixed Use (CMU)	Main Street Mixed Use (MSMU)	Business Park (BP)	Light Industrial (LI)	General Industrial (GI)	Mineral Extraction (ME)	
																<b>Land Uses Permitted:</b> Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit
																<b>Accessory Land Uses</b>
	P	P	P	P	P	P	P	P	P	P	P					(1) Home Occupation
	P	P	P	P	P	P	P	P	P	P	P					(2) In-Home Daycare 4-8 Children
	P	P	P	P	P	P	P	P	P	P	P					(3) In-Family Suite
	C	C	C	C					C	C	C					(4) Accessory Dwelling Unit
	P															(5) Farm Residence
	C															(6) Migrant Employee Housing
	P	P	P	P	P	P	P	P	P	P	P					(7) Residential Accessory Structure
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(8) Nonresidential Accessory Structure
	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(9) Recreational Facility
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(10) Landscape Feature
	P															(11) Residential Stable
	P	C	C	C	C											(12) Residential Chicken Coop
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(13) Residential Apiary
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(14) On-Site Parking
	P								P	P	P	P	P	P		(15) Company Cafeteria
									P	P	P	P	P	P		(16) Incidental Outdoor Display
									P	P	P	P	P	P		(17) Incidental Indoor Sales
									P	P	P	P	P	P		(18) Incidental Light Industrial
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(19) Satellite Dish
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(20) Personal Antenna and Towers
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(21) Communication Antenna
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(22) Small Wind Energy System
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(23) Solar Energy System

Conservation	Rural Holding (RH-35)	Single Family Residential – 1 (SR-1)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 5 (SR-5)	Duplex Residential – 6 (DR-6)	Multi-Family Residential – 8 (MR-8)	Multi-Family Residential – 16 (MR-16)	Neighborhood Mixed Use (NMMU)	Community Mixed Use (CMU)	Main Street Mixed Use (MSMU)	Business Park (BP)	Light Industrial (LI)	General Industrial (GI)	Mineral Extraction (ME)	
																<p><b>Land Uses Permitted:</b>  Refer to the detailed definitions and requirements listed for each land use on the following pages.</p> <p>P: By Right  C: By Conditional Use Permit</p>
																<b>Temporary Land Uses</b>
	P															(1) Temporary Farm Product Sales
	P								P	P	P					(2) Temporary Outdoor Sales
	P	P	P	P	P	P	P	P	P	P	P	P	P			(3) Temporary Outdoor Assembly
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(4) Temporary Shelter Structure
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(5) Temporary Storage Container
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(6) Temporary On-Site Construction Storage
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(7) Temporary Contractor’s Project Office
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(8) Temporary On-Site Real Estate Sales Office
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(9) Temporary Relocatable Building
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(10) Garage or Estate Sale
	C								C	C	C	C	C			(11) Farmer’s Market

## **SECTION 84.55 Residential Land Uses.**

- (a) **Single Family.** A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a fully detached single family residence which is located on an individual lot. A single family dwelling with an attached accessory dwelling unit is still considered a single family dwelling.

### Regulations:

- (1) The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label.
- (2) The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.
- (3) Minimum required parking: Two spaces.
- (4) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Single Family land uses. Specific requirements for Single Family uses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

## Figure 84.55a: Single Family Dwelling

### Key to Figure

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage)
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (b) **Two Flat.** This dwelling unit type consists of a single structure with two separate residences each having a private individual access, and no shared internal access. Two Flats are attached units within a two-story structure with one unit above the other.

Regulations:

- (1) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (2) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (3) This dwelling unit type may not be split into additional residences.
- (4) Minimum required parking: Two spaces per dwelling unit.
- (5) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Two Flat land uses. Specific requirements for Two Flats can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

**Figure 84.55b: Two Flat Dwelling**

**Key to Figure**

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (c) **Twin House.** This dwelling unit type consists of two separate residences, each having a private individual access and no shared internal access. Similar to Duplexes, Twin Houses are attached side-by-side units, each with a ground floor and roof. Unlike Duplexes, Twin Houses are located on separate lots.

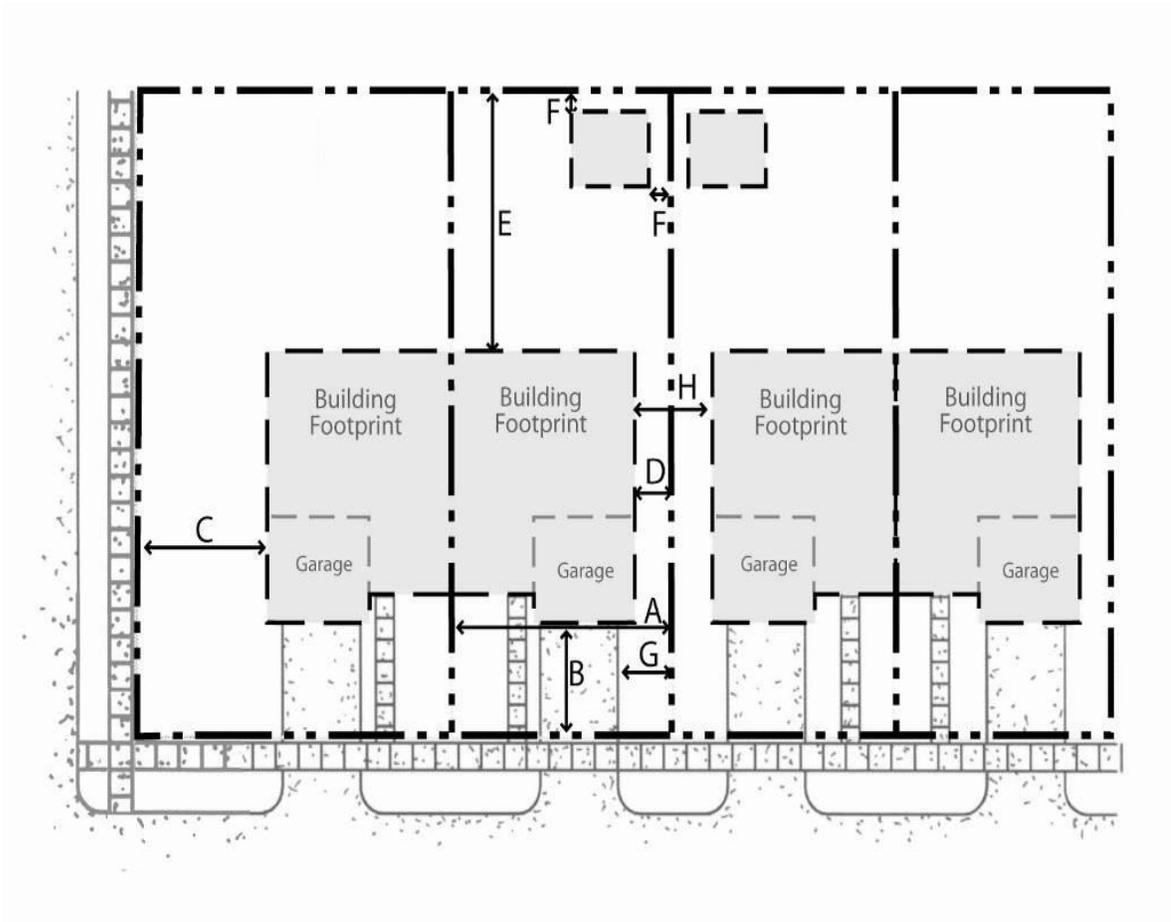
Regulations:

- (1) A Uniform Dwelling Code required fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
- (2) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (3) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (4) This dwelling unit type may not be split into additional residences.
- (5) Minimum required parking: Two spaces per dwelling unit.
- (6) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Twin House land uses. Specific requirements Twin Houses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

**Figure 84.55c: Twin House Dwelling**

**Key to Figure**

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (d) **Duplex.** This dwelling unit type consists of two separate residences, each having a private individual access, and no shared internal access. Duplexes are attached side-by-side units located on one lot, each with a ground floor and roof.

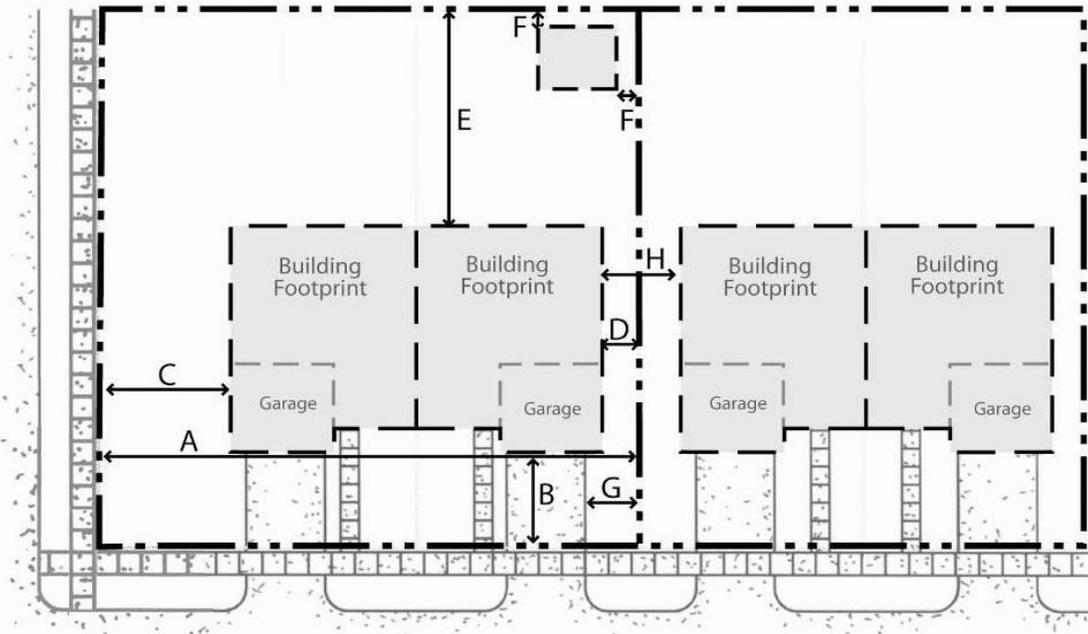
Regulations:

- (1) A building code required fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
- (2) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (3) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (4) This dwelling unit type may not be split into additional residences.
- (5) Minimum required parking: Two spaces in attached garages per dwelling unit.
- (6) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Duplex land uses. Specific requirements for Duplexes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

**Figure 84.55d: Duplex Dwelling**

**Key to Figure**

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (e) **Townhouse.** A Townhouse consists of attached, two-story residences, each having a private, individual access. This dwelling unit type may be located on its own lot or within a group development. Each dwelling unit shares at least one common wall with an adjacent dwelling unit.

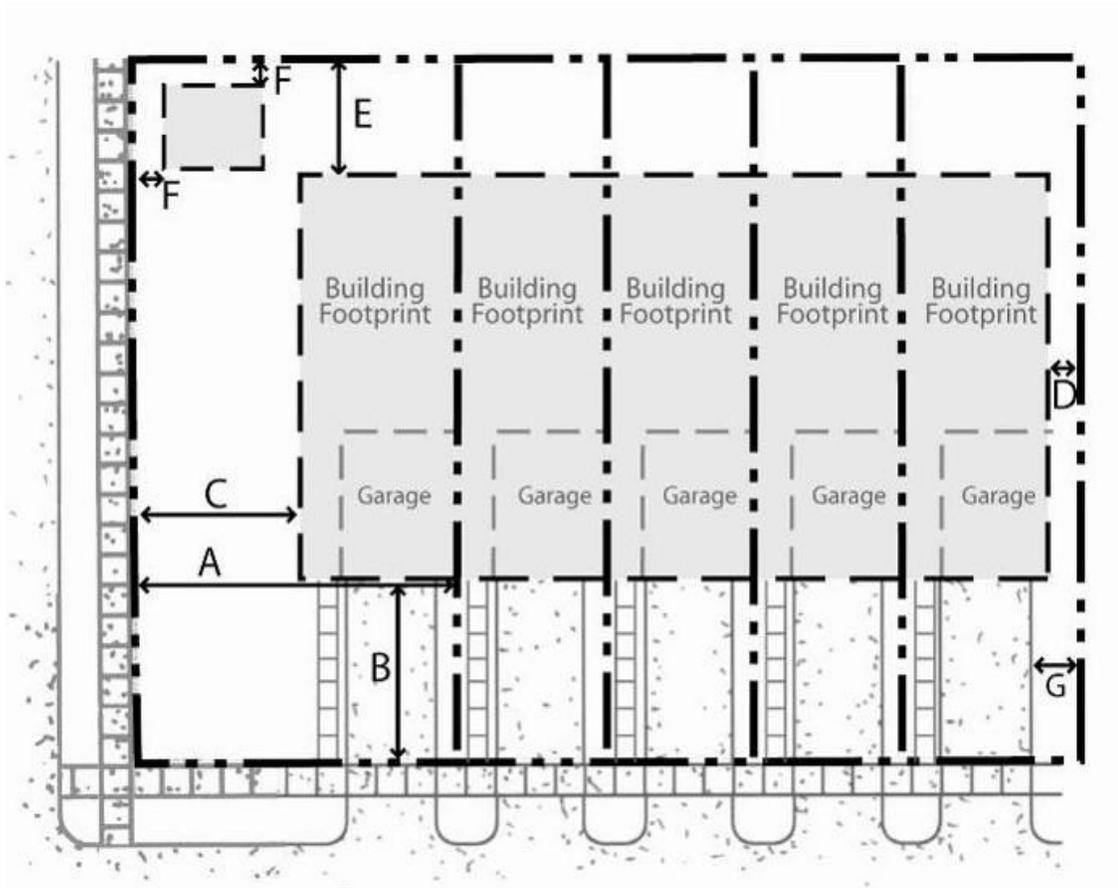
Regulations:

- (1) A building code required fire rated wall must separate each dwelling unit from the lowest level to flush against the underside of the roof.
- (2) No more than eight and no less than three Townhouse dwelling units may be attached per building.
- (3) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (4) This dwelling unit type may not be split into additional residences.
- (5) **Minimum Required Parking:** Two spaces per dwelling unit containing zero, one or two bedrooms, plus 0.5 space per additional bedroom over two bedrooms per unit. Parking shall be provided in attached garages or under-building parking.
- (6) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Townhouse land uses. Specific requirements for Townhouses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

**Figure 84.55e: Townhouse Dwelling**

**Key to Figure**

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (f) **Multiplex.** This dwelling unit type consists of three or more individual attached dwelling units which have private, individual exterior entrances.

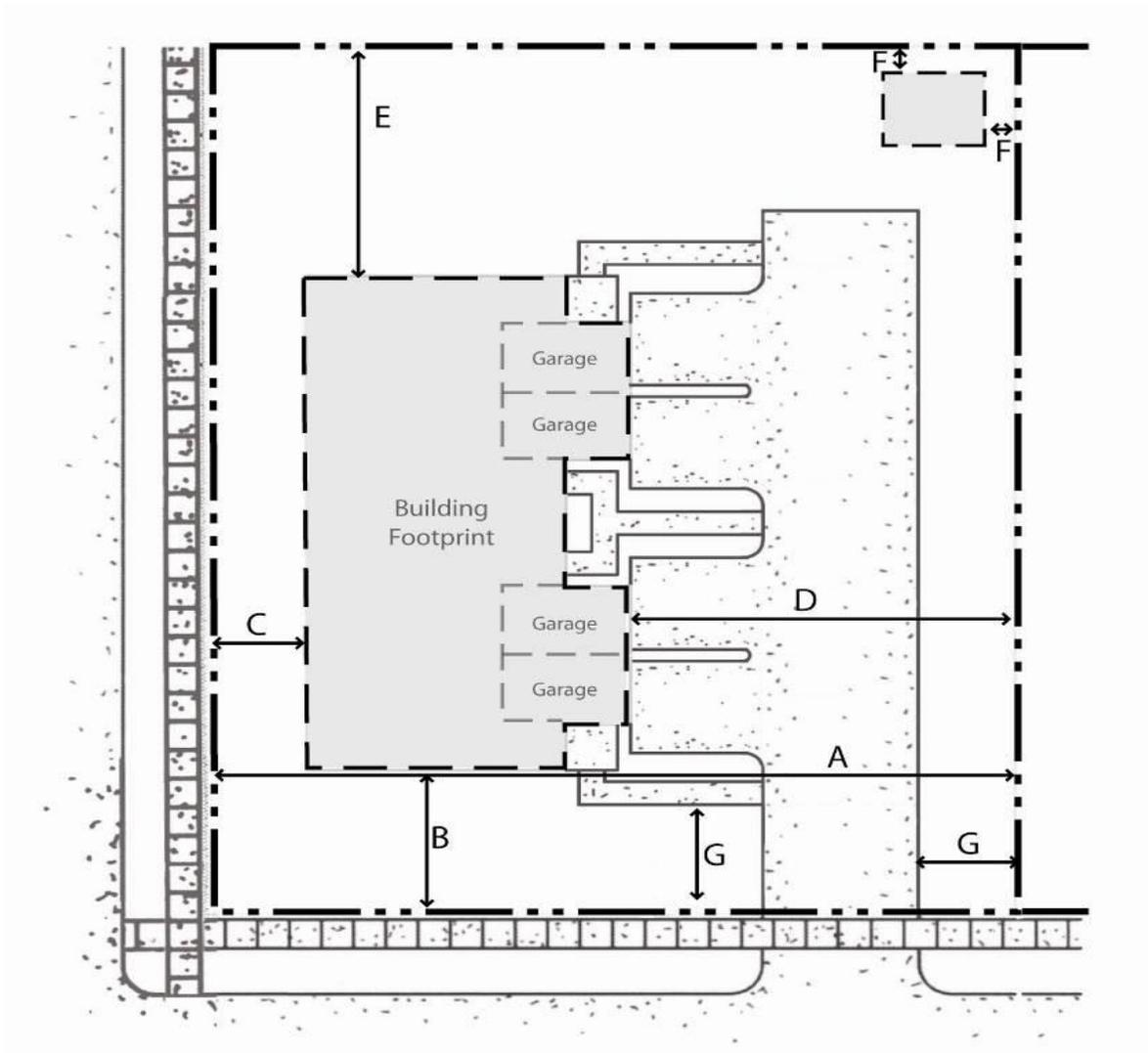
Regulations:

- (1) A building code required fire rated wall separating living areas from the lowest level to flush against the underside of the roof is required between each dwelling unit.
- (2) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (3) This dwelling unit type may not be split into additional residences.
- (4) Minimum required parking: Two spaces per dwelling unit containing zero, one or two bedrooms, plus 0.5 space per additional bedroom over two bedrooms per unit. Parking shall be provided in attached garages or under-building parking.
- (5) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Multiplex land uses. Specific requirements for Multiplexes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

**Figure 84.55f: Multiplex Dwelling**

**Key to Figure**

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (g) **Apartment.** This dwelling unit type consists of a single structure with three or more individual attached dwelling units which take access from a shared entrance or hallway.

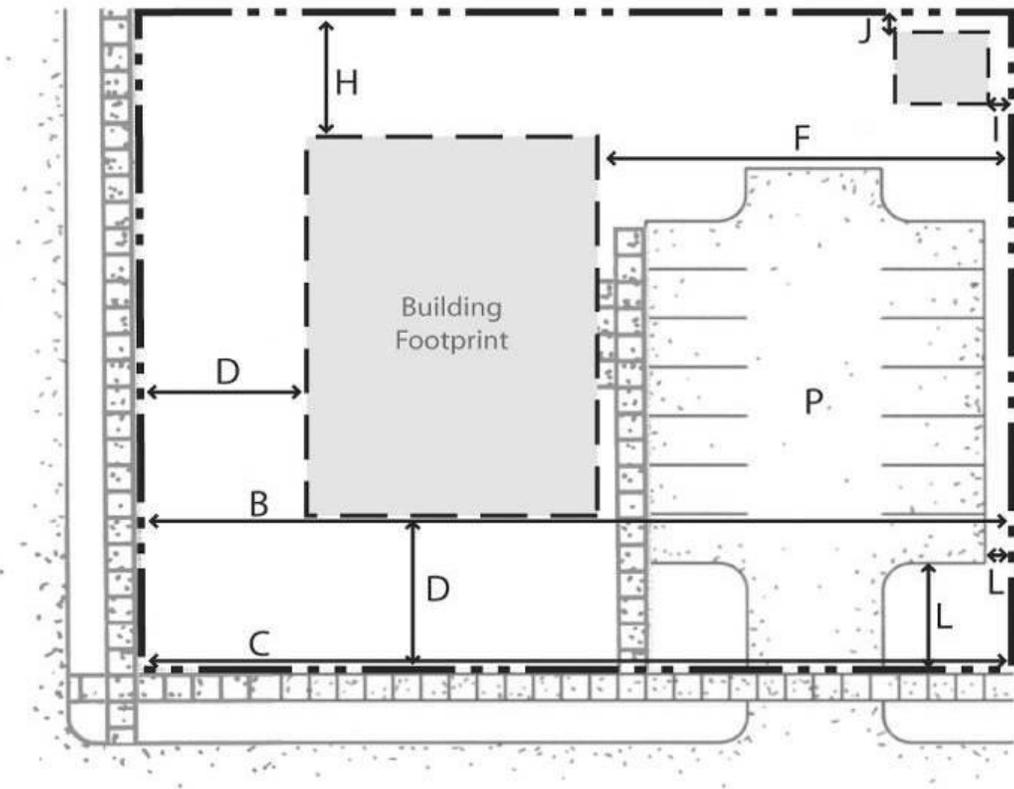
Regulations:

- (1) A building code required fire rated wall separating living areas from the lowest level to the underside of the roof is required between each dwelling unit.
- (2) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (3) This dwelling unit type may not be split into additional residences.
- (4) Minimum required parking: Two spaces per dwelling unit containing zero, one or two bedrooms, plus 0.5 space per additional bedroom over two bedrooms per unit.
- (5) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Apartment land uses. Specific requirements for Apartments can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

**Figure 84.55g: Apartment Dwelling**

**Key to Figure**

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (h) **Mobile Home.** A dwelling unit type consisting of a fully detached, single family residence, which has not received a Federal Manufactured Housing Certificate.

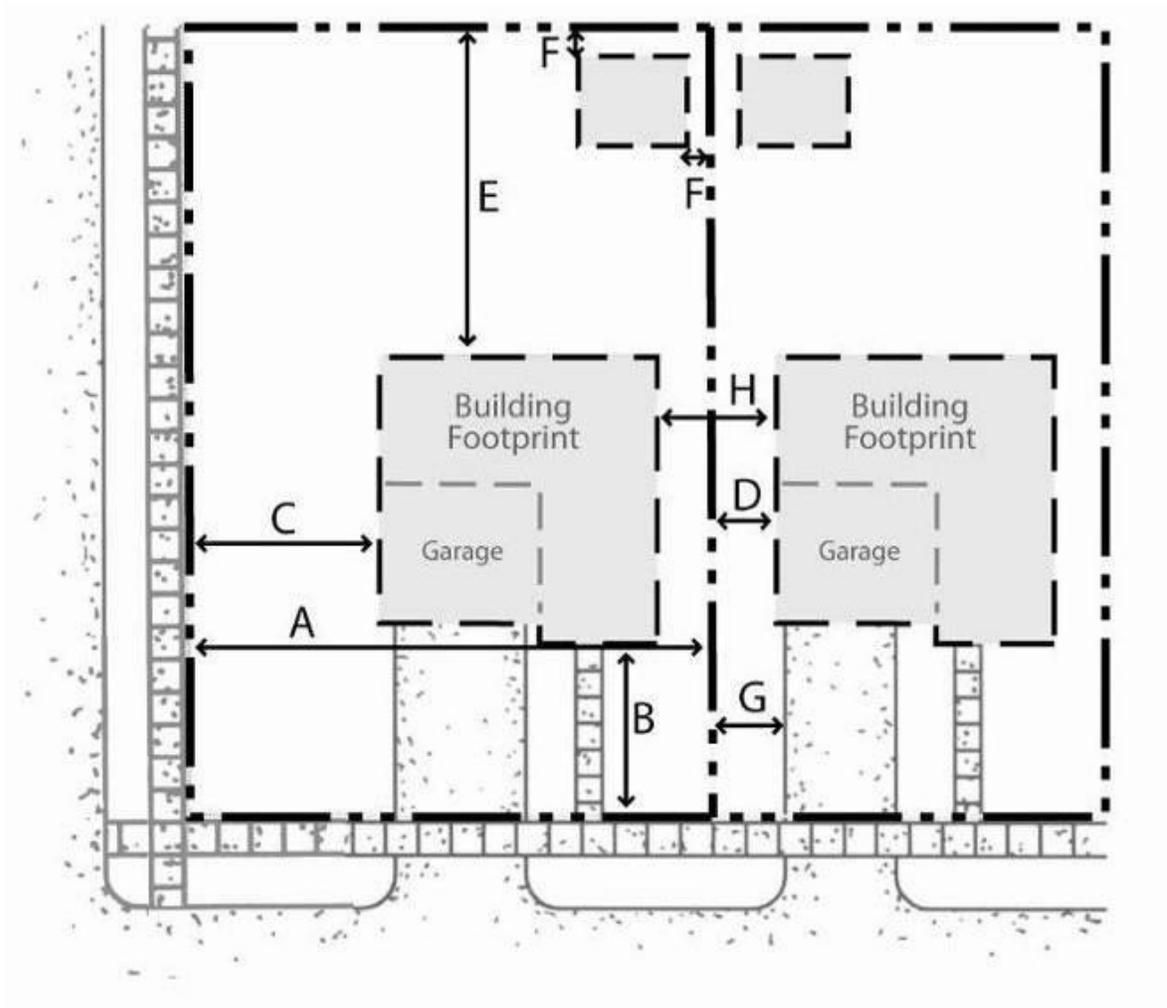
Regulations:

- (1) No Mobile Home may be split into two or more residences.
- (2) Within 30 days of occupancy, the owner shall remove the axle and install skirting.
- (3) Minimum required parking: Two spaces per Mobile Home.
- (4) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Mobile Home land uses. Specific requirements for Mobile Homes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

**Figure 84.55h: Mobile Home Dwelling**

**Key to Figure**

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (i) **Mobile Home Subdivision.** This land use is a form of residential development which is exclusively reserved for individually sold lots containing Mobile Homes. Each lot and Mobile Home must meet the requirements listed under Subsection (h), above.

Regulations:

- (1) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
- (2) No access shall be permitted to local residential streets.

- (j) **Mobile Home Park.** This land use is a form of residential development which is exclusively reserved for individually sold or rented air right pads containing Mobile Homes. Each Mobile Home must meet the requirements listed under Subsection (h), above.

Regulations:

- (1) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
- (2) No access shall be permitted to local residential streets.

- (k) **Mixed Use Building Residential Use.** A residential dwelling within a mixed use structure (i.e. a single building containing more than one type of land use).

Regulations:

- (1) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (2) There is no minimum required parking, but evidence of the availability of off-street public or private parking within 1,000 feet of the building containing the use is required.
- (3) No more than one ground floor residential unit is permitted in commercial districts. Said unit may occupy up to 33% of the building's ground floor area.

## SECTION 84.56 Agricultural Land Uses.

- (a) **Cultivation.** Operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. Cultivation includes the raising of trees as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered Cultivation if said plants are consumed by animals which are located off-site.

Regulations:

- (1) Minimum required parking: One space per employee on the largest work shift. (Note: agricultural land uses are hereby made exempt from the surfacing requirements of Section 84.104(f)(2)).

- (b) **Husbandry.** All operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit per acre. This includes horses, cattle, sheep, goats, llamas (and related species), deer, antelope, swine, fowl (including turkeys, ducks, geese, peacocks, guinea hens, game birds, and 5 or more chickens, aquatic species (including fish, shellfish, crustaceans, echinoderms, plants, and algae), and any animals typically hunted or trapped. This excludes animals typically kept as pets and commonly available at commercial pet stores (e.g., domestic dogs and cats, fish, small rodents, reptiles, amphibians, tropical/exotic birds), Residential Chicken Coops as defined by Section 84.65(m), and Residential Apiaries as defined by Section 84.65(n).

Regulations:

- (1) Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
- (2) All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 100 feet from any residentially zoned property.
- (3) Minimum required parking: One space per employee on the largest work shift. (Note: agricultural land uses are hereby made exempt from the surfacing requirements of Section 84.104(f)(2)).

- (c) **On-Site Agricultural Retail.** The sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within On-Site Agricultural Retail operations; such activity constitutes Indoor Sales or Service (see Section 84.58(c)). Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

Regulations:

- (1) No structure or group of structures shall exceed 500 square feet in gross floor area.
- (2) All structures shall meet all required setbacks for nonresidential land uses.
- (3) Signage shall be limited to one on-site sign which shall not exceed 30 square feet in area.
- (4) Such land use shall be served by no more than one driveway.

- (5) On-Site Agricultural Retail uses, once discontinued for a period of 12 months, shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the RH-35 district.
  - (6) Minimum required parking: One parking space shall be required for every 200 square feet of product display area. (Note: agricultural land uses are hereby made exempt from the surfacing requirements of Section 84.104(f)(2)).
- (d) **Selective Cutting.** The one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction of trees (including by fire) where the extent of such activity is limited to an area (or combined areas) of less than or equal to 30 percent of the woodlands on the property (or up to 100 percent for developments approved prior to the effective date of this Chapter). Selective Cutting shall be limited to areas designated for such on site plans, general development plans, specific implementation plans, plats or certified survey maps. The destruction of trees beyond those designated by this section shall be considered Clear Cutting, (see (e), below).
- (e) **Clear Cutting.** The one time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 30 percent of the woodlands on a property (or up to 100 percent for developments approved prior to the effective date of this Chapter).
- Regulations:
- (1) Clear Cutting is permitted only as a conditional use. Any owner of property who intentionally clear cuts any area of his or her property or who intentionally solicits or causes another to intentionally clear cut any area of his or her property without first having secured a conditional use permit for such activity shall be subject to a forfeiture for such wrongful conduct and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of reforestation requirements. Areas having been clear cut unintentionally as a result of fire shall not subject the owner of the property to forfeiture for such non-approved Clear Cutting activity, but shall require the satisfaction of mitigation requirements at the owner's expense, including cost associated with site inspection to confirm the satisfaction of mitigation requirements.
  - (2) The applicant shall demonstrate that Clear Cutting will improve the level of environmental protection on the subject property.
  - (3) Clear Cutting shall not be permitted within a required bufferyard or landscaped area (see Article VIII).
- (f) **Intensive Agriculture.** All operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one animal unit per acre and/or agricultural activities requiring structures, equipment and/or infrastructure specific to one operation rather than to farming in general. Examples of such land

uses include feed lots, hog farms, poultry operations, aquaculture, and certain other operations meeting this criterion.

Regulations:

- (1) Intensive Agricultural uses shall not be located in or adjacent to an existing or platted residential subdivision.
  - (2) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.
  - (3) Intensive Agricultural uses shall be located in an area which is planned to remain commercially viable for agricultural land uses.
  - (4) Intensive Agricultural uses shall be completely surrounded by a bufferyard with a minimum opacity of 1.0.
  - (5) Minimum required parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of Section 84.104(f)(2)).
- (g) **Agricultural Service.** Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used or produced by agricultural operations. Examples of such land uses include, but not limited to, agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial Composting uses, see Section 84.63(b)).

Regulations:

- (1) Agricultural Service uses shall not be located in, or adjacent to, an existing or platted residential subdivision.
- (2) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
- (3) If within the RH-35 district, agricultural service uses shall be located in an area which is planned to remain commercially viable for agricultural land uses.
- (4) Once discontinued for a period of 12 months, Agricultural Service uses shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the RH-35 or GI districts.
- (5) Minimum required parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of Section 84.104(f)(2)).

- (h) **Community Garden.** Community Garden areas for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands.

Regulations:

- (1) All garden areas, signs, and structures shall be located a minimum of 5 feet from the lot line.
- (2) A site plan shall be submitted to the Zoning Administrator for approval. Said site plan shall list the property owner, established sponsoring organization and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.
- (3) The following structures are permitted in Community Gardens: tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.
- (4) Signs shall be limited to identification, information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall comply with the regulations of Chapter 87.
- (5) Fences shall comply with the regulations in Section 84.108.
- (6) The applicant shall demonstrate adequate off-street parking availability.

- (i) **Market Garden.** An area for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands, with on-site sales of crops grown on-site permitted. Market Gardens shall adhere to the following listed regulations.

Regulations:

- (1) All activity areas, signs, and structures shall be located a minimum of 5 feet from the lot line.
- (2) A site plan shall be submitted to the Zoning Administrator for approval. Said site plan shall list the property owner, established sponsoring organization, and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.
- (3) The following structures are permitted within Market Gardens: tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.

- (4) Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
- (5) Signs shall be limited to identification, information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall comply with the regulations of Chapter 87.
- (6) Fences shall comply with the regulations in Section 84.108.
- (7) The applicant shall demonstrate adequate off-street parking availability.

## SECTION 84.57 Institutional Land Uses.

- (a) **Indoor Institutional.** Indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, churches, hospitals and walk-in clinics, nonprofit clubs, nonprofit fraternal organizations, convention centers, private institutional businesses, jails, prisons, and similar land uses.

### Regulations:

- (1) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
- (2) **Minimum required parking:** Generally, one space per three expected patrons at maximum capacity; however, the following specific requirements may apply.
- a. **Church:** One space per five seats at the maximum capacity.
  - b. **Community or Recreation Center:** One space per 300 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
  - c. **Funeral Home:** One space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.
  - d. **Library or Museum:** One space per 300 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
  - e. **Elementary or Junior High:** One space per two employees.
  - f. **Senior High:** One space per two employees, plus 30 percent of maximum capacity.
  - g. **College or Trade School:** One space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.

- (b) **Outdoor Open Space Institutional.** Cemeteries, privately held permanently protected green space areas, open grassed areas not associated with any particular active recreational land use, and similar land uses.

Regulations:

- (1) All structures shall be located a minimum of 50 feet from any residentially zoned property.
- (2) Shall comply with Section 84.161, standards and procedures applicable to all conditional uses.
- (3) Minimum required parking: No parking is required; however, for uses accessory to cemeteries (e.g., mausoleums), parking may be required per the recommendation of the Plan Commission or Zoning Administrator.

- (c) **Passive Outdoor Recreation.** Recreational land uses located on public property which involve passive recreational activities, such as arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic shelters, botanical gardens, fishing areas, and similar land uses.

Regulations:

- (1) Minimum required parking: One space per four expected patrons at maximum capacity for any use requiring over five spaces.

- (d) **Active Outdoor Recreation.** Recreational land uses located on public property (including school district property) which involves active recreational activities. Such land uses include tennis courts, basketball courts, ball diamonds, football fields, soccer fields, neighborhood parks, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses.

Regulations:

- (1) Facilities using recreational facility night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (2) All structures, paved areas, and active recreational improvements such as sandboxes, tot lots, tennis courts, and backstops shall be located a minimum of 25 feet from any residentially zoned property.
- (3) Facilities which serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.
- (4) Minimum required parking: Generally, one space per four expected patrons at maximum capacity, including provided seating, for any use requiring over five spaces, however, the following specific requirements apply:
  - a. Golf course: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurant).
  - b. Tennis court: Two spaces per court.
  - c. Tot lots and neighborhood parks are exempt from on-site parking requirements.

- (e) **Essential Services.** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, stormwater conveyance, or other comparable utilities. Essential Services include such above-surface facilities as poles, guide wires, fire alarm boxes, water hydrants, utility posts, police call boxes, and standpipes. Essential Services do not include larger utility facilities included under Public Services and Utilities, such as electric substations, wastewater treatment plants, well houses, and water towers. Essential Services are exempt from density, intensity, and bulk regulations.

- (f) **Small Scale Public Services and Utilities.** Small scale Village, county, state, and federally owned facilities such as pump houses, water towers, public and/or private utility substations, utility and public service related distribution facilities, and similar land uses. This does not include uses listed under Essential Services or Large Scale Public Services and Utilities.

Regulations:

- (1) All structures shall be located a minimum of 20 feet from any residentially zoned property.
- (2) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
- (3) The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.
- (4) All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (5) Minimum required parking: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.

- (g) **Large Scale Public Services and Utilities.** Large Scale Village, county, state, and federally owned facilities such as public works facilities and garages, wastewater treatment plants, potable water treatment plants, public and/or private utility substations, utility and public service related distribution facilities, and similar land uses. This does not include uses listed under Essential Services or Small Scale Public Services and Utilities.

Regulations:

- (1) All structures shall be located a minimum of 20 feet from any residentially zoned property.
- (2) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
- (3) The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.
- (4) All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (5) Minimum required parking: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.

- (h) **Community Living Arrangement (1-8 Residents).** Community Living Arrangements for Adults (see Wisconsin Statutes 46.03(22)), child welfare agencies, group homes for children, foster homes, treatment foster homes, adult family homes, and community based residential facilities. Community Living Arrangements do not include Group Daycare Centers, nursing homes, hospitals, prisons, or jails. Community Living Arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.

Regulations:

- (1) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.
- (2) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the Village shall not exceed one percent of the Village's population.
- (3) Foster homes housing four or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (1), above; and shall not be subject to, or count toward, the total arrived at in (2), above.
- (4) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties unless such facility is contained in a single family dwelling.
- (5) Minimum required parking: One off-street parking space per employee on the largest work shift.

- (i) **Community Living Arrangement (9-15 Residents).** See description under Subsection (h), above.

Regulations:

- (1) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.
- (2) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the Village shall not exceed one percent of the Village's population.
- (3) Foster homes housing four or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (1), above; and shall not be subject to, or count toward, the total arrived at in (2), above.
- (4) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties unless such facility is contained in a single family dwelling.
- (5) Minimum required parking: One off-street parking space per employee on the largest work shift.

- (j) **Community Living Arrangement (16+ Residents).** See description under Subsection (h), above.

Regulations:

- (1) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.
- (2) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the Village shall not exceed one percent of the Village's population.
- (3) Foster homes housing four or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (1), above; and shall not be subject to, or count toward, the total arrived at in (2), above.
- (4) The minimum lot size for each district shall apply, except that the minimum lot area in square feet shall be increased 1,000 square feet for each additional two residents over 15.
- (5) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties unless such facility is contained in a single family dwelling.
- (6) Minimum required parking: One off-street parking space per employee on the largest work shift.

- (k) **Institutional Residential.** Residential development designed to accommodate Institutional Residential land uses, such as senior housing, retirement homes, assisted living facilities, nursing homes, hospices, convents, monasteries, dormitories, fraternities, sororities, nursing homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be Community Living Arrangements under Sections 84.57(h) through (j) of this ordinance or under the provisions of Wisconsin Statutes 62.23.

Regulations:

- (1) Project shall provide an off-street passenger loading area at a minimum of one location within the development.
- (2) Minimum required parking: The following specific parking requirements may apply.
  - a. Senior housing or retirement housing: One space per 2 dwelling units.
  - b. Assisted living facility or limited care facility: One space per two dwelling units.
  - c. Monastery, convent, or dormitory: One space per six residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend.
  - d. Nursing home or hospice: One space per four patient beds, plus one space per two employees on the largest work shift, plus one space per doctor.

## SECTION 84.58 Commercial Land Uses.

- (a) **Office.** Indoor Offices where the primary function is the handling of information or administrative services. Office uses do not typically provide services directly to customers on a walk-in basis.

Regulations:

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

- (b) **Personal or Professional Service.** Indoor service land uses where the primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include establishments where customers make an appointment, such as professional services, insurance or financial services, realty offices, small scale by-appointment medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses including ancillary on site production of items used in the provision of such services.

Regulations:

- (1) Minimum required parking: Generally, one space per 300 square feet of gross floor area.

- (c) **Indoor Sales or Service.** The sale and/or display of merchandise or equipment or non-personal or non-professional services, entirely within an enclosed building. Includes general merchandise stores, grocery stores, butcher, sporting goods stores, antique stores, gift shops, laundromats, bakeries, and a number of other uses meeting this definition.

Regulations:

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

- (d) **Outdoor Display.** Land uses where sales and display merchandise or equipment is conducted outside of an enclosed building. Examples include, but are not limited to, outdoor garden centers, outdoor recreation equipment sales, monument sales, and manufactured and mobile housing sales. If a land use displays for sale or rent only a limited amount of product outside of an enclosed building, such use may instead be considered incidental to Indoor Sales or Service under Section 84.58(d).

Regulations:

- (1) The outdoor display area shall be calculated as the area which would be enclosed by a required physical separation installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors.
- (2) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
- (3) The display of items shall not be permitted in required setback areas, landscape areas, bufferyards, or permanently protected green space areas unless located in a parking lot.
- (4) Inoperable vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.
- (5) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by (9), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (6) Display areas shall be separated from any circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (7) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (8) Outdoor Display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
- (9) Minimum required parking: One space per 300 square feet of gross floor area.

- (e) **Artisan Production Shop.** A building or portion thereof used by 10 or fewer artists or artisans for the creation, preparation, display and sale of unique (rather than mass-produced) individually crafted items including artwork, jewelry, custom furniture, woodwork, sculpture, glass, metal, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use.
  - (1) Minimum required parking: One space per 300 square feet of gross floor area plus adequate on-site parking is required for all customer and employee vehicles.
  
- (f) **Physical Activity Studio.** All land uses which provide a facility for training, instruction, and physical activity within an enclosed building. Such activities often have operating hours which extend significantly earlier or later than most other commercial land uses, and often employ amplified music to set training tempo. Examples of such land uses include health or fitness centers, all forms of training studios (yoga, dance, art, martial arts, gymnastics, etc.), and music schools.

Regulations:

- (1) If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
  - (2) Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property if outdoor physical activity takes place (see Section 84.133(e)).
  - (3) Shall comply with Section 84.161, procedures applicable to all conditional uses.
  - (4) Minimum required parking: One space per every three persons at the maximum capacity of the establishment.
- 
- (g) **Indoor Commercial Entertainment.** Land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include, but are not limited to, restaurants, taverns, theaters, bowling alleys, arcades, roller rinks, and pool halls.

Regulations:

- (1) New customer entrances shall be located as far as possible from residentially zoned property.
- (2) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property.
- (3) Minimum required parking: One space per every 300 feet of gross floor area.

- (h) **Outdoor Commercial Entertainment.** Land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Outdoor commercial entertainment land uses may include, but are not limited to outdoor eating and drinking areas, outdoor assembly areas, and outdoor swimming pools serving as accessory to a lodging facility. Note that high-attendance facilities oriented to non-resident users or attendees and intensively lit tournament oriented outdoor facilities are considered intensive outdoor activity land uses (see Section 84.58(v)).

Regulations:

- (1) New customer entrances shall be located as far as possible from residentially-zoned property.
- (2) Activity areas shall not be located closer than 100 feet to a residentially-zoned property.
- (3) Facility shall provide bufferyard with minimum opacity of 0.80 along all borders of the property abutting residentially-zoned property.
- (4) Outdoor Commercial Entertainment activities proposed in a public right-of-way or on Village owned property must receive Village Board approval for such use, in addition to any required conditional use permit.
- (5) Minimum required parking: One space for every three persons at the maximum capacity of the establishment.

- (i) **In-Vehicle Sales or Service.** Land uses where sales and/or services are conducted to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include, but are not limited to, drive-in facilities, drive-through facilities, fuel stations, and car washes.

Regulations:

- (1) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
- (2) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
- (3) In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section.
- (4) The setback of the outer edge of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 25 feet per the measurement of roof height.
- (5) All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum 4 ton axle load.
- (6) Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
- (7) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands. Said curbs shall be a minimum of 6 inches high and shall be of a non-mountable design.
- (8) Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass through window. This requirement may be adjusted by the Plan Commission through the conditional use process.
- (9) Minimum required parking: Refer to the parking requirements of the other land use activities on the site, such as Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.

- (j) **Group Daycare Center (9+ Children).** Facilities where qualified persons provide childcare services for nine or more children. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are considered an accessory use and require review as a separate land use.

Regulations:

- (1) Group Daycare Centers shall not be located within a residential building.
- (2) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property (see Article VIII).
- (3) The property owner's permission and signature is required as part of the conditional use permit application.
- (4) Minimum required parking: One space per five students, plus one space for each employee on the largest work shift.

- (k) **Commercial Animal Boarding/Daycare.** Facilities where short-term and/or long-term animal boarding is provided, including commercial kennels, commercial stables, pet daycare, and animal shelters. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to and do not require separate consideration.

Regulations:

- (1) Facility shall provide appropriate separation from animal containment areas to residentially zoned property.
- (2) Each animal shall be provided with an indoor containment area.
- (3) The minimum permitted size of horse or similar animal stall shall be 100 square feet.
- (4) Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
- (5) Minimum required parking: One space per every 1,000 square feet of gross floor area.

- (1) **Bed and Breakfast.** Bed and Breakfasts are places of lodging that provide rooms for rent for more than 10 nights during a 12-month period, are the owner's personal residence, and are occupied by the owner at the time of rental, and where the only meal served to guests is breakfast.

Regulations:

- (1) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
- (2) The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast operation is active.
- (3) Breakfast shall be the only meal served to overnight guests.
- (4) Each operator shall keep a list of names of all persons staying at the Bed and Breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by Village officials at any time.
- (5) The maximum stay for any occupants of Bed and Breakfast operations shall be 14 consecutive days.
- (6) It shall be unlawful for any persons to operate a Bed and Breakfast operation as defined and as permitted in this Chapter without first having obtained a conditional use permit (see Section 84.161).
- (7) Minimum required parking: One space per each bedroom in addition to requirements for principal residents.

- (m) **Vacation Rental Home.** A dwelling unit available for overnight, weekend or weekly stays by paying guests, which may or may not be owner-occupied for parts of the year. These uses are often referred to as vacation rentals and include timeshare units. Where such units are available for lease for periods of time longer than 30 consecutive days, such uses shall not be considered Vacation Rental Homes, but shall instead be considered Single Family dwellings, separately described and regulated under this Chapter. Also not included within this land use category are: Bed and Breakfast, Commercial Indoor Lodging, or Boarding House.

Regulations:

- (1) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number bedrooms in the dwelling unit.
  - (2) The maximum stay for any party other than the owner of the premises shall be 30 consecutive days.
  - (3) The number of guest vehicles allowed on site is limited to the number of bedrooms in the unit. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
  - (4) The appearance or use of the dwelling shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
  - (5) The availability of the Vacation Rental Home to the public shall not be advertised on site.
  - (6) Minimum required off-street parking: One space per each bedroom.
- (n) **Commercial Indoor Lodging.** Facilities where overnight housing in individual rooms or suites of rooms is provided, with each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, lounge, fitness centers, and other on-site facilities available to non-lodgers are considered accessory uses and therefore require review as a separate land use.

Regulations:

- (1) New customer entrances shall be located as far as possible from residentially zoned property.
- (2) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
- (3) Minimum required parking: One space per bedroom, plus one space for each employee on the largest work shift.

- (o) **Boarding House.** Boarding Houses include any residential use with shared bathroom, living, and/or kitchen facilities.

Regulations:

- (1) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
- (2) It shall be unlawful for any persons to operate a Boarding House as defined and as permitted in this Chapter without first having obtained a conditional use permit.
- (3) Minimum required parking: One space per each bedroom for rent.

- (p) **Campground.** Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles.

Regulations:

- (1) Campgrounds shall be surrounded by a bufferyard with a minimum opacity of 0.70 along all property borders abutting residentially zoned property.
- (2) Minimum required parking: One and one-half (1.5) spaces per campsite.

- (q) **Indoor Maintenance Service.** Facilities where maintenance service is provided, including repair, and operations (except loading) are located entirely within an enclosed building. This shall not include Vehicle Sales, Vehicle Service, or Vehicle Repair land uses.

Regulations:

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

- (r) **Outdoor Maintenance Service.** Facilities where maintenance service is provided, including repair, and where all or any portion of the operation is located outside of an enclosed building. This shall not include Vehicle Sales, Vehicle Service, or Vehicle Repair land uses.

Regulations:

- (1) All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of 0.60.
- (2) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside fenced areas.
- (3) Minimum required parking: One space per 300 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.

- (s) **Vehicle Sales.** The sale and display of vehicles for sale or rent outside of an enclosed building. Such land uses also include an ancillary repair shop associated with the vehicle display lot and sales building.

Regulations:

- (1) The outdoor vehicle sales area shall be calculated as the area that would be enclosed by a required physical separation installed and continually maintained in the most efficient manner which completely encloses all vehicles displayed outdoors.
- (2) The display of vehicles shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
- (3) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
- (4) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (5) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be displayed.
- (6) Minimum required parking: One space per 300 square feet of gross floor area.

- (t) **Vehicle Service.** Facilities where vehicle service is provided entirely within an enclosed building, such as an oil change shop. This shall not include Vehicle Sales or Vehicle Repair.

Regulations:

- (1) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
- (2) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (3) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be displayed.
- (4) Minimum required parking: One space per 300 square feet of gross floor area.

- (u) **Vehicle Repair.** Facilities where vehicle repair is provided entirely within an enclosed building including unlicensed or inoperable vehicles used for spare parts. This shall not include Vehicle Sales or Vehicle Service.

Regulations:

- (1) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
  - (2) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
  - (3) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside fenced areas.
  - (4) Minimum required parking: One space per 300 square feet of gross floor area.
- (v) **Intensive Outdoor Activity.** Land uses located on private or public property that require intensive lighting and generate regional traffic and noise beyond property lines. Intensive outdoor activity land uses may include, but are not limited to, amusement parks, water parks, fairgrounds, outdoor stadiums, go cart tracks, paint ball, race tracks, ski hills, drive-in theaters, miniature golf, driving ranges, and tournament-oriented athletic facilities.

Regulations:

- (1) No Intensive Outdoor Activity shall take place after 11:00 p.m. except by special resolution by the Village Board.
- (2) A bufferyard with a minimum opacity of 1.0 shall be provided along all property abutting residentially zoned property and for any facility requiring night lighting.
- (3) Facilities serving a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.
- (4) A minimum setback of 100 feet shall be required to any activity area other than parking.
- (5) A minimum of one space per four expected patrons at maximum capacity shall be provided.

- (w) **Sexually-Oriented Land Uses.** Any facility oriented to the display of sexually-oriented materials such as videos, movies, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas; including the provision of body piercing or tattooing services to “sexually specified areas.” For the purpose of this Chapter, “sexually specified areas” includes any of the following: genitals, anal area, female areola or nipple. “Sexually-oriented material” includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less than 5 percent of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas.

NOTE: The incorporation of this Subsection into this Chapter is designed to reflect the Village Board’s official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the Village Board is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the Village of Cross Plains’ Comprehensive Plan and protect the character and integrity of its commercial and residential neighborhoods.

Regulations:

- (1) Facilities shall be located a minimum of 1,000 feet from any commercially zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
- (2) Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.
- (3) Minimum required parking: One space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment, whichever is greater.

## SECTION 84.59 Industrial Land Uses.

- (a) **Light Industrial.** Facilities where all operations, with the exception of loading, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to manufacturing of clothing, furniture, cabinetry, electronic components, and mass-produced arts and crafts. Industrial land uses may conduct indoor sales as an accessory use provided that the requirements of Section 84.58(c) are complied with.

Regulations:

- (1) All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
  - (2) Minimum required parking: One space per each employee on the largest work shift.
- (b) **Heavy Industrial.** Industrial activities that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples include, but are not limited to: meat product producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay, or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; recycling facilities not involving the onsite storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Chapter 125, Wisconsin Statutes.

Regulations:

- (1) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property other than permanent open space abutting properties which are not zoned GI.
  - (2) All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property.
  - (3) No equipment or materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
  - (4) In no instance shall a Heavy Industrial land use exceed the performance standards listed in Article VII.
  - (5) Minimum required parking: One space per each employee on the largest work shift.
- (c) **Production Greenhouse.** Any business whose principal activity is the growing and wholesaling of plants or plant byproducts (not including fruits and vegetables) that are either grown or stored within an enclosed building or structure constructed

chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors.

Regulations:

- (1) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (5), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (2) Storage and/or Outdoor Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (3) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
- (4) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of Outdoor Display areas abutting residentially zoned property.
- (5) Minimum required parking: One space per 300 square feet of gross floor area.

- (d) **Indoor Food Production.** Any business whose principal activity is the production and wholesaling of plants or plant byproducts (including fruits and vegetables) that are grown on-site within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors. Indoor Food Production also includes the farming of aquatic organisms (plants and animals) under controlled conditions, and which is located entirely within an enclosed building and utilizes recirculating (closed) system technology. Such operations may also incorporate aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system.

Regulations:

- (1) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials or products from view of non-industrialized areas at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
- (2) Storage and/or Outdoor Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

- (3) All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
- (4) The storage of items shall not be permitted in any landscaping areas, bufferyard areas, or permanently protected green space areas.
- (5) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (14), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
- (6) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (7) Indoor aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
- (8) Prior to the issuance of a conditional use permit, applicants wishing to establish indoor aquaculture operations shall prepare a report outlining the estimated average daily water usage and quantity of wastewater discharge. Such report shall be reviewed and approved by the Director of Public Facilities.
- (9) On-site processing of seafood is permitted; provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
- (10) The on-site retail sale of seafood or vegetables shall be considered Indoor Sales Incidental to Light Industrial subject to the provisions of Section 84.65(r), provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed 25 percent of the total area of the building(s) within which the operation is located shall be considered an Indoor Sales and Service principal land use.
- (11) Site plans shall be provided which indicate the location of all outdoor activity areas.
- (12) On-site composting shall be permitted, subject to the following regulations:
  - a. Compost areas shall be fully screened on all four sides.
  - b. Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.
- (13) No outdoor activity areas shall be located in bufferyard areas. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
- (14) Minimum required parking: For indoor aquaculture, one space for each 500 square feet of principal building area. For wholesale greenhouses, one space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

## **SECTION 84.60 Storage Land Uses.**

- (a) **Indoor Storage and Wholesaling.** Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Section 84.65(r).

Regulations:

- (1) Minimum required parking: One space per 2,000 square feet of gross floor area.

- (b) **Outdoor Storage and Wholesaling.** Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an Outdoor Storage and Wholesaling land use. Examples of this land use include, but are not limited to, storage yards, equipment yards, lumber yards, and coal yards.

Regulations:

- (1) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
- (2) The storage of items shall not be permitted in required frontage landscaping areas, bufferyard areas, or permanently protected green space areas.
- (3) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Subsection (7) below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
- (4) Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (5) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (6) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.

- (7) Minimum required parking: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.
- (c) **Personal Storage Facility.** Also known as “mini-warehouses,” these land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area. Such storage areas may be available on either a condominium or a rental basis.

Regulations:

- (1) Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.
- (2) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.
- (3) No electrical power shall be run to the individual storage facilities, except for exterior lighting.
- (4) Minimum required parking: One space for each employee on the largest work shift.

## SECTION 84.61 Transportation Land Uses.

- (a) **Transit Center.** A building, structure, and/or area designed and used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. Examples include, but are not limited to, bus stations, train stations, and park and ride stations.  
Regulations:
- (1) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.
  - (2) All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
  - (3) Minimum required parking: As sufficient to accommodate parking needs.
- (b) **Distribution Center.** Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Section 84.65(r).  
Regulations:
- (1) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
  - (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
  - (3) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
  - (4) Minimum required parking: One space per each employee on the largest work shift.
- (c) **Freight Terminal.** Land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses requiring trans-shipment.  
Regulations:
- (1) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.
  - (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
  - (3) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
  - (4) Minimum required parking: One space per each employee on the largest work shift.

- (d) **Airport.** Transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment) within the jurisdiction of this Chapter shall occur only in conjunction with an approved airport.

Regulations:

- (1) Airports shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property not otherwise completely screened from activity areas by buildings or structures.
- (2) Minimum required parking: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.

- (e) **Heliport.** An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Regulations:

- (1) The Heliport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include a site plan of the proposed facility and an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.
- (2) The Heliport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.
- (3) Heliports shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property not otherwise completely screened from activity areas by buildings or structures.
- (4) Minimum required parking: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.

- (f) **Off-Site Parking.** Off-Site Parking lots are any areas used for the temporary parking of vehicles which are fully registered, licensed, and operable. See also Section 84.104 for additional parking regulations.

Regulations:

- (1) Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

## SECTION 84.62 Telecommunication Land Uses.

- (a) **Communication Tower.** Any structure that is designed and constructed for the purpose of supporting one or more antennas for communication purposes such as cellular telephones or similar, including self-supporting lattice towers, guyed towers, or monopole towers. Height shall be measured from finished grade to the highest point on the tower or other structure, including the base pad. This definition includes the structure, supports, and equipment buildings.

Regulations:

- (1) **Applicability.** This land use shall not be regulated or permitted as Essential Services, Small Scale Public Services and Utilities, or Large Scale Public Services and Utilities. This section shall apply to the following:
  - a. New towers. All new towers in the Village of Cross Plains shall be subject to these regulations.
  - b. Preexisting towers. Preexisting towers shall not be required to meet the requirements of this section, other than the requirements of Subsections (2) and (11) of this section.
  - c. Towers may be considered either principal or accessory uses. A different use on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (2) **Compliance with Federal Regulations.** Towers shall be erected and installed in accordance with the State electrical code, National Electrical Safety Code, regulations of the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA), and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
- (3) **Placement Requirements.**
  - a. It is the intention of the Village to accommodate expansion of communication technology while minimizing the number of tower sites. New towers shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for 2 additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
  - b. No freestanding (not attached to an existing structure) monopole or tower structure shall be located closer than 100 percent of the height of the tower to any property line. This shall not apply to alternative tower structures.
  - c. Towers shall be located no closer than 200 percent the height of the tower to any residential zone or any zone designated for future residential use, school, place of worship, or public open space for active or passive recreation use by the Future Land Use Map in the Village of Cross Plains Comprehensive Plan. Tower separation shall be measured from the base of the tower to the lot line of the off-site

use and/or designated area as specified in this section. This shall not apply to alternative tower structures.

- d. Tower guyed wires shall comply with requirements of the underlying zoning district in which the tower is located.
- e. The placement of towers on the roof of existing buildings must maintain a setback from residential zones or properties the same as the building setback required for new buildings and cannot exceed a maximum height of 30 feet above the roof of the building or the maximum height of the district where it is placed, whichever is greater.

(4) **Equipment Buildings.** Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:

- a. Whenever wireless telecommunications facilities are established, all related ground mounted equipment buildings shall be considered ancillary to any existing or proposed primary use. Any impact of the equipment buildings shall be made as minimal as possible so as not to detract from the principal use of the property.
- b. Exterior storage of ground mounted equipment or materials shall not be permitted.
- c. Except when located in the LI and GI zoning district, the maximum size of a single ground mounted equipment building shall not exceed 360 square feet. Additional ground mounted equipment buildings and buildings larger than 360 square feet may be granted by issuance of a conditional use permit, but may not exceed a total of 1,000 square feet of ground mounted equipment shelters per site.
- d. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible.
- e. Any ground mounted equipment building used for accessory equipment must either be screened from view from all adjacent residential uses and potentially incompatible municipal uses with a minimum of a 6 foot tall evergreen hedge or other suitable vegetation, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood. Alternative screening materials may be used in nonresidential areas.
- f. Equipment buildings needed for accessory equipment may be allowed prior to the construction of a principal building.
- g. All ground mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district and shall meet all applicable building code requirements.

- (5) **Height Requirements.** Tower height shall be restricted to 60 feet. District height restrictions shall not apply to commercial communication towers.
- (6) **Collocation.** A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for 2 additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
- (7) **Insurance.** The applicant will provide adequate liability insurance for damage antennas or towers could cause to surrounding property and execute a lease agreement which includes equitable compensation for the use of public property along with provisions and safeguards as deemed necessary by the Village.
- (8) **Advertising.** No form of advertising or identification, sign or mural is allowed on the tower other than the customary manufacturer identification plate.
- (9) **Lighting.** Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (10) **Fencing.** A tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
- (11) **Abandonment.**
  - a. The applicant shall provide a written agreement stating that if the tower or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower or transmitters upon written request from the Zoning Administrator within 60 days of such request.
  - b. If unused facilities 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.
  - c. The applicant will submit a letter of credit, performance bond, or other security acceptable to the Village to cover the cost of facility removal.
- (12) **Exceptions.** Exceptions to the setbacks and height requirements listed above may be granted by a conditional use permit if appropriate engineering data is submitted showing that failure characteristics of the structure will not adversely impact abutting properties.

**SECTION 84.63 Extraction and Disposal Land Uses.**

- (a) **Extraction.** Land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

Regulations:

- (1) The facility shall receive approval from the county prior to action by the Village of Cross Plains.
- (2) The facility shall comply with all county, state, and federal regulations and provide copies of all approved county, state, and federal permits.
- (3) The facility shall provide a bufferyard with a minimum opacity of 1.0 along all borders of the property other than permanent open space.
- (4) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
- (5) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the petitioner (subject to approval by the Zoning Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for publicly-owned waste disposal facilities).
- (6) Minimum required parking: One space per each employee on the largest work shift.

- (b) **Composting.** Land uses devoted to the collection, storage, processing, and/or disposal of vegetation.

Regulations:

- (1) Composting facilities shall comply with all county, state, and federal regulations.
- (2) Facility shall provide a bufferyard with a minimum opacity of 1.0 along all borders of the property occupied by non-agricultural land uses.
- (3) All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.
- (4) No food scraps or other vermin-attracting materials shall be processed, stored, or disposed of on-site.
- (5) Operations shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by State Statutes in any manner.
- (6) Minimum required parking: One space for each employee on the largest work shift.

- (c) **Recycling and Waste Disposal.** Recycling facilities not involving the onsite storage of salvage materials. Waste disposal facilities are any facilities and/or areas used for the disposal of solid wastes including those defined by Wis. Stats. Section 289.01(33), but not including Composting operations.

Regulations:

- (1) Recycling and Waste Disposal facilities shall comply with all county, state, and federal regulations.
- (2) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all borders of the property.
- (3) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
- (4) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.
- (5) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the petitioner (subject to approval by the Village Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for Recycling and Waste Disposal facilities owned by public agencies).
- (6) Minimum required parking: One space for each employee on the largest work shift.

- (d) **Salvage or Junkyard.** Land or structure used for a salvaging operation including but not limited to: the above ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of unlicensed and/or inoperable vehicles intended for scraping or recycling. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. This use shall not include Vehicle Repair.

Regulations:

- (1) Facility shall provide a bufferyard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.
- (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 50 feet from all roads and 100 feet from all lot lines.
- (3) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
- (4) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
- (5) Minimum required parking: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

- (e) **Sand and Mineral Processing.** Land or structure used for processing sand or minerals, extracted on-site or transported to the site, that remove the desired product from the mineral or enhance the characteristics of the sand or mineral.

Regulations:

- (1) Facility shall provide a bufferyard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.
- (2) All outdoor storage areas, shall be located a minimum of 50 feet from all roads and lot lines.
- (3) In no instance shall activity areas be located within a required bufferyard area.
- (4) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
- (5) The facility shall comply with all county, state, and federal regulations and be able to provide copies of all approved county, state, and federal permits.
- (6) Minimum required parking: One space for every for each employee on the largest work shift.

## **SECTION 84.64 Energy Production Land Uses and Structures.**

- (a) **Large Wind Energy System.** Wind energy systems that have a total installed nameplate capacity of more than 300 kW or that consist of individual wind turbines that have an installed nameplate capacity of more than 100 kW each.
- (1) This section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wis. Stats. 66.0403(1)(m). The purpose of this section is to ensure any proposed wind energy system complies with applicable provisions of PSC 128, Wisconsin Administrative Code as amended, and this Section.
  - (2) Wind energy systems are a conditional use in any district. The Village will apply Wis. Stats. Section 66.0401 and PSC Chapter 128 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
    - a. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
      1. Serves to preserve or protect the public health or safety.
      2. Does not significantly increase the cost of the system or significantly decrease its efficiency.
      3. Allows for an alternative system of comparable cost and efficiency.
  - (3) To the extent not inconsistent with state law, the procedures for consideration of conditional uses set forth in Section 84.161 shall be followed.
- (b) **Large Solar Energy System.** A large energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is typically a principal use of the land and designed primarily to generate energy for commercial sale off-site.
- (1) Rooftop, ground-mounted, and building-mounted large solar energy systems shall comply with the height limits and minimum required yards for principal structures.
  - (2) Large solar system structures shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective.
  - (3) All electrical connections shall be located underground or within a building.
  - (4) No large solar energy system shall be lighted unless required by the Federal Aviation Administration.
  - (5) No person in control of property shall allow a tree or shrub to be placed or grow so as to cast a shadow between the hours of 9:00 a.m. and 3:00 p.m. Central Daylight Saving Time, upon a solar collector energy system capable of generating more than 1,000,000 British thermal units per year, and which supplies a part of the energy requirements for improvements on the property where the solar energy system is permanently located. The provisions of this Subsection shall not require the removal of existing vegetation.
  - (6) Clearing of natural vegetation for the purposes of installing a large solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the large solar energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.
  - (7) All access doors or access ways and electrical equipment shall be lockable.

- (8) A large 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:
- a. A site plan drawn to scale showing the location of the proposed large solar energy system and per the requirements of Section 84.164.
  - b. Elevations of the site drawn to scale showing the height, design, and configuration of the large solar energy system and the heights of all existing structures, buildings and electrical lines in relation to property lines and their distance from the small solar energy system.
  - c. A standard foundation design along with specifications for the soil conditions at the site.
  - d. Specific information on the type, size, rated power output, performance, and safety characteristics of the system, including the name and address of the manufacturer, model, and serial number.
  - e. A description of emergency and normal shutdown procedures.
  - f. 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.
  - g. 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.
  - h. Evidence of compliance with Federal Aviation Administration requirements.
- (9) The requirements of Wisconsin Statutes, including but not limited to Sections 66.0401 and 66.0403, shall apply to all solar energy systems.
- (10) Solar energy systems are a conditional use in any district. The Village will apply Wis. Stats. Section 66.0401 and Section 66.0403 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
- a. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
    1. Serves to preserve or protect the public health or safety.
    2. Does not significantly increase the cost of the system or significantly decrease its efficiency.
    3. Allows for an alternative system of comparable cost and efficiency.

## SECTION 84.65 Accessory Land Uses and Structures.

- (a) **Home Occupation.** Economic activities performed within a single family detached residence. Examples include personal and professional services, handicrafts, and by-appointment retail. Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a business district. Home Occupations are limited to low intensity businesses and businesses with no overlap of customer visits.

### Regulations:

- (1) The Home Occupation shall be conducted by a resident who uses the location of the Home Occupation as their principal residence.
- (2) Home Occupations shall be carried out by members of the immediate family who reside on the premises and one non-resident employee.
- (3) The Home Occupation shall be conducted only within the enclosed area of the dwelling unit or garage.
- (4) No structural alterations or construction involving features not customarily found in dwellings are allowed.
- (5) The percentage of the gross floor area of the dwelling and garage that may be devoted to the Home Occupation(s) shall not exceed 25 percent.
- (6) There shall be no exterior evidence of the Home Occupation except for the permitted nameplate sign not to exceed 2 square feet. There shall be no exterior alterations which change the character of the structure as a single family dwelling unit.
- (7) No Home Occupation shall endanger the public health and safety and shall not interfere with other parcels in the neighborhood.
- (8) There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the Home Occupation not normally associated with a typical residential use in the zoning district.
- (9) No storage or display of materials, goods, supplies, or equipment related to the operation of the Home Occupation shall be visible outside any structure located on the premises.
- (10) Home Occupations shall not involve manufacturing, processing, gunsmithing, the repair of appliances, vehicles, or motors, the construction of equipment and machinery, or other activities that are typically only permitted in the industrial zoning districts.
- (11) Home Occupations shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises such as is typical for a residential use in the zoning district.
- (12) Items may be sold or offered for sale on the premises by appointment only and to one customer at a time and shall be limited to items produced on-site.

- (13) Minimum required parking: No additional parking needed beyond that required for the dwelling unit.
- (14) Compliance Checklist: Notwithstanding the above, all who undertake allowed home occupations in residential districts shall complete and file a Compliance Checklist, in a form as approved by the Village Plan Commission and made available by the Village Clerk, prior to commencing the home occupation. This form shall be filed with the Village Clerk, who shall retain the form while the home occupation is in use. The filed Compliance Checklist shall be reviewed by the Zoning Administrator to determine compliance of the home occupation with this Chapter. Such form shall be signed by both the owner and/or occupier of the premises on which the home occupation takes place.

- (b) **In-Home Daycare.** Occupied residences in which a qualified person or persons provide childcare for 4 to 8 children pursuant to the provisions of Section 48.65 Stats, as amended. The care of less than four children is not subject to the regulations of this Chapter.
  
- (c) **In-Family Suite.** An area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, and sleeping areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided. However, external stairs serving as the primary access to the In-Family Suite are prohibited.

Regulations:

- (1) In-Family Suites may not be occupied by a non-family member.
- (2) In-Family Suites should be considered and regulated as part of a single family dwelling unit.
- (3) The principal dwelling unit and the In-Family Suite shall together appear as a single family dwelling.
- (4) A separate walled garage area or driveway is not permitted.
- (5) A separate address for the In-Family Suite is not permitted.
- (6) A separate utility connection or meters are not permitted.
- (7) A physical all-weather connection between the main living area and the In-Family Suite must be present. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the In-Family Suite from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the In-Family Suite.
- (8) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Family Suite, the building plan shall be marked as “not a separate dwelling unit or apartment,” and a signed letter from the applicant stating agreement with this condition shall be filed.

(d) **Accessory Dwelling Unit.** Residential dwellings located directly above the ground floor of a building used for an office, commercial, or institutional land use, or a residential dwelling unit located on the same lot as a single family dwelling unit, either in the same building as the single family dwelling unit or in a detached building. Accessory Dwelling Units may also be permitted on the ground floor of a building used for an office, commercial, or institutional land use, but may not be within the first 24 feet of the ground floor measured from the front of the building. Regulations:

- (1) The number of occupants of the Accessory Dwelling Unit shall not exceed one family plus one roomer or two unrelated individuals.
- (2) Additional entrances shall not be added to the front elevation of an existing building, but may be added to side or rear or street side elevations.
- (3) Accessory Dwelling Units shall adhere to the setback requirements and standards for the underlying zoning district.
- (4) Accessory Dwelling Unit entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
- (5) For Accessory Dwelling Units located on the same lot as a single family dwelling unit, the following additional regulations shall apply:
  - a. Principal building must be owner-occupied.
  - b. The Accessory Dwelling Unit shall not be sold separately from the principal dwelling.
  - c. The maximum size of an Accessory Dwelling Unit shall not exceed 75 percent of the principal dwelling's floor area, up to a maximum size of 700 square feet.
  - d. The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single family dwelling.
  - e. The exterior finish material must match in type, size and placement, the exterior finish material of the principal dwelling unit.
  - f. The roof pitch must match the predominant roof pitch of the principal dwelling unit or structure.
  - g. Trim must match the trim used on the principal dwelling unit.
  - h. Projecting eaves must match those of the principal dwelling unit or structure.
  - i. Windows must match those in the principal dwelling unit in both proportion (relationship of width to height) and orientation (horizontal or vertical).

(e) **Farm Residence.** A Farm Residence is a single family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Section 84.56.

(f) **Migrant Employee Housing.** Migrant Employee Housing include any facility as defined by Wisconsin Statutes, Section 43.90(3)(a).

Regulations:

(1) Migrant Employee Housing shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property lines adjacent to all properties in residential or mixed use zoning districts.

(2) Migrant Employee Housing shall be an accessory use to an active principal land use and under the same ownership.

(g) **Residential Accessory Structures.** Attached or detached structures (including carports) primarily used to shelter parked passenger vehicles or to store residential maintenance and recreational equipment of the subject property.

Regulations:

(1) Total floor area of all detached and attached accessory structures shall not exceed ten percent of the total lot area.

(2) A total of two detached accessory structures shall be permitted by right.

(3) Detached structures shall be located in the rear and side yards only.

(4) **Residential Garages:** Structures (including carports) primarily used to shelter parked passenger vehicles.

Regulations:

a. **Attached Garages.** Attached garages shall comprise no more than 40 percent of the width of the ground floor façade facing the street and shall not project toward the street more than 10 feet beyond the main plane of the façade.

b. **Width.** The garage shall have a maximum width of 36 feet and no more than three garage doors.

c. **Offset.** The front of the garage shall not be offset more than 10 feet from the adjacent portion of the dwelling. The garage must be set back a minimum of two feet farther from the right of way than the primary plane of the dwelling unit or front porch.

d. **Height.** See Article II for accessory structure maximum building heights.

(5) **Other Residential Accessory Structures:** Structures primarily used to store residential maintenance and recreational equipment of the subject property.

Regulations:

a. The maximum combined size of all residential accessory structures on a lot other than garages shall not exceed 250 square feet.

b. All Other Residential Accessory Structures shall be set back a minimum of three (3) feet from the property line.

- (h) **Nonresidential Accessory Structure.** Structures primarily used to shelter business vehicles or to store maintenance equipment of the subject property.  
Regulations:
- (1) Three total structures shall be permitted by right.
  - (2) Structures up to 1,200 square feet of gross floor area are permitted by right.
  - (3) See Article II for accessory structure maximum building heights.
- (i) **Recreational Facility:** This land use includes all active outdoor recreational facilities located on a private lot which are not otherwise described in this Article. Common examples include swing sets, tree houses, play houses, basketball courts, tennis courts, swimming pools, recreation-type equipment, and pavilions.  
Regulations:
- (1) All private recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures.
  - (2) Materials and lighting at the property line shall comply with Section 84.106.
  - (3) Swimming pools shall be regulated by the performance standards provided in Section 84.109.
- (j) **Landscape Feature.** This land use includes features such as ponds, gazebos, pergolas, decks, patios, and other manmade lawn and landscaping elements.  
Regulations:
- (1) Landscape Features shall meet the setback and maximum building heights for accessory structures in each district.
- (k) *Repealed (Ordinance #05-2017).*
- (l) **Residential Stable.** An accessory structure that is designed for the keeping of equines for the private use of the occupants of the principal dwelling and their guests, but in no event for hire.  
Regulations:
- (1) Outdoor containments for equines shall be located a minimum of 25 feet from any residentially zoned property.
  - (2) A minimum lot area of 175,000 square feet (four acres) is required for a private residential stable.
  - (3) A maximum of one horse per two acres of fully enclosed (by fencing and/or structures) area is permitted.
  - (4) The minimum permitted size of horse or similar animal stall shall be 100 square feet.

(m) **Residential Chicken Coop.** The keeping and raising of chickens.

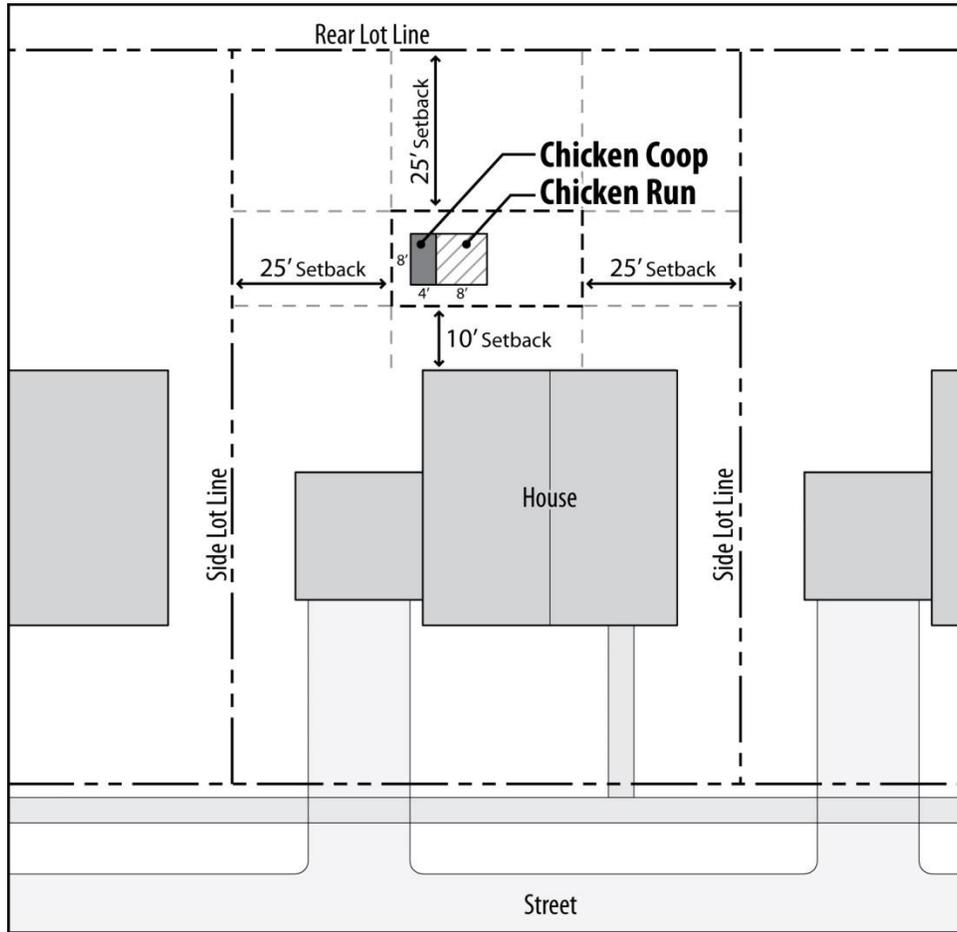
Regulations.

- (1) Chickens shall only be permitted on lots where the principal structure is a detached single-family residence. If the residence is not owner-occupied, the tenant shall supply the owner's written consent to the keeping of chickens on the property to the Village.
- (2) A maximum of four chickens may be kept per residential lot.
- (3) Keeping of one or more roosters is prohibited.
- (4) The sale of chickens, chicken meat, eggs, or other chicken by-products is prohibited without the approval of the Zoning Administrator and the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
- (5) Slaughtering of chickens is prohibited.
- (6) **Chicken Coop and Run Required.**
  - a. Chickens shall be provided with a chicken coop (i.e. a covered roosting area) and an adjacent chicken run (i.e. enclosed area in which chickens are allowed to walk and run about).
  - b. Chickens shall be kept in the coop or chicken run at all times.
  - c. The coop shall be a standalone structure located in the rear yard at least 25 feet from all property lines and at least 10 feet from the principal structure.
  - d. The coop shall not exceed 32 square feet in area nor 10 feet in height.
  - e. The chicken run shall be located adjacent to the coop and shall be at least 25 feet from all property lines.
  - f. The chicken run shall not exceed 64 square feet in area and the fence surrounding it shall be between 48 and 96 inches in height.
  - g. Chickens shall not be permitted in any other structure on the lot, including garages, basements, and attics.
- (7) **License Required.**
  - a. Any person who keeps a chicken coop in the Village shall obtain an annual license prior to January 1 of each year or within 30 days of first acquiring the chicken coop.
  - b. Any person requesting a license shall file an application for a license with the Village Administrator/Clerk-Treasurer and pay an application fee that shall be established by resolution of the Village Board. The application fee shall be nonrefundable and shall be established to defray the cost of inspecting the applicant's premises for compliance with the terms and conditions of this section.
  - c. Upon receipt of an application for a license to house chickens (or a subsequent renewal), the Village Administrator/Clerk-Treasurer shall notify all residents within 200 feet of the applicant's address of the application being filed. If more than 50% of the residents within 200 feet of the applicant's property object in writing within 14 days of being notified, the license shall be denied by the Village Board.

Otherwise, the application for the license shall be heard by the Village Board at the first regularly scheduled meeting of the Board following the conclusion of the fourteen-day notification period.

- d. If the Village Board grants a license as set forth in Subsection a. above, the applicant shall pay the license fee within five days of approval by the Village Board. The fee for the license shall be established by resolution of the Village Board, and shall be in addition to the application fee. The Village Administrator/Clerk-Treasurer shall collect the fee and shall assess a late fee of \$5.00 per day from the owner if the owner fails to obtain a license within the five-day period.
- e. **License Revocation.** If a complaint is made by anyone to a Village officer that the terms of the license issued to the owner or the applicant are being violated in any way, in addition to the penalties set forth in Section 21.14 of the Village of Cross Plains Municipal Code, the Village, on its own motion, may seek to revoke the license of the owner or occupant. To revoke the license, the Village Board shall hold a hearing. At the hearing, the Village and the owner/occupant will be allowed to present testimony as to why the license should be or should not be revoked. Following testimony, the Village Board shall make its decision. The Village shall give at least 14 days written notice of the hearing to the owner or occupant, at the owner or occupant's last known address.

**Figure 84.65: Required Setback for Chicken Coops and Runs**



(n) **Residential Apiary.** A colony or hive of bees including brood, combs, honey and the receptacle inhabited by the bees.

(1) **Purpose.** The Village Board finds that honeybee pollination is important to wildlife that depends on honeybees for a food source and as pollinators of the plants they consume. Further, honeybee hives support a healthy urban food supply. Therefore, notwithstanding any other provision of this Code, honeybees may be kept on any lot, regardless of zoning, subject to the limitations set forth below.

Regulations:

- a. No bees, other than honeybees, may be kept or maintained within the Village limits.
- b. No honeybee hive shall exceed five cubic feet in volume.
- c. No more than six honeybee hives may be kept on any single lot.
- d. No honeybee hive shall be located closer than 10 feet from any property line.
- e. No honeybee hive shall be located less than 25 feet from a principal building on an abutting lot, and all hives shall be kept in the rear yard of a lot.
- f. An ever present supply of water shall be provided for all honeybee hives.
- g. A flyway barrier, at least six feet in height, shall shield any part of a property line of a lot in different ownership that is within 25 feet of a honeybee hive. The flyway barrier must effectively direct bees to fly up and over the barrier when flying in the direction of the barrier. The flyway barrier shall consist of a wall, fence, dense vegetation or combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded. The barrier shall further comply with any applicable fence regulations contained within this Code of Ordinances.
- h. If honeybees are to be kept on a lot by a person other than the lot owner, the lot owner must give consent in writing to the keeping of honeybees on the lot as part of the application set forth in (1)i below.
- i. **License Required.**
  1. Any person who keeps honeybee hives in the Village shall obtain an annual license prior to January 1 of each year or within 30 days of first acquiring the honeybee hives.
  2. Any person requesting a license shall file an application for a license with the Village Administrator/Clerk-Treasurer and pay an application fee that shall be established by resolution of the Village Board. The application fee shall be nonrefundable and shall be established to defray the cost of inspecting the

applicant's premises for compliance with the terms and conditions of this section.

3. Upon receipt of an application for a license to house honeybee hives (or a subsequent renewal), the Village Administrator/Clerk-Treasurer shall notify all residents within 200 feet of the applicant's address of the application being filed. If more than 50% of the residents within 200 feet of the applicant's property object in writing within 14 days of being notified, the license shall be denied by the Village Board. Otherwise, the application for the license shall be heard by the Village Board at the first regularly scheduled meeting of the Board following the conclusion of the fourteen-day notification period.
  4. If the Village Board grants a license as set forth in Subsection (i)1 above, the applicant shall pay the license fee within five days of approval by the Village Board. The fee for the license shall be established by resolution of the Village Board, and shall be in addition to the application fee. The Village Administrator/Clerk-Treasurer shall collect the fee and shall assess a late fee of \$5.00 per day from the owner if the owner fails to obtain a license within the five-day period.
- j. **License Revocation.** If a complaint is made by anyone to a Village officer that the terms of the license issued to the owner or the applicant are being violated in any way, in addition to the penalties set forth in Section 21.14 of the Village of Cross Plains Municipal Code, the Village, on its own motion, may seek to revoke the license of the owner or occupant. To revoke the license, the Village Board shall hold a hearing. At the hearing, the Village and the owner/occupant will be allowed to present testimony as to why the license should be or should not be revoked. Following testimony, the Village Board shall make its decision. The Village shall give at least 14 days written notice of the hearing to the owner or occupant, at the owner or occupant's last known address.

- (o) **On-Site Parking.** On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed, and operable.  
Regulations:  
(1) Access and vehicular circulation shall be designed to discourage cut-through traffic.
- (p) **Company Cafeteria.** A food service operation which provides food only to company employees and their guests.  
Regulations:  
(1) Company Cafeterias shall meet state food service requirements.  
(2) Company Cafeterias shall be located on the same property as a principal land use engaged in an operation other than food service.
- (q) **Incidental Outdoor Display.** The sale and display of merchandise or equipment outside of an enclosed building and is incidental to a principal commercial or industrial land use.  
Regulations:  
(1) Incidental Outdoor Display land uses shall comply with all regulations of Subsection 84.107.  
(2) The display area shall not exceed 25 percent of gross floor area of principal building on the site.
- (r) **Incidental Indoor Sales.** Retail sales activity conducted exclusively indoors which is incidental to a principal land use such as Warehousing, Wholesaling, or any Light Industrial land use on the same site.  
Regulations:  
(1) The total area devoted to sales activity shall not exceed 25 percent of the total area of the buildings on the property.  
(2) Shall provide restroom facilities directly accessible from retail sales area.  
(3) The retail sales area shall be physically separated by a wall from all other activity areas.  
(4) Minimum required parking: Adequate parking, per the requirements of Section 84.58(c), shall be provided for customers. Said parking shall be in addition to that required for the principal land use.
- (s) **Incidental Light Industrial.** Light industrial activities conducted exclusively indoors which is incidental to a principal land use, such as Indoor Sales or Service, on the same site.  
Regulations:  
(1) The total area devoted to light industrial activity shall not exceed 15 percent of the total area of the buildings on the property, or 5,000 square feet, whichever is less.  
(2) Minimum required parking: Per Section 84.59(a).

- (t) **Satellite Dish.** A bowl-shaped antenna with which signals are transmitted to or received from a communications satellite. This land use applies to dishes for personal use and private businesses (e.g. taverns and restaurants).

Regulations:

- (1) In all districts, satellite dishes less than 3 feet in diameter may be located anywhere on a lot, except the provided front yard or provided street side yard, or can be located on any principal or accessory building.
- (2) In the RH-35, SR-1, SR-3, SR-4, SR-5, DR-6, MR-8, and MR-16 districts satellite dishes 3 feet in diameter and larger may only be located in provided rear yards or on the roof of a detached garage, so long as the height of the detached garage and the dish is equal to or less than the height of the principal building.
- (3) In all other districts, satellite dishes 3 feet in diameter and larger may be erected on the roof of any principal or accessory buildings, and in street, side, or rear yards; but shall not be located in front yards.
- (4) No advertising or graphic designs are permitted on satellite dishes in any zoning district.
- (5) In the event that a usable signal cannot be obtained by locating a satellite dish in locations permitted by this chapter, the Zoning Board of Appeals may grant a variance to allow the placement of a satellite dish in any location except a front yard.

- (u) **Personal Antenna or Tower.** Devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building. This definition includes the structure, supports, and equipment buildings. This land use applies to antenna and towers for personal use. Examples include amateur radio antenna and personal television antenna.

Regulations:

- (1) No antenna or tower shall be installed unless a permit is first obtained by the owner or his agent from the Village Board following recommendation of the Plan Commission. The owner shall provide a drawing which shows the proposed method of installation, the manufacturer's specifications (if any), and a site plan which depicts the location of the proposed antenna, any existing antenna, property lines and all buildings. The permit fee shall be based on the value of the proposed installation.
- (2) Antennas and towers shall be installed pursuant to the manufacturer's specifications.
- (3) In the RH-35, SR-1, SR-3, SR-4, and SR-5 districts there may only be one roof-mounted antenna and one tower per lot. In all other districts there may be one antenna for each dwelling unit or business and one tower per lot.
- (4) In all districts, freestanding antennas may not be located in a provided front yard or provided street side yard or closer to the right of way than the closest edge of the principal building, whichever is less.
- (5) Towers are restricted to 70 feet and roof-mounted antennas are restricted to 30 feet above the highest peak of the roof.
- (6) No part of an antenna array or tower shall extend beyond any property boundary. Buried radials shall not encroach into a utility easement. Guy wires shall not be anchored within a provided front yard or provided street side yard or closer to the right of way than the closest edge of the principal building, whichever is less. It shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.
- (7) The attachment to an antenna or tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited. This regulation does not include weather devices.

- (v) **Communication Antenna.** Devices used for the transmission or reception of electromagnetic waves, attached to a Communication Tower, building, or alternative tower structures, including equipment buildings/cabinets.

Regulations:

(1) **Applicability.**

- a. Communication Antennas may be installed, erected and maintained pursuant to the provisions of this section. This land use shall not be regulated or permitted as Essential Services, Small Scale Public Services and Utilities, or Large Scale Public Services and Utilities. All new antennas in the Village of Cross Plains shall be subject to these regulations.
- b. Antennas may be considered either principal or accessory uses. A different use on the same lot shall not preclude the installation of an antenna or tower on such lot.
- c. This land use category includes the placement of new antennas and equipment buildings used in conjunction with an existing tower.
- d. Municipal sites. Antennas installed on a structure, water tower, building, or communication tower, including the placement of ground mounted and roof mounted equipment buildings, shall be permitted where located on property owned, leased or otherwise controlled by the Village of Cross Plains, irrespective of zoning district, provided that a lease or other agreement to authorize such antenna has been approved by the Village, and the requirements and conditions in Section 84.62 are met.

(2) **General Requirements.**

- a. **Compliance with Federal Regulations.** Towers shall be erected and installed in accordance with the State electrical code, National Electrical Safety Code, Federal Communications Commission, and Federal Aviation Administration codes, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
- b. **Communication Tower and Commercial Building.** Antennas may be placed on commercial communication towers and commercial buildings.
- c. **Height Requirements.** Antenna height shall be restricted to 150 feet above grade when located on a commercial communication tower. Antenna height shall be restricted to 20 feet above the height of the commercial building roof or alternative tower structure when located on such structure. District height restrictions shall not apply to antennas.
- d. **Alternative Structures.** Antennas may be placed on alternative tower structures such as clock towers, bell steeples, light poles, water towers, or similar structures.

- e. **Other Limitations.** The antenna shall not adversely impact surrounding property; specifically, it shall not have aesthetic, economic, or safety impact on surrounding public or private property or interfere with transmission or reception.
  - f. **Advertising.** No form of advertising or identification, sign or mural is allowed on the antenna other than the customary manufacturer identification plate.
- (3) **Equipment Buildings.** Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:
- a. Whenever wireless telecommunications facilities are established, all related ground mounted equipment buildings shall be considered ancillary to any existing or proposed primary use. Any impact of the equipment buildings shall be made as minimal as possible so as not to detract from the principal use of the property.
  - b. Exterior storage of ground mounted equipment or materials shall not be permitted.
  - c. Except when located in the LI and GI zoning district, the maximum size of a single ground mounted equipment building shall not exceed 360 square feet. Additional ground mounted equipment buildings and buildings larger than 360 square feet may be granted by issuance of a conditional use permit, but may not exceed a total of 1,000 square feet of ground mounted equipment shelters per site.
  - d. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible.
  - e. Any ground mounted equipment building used for accessory equipment must either be screened from view from all abutting residential uses and potentially incompatible municipal uses with a minimum of a 6 foot tall evergreen hedge or other suitable vegetation, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood. Alternative screening materials may be used in nonresidential areas.
  - f. Equipment buildings needed for accessory equipment may be allowed prior to the construction of a principal building.
  - g. All ground mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district and shall meet all applicable building code requirements.
- (4) **Exceptions.** Exceptions to the setbacks and height requirements listed above may be granted by a conditional use permit if appropriate engineering data is submitted showing that failure characteristics of the structure will not adversely impact abutting properties.

- (w) **Small Wind Energy System.** A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power. Small wind energy systems have a total installed nameplate capacity of 300 kW or less and consist of individual wind turbines that have an installed nameplate capacity of not more than 100 kW.

**Regulations:**

- (1) **Setbacks.** A small wind energy system shall comply with the following setbacks:

Setback Description	Setback Distance
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution Lines (not including utility service lines to individual houses or outbuildings)	1.0 times the maximum blade tip height
Overhead Utility Service Lines (utility service lines to individual houses or outbuildings)	None

- (2) **Participating Residences.** “Participating Residences” are defined as residences on a participating property. A “Participating Property” means any of the following:

- a. A turbine host property.
- b. Real property that is the subject of an agreement that does all of the following: provides for the payment of monetary compensation to the landowner from an wind energy system owner regardless of whether any part of a wind energy system is constructed on the property; and specifies in writing any waiver of a requirement or right under this Section and that the landowner’s acceptance of payment establishes the landowner’s property as a participating property.

- (3) **Design Standards.**

- a. **Access.** No tower shall have a climbing apparatus within 12 feet of the ground. All access doors or access ways to towers and electrical equipment shall be lockable.
- b. **Noise.** No small wind energy system shall exceed 80 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring inhabitable building.
- c. **Visual Appearance.** Small wind energy systems shall be finished in a rust-resistant, nonobtrusive finish and color that is non-reflective. No small wind energy system shall be lighted unless required by the FAA.

No advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy system.

- d. Electrical Interconnections. The owner of a small wind energy system shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and Chapter PSC 128 of the Wisconsin Administrative Code and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electric code.
  - e. Shadowing/Flicker. Wind energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts to nonparticipating residences or occupied community buildings. The applicant has the burden of proving that this effect does not have significant impact on such uses either through siting or mitigation.
  - f. Signs. All signs, both temporary and permanent, are prohibited on the wind energy system, except that the manufacturer's identification and appropriate warning signs are allowed.
  - g. Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.
  - h. Signal Interference. Efforts shall be made to site small wind energy systems to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy system owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy system shall cause permanent and material interference with television or other communication signals.
- (4) **Conditional Use Permits.** Wind energy systems are a conditional use in any district. The Village will apply Wis. Stats. Section 66.0401 and PSC Chapter 128 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
- a. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
    - 1. Serves to preserve or protect the public health or safety.
    - 2. Does not significantly increase the cost of the system or significantly decrease its efficiency.
    - 3. Allows for an alternative system of comparable cost and efficiency.
- (5) To the extent not inconsistent with state law, the procedures for consideration of conditional uses set forth in Section 84.161 shall be followed.

- (6) **Conditional Use Permit Application Requirements.** Conditional use applications for a small wind energy system shall include the following information:
- a. Wind energy system description and maps showing the locations of all proposed wind energy facilities.
  - b. Technical description of wind turbines and wind turbine sites.
  - c. Timeline and process for constructing the wind energy system.
  - d. Information regarding anticipated impact of the wind energy system on local infrastructure.
  - e. Information regarding noise anticipated to be attributable to the wind energy system.
  - f. Information regarding shadow flicker anticipated to be attributable to the wind energy system.
  - g. Information regarding the anticipated effects of the wind energy system on existing land uses on parcels adjacent to within one half mile of the wind energy system.
  - h. Information regarding the anticipated effects of the wind energy system on airports and airspace.
  - i. Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
  - j. A list of all state and federal permits required to construct and operate the wind energy system.
  - k. Information regarding the planned use and modification of roads within the political subdivision during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
  - l. A copy of all emergency plans developed in collaboration with fire, police and other appropriate first responders serving the small wind energy system. An owner may file plans using confidential filing procedures as necessary.
  - m. A decommissioning and site restoration plan providing reasonable assurances that the owner will be able to comply with Subsection (7) below.
  - n. Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.
- (7) **Abandonment and Decommissioning.**
- a. The owner of a wind energy shall decommission and remove the wind energy system when then system is at the end of its useful life. A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 540-day period.

- b. When decommissioning is required, the owner shall begin decommissioning with 360 days after the wind energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.
- c. At such time that a wind energy system is scheduled to be abandoned or discontinued operation, the applicant will notify the Zoning Administrator by certified U.S. mail of the proposed date of abandonment or discontinuance of operation.
- d. In the event that an applicant fails to give such notice, the system shall be considered to have reached the end of its useful life if the system is out of service for a continuous period of 540 days. After the 540 days of inoperability, the Zoning Administrator may issue a Notice of Abandonment to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from notice receipt date. The Zoning Administrator shall withdraw such notice if the owner provides information that demonstrates the wind energy system has not been abandoned or has not reached the end of its useful life.
- e. If the owner fails to respond to the Notice of Abandonment or if after review by the Zoning Administrator it is determined that the wind energy system has reached the end of its useful life, the owner of the wind energy system shall decommission the wind turbine, tower and related above grade structures at the owner's expense. After receipt of the Notice of Abandonment, the owner is subject to the requirements of Subsection b. above. If the owner fails to physically remove the wind energy system after the Notice of Abandonment procedure, the Village or their designee shall have the authority to enter the subject property and physically remove the wind energy system.
  - 1. "Decommission" shall mean the removal of all of the following: the aboveground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner; and all belowground facilities except underground collector circuit facilities and those portions of concrete structure 4 feet or more below grade.
- f. An owner shall file a notice of decommissioning completion with the Village and the Public Service Commission when a wind energy system approved by the Village has been decommissioned and removed. Within 360 days of receiving a notice of decommissioning, the Village shall determine whether the owner has satisfied the requirements of this Subsection.

- (8) **Violation.** It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this ordinance or with any condition contained in the conditional use site plan review issued pursuant to this ordinance.
- (9) **Penalties.** Any person who fails to comply with any provisions of this ordinance, conditional use permit or building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by this ordinance and Chapter 1 of the Village of Cross Plains Code of Ordinances.
- (10) **Waiver Provisions.** During the conditional use process, the Village Board may waive any portion of this ordinance in such cases where, in the opinion of the Plan Commission, strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of this ordinance.

- (x) **Small Solar Energy System.** An energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

Regulations:

- (1) Solar energy systems (rooftop, building-mounted, and free standing) are permitted as conditional uses in all zoning districts as accessory structures.
- (2) Free standing solar energy systems shall comply with the requirements for accessory structures. Rooftop and building-mounted solar energy systems shall comply with the height limits and setbacks for primary structures.
- (3) See Article II for specific bulk, density, and intensity requirements for accessory structures in each district.
- (4) No person in control of property shall allow a tree or shrub to be placed or grow so as to cast a shadow between the hours of 9:00 a.m. and 3:00 p.m. Central Daylight Saving Time, upon a solar collector energy system capable of generating more than 1,000,000 British thermal units per year, and which supplies a part of the energy requirements for improvements on the property where the solar energy system is permanently located. The provisions of this Subsection shall not require the removal of existing vegetation.
- (5) The requirements of the Wisconsin Statutes, including but not limited to Sections 66.0401 and 66.0403, shall apply to all solar energy systems.
- (6) Solar energy systems are a conditional use in any district. The Village will apply Wis. Stats. Section 66.0401 and Section 66.0403 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
  - a. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
    1. Serves to preserve or protect the public health or safety.
    2. Does not significantly increase the cost of the system or significantly decrease its efficiency.
    3. Allows for an alternative system of comparable cost and efficiency.

## **SECTION 84.66 Temporary Uses.**

All of the following temporary uses shall comply with Section 84.162, standards and procedures applicable to all temporary uses, except as otherwise exempted in this Chapter.

- (a) **Temporary Farm Product Sales.** This land use includes the temporary outdoor display and sales of farm products, typically from a roadside stand.

Regulations:

- (1) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (2) If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
- (3) Adequate parking shall be provided.

- (b) **Temporary Outdoor Sales.** Includes the display of any items outside the confines of a building, which is not otherwise permitted as a permitted or conditional use, or a special event otherwise regulated by the Municipal Code. Examples of this land use include, but are not limited to, sidewalk sales, seasonal garden shops, tent sales, Christmas tree sales, fireworks sales, and bratwurst stands.

Regulations:

- (1) The user shall provide a layout of the activities to the Zoning Administrator for approval prior to any event or sales activity.

- (c) **Temporary Outdoor Assembly.** Includes any organized outdoor assembly of more than 100 persons, such as an outdoor weddings, wedding receptions, or tent meetings.

Regulations:

- (1) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (2) If subject property is located adjacent to a residentially zoned property, activities shall be limited to daylight hours.
- (3) Adequate provisions for crowd control shall be made, and shall be described within the temporary use application.
- (4) Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the temporary use application.
- (5) Temporary Outdoor Assembly events using Temporary Shelter Structures shall also comply with the provisions of (d) below.

- (d) **Temporary Shelter Structure.** These shelters are typically supported by poles, have a fabric, plastic, fiberglass, or membrane roof and/or sides, and may be used for short term temporary storage of vehicles and other personal property and/or for approved Temporary Outdoor Assembly events as described in (c) above. This does not include camping tents or permanent Residential Accessory Structures.

Regulations:

- (1) Temporary Shelter Structures to be placed for extended use (i.e. beyond 7 days), shall require a conditional use permit. Conditional use permits for Temporary Shelter Structures shall be limited to 30 days and may be extended by an additional 30 days no more than once.
- (2) Temporary Shelter Structures in place for more than 7 consecutive days without approval of a conditional use permit and which do not meet the standards of Chapter 31 of the Village of Cross Plains Municipal Code, including but not limited to those Temporary Shelter Structures to cover automobiles, boats, recreational vehicles, or firewood, are in violation of this Chapter and shall be subject to the provisions of Section 84.170.

- (e) **Temporary Storage Container.** These containers are portable storage containers designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on residential property.

Regulations:

- (1) The container shall not exceed outside dimensions of sixteen 16 feet in length, 8 feet in width, and 9 feet in height.
- (2) The container shall be permitted on the property for up to 14 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.
- (3) The container cannot encroach on the public right-of-way, neighboring property, sidewalk, or be placed in the street.
- (4) The container must be placed on asphalt, concrete, gravel, or other hard-paved surface.

- (f) **Temporary On-Site Construction Storage.** Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

Regulations:

- (1) The structure shall be removed within 10 days of issuance of occupancy permit.
- (2) Projects requiring the structure to be in place for more than 365 days shall require a conditional use permit.
- (3) The structure shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.

- (g) **Temporary Contractor’s Project Office.** Includes any structure containing an on-site construction management office for an active construction project.  
 Regulations:
- (1) Structure shall not exceed 2,000 square feet in gross floor area.
  - (2) The structure shall be removed within 10 days of issuance of occupancy permit.
  - (3) Shall not be used for sales activity.
  - (4) Projects requiring land use to be in place for more than 365 days shall require a conditional use permit.
- (h) **Temporary On-Site Real Estate Sales Office.** Includes any building which serves as an on-site sales office for a development project.  
 Regulations:
- (1) The structure shall not exceed 5,000 square feet in Gross Floor Area.
  - (2) The structure shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
  - (3) Projects requiring land use to be in place for more than 365 days shall require a conditional use permit.
- (i) **Temporary Relocatable Building.** Includes any manufactured building which serves as a temporary building for less than 6 months.  
 Regulations:
- (1) Facilities serving for more than 12 months shall be considered conditional uses and are subject to the general standards and procedures presented in Section 84.161.
  - (2) The structure shall be limited to a maximum area not exceeding 10 percent of the property’s gross site area.
- (j) **Garage or Estate Sale (Auction).** Garage or Estate Sales include the sale or offering for sale of miscellaneous used items commonly associated with residential use.  
 Regulations:
- (1) Permits are not required for Garage or Estate Sales.
  - (2) Sales shall occur only during daylight hours.
- (k) **Farmer’s Market.** Farmer’s Markets include the temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, and/or crafts from vehicles or temporary stands located within a parking lot or public right-of-way.  
 Regulations:
- (1) Facility shall have vehicular access to a collector or higher classification street.
  - (2) Minimum required parking: One space per vendor, plus adequate parking to accommodate customer traffic.

**SECTIONS 84.67 - 84.69 Reserved**

## **ARTICLE IV: BULK REGULATIONS.**

### **SECTION 84.70 Purpose.**

This Article regulates the location and bulk of buildings in both residential and nonresidential developments in order to protect and enhance the desired community character of the Village of Cross Plains. The provisions of this Article interact closely with the density and intensity provisions described in Article II. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.

### **SECTION 81.71 Bulk Standards.**

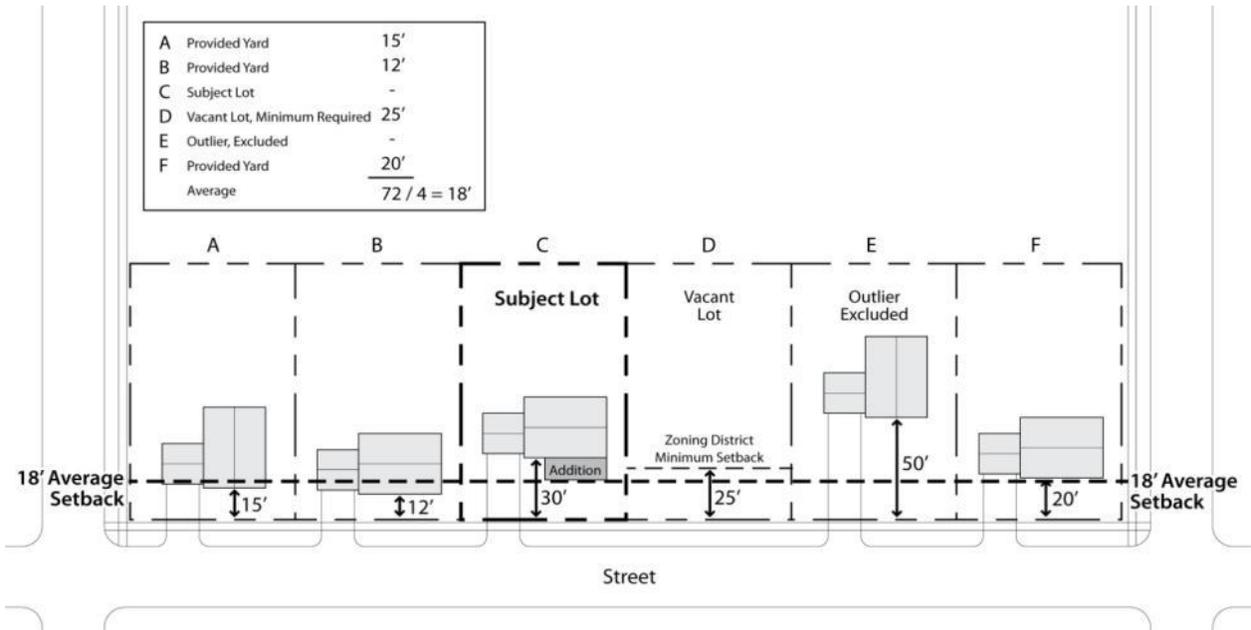
All structures and paved areas shall comply with the requirements listed for each zoning district in Article II.

All lots shall abut upon a public street. Refer to additional standards for lots and blocks in Land Division and Subdivision, Chapter 83 of the Village of Cross Plains Municipal Code.

## **SECTION 84.72 Yard Setback Adjustments.**

- (a) **Lot Size and Minimum Yard Dimensions.** No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (b) **Front Yard Setback Adjustment.**
  - (1) In the SR-1, SR-3, SR-4, SR-5, DR-6, MR-8, MR-16, NMU, and CMU districts, a front yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 84.72):
    - a. Only the setbacks on 5 or fewer adjoining lots, are contiguous to each other in either direction of the subject lot, and are on the same side of the street as each other may be used.
    - b. Where a lot is vacant, the minimum setback of the zoning district will be applied to the vacant lot and factored into the averaging calculation.
    - c. Outliers shall be excluded in calculating the mean setback as determined by the Zoning Administrator.
    - d. In residential districts, the depth of the minimum front yard and street side yard on any lot shall be at least 15 feet and the minimum setback for an attached or detached garage facing the front yard, or the street side yard, shall be at least 20 feet.
  - (2) In order to preserve and maintain the character of established neighborhoods that are typified by front yard setbacks substantially in excess of the minimum required front yard setback, blocks with an average street side (front yard) setback more than five feet over the minimum required front yard setback shall be increased to the average of the adjoining same type of principal structures on said block or street.
  - (3) Side and Rear Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.

**Figure 84.72: Front Yard Averaging Example**



## **SECTION 84.73 Intrusions into Required Yards.**

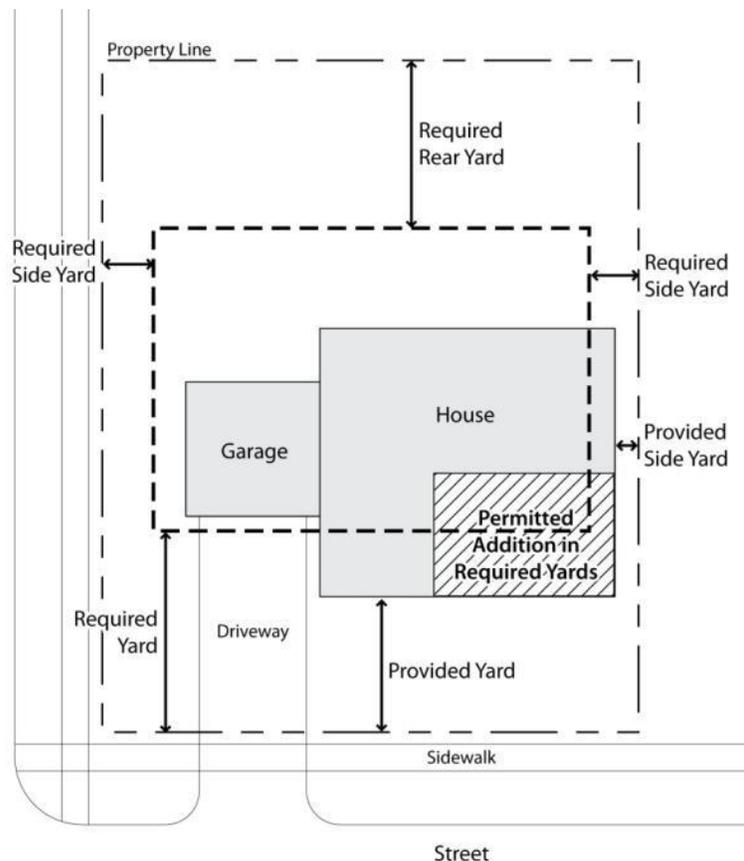
The minimum setback requirements of each zoning district establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

### **(a) Permitted Intrusions Into Required Front and Street Side Yards.**

- (1) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, bay windows, and gutters for residential buildings, provided they do not extend more than 3 feet into the required yard. These exceptions apply only to residential districts.
- (2) Entry platforms, steps and canopies provided they do not extend more than 6 feet, provided that such stairs and landings shall not extend above the entrance floor of the building. This shall not apply to replacement of existing porches, steps, stairs, and landings used for required building exit when the size is not enlarged. These exceptions apply only to residential districts.
- (3) Steps and stairs provided that such stairs and landings shall not extend above the entrance floor of the building and there is adequate on-site landing space for the base of the stairs.
- (4) Handicap accessible ramps or other devices required to make reasonable accommodation under the Fair Housing Act or the Americans with Disabilities Act are to be permitted in the required front, side, or rear yard setbacks provided that the maximum encroachment into a required setback is the minimum dimension required by the Wisconsin Commercial Building Code for accessible ramps and that no other location is feasible outside the required setbacks.
- (5) Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 84-106 and provided they do not locate closer than five feet from the front or street property line.
- (6) Uncovered porches, decks, or similar appurtenances to residential buildings which do not extend above the floor level of the building entrance, provided they do not extend 8 feet beyond the existing façade of the home, but shall not be nearer than 5 feet from any lot line. Such structures may not encroach into the vision triangle.
- (7) Open porches (as defined in Section 84.12) in the NMU, SR-1, SR-3, SR-4, SR-5, and DR-6 zoning districts which do not extend more than 9 feet into the required yard.
- (8) Attached terraces, uncovered porches, decks, or similar appurtenances to residential buildings that do not extend more than 18 inches above grade, provided they do not locate closer than 8 feet to the rear lot line, 3 feet from the side lot line, or 5 feet from the front or street side lot line. Detached decks that do not exceed 18 inches above grade shall meet the required setbacks for a detached accessory structure.

- (9) Additions (including vertical additions, additional floors, and architectural features), balconies, terraces, covered porches, decks, or similar appurtenances not extending beyond the setback of the existing façade, may be located in the provided or required yard setback, whichever more permissive. If the addition is a garage or garage addition, the minimum setback when facing the front yard, or the street side yard, shall be at least 20 feet. In no instance shall any new encroachment be within 5 feet of an adjacent structure or 3 feet of a property line unless approved by the Building Inspector to have adequate fire protection. See Figure 84.73.
- (10) Fences meeting the requirements of Section 84.108.
- (11) Fire escapes required by the Building Inspector which do not extend more than 4 feet into the required yard.
- (12) Any other provisions identified elsewhere in this Chapter (landscape features, tents, and other features where specific setbacks are established).

**Figure 84.73: Permitted Addition in Required Yards**



- (b) **Permitted Intrusions Into Required Side Yards.**
  - (1) Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
  - (2) Fences may locate on the property line. Permitted fence types shall comply with the provisions of Section 84.108.
  - (3) Fire escapes (on residential buildings) which do not extend more than three feet into the required yard.
- (c) **Permitted Intrusions Into Required Rear Yards.** Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than one foot above grade; provided they do not locate closer than 20 feet to the rear lot line.
- (d) **All Street Side or Front Yard Setback Areas.** With the exception of fences, no accessory structures shall be permitted within any portion of a street yard or front yard, except where there is a shore yard. In instances where there is a shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory structures may be located between a principal building and a street frontage on the same lot.

## **SECTION 84.74 Exceptions to Maximum Height Regulations.**

The maximum height regulations listed for residential and nonresidential uses and accessory structures in each zoning district in Article II are the maximum permitted heights for all buildings and structures, except those exempted by this Section.

- (a) The following are permitted to exceed the maximum height regulations within any district where permitted: church spires, belfries, cupolas, penthouses and domes, not used for human occupancy; public monuments, water towers, fire and hose towers, flag poles, chimneys, ventilators, skylights, similar features, and necessary mechanical appurtenances usually carried above roof level. The provisions of this chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five feet. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to the Wisconsin building code.
- (b) The Village Board, following recommendation by the Plan Commission, may grant exceptions to the height limitations for any building or structure not otherwise accounted for by (a) above or may set the maximum height of a structure on an individual lot as a conditional use and may set special requirements as part of the approval under the terms and conditions of this chapter.

## **SECTIONS 84.75 - 84.79 Reserved**

## ARTICLE V: NONCONFORMING SITUATIONS.

### SECTION 84.80 Purpose.

The purpose of this Article is to establish regulations for the following nonconforming situations: nonconforming uses, substandard lots, nonconforming structures, and nonconforming sites created legally prior to the effective date of this Chapter.

### SECTION 84.81 Nonconforming Uses.

- (a) The following Section shall apply to all uses except in the following circumstances:
  - (1) The use did not legally exist at the time of adoption.
  - (2) The use is subject to legal proceedings.
  - (3) The use is subject to a court order to the contrary of this Section.
- (b) **Continuance of a Nonconforming Use.**
  - (1) Any nonconforming use lawfully existing upon the effective date of this Chapter, or any amendment to it, may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section.
  - (2) A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Chapter, shall be considered a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration as a conditional use under the provisions of Section 84.161.
  - (3) Any prior legal use made nonconforming by this Chapter, or by an amendment to it, may be granted legal conforming status and allowed to be extended, enlarged, reconstructed, or substituted by the issuance of a conditional use permit, subject to the standards and procedures prescribed by Section 84.161.
- (c) **Modification of a Nonconforming Use.**
  - (1) Except as permitted in Subsection (d), below, or Subsection (b)(3), above, a nonconforming use shall not be expanded, enlarged, extended, or reconstructed, unless the use is changed to a use permitted in the district in which the use is located.
  - (2) Substitution of new equipment shall be permitted.
- (d) **Discontinuance of a Nonconforming Use.** When any nonconforming use of any land, building, or structure is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of said land, building, or structure shall be in complete conformity with the provisions of this Chapter.

- (e) **Maintenance and Repair of a Nonconforming Use.**
  - (1) The ordinary maintenance and repair of the equipment, furnishings, and nonstructural building components for a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter.
  - (2) Except as otherwise provided in this Section, whenever a nonconforming use is damaged to the extent of more than 50 percent of its current equalized assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located.
- (f) **Maintenance and Repair of a Structure Containing a Nonconforming Use.** The total structural repairs or alterations to a building, structure, fixture, or premises containing a nonconforming use shall not during its life exceed 50 percent of the assessed value of the building, structure, fixture, or premises, unless permanently changed to a conforming use.

## **SECTION 84.82 Nonconforming and Substandard Lots.**

- (a) This Section shall apply to all lots in the Village except in the following circumstances:
  - (1) The lot did not legally exist as of the effective date of this Chapter.
  - (2) The lot is subject to legal proceedings.
  - (3) The lot is subject to a court order to the contrary of this Section.
- (b) **Blanket Conforming Status.**
  - (1) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this Chapter. This Subsection ensures that lots approved and created prior to the adoption of this Chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
  - (2) After the effective date of this Chapter, no lot shall be created which does not meet the density, intensity, and bulk requirements of the zoning district.
- (c) A lot of record existing upon the effective date of this Chapter in any zoning district, which does not meet the minimum lot area, width, and frontage requirements for the zoning district, may be utilized for new or modified development, provided that such development complies with all of the density, intensity, and bulk regulations for that zoning district.
- (d) Abutting vacant substandard lots under the same ownership must be combined prior to development.
- (e) Except for outlots that received variances prior to the effective date of this Chapter, this Section shall not apply to outlots without access to a public right-of-way that existed prior to the effective date of this Chapter since they are not intended for development.

## SECTION 84.83 Nonconforming Structures.

- (a) This Section shall apply to all structures in the Village except in the following circumstances:
  - (1) The structure did not legally exist as of the effective date of this Chapter.
  - (2) The structure is subject to legal proceedings.
  - (3) The structure is subject to a court order to the contrary of this Section.
  - (4) Federal, State and Village floodplain, wetland and shoreland-wetland regulations shall control in case of a conflict.
- (b) **Blanket Conforming Status.**
  - (1) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to any structure lawfully existing upon the effective date of this Chapter. After said date, structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter, or unless a variance is granted by the Zoning Board of Appeals under Section 84.166.
  - (2) This Subsection is intended to eliminate the continued classification and/or the creation of structures as nonconforming subject to the requirements of this Chapter. This provision addresses two different situations.
    - a. Any structure erected prior to the adoption of zoning that does not meet some or all of the bulk or intensity requirements of this Chapter.
    - b. In some instances, this Chapter establishes new bulk or intensity requirements that existing legal structures under the previous Zoning Ordinance do not meet.
  - (3) This Section therefore ensures that owners of such structures legally established prior to the effective date of this Chapter do not encounter difficulty because the structures would otherwise be considered nonconforming.
- (c) The following shall apply to all structures that do not meet bulk and other requirements of this Chapter.
  - (1) **Ordinary Maintenance.** Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a structure are permitted, as well as necessary nonstructural repairs and alterations which do not extend, enlarge, or intensify the structure. 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) or insulation, and the replacement of doors, windows, and other non-structural components.
  - (2) **Structural Repairs, Structural Alterations and Minor Changes.** Any and all structural repairs, structural alterations, and minor changes, may be made so long as no such changes expand upon an existing bulk, density or intensity violation. A conforming garage may be added or expanded.
  - (3) **Additions.** Additions, expansions, and enlargements may be added. However, such additions must meet the requirements of this Chapter unless a variance is granted under Section 84.166.

- (4) **Destruction and Reconstruction.**
- a. A damaged, destroyed, or removed structure may be restored to the size, location, design and use that it had immediately before the damage, destruction, or removal occurred without any limits on the costs of the repair, reconstruction, or improvement if either Subsection 1. or 2., below, apply. The burden of proof in regard to the location, dimensions, configuration, and exterior building materials of the damaged or removed structure shall be upon the property owner to demonstrate prior to the issuance of a building permit.
1. The structure was damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other act identified by Wis. Stats. 62.23(7)(hc) on or after March 2, 2006.
  2. The structure was damaged, destroyed, removed, or partially removed by other means on or after the effective date of this Chapter.
- (5) **Intentional Removal and Replacement.**
- a. If 50 percent or more of the total floor area of a structure is intentionally removed by the property owner, the replacement structure must meet the requirements of this Chapter unless a variance is granted under Section 84.166.
  - b. If less than 50 percent of the total floor area of a structure is intentionally removed by the property owner, it may be restored to the previous footprint, floor area and height.
  - c. Existing garages, decks, and porches may be replaced in their entirety to the previous footprint, floor area and height.
- (6) **Unsafe Structures.** Nothing in this Chapter shall preclude the building inspector or any other Village official from initiating remedial or enforcement actions when any structure is declared unsafe or presents a danger the public health, safety, or welfare.
- (d) **Timing of Building Permit.** Any structure for which a building permit has been lawfully granted prior to the effective date of this Chapter, or an amendment to it, which will become nonconforming under the provisions of this Chapter or that amendment thereto, may be completed in accordance with the approved plans, provided construction is started within 365 calendar days after issuance of the permit for single and two family construction and within 365 calendar days after issuance of a permit for all other development, and construction is completed within 730 calendar days (2 years) after the start of construction. If all such conditions are met, the structure shall thereafter be a legal conforming structure.

## **SECTION 84.84 Nonconforming Sites.**

### **(a) Blanket Conforming Status.**

- (1) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of the effective date of this Chapter.
  - (2) After the effective date of this Chapter, additional site development that would result in the enlargement, expansion, or extension of uses, structures or other development per (3) a.- h. below; will not be allowed to occur without bringing such additional site development into full compliance with the provisions of this Chapter, or to the extent practical without removal of lawful structures in accordance with Subsection (3) below.
  - (3) This Subsection is intended to prevent the creation of nonconforming sites related to the building and site design requirements of this Chapter. These building and site design components may include one or more of the following:
    - a. Bulk, intensity, and density requirements.
    - b. Exterior building materials requirements.
    - c. Exterior building design requirements.
    - d. Parking, loading, access drive and other paved area design requirements.
    - e. Landscaping requirements.
    - f. Bufferyard requirements.
    - g. Fencing requirements.
    - h. Lighting requirements.
  - (4) This Subsection ensures that sites approved prior to the effective date of this Chapter do not encounter difficulty because they would otherwise be considered nonconforming.
- (b) All new buildings, structures, and parking areas, including additions, shall comply with all site design requirements of this Chapter, including the components of (a)(3)a.- h. above, for the new portion of the development.
  - (c) On lots where the site configuration and undeveloped area are sufficient to comply with site design requirements, no enlargement, expansion, or extension of a use, structure, or paving shall be permitted if it makes compliance with the site design requirements of this Chapter, including (a)(3)a.- h. above, impossible, even if said enlargement, expansion, or extension of the use, structure, or paving would otherwise be permissible.
  - (d) On lots where the configuration and undeveloped area of the nonconforming site provides insufficient space to bring the site into full compliance with all site requirements but nevertheless provides space to reduce the degree of one or more nonconformities, the Village Board, following recommendation of the Plan Commission, shall make a determination as to the manner and degree to which each

site's nonconformities shall be brought into conformance specifically to improve public safety and/or reduce public nuisances.

- (e) Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under Section 84.166.

**SECTIONS 84.85 - 84.89 Reserved**

**ARTICLE VI: OVERLAY ZONING DISTRICTS.**

**SECTION 84.90 Purpose.**

The purpose of this Article is to establish overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth in Article II of this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying zoning district. Special requirements include mandatory groundwater, hillside/hilltop, and natural resource protections. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.

**SECTION 84.91 How to Use This Article.**

A given property may lie within one or more overlay zoning district based on its geographic location. The provisions of this Article are intended to be consulted before issuance of any building permit, site plan approval, conditional use permit, zoning permit, zoning change, or land division to ensure the intended use meets all of the requirements of any applicable overlay district, in addition to the underlying standard zoning district (see Article II). For each overlay district established in this Article, a definition of the resource or geographic area is provided, followed by the specific purposes of the protective regulations governing the resource or geographic location, the method of delineating the boundaries of the overlay district, and the mandatory development regulations.

**SECTION 84.92 Overlay Zoning Districts.**

For the purpose of this Chapter, the following overlay zoning districts are hereby established.

Abbreviation	Meaning
DT-O	Downtown Design Overlay
GWP-O	Groundwater Protection Overlay
HILL-O	Hillside/Hilltop Protection Overlay

**SECTION 84.93 Map of Overlay Zoning Districts.**

Except where otherwise indicated in this Article, the overlay zoning districts are represented on the Official Overlay Zoning Map, adopted and from time to time amended by the Village of Cross Plains.

**SECTION 84.94 (GW-O)Groundwater Protection Overlay Zoning District.**

- (a) **Purpose.** The Village of Cross Plains depends on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of this ordinance is to institute land use regulations and restrictions to protect the Village water supply and well fields, and to promote the public health, safety, and general welfare of the residents of the Village.
- (b) The Groundwater Protection Overlay District includes the recharge area for the Village wells that lies within the Village limits, as described in the Village of Cross Plains Well Head Protection Plan and incorporated herein as if fully set forth.
- (c) **Overlay Zones.** The Groundwater Protection Overlay District is divided into Zone A, Zone B, and Zone C, as described in the Village of Cross Plains Well Head Protection Plan.
  - (1) Zone A includes lands that lie within the 5-year Time of Travel from each Village well and all areas within 1,500 feet of each Village well.
  - (2) Zone B includes the area between the boundary of Zone A and the 25-year Time of Travel boundary for each Village well.
  - (3) Zone C includes the area between the boundary of Zone B and the boundary of the Zone of Influence for each Village well.
- (d) **Land Use Regulations for All Zones.**
  - (1) The land use regulations in this Section are in addition to the land use regulations established for the underlying zoning district.
  - (2) **Prohibited Uses for All Zones.** Those uses declared to be prohibited have a high probability that such activities routinely associated with them (storage, use, and handling of potential pollutants) will cause groundwater contamination. Prohibited uses include, but are not limited to, the following uses within the Groundwater Protection Overlay District:
    - a. Septage and/or sludge spreading
    - b. Gasoline stations
    - c. Landfills or waste disposal facilities
    - d. Spray waste water facilities
    - e. Bulk fertilizer and/or pesticide facilities
    - f. Asphalt products manufacturing
    - g. Salt storage
    - h. Electroplating facilities
    - i. Paint and coating manufacturing
    - j. Hazardous and/or toxic materials storage
    - k. Hazardous and/or toxic waste facilities
    - l. Radioactive waste facilities

- (e) **Land Use Regulations for Zone A.**
- (1) **Permitted Uses in Zone A.** The following uses are permitted uses within Zone A of the Groundwater Protection Overlay District. Uses not listed in this Subsection or in Subsection (2), below, are considered to be prohibited uses.
- a. Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
  - b. Wildlife areas
  - c. Non-motorized trails, such as biking, skiing, nature, and fitness trails
  - d. Residential, commercial, and industrial property, which is municipally sewered and free of flammable and combustible liquid and underground storage tanks
- (2) **Conditional Uses for Zone A.** The following uses may be allowed as a conditional use per the requirements of Section 84.161, provided adequate groundwater protections and monitoring measures are implemented:
1. Nurseries for ornamental plants, greenhouses, and associated retail sales outlets
  2. Cemeteries
- (f) **Land Use Regulations for Zone B.**
- (1) **Permitted Uses in Zone B.** The following uses are permitted uses within Zone B of the Groundwater Protection Overlay District. Uses not listed or referenced in this Subsection or in Subsection (2), below, are considered to be prohibited uses.
- a. Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
  - b. Wildlife areas
  - c. Non-motorized trails, such as biking, skiing, nature, and fitness trails
  - d. Above-ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with the requirements of the Wisconsin Department of Agriculture, Trade and Consumer Protection.
  - e. Residential, commercial, and industrial property which is municipally sewered or has a State-approved sewer and septic system
- (2) **Conditional Uses for Zone B.** The following uses may be allowed as a conditional use per the requirements of Section 84.161, provided adequate groundwater protections and monitoring measures are implemented:
- a. Nurseries for ornamental plants, greenhouses, and associated retail sales outlets
  - b. Cemeteries
- (g) **Land Use Regulations for Zone C.**
- (1) **Permitted Uses in Zone C.** The following uses are permitted uses within Zone C of the Groundwater Protection Overlay District. Uses not listed or

referenced in this Subsection or in Subsection (2), below, are considered to be prohibited uses.

- a. Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
- b. Wildlife areas
- c. Non-motorized trails, such as biking, skiing, nature, and fitness trails
- d. Above-ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with the requirements of the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- e. Residential, commercial, and industrial property which is municipally sewered or has a State-approved sewer and septic system

(2) **Conditional Uses for Zone C.** The following uses may be allowed as a conditional use per the requirements of Section 84.161, provided adequate groundwater protections and monitoring measures are implemented:

- a. Nurseries for ornamental plants, greenhouses, and associated retail sales outlets
- b. Cemeteries
- c. Any other use permitted by right or by conditional use in the underlying zoning district

(h) **Separation Distance Requirements.** The following minimum separation distances shall be maintained in the Groundwater Protection Overlay District between the well and certain land uses and facilities as follows:

- (1) 60 feet between the well and any storm sewer main.
- (2) 200 feet between the well and any sanitary sewer main, sanitary sewer manhole, lift station, or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer main where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet the then current American Water Works Association C600 specification. In no case may the separation distance between the well and any sanitary sewer be less than 60 feet.
- (3) 400 feet between the well and any septic tank or soil adsorption system receiving less than 8,000 gallons per day, a cemetery or storm water drainage pond.
- (4) 600 feet between the well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Agriculture, Trade and Consumer Protection or its designated agent.
- (5) 1,000 feet between the well and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum contaminated soil regulated under Wisconsin Department of Natural Resources Chapter NR 718 while that facility is in operation; industrial commercial or municipal waste water lagoons or storage

structures; manure stacks or storage structures; and septic tanks or soil adsorption systems receiving 8,000 gallons per day or more.

- (6) 1,200 feet between the well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal, or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Wisconsin Department of Natural Resources Chapter NR 140 enforcement standards that is shown on the department's geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tank installations that have not received written approval from the Wisconsin Department of Agriculture, Trade and Consumer Protection or its designated agent; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

(i) **Enforcement.**

- (1) Any person, firm, or corporation who fails to comply with the provisions of this Section shall forfeit not less than \$100.00 nor more than \$500.00 for each violation, plus the costs of prosecution. Any person, firm, or corporation in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment is made, but not exceeding 30 days, or alternatively shall have those costs added to their real property as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.
- (2) Where any of the prohibited or conditional uses listed above in Subsections (d)(2), (e)(2), (f)(2), or (g)(2) exist within the Groundwater Protection Overlay District on the effective date of this ordinance, such uses shall be treated as nonconforming uses and any expansion thereof shall be prohibited. However, owners of these facilities may be allowed to upgrade the facilities to facilitate or enhance groundwater protection with approval of the Village Board. The procedures and standards for obtaining a conditional use shall be applicable to any such approval.

**SECTION 84.95 (HILL-O) Hillside/Hilltop Overlay Zoning District.**

- (a) **Purpose.** This district is intended to set forth special requirements for the protection of the hillsides and hilltops from the adverse effects of development. Development in these areas, if allowed, shall be restricted so as to minimize the disturbance of land and vegetation and preserve the viewshed year-round for areas of lower elevation.
- (b) **Definitions.** Hillsides, hilltop and hilltop edges are defined terms in Chapter 83 of the Village's Code of Ordinances (Land Division and Subdivision), which provisions are adopted and incorporated herein by reference.
- (c) **Permitted Uses.** Permitted uses in this district shall include only those principal land uses permitted by right in the C and RH-35 zoning districts under Sections 84.25(b) and 84.26(b) respectively, except that no structures of any kind are a permitted use in this district and provided that any use in this district complies with the requirements of Chapter 83 (Land Division and Subdivision) and Chapter 65 (Erosion Control and Stormwater Management) of the Village's Code of Ordinances applicable to hillside/hilltop use.
- (d) **Conditional Uses.** Those uses/structures permitted by right in the underlying zoning district may be permitted in this district as conditional uses pursuant to this Chapter and provided the following requirements are also met:
  - (1) All applicable requirements of Chapter 83 and Chapter 65 of the Village's Code of Ordinances.
  - (2) A detailed site plan is submitted by the landowner for any proposed development activity depicting the hillside, hilltop, and hilltop edge areas and the precise location of any development, land disturbing activity, and/or tree cutting activity proposed.
  - (3) No use will be approved that will result in a disturbance of land on areas defined as hillsides or hilltop edges.
  - (4) Uses on hilltops, if allowed, shall be restricted so as to minimize the disturbance of land and vegetation and preserve the viewshed year-round for areas of lower elevation.
  - (5) The cost for additional capital facilities required for the hilltop development shall be provided pursuant to Section 83.20(a) of the Village's Code of Ordinances.

## SECTION 84.96 (NR-O) Natural Resources Protection Overlay Zoning District

(a) **Purpose.**

- (1) This district is intended to set forth special requirements for the protection of woodlands and drainageways from the adverse effects of development. Woodlands provide a wide variety of environmental functions. These include atmospheric benefits such as removing airborne pollutants, carbon dioxide uptake, oxygen production, and evapotranspiration returns. Water quality benefits include substantial nutrient uptake rate (particularly for nitrogen and phosphorus) and surface runoff reduction in terms of both volumes and velocities. Woodlands provide unique wildlife habitats and food sources. Woodland are excellent soil stabilizers, greatly reducing runoff-related soil erosion. Woodlands also serve to reduce wind velocities, which further reduces soil erosion. Finally, under proper management techniques, woodlands serve as regenerative fuel sources.
- (2) Drainageways serve in the transporting of surface runoff to downstream areas. Drainageways serve to carry surface waters; supplement floodplain, wetland, and lakeshore water storage functions in heavy storm or melt events; filter water-borne pollutants and sediments; promote infiltration and groundwater recharging; and provide a unique habitat at the land/water margin. Drainageway protection requirements preserve each of these functions as well as greatly reducing the potential for soil erosion along drainageways by protecting vegetative groundcover in areas which are susceptible to variable runoff flows and moderate to rapid water movement.

(b) **Definitions.**

- (1) Woodlands are defined as areas of trees in which combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on air photos for the Village of Cross Plains and its environs.
- (2) Drainageways are non-navigable, aboveground watercourse, detention basins, and/or their environs. Drainageways include all areas within 50 feet of the ordinary high water mark of a “perennial stream,” intermittent stream,” or “open channel drainageway,” as shown on the USGS 7.5 minute topographic maps for the Village of Cross Plains and its environs.

(c) **Determination of Boundaries.** General woodland and drainageway boundaries are depicted on the Official Zoning Map. Upon the proposal of development activity on any property containing a woodland or drainageway depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 84.164. This analysis shall depict the location of all woodland and drainageway areas on the subject property as described in Subsection (b) above.

(d) **Requirements.** Woodlands and drainageways shall remain in an undisturbed state except for the land uses permitted per the requirements of Subsection (e) below. Selected cutting operations are permitted by right in all woodland areas, per the

requirements of Section 84.56(d). Clear cutting is permitted as a conditional use in all woodland areas per the requirements of Section 84.56(e).

(e) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (1) Selective Cutting
- (2) Outdoor Open Space Institutional
- (3) Passive Outdoor Recreation
- (4) Active Outdoor Recreation

(f) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.

- (1) Clear Cutting

**SECTIONS 84.97 - 84.99 Reserved.**

## ARTICLE VII: PERFORMANCE STANDARDS.

### SECTION 84.100 Purpose.

The purpose of this Article is to indicate the standards and minimum requirements for exterior site and building design, access, visibility, off-street parking and traffic circulation, off-street loading, exterior lighting, exterior storage, fencing, swimming pools, vibration, noise, air pollution, odor, signal receiving antennas, glare and heat, fire and explosions, toxic or noxious materials, waste materials, exterior construction material, hazardous materials, group and large developments, and outdoor wood burning furnaces within the jurisdiction of this Chapter. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.

### SECTION 84.101 Exterior Site and Building Design Standards.

- (a) **Purpose.** The purpose of this Section is to regulate the design and materials used for the exterior of buildings and structures within the Village so as to attain a degree of uniformity in exterior appearance and quality of materials, and thus maintain and enhance the attractiveness and values of property in the community.
- (b) **Applicability.** The requirements of this Section apply to all structures and buildings within the Village. Beyond the general rules in this Section, additional rules apply to group and large developments, which are provided in Section 84.118.
- (c) **Review and Approval.** Through the site plan review process, the Plan Commission shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.
- (d) **Site Design.** In addition to complying with required setbacks, no building, structures, pavement, or improvement shall be placed or oriented in a manner that would unnecessarily reduce the appearance of the subject property in comparison to typical development practices that are fully consistent with the requirements of this Chapter, or would have a substantial negative impact on the value or enjoyment of permitted land uses on nearby properties.
- (e) **Avoidance of Exteriors Specific to a Particular Occupant.** Trademark architectural elements are prohibited. Specifically, no building, other structures, pavement or improvement shall have an integral exterior design which is specific to a particular site occupant, including exterior building forms, materials, textures, colors, and patterns. Exterior elements which are specific to a particular site occupant shall be limited to attached signage, awnings and other appurtenances which are easy to remove or modify for subsequent site occupants without causing significant damage and/or restoration expenses.
- (f) **Exterior Design Compatibility and Avoidance of Monotony.** No building, other structures, pavement or improvement shall have an exterior design which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste. In addition, no building shall be permitted

within any residential or mixed use district to have an exterior appearance which is too similar to nearby buildings so as to create unacceptable monotony.

(g) **Requirements for Exterior Materials.** The following requirements shall apply regarding exterior materials for buildings and structures:

(1) **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 Plan 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.

(2) **Prohibited Materials Village Wide.** No building or structure shall be constructed or faced with any material or texture which is aesthetically incompatible with other building exteriors in the area which are fully consistent with the requirements of this Chapter, or which presents an unattractive appearance to the public or surrounding properties, as determined by the Plan Commission. The following materials are prohibited on the exterior of all buildings and structures:

- a. Plain faced concrete walls or panels.
- b. Plain faced cinder block or concrete block.
- c. Asphaltic siding.
- d. Plywood, chipboard, or other non-decorative wood or composite material.
- e. Fiberglass or poly-roofing or siding.
- f. Metal siding, with the following exceptions:
  1. Is determined to be a decorative element of the building.
  2. May be used on side and rear facades of buildings in the LI, GI, and ME districts. Metal siding is prohibited on the front facades of buildings in all zoning districts.
- g. Other materials as determined

(3) **Prohibited Materials in Main Street Mixed Use District.** In addition to the prohibited materials listed in section (2) above, the following are also prohibited within the Main Street Mixed Use District:

1. Vinyl siding.
2. Vertical wood siding.
3. Gravel aggregate.

(h) **Waste Receptacles.** The development shall contain a sufficient number of waste bins to accommodate all trash and recyclable materials generated by the land uses in a convenient manner and in accordance with the building design and performance standards of this Article.

(i) **Pedestrian and Bicycle Access.** The entire development shall provide for full and safe pedestrian and bicycle access within the development, which shall include appropriate connections to the existing and planned pedestrian and bicycle facilities

in the community and in surrounding neighborhoods; sidewalk connections to all building entrances from all public streets; secure bicycle parking and pedestrian furniture in appropriate quantities and locations; and a central pedestrian gathering area.

(j) **Additional Zoning-District-Specific Design Standards.**

- (1) For nonresidential and multi-family development, a functional public entrance shall be located on the primary street façade.
- (2) Exterior Colors. Development in the MSMU and the NMU zoning districts shall follow the requirements for exterior colors located in Section 84.36 (i)(6)j.
- (3) In the MSMU, CMU, and NMU zoning districts, the use of reflective or dark-tinted glass is strongly discouraged, especially at ground level. Awnings and canopies are encouraged to manage excessive sunlight.
- (4) In the CMU zoning district, commercial buildings on Main Street shall have a ground floor façade that is comprised of at least 25 percent clear glass. A minimum of two feet shall be maintained between the glass and any interior dividers to allow for product display.
- (5) In the MSMU and the CMU zoning districts, customer entrances shall be inviting and attractive. Options to achieve this goal include a glass door, ample windows, signage identifying the business, awning or canopy above the doorway, appropriate lighting, landscaping, planter boxes, etc.
- (6) In the MSMU and the CMU zoning districts, buildings on parcels adjacent to Black Earth Creek or Zander Park shall be designed, constructed, and maintained to ensure an attractive appearance from Black Earth Creek and Zander Park. Materials selected for the rear façade may differ from those approved for the street façade, but general design treatment and color schemes shall be consistent on all sides of the building.

## SECTION 84.102 Access Standards.

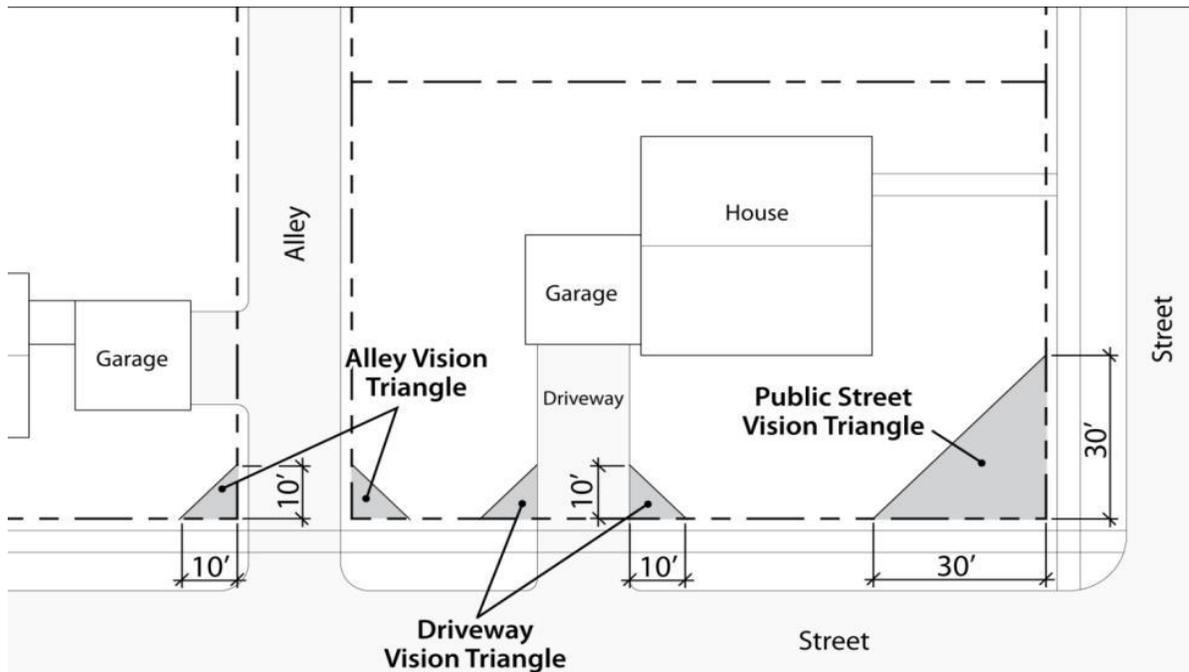
- (a) **Purpose.** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.
- (b) **Applicability.** The requirements of this Section shall apply to each access point onto a public street or right-of-way in all new developments.
- (c) **Review and Approval.** Through the site plan review process (see Section 84.164), the Plan Commission shall review and approve all proposed access drives on the subject property.
- (d) **Number of Access Points.**
  - (1) Each lot shall have not more than two access points on any street frontage adjacent to any lot. Said access shall require approval by the Director of Public Facilities.
  - (2) No lot shall be permitted more than one access point on any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).
  - (3) On arterial streets, and in areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point located on an adjacent property or another street frontage.
  - (4) For residential uses, two access points serving the same street frontage may be approved as a conditional use.
- (e) **Residential Uses.** Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.
- (f) **Nonresidential Uses.** Nonresidential uses shall not have access points onto a residential street unless such street has the only available frontage.
- (g) **Access Near Street Intersections.** At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet from the intersection of any two street rights-of-way unless such street is the only available frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits. Nonconforming driveways may be replaced in their current location, except as part of site-plan review and approval.
- (h) **Distance Between Access Drives.** The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of 25 feet may be required if existing or projected traffic warrant a greater distance.
- (i) **Angle of Intersection with Public Right-of-Way.** All access drives shall intersect with any public right of way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.

- (j) **Distance from Property Line.** The distance from an access drive to the property line of an adjacent property shall not be less than five feet, as measured along the right-of-way line.
- (k) **Width of Driveways.** All access drives shall have a minimum width of 10 feet for single and two family dwellings, and 12 feet for all other land uses. All curb openings for access drives shall have a maximum width of 24 feet for all residential uses, and 30 feet for all nonresidential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of 5 additional feet. This requirement may be exceeded with explicit Plan Commission approval for uses other than single family.
- (l) **Traffic Control.** The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off street parking, loading, and traffic circulation areas serving 6 or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the Director of Public Facilities.
- (m) **Depiction on Required Site Plan.** Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.
- (n) **Paving of Access.** All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Zoning Administrator with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way. This requirement must be fulfilled before building occupancy, unless granted a time-specific extension in writing by the Zoning Administrator.

### SECTION 84.103 Visibility Standards.

- (a) **Purpose.** The purpose of this Section is to alleviate or prevent congestion of public and private rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- (b) **Applicability.** The requirements of this Section shall apply to all new development.
- (c) **Review and Approval.** Through the site plan review process (see Section 84.164), the Plan Commission shall review and approve all developments for conformance with this Section.
- (d) **Vision Triangle at Public Streets.** A vision triangle extending 30 feet from all public street right-of-way intersections shall be maintained. No wall, fence, structure, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 2 ½ feet and eight feet. Development in the MSMU district shall be exempt from this requirement.
- (e) **Vision Triangle at Alleys and Driveways.** A vision triangle extending ten feet from alleys and driveways shall be maintained. No wall, fence, structure, utility structure or appurtenance or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 2 ½ feet and eight feet. Development in the MSMU district shall be exempt from this requirement.

**Figure 84.103: Visibility Standards**



## **SECTION 84.104 Off-Street Parking and Traffic Circulation.**

- (a) **Purpose.** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites.
- (b) **Applicability.** The requirements of this Section shall apply to all new development.
- (c) **Review and Approval.** Through the site plan review process (see Section 84.164), the Zoning Administrator shall review and approve all development for conformance with this Section.
- (d) **Depiction on Required Site Plan.** Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. Each and every on-site parking space designed to serve as required parking shall not be located farther than 400 feet, except as permitted by a conditional use permit, of shortest walking distance from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection (f)(5) below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length shall be clearly indicated on said site plan.
- (e) **Minimum Required Off-Street Parking Spaces.** Off-street parking requirements for each land use (see Article III) are generally tied to the use's capacity and gross floor area or the number of employees at the subject property during the largest work shift. The term "capacity" means the maximum number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater. The term "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.
- (f) **Off-Street Parking and Traffic Circulation Standards.**
  - (1) **Circulation.** The site shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of the road. All traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
  - (2) **Surfacing and Marking.** All off-street parking and traffic circulation areas (including all residential driveways except those in the RH-35 district) shall be paved with a hard, all-weather or other surface that advances the goals of

the Comprehensive Plan or other adopted plan, policy, or regulation of the Village to the satisfaction of the Director of Public Facilities. Said surfaces intended for 5 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.

- (3) **Curbing.** All off-street parking areas designed to have head-in parking within 10 feet of any lot line shall provide a tire bumper or curb of adequate height and is properly located to ensure that no part of any vehicle will project beyond the required setbacks of this Chapter.
- (4) **Landscaping Requirements.** Refer to Section 84.133(b).
- (5) **Access.** With the exception of single family and two-family dwellings, each off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 80 feet in width. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 40 feet for commercial and industrial land uses, or 25 feet for residential land uses (see Figure 84.104b). Off-street parking spaces for residential uses may be stacked or in front of one-another for the same building unit.
- (6) Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.
- (7) **Snow Storage.** Required off-street parking and traffic circulation areas shall not be used for snow storage.
- (8) **Lighting.** All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 foot-candles is recommended for said areas, and said illumination level shall not exceed the standards of Section 84.106.
- (9) **Signage.** All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Chapter 87 of the Village Code of Ordinances.
- (10) **Landscaping.** Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Article VIII.
- (11) **Handicapped Parking Spaces.** Handicapped parking shall be provided at a size, number, location, and with signage as specified by state and federal regulations.
- (12) **Parking Space Design Standards.** Other than handicapped parking, each off-street parking space shall comply with the minimum requirements of Figure 84.104a. The minimum required length of parking spaces shall be 18 feet. All parking spaces shall have a minimum vertical clearance of at least 7 feet.

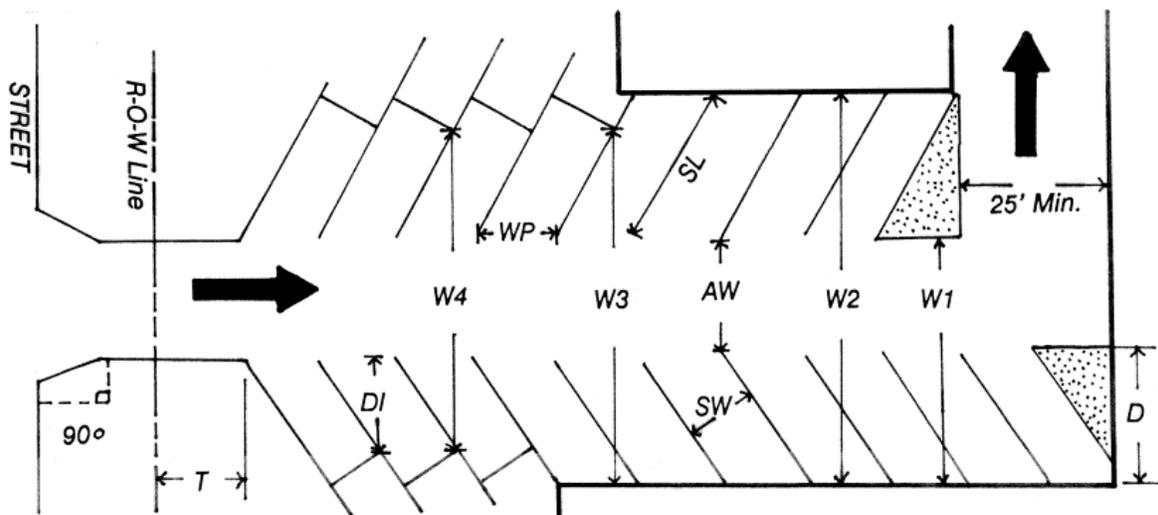
**Figure 84.104a: Parking Layout Dimensions**

Minimum Permitted Dimensions	Parking Angle in Degrees				
	0°	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (WP)	17'	12.7'	10.4'	9.3'	9.0'
Stall Depth to Wall (D)	9.0' <sup>1</sup>	17.5' <sup>1</sup>	19.0' <sup>1</sup>	19.5' <sup>1</sup>	18.5' <sup>1</sup>
Stall Depth to Interlock (DI)	N/A	15.3'	17.5'	18.8'	N/A
Stall Length (SL)	18.0'	18.0'	18.0'	18.0'	18.0'
Aisle Width (AW)	12.0' <sup>2</sup>	12.0' <sup>2</sup>	16.0' <sup>2</sup>	17.20' <sup>2</sup>	24.0'
Throat Length (right-of-way to parking angle) (T)	Refer to requirements in Figure 84.104b				
Parking Module Width (PMW)					
Wall to Wall (Single-Loaded) (W1)	21.0'	29.5'	35.0'	42.5'	44.5'
Wall to Wall (Double-Loaded) (W2)	30.0'	47.0'	54.0'	62.0'	63.0'
Wall to Interlock (Double-Loaded) (W3)	N/A	44.8'	52.5'	61.3'	N/A
Interlock to Interlock (Double-Loaded) (W4)	N/A	42.6'	51.0'	60.6'	N/A

Notes:

<sup>1</sup>Parking spaces located behind an enclosed garage and located directly off a thorough aisle shall be at least 30 feet deep.

<sup>2</sup>This dimension represents (AW) for one-way traffic.



- (13) **Minimum Permitted Throat Length.** Figure 84.104b shall be used to determine the minimum permitted throat length of access drives serving parking lots as measured from the right-of-way line along the centerline of the access drive. This regulation may be modified by the Plan Commission by explicit motion associated with this site review process.

**Figure 84.104b: Permitted Throat Length**

Land Use	Type	Scale of Development	Minimum Throat Length Type of Access Street	
			Collector	Arterial
Residential	Any Residential	0-100 dwelling units	25 feet	N/A
		101-200 dwelling units	50 feet	75 feet
		201+ dwelling units	75 feet	125 feet
Commercial	Office	0-50,000 gross sq. ft.	25 feet	50 feet
		50,001-100,000 gross sq. ft.	25 feet	75 feet
		100,001-200,000 gross sq. ft.	50 feet	100 feet
		200,001+ gross sq. ft.	100 feet	150 feet
	In-Vehicle Sales or Service	0-2,000 gross sq. ft.	25 feet	75 feet
		2,001+ gross sq. ft.	50 feet	100 feet
	Commercial Indoor Lodging	0-150 rooms	25 feet	75 feet
		151+ rooms	25 feet	100 feet
	Other Commercial Uses	0-25,000 gross sq. ft.	25 feet	50 feet
		25,001-100,000 gross sq. ft.	25 feet	75 feet
		100,001-500,000 gross sq. ft.	50 feet	100 feet
		500,001+ gross sq. ft.	100 feet	200 feet
Industrial	All Industrial Uses	0-100,000 gross sq. ft.	25 feet	50 feet
		100,001-500,000 gross sq. ft.	50 feet	100 feet
		500,001+ gross sq. ft.	50 feet	200 feet
Other Uses	6+ spaces		25 feet	50 feet

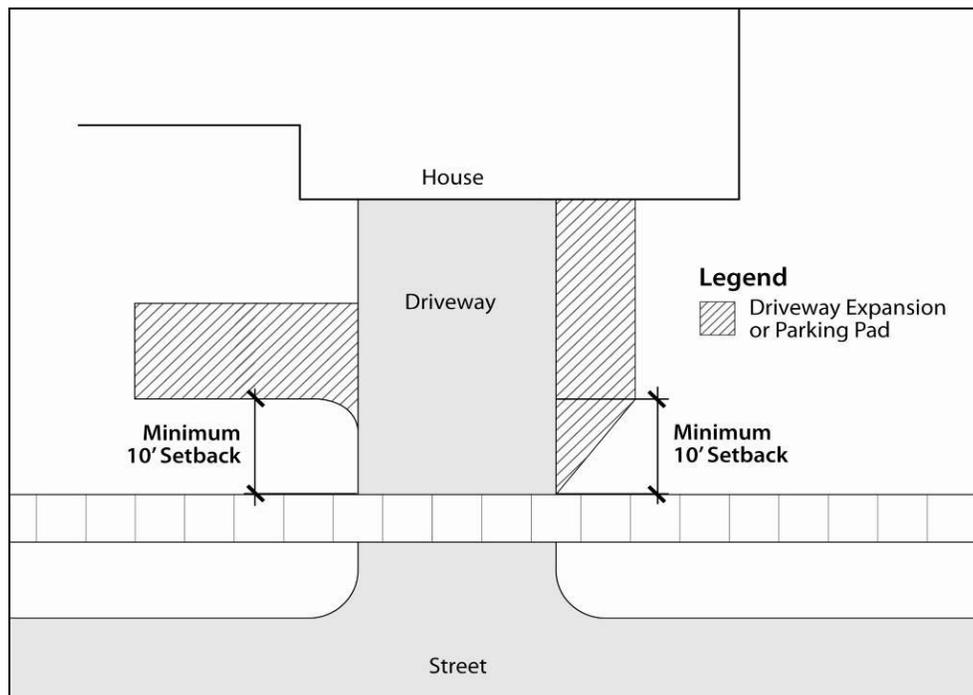
- (14) **Partial or Phased Development of Required Parking Spaces.** Any development may seek permission to not install a portion of its required parking at time of site plan review; however, the site plan shall depict the minimum number of required parking spaces.
- (15) **Limit on the Maximum Number of Required Parking Spaces.** No site plan may be approved for a multi-family or nonresidential use which contains more than 120 percent of the development's minimum number of required parking spaces, except as granted through a conditional use permit.

(g) **Joint and Off-Site Parking Facilities.**

- (1) Parking facilities which have been approved by the Director of Public Facilities to provide required parking for one or more uses shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses. However, this aggregate requirement may be reduced or expanded by the Plan Commission by explicit motion associated with this site plan review process.
- (2) **Joint Use Parking Facility.** Up to 15 percent reduction in the number of required parking spaces for 4 or more separate uses; 10 percent for 3 separate uses; and 5 percent for 2 separate uses may be authorized by the Plan Commission following approval of a plan which provides for a collective parking facility of no less than 15,000 square feet, serving 2 or more buildings or uses, developed through voluntary cooperation or under any parking district which may hereafter be provided by law.
- (3) **Day-Night Use Parking Facility.** The Plan Commission may authorize the shared day-night use of parking facilities under the following conditions:
  - a. Up to 50 percent of the parking facilities by nighttime uses may be supplied by the off-street parking facilities of daytime uses.
  - b. Up to 50 percent of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime uses.
  - c. Up to 100 percent of the parking facilities of a church or auditorium incidental to a grade school may be supplied by the off-street parking facilities of daytime uses.
  - d. For the purposes of this section, daytime uses are defined as offices, banks, retail stores, personal service or repair shops, household equipment or furniture stores, manufacturing or wholesale, or similar primarily daytime uses; and nighttime uses are defined as auditoriums incidental to grade schools, churches, bowling alleys, dancehalls, theaters, bars or restaurants, motels, or similar primarily nighttime or Sunday uses and MR-8 and MR-16 nonelderly, multifamily housing.
- (4) The applicant(s) for approval of a joint or day-night use parking facility shall demonstrate to the satisfaction of the Director of Public Facilities that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses for which the joint parking facility is proposed to serve. Conditions required for joint use shall be as follows:
  - a. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities or a longer distance as permitted by the Plan Commission through a conditional use permit.

- b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
  - c. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the Village Attorney, shall be filed with the Zoning Administrator. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this Chapter.
- (h) **Locational Prohibitions for Off-Street Parking Areas.**
- (1) Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan.
  - (2) No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the Director of Public Facilities.
  - (3) Except in the MSMU district, there shall be a minimum 10 foot setback for any driveway width additions or parking pads in the front and street side yards. See Figure 84.104c. Driveways adjacent to alleys are exempt from this requirement.

**Figure 84.104c: Minimum Driveway Expansion and Parking Pad Setback**



- (i) **Bicycle Parking Standards.**
  - (1) **Required Provision of Bicycle Parking Areas.** For residential and non-residential sites having an off-street automobile parking requirement of 100 spaces or more, off-street bicycle parking spaces shall be provided in a number equal to five percent of the automobile parking space requirement. For residential and non-residential sites having an off-street parking requirement of less than 100 spaces, a number of off-street bicycle parking spaces shall be provided equal to ten percent of the automobile parking space requirement. Each inverted-U type rack provided will count as two bicycle parking spaces.
  - (2) **Specifications for Bicycle Parking Spaces.** The “Inverted-U” type bike rack is the preferred bicycle parking rack and means of providing off-street bicycle parking spaces as required in this section. All bicycle parking provided should be on a hard-surfaced area, and be located a minimum of 24 inches from a parallel wall, and 30 inches from a perpendicular wall (as measured closest to the inverted-U). Bicycle parking lockers are specifically encouraged for assigned use by employees and bicycle commuters. Bicycle parking capacity provided via lockers will be considered as being in compliance with these rules. Lockers are to be placed in accordance with setback requirements applicable to vehicular parking lots.
  - (3) **Location.** Bicycle parking spaces should either be installed in the public street right-of-way or on private sites in conformance with setback requirements applicable to automobile parking lots. The spaces shall be placed within 50 feet of building entrances, or where bicyclists would naturally transition to pedestrian mode. The placement of the racks should minimize conflicts with pedestrians and motorized traffic.
- (j) **Installation and Maintenance.** All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 84.107.
- (k) **Use of Off-Street Parking Areas.** The use of all required off-street parking areas shall be limited to the parking of licensed operable vehicles not for lease, rent, or sale. Within residential districts, required parking spaces shall only be used by operable cars and trucks.
- (l) **Setbacks.** The distance from an off street parking area to the property line of an abutting property shall not be less than 5 feet, as measured along the property line, except for existing driveways, driveways on lots of 50 feet in width or less, and shared driveways. Existing parking areas may be maintained, repaired, or replaced at their setback as of the effective date of this Chapter. Parking areas and the edge of driveway additions shall have a 10 foot setback from the front and street yard property line.
- (m) **Parking Requirement Exceptions:**

- (1) The Plan Commission may decrease the required number of off-street automobile parking spaces based upon technical documentation furnished by the applicant that indicates, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required standard set forth in this Chapter.
- (2) **Parking Within the Main Street Mixed Use District.** Within the MSMU district, the parking requirements of this Chapter are hereby waived.

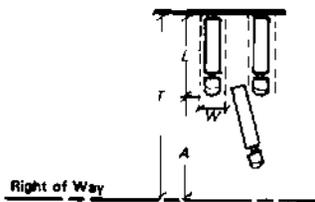
## SECTION 84.105 Off-Street Loading Standards.

- (a) **Purpose.** The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (b) **Applicability.** All institutional, commercial, industrial, storage, and transportation land uses which has a gross floor area of 10,000 square feet or more shall provide off-street loading facilities in accordance with the regulations of this Section.
- (c) **Review and Approval.** Through the site plan review process (see Section 84.164), the Plan Commission shall review and approve all development for conformance with this Section.
- (d) **Location.**
  - (1) All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. All loading areas shall be located on the private lot and shall not be located within or interfere with any public right-of-way.
  - (2) For sites larger than one acre, loading berths and garage doors shall not face a public street and shall be hidden from view by a planted landscape buffer if visible from Zander Park. This is recommended, but not required, on sites one acre or smaller.
- (e) **Size of Loading Area.** The first loading berth shall be designed in accordance with Figure 84.105. All remaining required loading berths shall be a minimum of 50 feet in length and 10 feet in width. All loading berths shall have a minimum vertical clearance of 14 feet.
- (f) **Access to Loading Area.** Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (g) **Surface and Marking.** All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner which clearly indicates required loading areas.
- (h) **Use of Required Loading Areas.** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
- (i) **Lighting.** All loading areas shall be lit so as to not exceed the standards of Section 84.106.
- (j) **Signage.** All signage located within, or related to, loading areas shall comply with the requirements of Chapter 87 of the Village Code of Ordinances.
- (k) **Depiction on Required Site Plan.** Any and all required loading areas and trailer and container storage areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

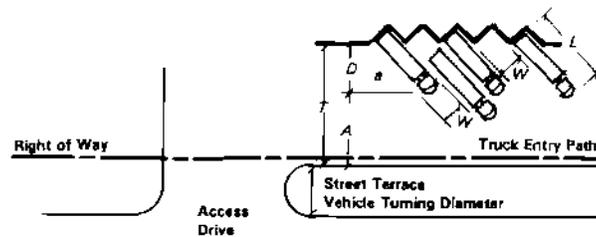
**Figure 84.105: Loading Standards**

Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (T)	
WB-40	50	90°	50	10	63	113	
				12	56	106	
				14	52	102	
		60°	44	10	46	90	
				12	40	84	
				14	35	79	
			45°	36	10	37	73
					12	32	68
					14	29	65
WB-50	55	90°	55	10	77	132	
				12	72	127	
				14	67	122	
		60°	48	10	55	103	
				12	51	99	
				14	46	94	
			45°	39	10	45	84
					12	40	79
					14	37	76

**90 DEGREE DOCKS**



**SAWTOOTH DOCKS**



## SECTION 84.106 Exterior Lighting Standards.

- (a) **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 to prevent the creation of nuisances.
- (b) **Applicability.** 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.
- (c) **Review and Approval.** Through the site plan review process (see Section 84.164), the Plan Commission shall review and approve all development for conformance with this Section.
- (d) **Depiction on Required Site Plan.** Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property.
- (e) **Exterior Lighting Requirements.**
  - (1) In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a property located within a residential zoning district. The use of shielded luminaires and careful fixture placement is encouraged so as to facilitate compliance with this requirement. Lights directed toward the sky are prohibited except for the purpose of illuminating flags of the United States or State of Wisconsin.
  - (2) Flashing, flickering and/or other lighting which may distract motorists are prohibited.
  - (3) **Intensity of Illumination.**
    - a. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot-candles above ambient lighting conditions on a cloudless night.
    - b. The maximum average on-site lighting in non-residential zoning districts shall be 2.5 foot-candles.
    - c. The maximum average on-site lighting in residential zoning districts shall be 1.0 foot-candles.
    - d. The following exceptions shall be permitted:
      - 1. The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 4.0 foot-candles, provided that the amount of illumination does not exceed 6.0 foot-candles on any location on the site.
      - 2. The maximum average on-site lighting of auto display lots and gas station pump islands is 15.0 foot-candles, provided that the amount of illumination does not exceed 25.0 foot-candles on any location on the site. All under-the-canopy fixtures shall be fully recessed. After-hours lighting shall be dimmed to no more than 2.5 foot-candles.

- e. Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited. To minimize any indirect overflow of light on adjacent properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses.
- (4) **Fixtures and Luminaries.**
- a. Outdoor lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties. Exempt from this requirement are any fixtures using an incandescent bulb of 100 watts or less, or its equivalent.
  - b. Light fixtures shall not be located within required bufferyards.
  - c. Total cut-off luminaries with angles of less than 90 degrees shall be required for pole and building security lighting to ensure no fugitive up lighting occurs.
  - d. The color and design of fixtures shall be compatible with the building and public lighting in the area, and shall be uniform throughout the entire development site.
  - e. The maximum fixture height in the SR-1, SR-3, SR-4, SR-5, DR-6, MR-8, MR-16, NMU, MSMU, CMU, BP, and LI districts shall be 16 feet. The maximum fixture height in the RH-35, GI, and ME shall be 25 feet.
  - f. All lighting fixtures existing prior to the effective date of this Chapter shall be considered as legal conforming.
- (5) All areas designated on required site plans for 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 0.25 foot-candles.
- (6) Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit (see Section 84.162).

## SECTION 84.107 Exterior Storage Standards.

- (a) **Purpose.** The purpose of this Section is to control the use of residential, office, and commercial property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to Article III.
- (b) **Applicability.** The requirements of this Section apply to all development.
- (c) **Review and Approval.** If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 84.164).
- (d) **Requirements for Exterior Storage in Mixed Use Districts.** In all commercial zoning districts, all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of 5 feet from any and all property lines: screened refuse containers; construction materials, landscape materials, and related equipment connected within on-site construction; and off-street parking.
- (e) **Inoperative Motor Vehicles and Junk.** Refer to Chapter 23 of the Village's Code of Ordinances.
- (f) **Exterior Trash and Recycling Storage.** All exterior trash or recycling storage shall be located within an enclosure that completely screens the view of said trash or recycling. The exterior of said enclosure shall be constructed of some or all of the materials used on the main building. A solid wood fence shall be used to gain access to the storage area.
- (g) **Screening of Mechanical Equipment.** Street-level mechanical equipment (gas meters, air conditions, etc.) and rooftop mechanical equipment shall be located or screened so that they are not visible from the property line. Electrical service boxes are excluded from this requirement, but shall be located as unobtrusively as possible.
- (h) **Outdoor Storage of Firewood.** No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery. Firewood should be neatly stacked and may not be stacked closer than 2 feet to any lot line and not higher than 6 feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
  - (1) All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of.
  - (2) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles, or that harbor or are infested or inhabited by rats or other vermin, are public nuisances and may be abated pursuant to the provisions of this Chapter.

- (3) Not more than 20 percent of the side and rear yard may be used for storage of firewood at any one time.
- (i) **Accessory Parking and Storage.** Vehicles without current registration shall be prohibited on any public street or in any yard. No person shall park any motor truck, truck trailer, trailer, semitrailer or any other vehicle or combination of vehicles weighing more than 10,000 pounds in any residential district, except recreational vehicles or motor homes are allowed if parked in a driveway.
- (j) **Recreational Vehicles and Structures.** Outside storage is permitted for not more than two total of the following: building for ice fishing, mobile camp trailer, snowmobile, camper utility trailer, boat, all-terrain vehicle and personal watercraft, provided that the above vehicles and structures are owned by the owner of the residence. No storage is permitted in front yards, except owner's driveway.

## SECTION 84.108 Fencing Standards.

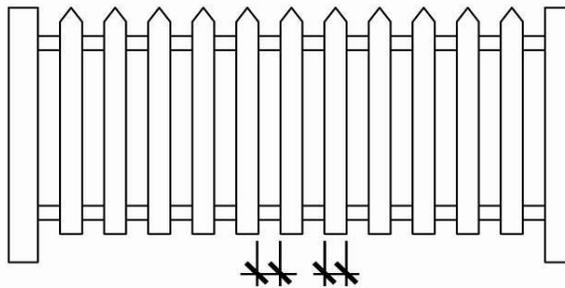
- (a) **Purpose.** The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (b) **Applicability.** The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 36 inches in height, for all land uses and activities.
- (c) **Review and Approval.** Fences shall be reviewed and approved by the Zoning Administrator and shall require a fence permit. Where indicated elsewhere in this section, the applicant may be required to secure a conditional use permit per Section 84.161. An application for a fence permit shall contain the following:
  - (1) A map of the subject property to scale, depicting:
    - a. Location of the proposed fence
    - b. Property lines
    - c. Lot lines
    - d. Setbacks
    - e. Existing structures
  - (2) Photograph(s) illustrating the style, color, and materials to be used for the proposed fence
- (d) **Establishing the Lot Corners.** The applicant shall identify the corners of the property with a one inch iron pipe.
- (e) **Standards.**
  - (1) **Materials.**
    - a. Residential fences shall be constructed using residential-style fencing including, but not limited to, naturally resistant or treated wood, brick, natural stone, masonry, wrought iron, vinyl, galvanized and/or coated chain link (minimum thickness of 9 gauge and a required top rail support). Chain link fence slats are subject to provisions of this section regarding open and solid fences.
    - b. Nonresidential fences shall use the materials listed in Subsection a., above. Corrugated metal or other solid metal fences may only be used in the LI, GI, and ME zoning districts.
    - c. Except of a security fence, any fence within any residential or mixed use within the required or provided front yard, whichever is less restrictive, shall be a maximum of 50 percent opaque such as a wood or metal picket or wood rail fence as defined by the spaces between pickets as equal to or greater than the width of the pickets. See Figure 84.108a.
    - d. Wire mesh and chain link fencing is not permitted within the required and provided front yard in the RH-35, SR-1, SR-3, SR-4, SR-5, DR-6, MR-8, and MR-16 zoning districts, except when used in conjunction with parks and schools.

- e. Barbed wire fencing is only permitted on the top of security fencing when located at least 6½ feet above the ground. All barbed wire fences require a Conditional Use Permit.
  - f. Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted. Permits are not required for temporary fencing.
- (2) **Location.**
- a. On all properties, no fence or decorative post shall be located closer than 3 feet of the right-of-way line in the provided front yard, provided street side yard property line, or when abutting an alley.
  - b. Fences shall be located within any property line abutting a side or rear yard.
  - c. All fences must meet the visibility standards in Section 84.103.
  - d. Fences may be located within easements per the provisions of the easement.
  - e. Replacement of fences existing as of the effective date of this Chapter in their current location shall be permitted.
- (3) **Maximum Height.** The maximum height of any fence panel, landscape wall, or decorative post shall be the following:
- a. In the C, RH-35, SR-1, SR-3, SR-4, SR-5, DR-6, MR-8, MR-16, and NMU zoning districts:
    - 1. Four feet when located within the required front or provided yard, whichever is closer to the street.
    - 2. Six feet within the side, rear, or street side yard, but not in the required front yard or beyond the front façade of the house, whichever is closer to the street.
  - b. In the CMU, MSMU, BP, LI, GI, ME, and PD zoning districts:
    - 1. Eight feet when located behind the front façade of the building or required yard, whichever is closer to the street.
    - 2. Four feet when located in the required front yard or between the front façade of the building, whichever is closer to the street.
    - 3. Eight feet for security fences in any yard.
  - c. Height shall be measured from the ground immediately under the fence to the top of the fence face.
  - d. Height exceptions:
    - 1. Decorative posts at a minimum spacing of 24 inches may extend 8 inches above the maximum height. This exception is not allowed for front yard fences.
    - 2. To accommodate slopes and/or lawn maintenance, up to 4 inches of ground clearance shall be allowed which will not

contribute to the measurement of maximum fence height. This exception is not allowed for front yard fences.

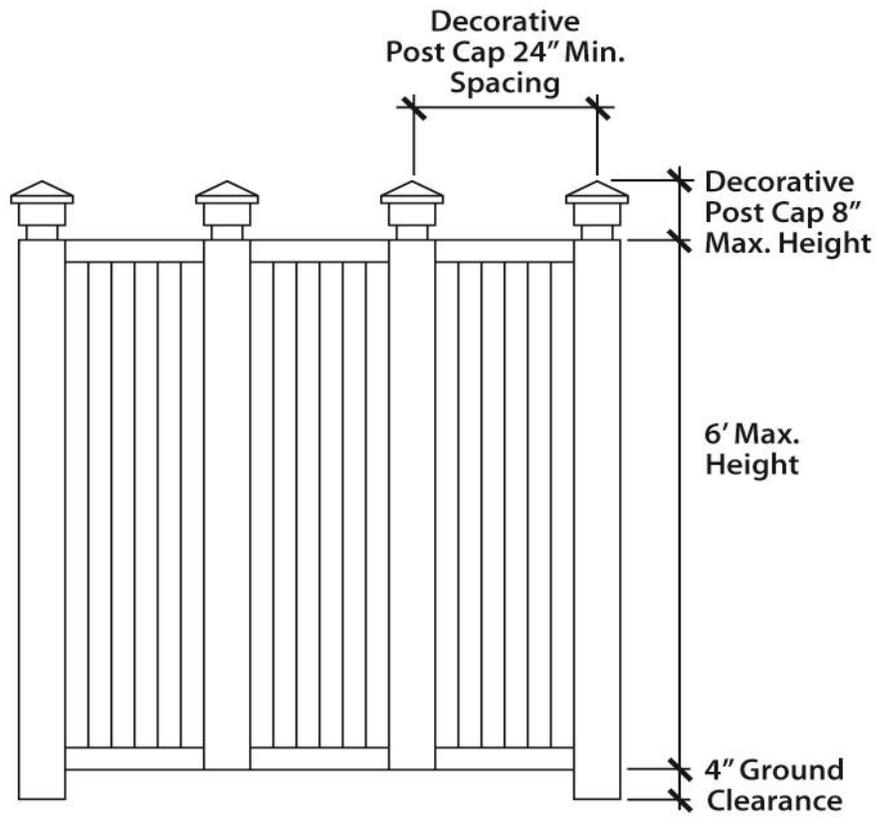
3. Berms with slopes less than or equal to a minimum of 3 feet of horizontal to a maximum of every 1 foot of vertical (i.e. 3:1) shall not contribute to the measurement of maximum fence height.
  4. Within the RH-35 and C zoning districts, height exceptions may be granted in addition to 1. through 3., above, with the approval of a conditional use.
- (f) **On Fence Lighting.** On fence lighting is permitted and shall conform to all requirements of Section 84.106 as well as the state electrical and building codes.
- (g) **Orientation.** Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
- (h) **Maintenance.** Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.
- (i) **Swimming Pools.** Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI), which is available from the Village Department of Public Facilities.

**Figure 84.108a: Fencing Standards**

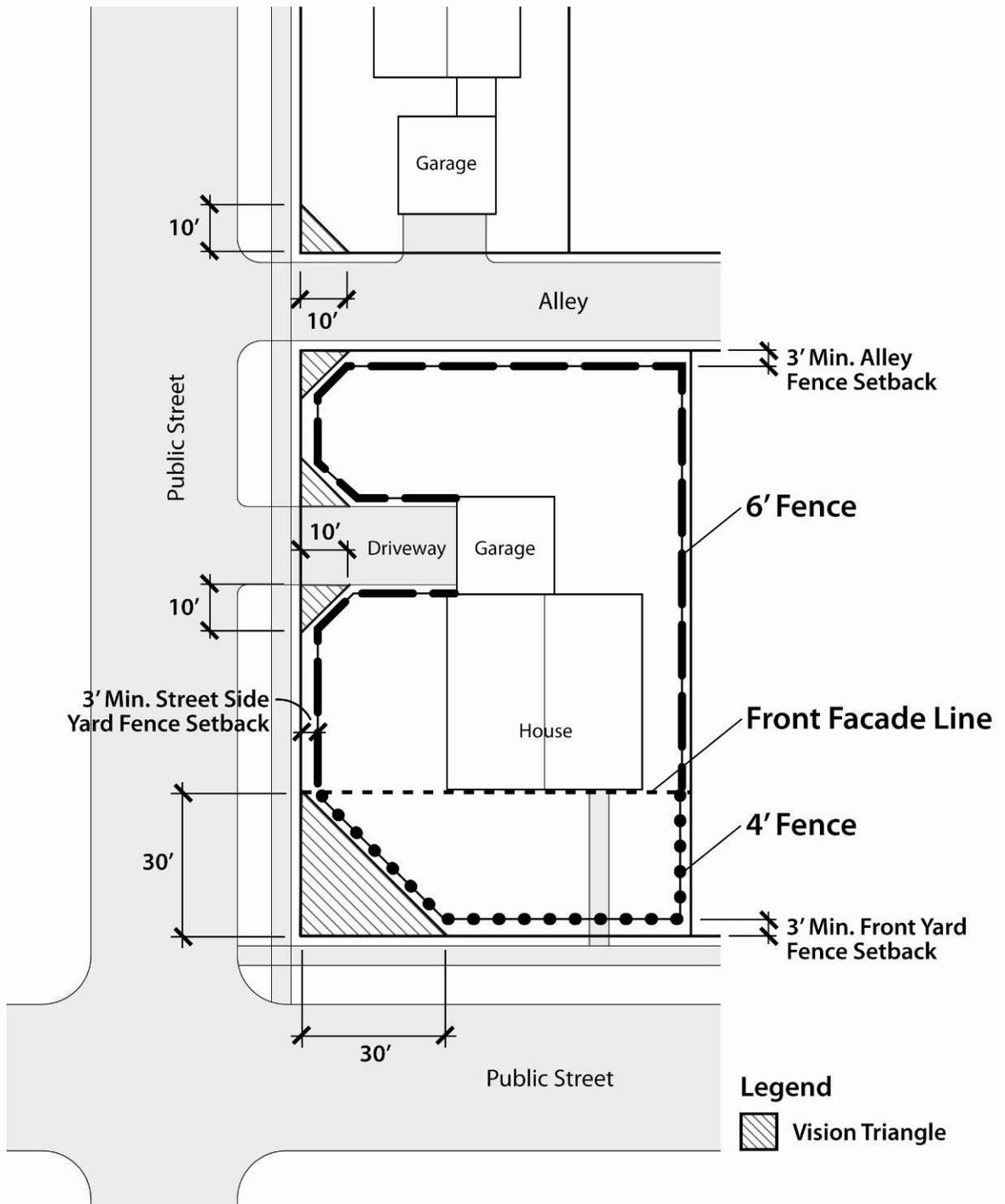


**50% Max. Opacity**  
**Opening must be at least as wide as picket**

**Figure 84.108b: Fencing Standards**



**Figure 84.108c: Fencing Standards**



## SECTION 84.109 Swimming Pool Standards.

- (a) **Purpose.** The purpose of this Section is to regulate swimming pools in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (b) **Applicability.** This Section applies to all swimming pools, defined as an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 24 inches, used or intended to be used solely by the owner, operator, or lessee thereof and family and guests invited to use it; and including all structural facilities, appliances, appurtenances, equipment, and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (c) **Review and Approval.** If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 84.164).
- (d) **Permit Required.** A building permit must be secured prior to the commencement of construction or erection of a private or residential swimming pool, or on any alterations, additions, remodeling, or other improvements. Plans, specifications, and pertinent explanatory data shall be submitted to the Building Inspector at the time of application.
- (e) **Exempt Pools.** Non-filtered 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 this Section. Decorative pools that are less than 36 inches in depth are exempt from the provisions of this Section. Spas and hot tubs with lockable tops are also exempt. Lockable tops shall be securely fastened in place at all time when the hot tub is not in actual use.
- (f) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a building permit for construction as provided for in Subsection (d), above, unless the following 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 with any and all ordinances of the Village now in effect or hereafter enacted.
  - (2) All plumbing work shall be in accordance with all applicable ordinances of the Village and all state plumbing codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located, or in the general vicinity. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Director of Public Facilities.

- (3) All electrical installations, including lighting and heating, which are used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations.
- (g) **Setbacks and Other Requirements.** Private swimming pools shall be erected or constructed on rear or side yards only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building. All swimming pools shall be at least 6 feet from any lot line or building unless designed and approved as an addition to a building.
- (h) **Enclosure.** Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than 6 feet in height and not less than 4 feet from the pool edge, and constructed not to have voids, holes, or openings larger than 4 inches in one dimension. Maximum height for such fences or walls is 8 feet from ground level. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. This Section shall not apply to existing fences on the date of adoption of this Chapter at least 40 inches in height that otherwise comply with this Section.
- (i) **Compliance.** All swimming pools existing at the time of adoption of this Chapter not satisfactorily fenced shall comply with the fencing requirements of Subsection (h) when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.
- (j) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (k) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

**SECTION 84.110 Vibration Standards.**

- (a) **Purpose.** The purpose of this Section is to regulate the creation of vibration which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (b) **Applicability.** The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.
- (c) **Review and Approval.** Through the site plan review process (see Section 84.164), the Plan Commission shall review and approve all development on the subject property.
- (d) **Depiction on Required Site Plan.** Any activity or equipment which creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property.
- (e) **Requirements.** No activity or operation shall cause or create earthborn vibrations in excess of the displacement values given in Figure 84.110, below.
- (f) **Method of Measurement.** Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula:  $D = K/f$ , where  $D =$  displacement in inches;  $K =$  a constant to be determined by reference to Figure 84.110 below;  $f =$  the frequency of vibration transmitted through the ground (cycles per second).

**Figure 84.110: Vibration Measurement Constant**

	K All Other Districts	K GI District
On or beyond any adjacent lot line		
Continuous	0.003	0.015
Impulsive	0.006	0.030
Less than 8 pulses per 24-hour period	0.015	0.075
On or beyond any residential district boundary line		
Continuous	0.003	0.003
Impulsive	0.006	0.006
Less than 8 pulses per 24-hour period	0.015	0.015

**SECTION 84.111 Noise Standards.**

- (a) **Purpose.** The purpose of this Section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (b) **Applicability.** The requirements of this Section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance, or agricultural operations.
- (c) **Requirements.** All noise shall be muffled so as not be objectionable due to intermittence, frequency, or shrillness. In no event shall the sound-pressure level of noise continuously radiated from a facility exceed the values given in Figure 84.111a as measured by a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983. The measurement shall be conducted at the lot line of the subject property where said lot abuts property within any residential or mixed use zoning district, or the Business Park (BP) district.
- (d) **Nonconforming Noise.** Noise that was in effect as of the effective date of this Chapter shall be considered legal nonconforming. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Chapter is the responsibility of the noise producer.

**Figure 84.111a: Maximum Permitted Noise Level at Lot Line for Continuous Noise**

Zoning District	Increase in Noise Level Over Ambient Level
RH-35, SR-1, SR-3, SR-4, SR-5, DR-6, MR-8, MR-16	Plus 3 dBA
NMU, CMU, MSMU, BP	Plus 5 dBA
LI, GI, ME	Plus 8 dBA

**Figure 84.111b: Adjustment Factors for Maximum Noise Levels**

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

## **SECTION 84.112 Air Pollution Standards.**

- (a) **Purpose.** The purpose of this Section is to regulate the creation of air pollution which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (b) **Applicability.** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (c) **Standards.** In addition to all applicable state and federal standards, the following shall apply:
  - (1) The emission of particulate matter containing a particle diameter larger than 44 microns is prohibited.
  - (2) Emission of smoke or particulate matter of a density equal to or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.
  - (3) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.
  - (4) Outdoor wood furnaces are not permitted in the Village of Cross Plains for public health and safety reasons.
  - (5) All applicable state and federal standards.

### **SECTION 84.113 Odor Standards.**

- (a) **Purpose.** The purpose of this Section is to regulate the creation of odor which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the healthy, safety, and general welfare of the public.
- (b) **Applicability.** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental fertilizer application, traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.
- (c) **Standards.** Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any residential or mixed use district, or the Business Park (BP) district.

#### **SECTION 84.114 Glare and Heat Standards.**

- (a) **Purpose.** The purpose of this Section is to regulate the creation of glare or heat in order to prevent the creation of nuisances and to promote the health, safety, and welfare of the public.
- (b) **Applicability.** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (c) **Standards.** No direct or sky-reflected glare shall be visible at the lot line of the subject property, whether from floodlights or from temperature processes, such as combustion, welding, or otherwise. As determined by the Zoning Administrator, there shall be no discernible transmission of heat or heated air at the lot line. Solar systems regulated by Wisconsin Statutes 66.0401 shall be entitled to the protection of its provisions.

#### **SECTION 84.115 Fire and Explosions.**

- (a) **Purpose.** The purpose of this Section is to regulate the creation of fire and/or explosion hazards which adversely affect adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (b) **Applicability.** The requirements of this Section apply to all land uses and activities.
- (c) **Standards.** Any use involving materials which could decompose by detonation shall be located not less than 400 feet from any residential or commercial zoning district except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with all fire prevention codes of the State of Wisconsin.

## **SECTION 84.116 Toxic, Noxious, and Waste Materials.**

- (a) **Purpose.** The purpose of this Section is to regulate the handling of toxic, noxious, or waste material which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (b) **Applicability.** The requirements of this Section apply to all land uses and activities.
- (c) **Standards.** No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to private property or business. No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

## **SECTION 84.117 Hazardous Materials.**

- (a) **Purpose.** The purpose of this Section is to provide information to the Village regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- (b) **Applicability.** The requirements of this Section apply to all land uses and activities involving any one or more of the following:
  - (1) Soil and plant additives subject to Wisconsin Statutes 94.65.
  - (2) Pesticides subject to Wisconsin Statutes 94.67.
  - (3) Biological products subject to Wisconsin Statutes 95.39.
  - (4) Hazardous substances subject to Wisconsin Statutes 100.37.
  - (5) Toxic substances as defined in Wisconsin Statutes 101.58(2)(j).
  - (6) Infectious agents as defined in Wisconsin Statutes 101.58(2)(f).
  - (7) Any material for which the State of Wisconsin requires notification of a local fire department.
  - (8) Any other uses, activities, or materials which are subject to county, state, or federal hazardous, or related, materials regulations.
- (c) **Standards.** All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal.

## SECTION 84.118 Group and Large Development Standards.

- (a) **Purpose.** The purpose of this section is to establish standards that ensure group developments and large developments are properly located and are compatible with the surrounding area and the overall community character of the Village of Cross Plains.
- (b) **Definitions.**
  - (1) **Group Development.** Any development located on one lot and comprised of any single instance or any combination of the following development types:
    - a. One or more principal multi-family residential buildings with 11 or greater residential units on the same lot.
    - b. Two or more principal structures on the same lot, whether currently serving a single use or more than one use.
    - c. Any addition of principal buildings that increases the total number of principal structures on the same lot to two or more.
  - (2) **Large Development.** Any new development containing any single structure or combination of structures on one or more contiguous lots or building sites on which the total combined gross floor area of all new development exceeds 50,000 square feet of gross floor area. This does not include new additions less than 50,000 square feet, or basements and penthouses when used primarily for storage and mechanical equipment.
- (c) **Common Examples.**
  - (1) Common examples of Group Developments include apartment or condominium complexes with 11 to 20 total units, commercial centers, shopping centers, and office centers where there are two or more principal buildings. Planned Developments may be considered Group Developments or Large Developments if they meet the definition in Subsection (b).
  - (2) Common examples of developments that are both Group Developments and Large Developments include multi-tenant, nonresidential buildings that are in excess of 50,000 gross square feet, and any multi-building developments in which the combined total of all structures on a site, regardless of diverse ownership, use, or tenancy, combine to exceed 50,000 gross square feet.
- (d) **Exceptions.** The following situations are exempt from the requirements of this Section:
  - (1) Structures within Village parks.
  - (2) Development in the Planned Development District.
  - (3) Nonresidential buildings where it can be demonstrated to the satisfaction of the Zoning Administrator that any principal building can be subsequently detached with a lot and yards conforming to the requirements of this Chapter.

(e) **Review and Approval.**

- (1) All Group Developments and Large Developments require a conditional use permit (see Section 84.161 for review and approval procedure) regardless of whether individual use(s) within the development are permitted by right within the applicable district, except where such developments are approved as Planned Developments per Section 84.167 or with an approved conditional use permit.
- (2) Any land use that is either a permitted by right land use or a use allowed by conditional use permit within the applicable zoning district may be included within a Group Development and/or Large Development.
- (3) Land uses permitted by right in the applicable zoning district shall be permitted by right within an approved Group and/or Large Development, subject to the provisions of this section, unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the Group Development and/or Large Development as a whole.
- (4) Land uses allowed by conditional use permit within the applicable zoning district shall be allowed within the Group Development and/or Large Development only with conditional use approval for that land use category such outdoor dining or a drive-through. The consideration of the conditional use for the Group Development and/or Large Development may occur in conjunction with the review for additional conditional land uses.
- (5) The detailed land use regulations in Article III that pertain to each proposed land uses shall also apply within a Group Development and/or Large Development, as will all other applicable provisions of this Chapter.

(f) **Changes to an Approved Group and/or Large Development.**

- (1) Following initial issuance of a conditional use permit for the Group Development and/or Large Development, the subsequent addition of structures, additions to structures, and expansions of parking or storage areas in the Group Development and/or Large Development shall require an amendment to the approved conditional use permit regardless of individual land use(s).
- (2) Changes to individual land uses within a Group Development and/or Large Development listed as permitted by right uses within the applicable zoning district are allowed without amendment to the Group Development and/or Large Development conditional use permit, unless said conditional use permit placed restrictions on change of use.
- (3) Changes to individual land uses within a Group Development and/or Large Development listed as conditional uses within the applicable zoning district may be allowed only by amendment to the conditional use permit, regardless of whether said use entails modifications to the building and/or site layout in the Group Development and/or Large Development.

- (g) **Standards Applicable to All Group Developments and to All Large Developments.**
- (1) All land uses and development shall comply with the applicable requirements of this Chapter, including, but not limited to, density, intensity, bulk, setback, and building separation requirements; building and site design standards; landscaping and green space preservation requirements; access, parking, loading, and unloading requirements; and signage requirements.
  - (2) The applicant shall demonstrate how the proposed development relates to each of the following criteria:
    - a. Complements the design and layout of nearby buildings and developments.
    - b. Enhances, rather than detracts from, the desired character of the Village.
- (h) **General Layout and Future Divisibility.** All development located within a Group Development and/or Large Development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory buildings and buildings located within Group Developments and/or Large Developments shall be situated within building envelopes that are in complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of Group Developments and/or Large Developments. The use of this approach to designing Group Developments and/or Large Developments will facilitate the subdividing of Group Developments and/or Large Developments in the future (if such action is so desired).
- (i) **Roadway Connections.** All nonresidential projects shall have direct access or through an easement to an arterial street or to a collector level street deemed appropriate by the Village Engineer.
- (j) **Parking.** Parking lot designs in which the number of spaces exceeds the minimum number of parking spaces required in Section 84.104 by 25 percent shall be allowed only with specific and reasonable justification.
- (k) **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 10 feet. Display areas on building aprons must maintain a minimum walkway width of 10 feet between the display items and any vehicle drives.
- (l) **Outdoor Storage Uses and Areas.** Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan.
- (m) **Landscaping.** Landscaping shall meet the standards in See Article VIII.
- (n) **Lighting.** On-site exterior lighting shall meet the standards in Section 84.106.
- (o) **Signage.** See Chapter 87 of this Code of Ordinances for sign regulations.

- (p) **Noise.** Noise associated with activities at the site shall comply with Section 84.111 and shall not create a nuisance to nearby properties.
- (q) **Natural Resources Protection.** Existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any storm water detention or conveyance features are solely borne by the developer/owner unless dedicated to and accepted by the Village.
- (r) **Additional Rules Applicable to All Large Developments.**
  - (1) **Compatibility Report.** The Village may require a written Compatibility Report citing adequate evidence that the proposed building and overall development project shall be compatible with the Village's Comprehensive Plan and any detailed neighborhood or special area plan for the area. The Compatibility Report shall specifically address the following items:
    - a. **Traffic Impact Analysis.** The Village may require that a traffic impact analysis be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation. It shall be conducted by a third party agreed upon by both the applicant and Village at the applicant's expense. Such Traffic Impact Analysis shall require the following components:
      - 1. A demonstration that 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; design, location, and number of traffic control devices; and sidewalks.
      - 2. Where the traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below a level of service (LOS) C, the Village may deny the application, require a size reduction in the proposed development, and/or require the developer to construct and/or pay for required off-site improvements to achieve a LOS C for a planning horizon of a minimum of 10 years assuming full build-out of the development.
      - 3. The Village has the option to require a trip generation study.
  - (2) **Economic and Fiscal Analysis.** The Village may require completion of an economic and fiscal impact analysis containing the following items:
    - a. Estimate to what extent the proposed project would reduce the proposed market area's economic base by eliminating existing businesses.
    - b. Compare and evaluate the projected costs and benefits to the community resulting from the project, including:
      - 1. Projected costs arising from increased demand for and required improvements to public services and infrastructure.

2. Value of improvements to public services and infrastructure to be provided by the project.
  3. Projected tax revenues to the Village to be generated by the project in the first 5 years of business.
  4. Projected impact of the project in the first 5 years on land values (both residential and nonresidential) and potential loss or increase in tax revenues to the Village of Cross Plains.
- (3) **Building Placement and Site Layout.** Where buildings are proposed to be distant from a public street, as determined by the Plan Commission, the overall development design shall include smaller buildings on pads or out lots closer to the street. Placement and orientation must 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.
- (4) The Village may require that a detailed neighborhood plan be submitted and approved by the Plan Commission and Village Board. The detailed neighborhood plan shall be prepared for all areas within 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 any other nearby lands as determined by the Plan Commission to be part of the defined neighborhood. The detailed neighborhood plan shall contain the following specific elements at a scale of not less than 1"= 400':
- a. Land use with specific zoning districts and/or land uses.
  - b. Transitional treatments such as berms and/or landscaping between areas with differing land uses or character.
  - c. Complete transportation network, including pedestrian and bicycle facilities and transit routes and stops, where applicable.
  - d. Conceptual stormwater management facilities.
  - e. Proposed public facility sites, including parks, schools, conservation areas, public safety facilities and public utility facilities.
  - f. Proposed community character themes, including building materials, landscaping, streetscaping, and signage.
  - g. Demonstrate that the proposed detailed neighborhood plan is in harmony with the land use, multi-modal transportation, utility, stormwater management, community character provisions of the Village's Comprehensive Plan.
- (5) **Building and Parking Placement.** A maximum of 75 percent of all parking spaces located anywhere on the site shall be located between the primary street frontage right of way line and line of equal setback to the most distant front wall of the building. The remainder of parking on the site shall be set back a greater distance from this setback line to the sides, street sides, and

rear of the building unless the applicant can demonstrate a hardship and is approved by the Plan Commission.

(6) **Vacation of Existing Buildings in Large Developments.**

- a. This section shall apply to all Large Developments as of the effective date of this Chapter.
- b. Where any Large Development is vacated because the commercial use (sale of goods or merchandise at the building) conducted thereon is being relocated to a different building, the party shall be subject to the following provisions:
  - 1. The party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.
  - 2. The development agreement for the new development at the new site shall include provisions therein whereby the developer of the new site commits to the requirements contained herein.
- c. Any building within a Large Development that is vacated for any reason shall be subject to the following provisions:
  - 1. The owner must file with the Village a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building.
  - 2. The owner shall be required to meet the requirements defined below based on the amount of time the building remains vacant:

**Figure 84.118: Steps for Addressing Building Vacancy**

<b>Time Period Building is Vacant</b>	<b>Requirement</b>
Within 1 year of Vacancy	Install a fire department Access Box for annual fire inspection if the Fire Department determines it is necessary. Remove signage and sign structures
Within 3 year of Vacancy	Village may require owner to paint the building a neutral color, if not already done
Within 5 year of Vacancy	Village may require the removal of all hard surfaces, with the exception of the main driveway and fire lane around the building, restore the former hard surfaced areas with black dirt and grass, or any combination of the above.

- 3. Within the first quarter of each year of vacancy, the owner shall provide the Zoning Administrator with a statement as to the condition of the building and prospects for removal or re-occupancy of the building(s).
- 4. At any time following vacancy, the Village may utilize other enforcement options available to it to ensure property maintenance and upkeep of the building and site.

5. Temporary occupancy of the building(s) and/or the exterior grounds for a period of 365 consecutive days or less shall not be considered to remove the vacancy status of the building under this Section.
- (7) **Additional Requirements.** All large developments are subject to the following additional requirements:
- a. The developer shall enter into a development agreement with the Village, which shall include the payment of all utilities including but not limited to stormwater, sanitary sewer, and street infrastructure. Off-site improvements may also be required as part of the development agreement.
  - b. All buildings located between the large building on the site and a public street shall be of architectural quality comparable to the primary structure, as determined by the Plan Commission.

## **SECTION 84.119 Administration and Enforcement.**

Determinations necessary for administration and enforcement of performance standards set forth in this Article range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

- (a) Where determinations can be made by the Zoning Administrator using equipment normally available to the Village or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
- (b) Where technical complexity or extraordinary expense makes it unreasonable for the Village to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.
  - (1) The Zoning Administrator shall give written notice, by certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.
  - (2) The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Village.

**SECTIONS 84.120 - 84.129 Reserved.**

## **ARTICLE VIII: LANDSCAPING REQUIREMENTS.**

### **SECTION 84.130 Purpose.**

The purpose of this Article is to establish landscaping requirements and other regulations intended to preserve and maintain vegetation within in a manner that promotes the natural resource protection, aesthetic, and public health goals of the Village.

### **SECTION 84.131 Applicability.**

- (a) The requirements of this Section shall not apply retroactively to existing buildings, structures, or paved areas, including requirements for bufferyards.
- (b) Any use for which site plan approval is required under Section 84.164 shall provide landscaping in accordance with the regulations of this Section, including expansions of existing buildings and paved areas. In the case of expansions, only the new portion of building or paved area shall provide landscaping per the requirements of this Article.
- (c) Where insufficient site area remains to comply with all provisions of this section, the Village may require compliance to the extent practical.
- (d) This Article is designed to encourage preservation of existing plants on the site by granting them double point values per Section 84.133.
- (e) Single family, two family, and agricultural land uses are exempt from landscaping requirements.

### **SECTION 84.132 Landscaping Plan**

The applicant shall provide a landscaping plan prepared by a Landscape Architect depicting the following:

- (a) Plan shall be drawn at a reasonable scale to clearly delineate the landscape improvements and shall include a north arrow, property lines, and easements.
- (b) Zoning of the subject property and abutting properties.
- (c) Linear feet of the new/expanded building foundation and street frontage.
- (d) Square footage of the total lot and new/expanded paved area.
- (e) Existing landscaping to be removed.
- (f) Existing landscaping to remain including type/name, size, number, and number of landscaping points per Figure 84.133a doubled.
- (g) Proposed landscaping meeting the requirements of this Article including type/name, size, number, and number of landscaping points per Figure 84.133a.

## **SECTION 84.133 Landscaping Requirements.**

Landscaping shall be provided based on the following requirements for street frontages, paved areas, and bufferyards. These requirements are additive to each other and any other landscaping or screening requirements in this Chapter. Landscaping point values shall be doubled for mature existing landscape plantings that are retained and protected with the development of the site. In calculating the number of required landscaping points under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this section (for example: 23.3 canopy trees) shall be rounded up to the next whole plant (for example: 24 canopy trees).

### **(a) Building Foundations.**

- (1) For every 100 linear feet of building foundation, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 84.133a.
- (2) Tall trees shall not be used to meet building foundation landscaping requirements.
- (3) Building foundation landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation.

### **(b) Paved Areas.**

- (1) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement), landscaping shall at a minimum meet the number of landscaping points specified in Figure 84.133a.
- (2) Paved area landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the paved area. Said area does not have to be provided in one contiguous area. Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets.
- (3) A minimum of 30 percent of all points shall be devoted to medium or tall trees, or a combination of such trees, and a minimum of 40 percent of all points shall be devoted to shrubs.
- (4) **Parking Lot Design.**
  - a. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.
  - b. Parking spaces must be broken by a tree island at the rate of one island for each linear row of 12 parking spaces for single-row or peninsula configurations, or for each 24 parking spaces in double row configurations.
  - c. All tree islands and landscaped areas with trees shall have a minimum of 9 feet as measured from outside the curb or frame.

- d. All landscaped areas without trees, but planted with shrubs, shall have a minimum width of 3 feet measured from inside the curb or frame.
  - (5) Parking lots adjacent to residential properties shall provide opaque screening of vehicle lights to a minimum height of four feet. Screening devices may include a fence, berm, and/or evergreen trees.
- (c) **Street Frontages.**
- (1) For every 100 linear feet of street frontage of a developed lot abutting a public street right of way, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 84.133a.
  - (2) Street frontage landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the public street right of way.
  - (3) Unless meeting the requirements in Section (6) below, landscaping shall not be located within a public right of way. Landscaping shall not impede vehicle or pedestrian visibility. See Section 84.103.
  - (4) Shrubs shall not be used to meet street frontage landscaping requirements. A minimum of 50 percent of all points shall be devoted to decorative or medium trees, or a combination of such trees.
  - (5) For all lots not meeting the requirements of this Subsection as of the effective date of this Chapter, the following shall apply:
    - a. For additions to floor area, landscaping installed shall be equal to the percent increase in new floor area. New floor area shall be defined as the square footage of the addition divided by the square footage of the existing building.
    - b. For additions to paved areas, landscaping installed shall be equal to the percent increase in new paved area. New paved area shall be defined as the square footage of the addition divided by the square footage of the existing paved area.
  - (6) The Village may require the street frontage landscaping to be placed within the right-of-way and shall collect fees to purchase and install such landscaping.
- (d) **Yard Areas.**
- (1) For every 1,000 square feet of gross floor area, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 84.133a.
  - (2) Landscaping required by this Section is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards.
  - (3) The intent of this Section is to provide yard shade and to require a visual screen of a minimum of 6 feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).
  - (4) For all lots not meeting the requirements of this Subsection as of the effective date of this Chapter, the following shall apply:

- a. For additions to floor area, landscaping installed shall be equal to the percent increase in new floor area. New floor area shall be defined as the square footage of the addition divided by the square footage of the existing building.
- (e) **Bufferyards.** A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing that are required to eliminate or reduce existing or potential nuisances (e.g. dirt, litter, noise, glare, signs, and incompatible land uses, buildings, or parking areas).
  - (1) The required level of bufferyard opacity is listed in Figure 84.133b. Detailed bufferyard requirements are listed in Figure 84.133c. Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the abutting property. The required level of opacity indicated is directly related to the degree to which the potential character of development differs between different zoning districts.
  - (2) Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards shall not be required in front yards.
  - (3) Bufferyards are not required for existing development.
  - (4) Bufferyards are not required where additions to existing buildings or paved areas are not visible from adjacent properties eligible for buffering according to Article III or Figure 84.133b.
  - (5) Where the minimum permitted width for the required bufferyard is not available under the current state of development, the Plan Commission may reduce the width required for the bufferyard to that currently available on the site.
- (f) **Use of Required Bufferyard and Landscaped Areas.** Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided that no required material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this Chapter are met. However, in such areas, no swimming pools, tennis courts, sports fields, golf courses, or other such similar active recreational uses are allowed. No parking, buildings, outdoor light fixtures, and no outdoor display of storage of materials shall be permitted. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.
- (g) **Utility Easements.** Landscaping materials, fences and berms located within a duly recorded utility or a pedestrian easement shall not count toward meeting a landscaping requirement, unless authorized otherwise by the Village. The width of such areas may be counted as part of a landscaping requirement.
- (h) **Other Green Space Areas.** Green space areas not used for landscape plantings other than natural resource protection areas shall be graded and seeded or sodded with an acceptable maintainable seed mix, restored to native vegetation, or maintained in crop production if

approved by the Plan Commission. Mulch of plantings or planting beds is acceptable provided that such mulching consists of organic or natural materials. Mulches shall be installed so that they will not erode, fall, be plowed or otherwise transported into walks, drives, streets or other hard surfaced portions of the site.

**Figure 84.133a: Landscaping Requirements for Regular Development**

	Landscaping Component				
	Building Foundation	Paved Areas	Street Frontages	Yard Areas	
<b>Type of Landscaping</b>	Tall trees not allowed	A minimum of 30% of points devoted to tall trees and 40% to shrubs	Shrubs not allowed; a minimum of 50% of points devoted to tall trees and 30% to medium trees	Any type allowed	
<b>Placement of Landscaping</b>	Within 10 feet of building foundation	Within paved area or within 10 feet of paved area	Within 10 feet of the public right of way	Any location	
<b>Calculation of Landscaping Points</b>	Points per 100 linear feet of building foundation	Greater of: points per 20 parking stalls or 10,000 square feet of paved area	Points per 100 feet of street frontage	Points per 1,000 square feet of gross floor area	
Zoning Districts:	Conservation*	20	20	20	10
	Rural Holding (RH-35)*	20	20	20	10
	Single Family Residential (SR-1)*	40	100	100	20
	Single Family Residential (SR-3)*	40	100	100	20
	Single Family Residential (SR-4)*	40	100	100	20
	Single Family Residential (SR-5)*	40	100	100	20
	Duplex Residential (DR-6)*	45	100	100	20
	Multi-Family Residential (MR-8)*	60	100	100	30
	Multi-Family Residential (MR-16)*	75	100	100	20
	Neighborhood Mixed Use (NMU)*	40	100	100	20
	Community Mixed Use (CMU)*	40	80	60	15
	Main Street Mixed Use (MSMU)*	0	80	0	0
	Business Park (BP)	25	75	50	15
	Light Industrial (LI)	20	50	25	10
	General Industrial (GI)	20	50	25	10
Mineral Extraction (ME)	20	50	25	10	

*\*Note: Single family, two family, and all agricultural land uses are exempt from landscaping requirements.*

**Figure 84.133b: Required bufferyard opacity values**

Apply the required opacity value from this Figure to Figure 10-133c and select the most appropriate bufferyard option. Note that certain land uses, conditional uses, and planned development projects may have more stringent bufferyard requirements.		Adjacent Property's Zoning District:															
		C	RH-35	SR-1	SR-3	SR-4	SR-5	DR-6	MR-8	MR-16	NMU	CMU	MSMU	BP	LI	GI	ME
Subject Property Zoning District:	Conservation	0	*														
	Rural Holding (RH-35)	0	*														
	Single Family Residential-1 (SR-1)	0	*	0													
	Single Family Residential-3 (SR-3)	0	*	0	0												
	Single Family Residential-4 (SR-4)	0	*	0	0	0											
	Single Family Residential-5 (SR-5)	0	*	0	0	0	0										
	Duplex Residential (DR-6)	0	*	.1	.1	.1	.1	0									
	Multi-Family Residential-8 (MR-8)	0	*	.2	.2	.2	.2	.1	0								
	Multi-Family Residential-16 (MR-16)	0	*	.3	.3	.3	.3	.2	.1	0							
	Neighborhood Mixed Use (NMU)	0	*	.2	.2	.2	.2	.2	.1	.1	0						
	Community Mixed Use (CMU)	0	*	.4	.4	.4	.4	.4	.3	.3	.2	0					
	Main Street Mixed Use (MSMU)	0	*	.2	.2	.2	.2	.2	.1	.1	.1	.1	0				
	Business Park (BP)	0	*	.3	.3	.3	.3	.3	.2	.2	.1	0	0	0			
	Light Industrial (LI)	0	*	.4	.4	.4	.4	.4	.3	.3	.2	.1	.1	.1	0		
	General Industrial (GI)	0	*	.5	.5	.5	.5	.4	.3	.3	.3	.3	.3	.2	.1	0	
	Mineral Extraction (ME)	0	*	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	.8	.8	.8	.8	.8	0

*\*For properties zoned RH-35, base bufferyard requirements on the proposed zoning district for said property as depicted on the Future Land Use Map in the Village of Cross Plains Comprehensive Plan.*

**Figure 84.133c: Detailed Bufferyard Requirements**

Opacity	# Landscaping Points per 100 feet	Width (in feet)	Required Structure
0.05	00	10+	Minimum 44 inch picket fence*
	00	10+	Minimum 4 foot wood rail fence*
	40	10	N/A
	36	15	N/A
	33	20	N/A
	31	25	N/A
	29	30	N/A
0.10	00	10+	Minimum 44 inch picket fence*
	38	10+	Minimum 4 foot wood rail fence*
	91	10	N/A
	80	15	N/A
	73	20	N/A
	68	25	N/A
	65	30	N/A
	62	35+	N/A
	00	35+	Minimum 4 foot berm
0.20	00	10+	Minimum 6 foot solid fence*
	84	10+	Minimum 44 inch picket fence*
	133	15+	Minimum 4 foot wood rail fence*
	198	15	N/A
	173	20	N/A
	158	25	N/A
	149	30	N/A
	140	35	N/A
	10	35+	Minimum 4 foot berm
	135	40+	N/A
	00	40+	Minimum 5 foot berm
0.30	00	10+	Minimum 6 foot solid fence*
	198	15+	Minimum 44 inch picket fence*
	320	20	N/A
	240	20+	Minimum 4 foot wood rail fence*
	276	25	N/A
	252	30	N/A
	235	35	N/A
	104	35+	Minimum 4 foot berm
	223	40	N/A
	44	40+	Minimum 5 foot berm

Opacity	# Landscaping Points per 100 feet	Width (in feet)	Required Structure
0.40	215	45	N/A
	209	50+	N/A
	00	50+	Minimum 6 foot berm
	53	10+	Minimum 6 foot solid fence*
	330	20+	Minimum 44 inch picket fence*
	440	25	N/A
	362	25+	Minimum 4 foot wood rail fence*
	385	30	N/A
	349	35	N/A
	208	35+	Minimum 4foot berm
	327	40	N/A
	148	40+	Minimum 5 foot berm
	310	45	N/A
	299	50+	N/A
	56	50+	Minimum 6 foot berm
0.50	135	15+	Minimum 6 foot solid fence*
	564	30	N/A
	405	30+	Minimum 44 inch picket fence*
	492	30+	Minimum 4 foot wood rail fence*
	499	35	N/A
	319	35+	Minimum 4 foot berm
	454	40	N/A
	261	40+	Minimum 5 foot berm
	422	45	N/A
	405	50	N/A
	160	50+	Minimum 6 foot berm
	388	55	N/A
374	60+	N/A	
0.60	221	20+	Minimum 6 foot solid fence*
	433	35+	Minimum 4 foot berm
	541	35+	Minimum 44 inch picket fence*
	630	35+	Minimum 4 foot wood rail fence*
	626	40	N/A
	379	40+	Minimum 5 foot berm
	570	45	N/A
	525	50	N/A
	270	50+	Minimum 6 foot berm
	500	55	N/A
480	60+	N/A	

Opacity	# Landscaping Points per 100 feet	Width (in feet)	Required Structure
0.80	415	30+	Minimum 6 foot solid fence*
	655	40+	Minimum 4 foot berm
	627	45+	Minimum 5 foot berm
	873	45+	Minimum 44 inch picket fence*
	910	50	N/A
	505	50+	Minimum 6 foot berm
	809	50+	Minimum 4 foot wood rail fence*
	804	55	N/A
	744	60	N/A
	710	65	N/A
	677	70+	N/A
	1.00	636	40+
732		50+	Minimum 8 foot solid fence
751		50+	Minimum 8 foot solid fence
867		55+	Minimum 8 foot solid fence
1091		60+	Minimum 8 foot solid fence
1136		60+	Minimum 8 foot solid fence
1083		65	Minimum 8 foot solid fence
994		70	Minimum 8 foot solid fence
934		75	Minimum 8 foot solid fence
892		80+	Minimum 8 foot solid fence

*Notes: \*Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.*

**Figure 84.133d: Landscaping Points**

Plant Category	Landscaping Points Per Plant	Minimum Permitted Installation Size
Shade 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
Non-contributory Plants	0	N/A

*Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension Publication: A2865*

## SECTION 84.134 Classification of Plant Species.

Species suitable for landscaping and compatible with local climate and soil factors are listed in Figure 84.134a. However, this list is not intended to be exhaustive, and the Zoning Administrator shall review proposals for the applicability of species not listed and is authorized to approve appropriate similar species. See Figure 84.134b for species appropriate for specific and common landscaping situations (e.g., planting under power lines), and Figure 84.134c for a list of species to use sparingly or to avoid.

**Figure 84.134a: Common Appropriate Landscaping Species**

Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
Shade Trees	75	Maple (Red)	<i>Acer spp.</i>
Shade Trees	75	Birch (River, Paper)	<i>Betula spp.</i>
Shade Trees	75	Linden (Basswood, Redmond, Little Leaf)	<i>Tilia spp.</i>
Shade Trees	75	Elms (hybrids)	<i>Ulmus spp.</i>
Shade Tree	75	Oak (White)	<i>Quercus spp.</i>
Shade Trees	75	Honey Locust (male cultivars)	<i>Gleditsia triacanthos var. inermis</i>
Tall Deciduous Trees	30	Chanticleer pear	<i>Pyrus calleryana 'Chanticleer'</i>
Tall Deciduous Trees	30	Hackberry	<i>Celtis occidentalis</i>
Tall Deciduous Trees	30	Chinkapin oak	<i>Quercus muehlenbergii</i>
Tall Deciduous Trees	30	Ginkgo (male cultivars)	<i>Ginkgo biloba</i>
Tall Deciduous Trees	30	State Street Miyabe maple	<i>Acer miyabei 'Morton'</i>
Medium Deciduous Trees	15	Paperbark maple	<i>Acer griseum</i>
Medium Deciduous Trees	15	Serviceberry	<i>Amelanchier</i>
Medium Deciduous Trees	15	Hawthorn	<i>Crataegus viridis</i>
Medium Deciduous Trees	15	Hornbeam (Musclewood)	<i>Carpinus caroliniana</i>
Medium Deciduous Trees	15	Ironwood/Hophornbeam	<i>Ostrya virginiana</i>
Medium Deciduous Trees	15	Callery pear	<i>Pyrus calleryana</i>
Low Deciduous Trees	10	Hazelnut	<i>Corylus spp.</i>
Low Deciduous Trees	10	Russian Olive	<i>Elaeagnus angustifolia</i>
Low Deciduous Trees	10	Flowering crabapples	<i>Malus spp.</i>
Low Deciduous Trees	10	Japanese tree lilac	<i>Syringa reticulata</i>
Tall Evergreen Trees	40	Firs	<i>Abies spp.</i>
Tall Evergreen Trees	40	Black Hills Spruce	<i>Picea glauca var. densata</i>
Tall Evergreen Trees	40	Serbian Spruce	<i>Picea omorika</i>
Tall Evergreen Trees	40	Pine (except Austrian)	<i>Pinus spp. (not nigra)</i>
Tall/Medium Evergreen	30	Juniper (Red Cedar)	<i>Juniperus virginiana</i>
Tall/Medium Evergreen	30	Arborvitae	<i>Thuja spp.</i>
Tall/Medium Evergreen	30	Eastern hemlock	<i>Tsuga canadensis</i>
Low Evergreen Trees	12	Juniper (Mountbatten)	<i>Juniperus chinensis</i>
Tall Deciduous Shrubs	5	Elderberry	<i>Sambucus canadensis "aurea"</i>
Tall Deciduous Shrubs	5	Dogwood (Gray, Pagoda)	<i>Cornus spp.</i>

Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
Medium Deciduous	3	Weigela	<i>Weigela spp.</i>
Medium Deciduous	3	Cotoneaster	<i>Cotoneaster spp.</i>
Medium Deciduous	3	Forsythia (Virgina, Rugosa)	<i>Forsythia</i>
Medium Deciduous	3	Shrub Rose	<i>Rosa spp.</i>
Medium Deciduous Shrubs	3	Viburnum (Arrowwood, Warfaring Tree, Nannyberry)	<i>Viburnum spp.</i>
Medium Deciduous	3	Potentilla	<i>Potentilla spp.</i>
Medium Deciduous	3	Bush Honeysuckle	<i>Diervilla spp.</i>
Medium Deciduous	3	Ninebark	<i>Physocarpus spp.</i>
Low Deciduous Shrubs	1	Azalea	<i>Azalea spp.</i>
Low Deciduous Shrubs	1	Gro-Low Sumac	<i>Rhus aromatica</i>
Tall-Medium Evergreen	5	Juniper (Pfitzer)	<i>Juniperus x pfitzeriana</i>
Tall-Medium Evergreen	5	Yew (Japanese)	<i>Taxus spp.</i>
Low Evergreen Shrubs	2	Boxwood	<i>Buxus spp.</i>
Low Evergreen Shrubs	2	Juniper (Sergeant, Creeping, Andorra)	<i>Juniperus spp.</i>
Perennial Plantings	20/20 sf	Coneflower	<i>Echinacea spp.</i>
Perennial Plantings	20/20 sf	Catmint	<i>Nepeta spp.</i>
Perennial Plantings	20/20 sf	Black-Eyed Susan	<i>Rudbeckia hirta</i>
Perennial Plantings	20/20 sf	Lily	<i>Lilium spp.</i>
Perennial Plantings	20/20 sf	Daylily	<i>Hemerocallis spp.</i>
Perennial Plantings	20/20 sf	Ornamental Grass	<i>varies</i>
Perennial Plantings	20/20 sf	Lady's Mantel	<i>Alochemilla spp.</i>
Perennial Plantings	20/20 sf	Columbine	<i>Aquilegia spp.</i>
Perennial Plantings	20/20 sf	Aster	<i>Aster spp.</i>
Perennial Plantings	20/20 sf	Jack Frost	<i>Brunnera macrophylla</i>
Perennial Plantings	20/20 sf	Blazing Star	<i>Liatris spp.</i>
Perennial Plantings	20/20 sf	Black Bugbane	<i>Cimicifusa simplex</i> "Brunette"
Perennial Plantings	20/20 sf	Peony	<i>Paeonia spp.</i>
Perennial Plantings	20/20 sf	Pachysandra	<i>Pachysandra spp.</i>
Perennial Plantings	20/20 sf	Stonecrops	<i>Sedum spp.</i>
Perennial Plantings	20/20 sf	Astilbe	<i>Astilbe spp.</i>
Perennial Plantings	20/20 sf	Hosta	<i>Hosta spp.</i>

**Figure 84.134b: Sample Plant Species Appropriate for Specific Situations**

Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
Appropriate for Planting Under Power Lines	Low Deciduous Tree	Flowering crabapple	<i>Malus spp.</i>
	Low Deciduous Tree	Japanese tree lilac	<i>Syringa reticulata</i>

Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
Appropriate for Screening	Tall Evergreen Tree	Firs	<i>Abies spp.</i>
	Tall Evergreen Tree	Juniper (Red Cedar)	<i>Juniperus virginiana</i>
	Tall Evergreen Trees	Spruces	<i>Picea spp.</i>
	Tall Evergreen Trees	Pines	<i>Pinus spp.</i>
	Tall Evergreen Tree	Douglas fir	<i>Pseudotsuga menziesii var. glauca</i>
	Tall Evergreen Tree	Eastern hemlock	<i>Tsuga canadensis</i>
	Medium Evergreen Tree	Arborvitae	<i>Thuja occidentalis</i>
Salt Tolerant	Shade Tree/Tall or Medium Deciduous Tree (varies by species)	Maple	<i>Acer spp</i>
	Shade Tree	Sweet Gum	<i>Liquidambar styraciflua</i>
	Shade Tree (not street)	European Horse Chestnut	<i>Aesculus hippocastanum</i>
	Shade Tree	White Oak	<i>Quercus alba</i>
	Low Deciduous Tree	Flowering Crabapples	<i>Malus spp</i>
	Low Deciduous Tree	Crape Myrtle	<i>Lagerstroemia indica</i>
	Deciduous Tree	Honey Locust	<i>Gleditsia triacanthos</i>
	Tall Deciduous Shrub	Dogwood (Gray, Pagoda)	<i>Cornus spp</i>
	Tall Deciduous Shrub	Japanese Tree Lilac	<i>Syringa reticulata</i>
	Tall Deciduous Shrub	Common Lilac	<i>Syringa vulgaris</i>
	Medium Deciduous Shrub	Barberry	<i>Berberis spp</i>
	Medium Deciduous Shrub	Viburnum	<i>Adoxaceae</i>
	Medium Deciduous Shrub	Forsythia (Virgina, Rugosa)	<i>Forsythia spp</i>
	Medium Deciduous Shrub	Rugosa Rose	<i>Rosa rugosa</i>
	Small Deciduous Shrub	Potentilla	<i>Cinquefoils</i>
	Low Deciduous Shrub	Azalea	<i>Azalea spp</i>
	Low Deciduous Shrub	Apline Current	<i>Ribes alpinum</i>
	Low Deciduous Shrub	Snowberry	<i>Symphoricarpos</i>
	Tall Evergreen Tree	American holly	<i>Ilex opaca</i>
	Tall Deciduous Shrub	Staghorn Sumac	<i>Rhus typhina</i>
	Tall Deciduous Shrub	Mockorange	<i>Philadelphus</i>
	Tall/Medium Evergreen Shrub	Pfitzer Juniper	<i>Juniperus x pfitzeriana</i>
	Tall/Medium Evergreen Shrub	Yew (Japanese)	<i>Taxus spp</i>
Low Evergreen Shrub	Boxwood	<i>Buxus spp</i>	

**Figure 84.134c: Species that are Prohibited and Those to Use Sparingly**

Classification	Common Name	Scientific Name	Prohibited <sup>2</sup> or Use Sparingly <sup>1</sup>	Reason	Alternative – fix page breaks
Shade Tree	Non-resistant elms	<i>Ulmus spp.</i>	Prohibited	Dutch Elm Disease	
Shade Tree	Boxelder	<i>Acer negundo</i>	Prohibited	Spread quickly	Disease Resistant Elm Cultivars: 'Princeton,' 'Valley Forge,' & 'New Harmony'
Shade Tree	Freeman Maple	<i>Acer x freemanii</i>	Prohibited	Over-planted	
Shade Tree	Norway Maples	<i>Acer platanoides</i>	Prohibited	Over-planted, dense	Littleleaf Linden <i>Tilia cordata</i> , (urban tolerant)
Shade Tree	Red Maples	<i>Acer rubrum</i>	Use Sparingly	Prefer acidic soil	Kentucky Coffeetree <i>Gymnocladus dioica</i> River birch <i>Betula nigra</i> Oaks Quercus spp.
Shade Tree	Sugar Maples	<i>Acer saccharum</i>	Use Sparingly	Thrives only in certain conditions; picky	
Shade Tree	Silver Maple	<i>Acer saccharinum</i>	Prohibited	Weak wood and aggressive root systems	
Tall Deciduous Tree	Autumn Blaze Maple	<i>Acer truncatum</i>	Use Sparingly	Over-planted	
Tall Deciduous Tree	Ash trees	<i>Fraxinus spp.</i>	Prohibited	Emerald Ash Borer	
Tall Deciduous Tree	Bradford pears	<i>Pyrus calleryana</i> "bradford"	Use Sparingly	Poorly branches, tend to break	Ginkgo ( <i>Ginkgo biloba</i> ) Hackberry ( <i>Celtis occidentalis</i> ) Chanticleer pear ( <i>Pyrus calleryana</i> 'Chanticleer')
Tall Deciduous Tree	Cottonwood	<i>Populus deltoids</i> , <i>populus fremontii</i> , or <i>populus nigra</i>	Prohibited	Weak wood and aggressive root systems	
Tall Deciduous Tree	Poplar	<i>Populus</i>	Use Sparingly	Aggressive root systems	
Tall Deciduous Tree	Willow	<i>Salix</i>	Prohibited	Drops branches	
Medium Deciduous Tree	Ailanthus, Tree of Heaven	<i>Ailanthus altissima</i>	Prohibited	Invasive non-native	Serviceberry Amelanchier spp.

Classification	Common Name	Scientific Name	Prohibited <sup>2</sup> or Use Sparingly <sup>1</sup>	Reason	Alternative – fix page breaks
Medium Deciduous Tree	European white birch	<i>Betula pendula</i>	Use Sparingly	Bronze Birch Borer	American Hornbeam or Musclewood Carpinus aroliniana Eastern Redbud Cercis canadensis Serviceberry Amelanchier spp. American Hornbeam or Musclewood Carpinus aroliniana Eastern Redbud Cercis canadensis
Medium Deciduous Tree	White mulberry	<i>Morus alba</i>	Prohibited	Invasive non-native	American Hornbeam or Musclewood Carpinus aroliniana Eastern Redbud Cercis canadensis
Low Deciduous Tree	Purple Leaf Cherry Plum, Japanese Purple Plum	<i>Prunus cerasifera</i> 'Atropurpurea'	Use Sparingly	Drops fruit	Flowering Crabapple Malus spp. American hazelnut Corylus americana Japanese Tree Lilac Syringa reticulata
Low Deciduous Tree	Purple Sandcherry	<i>Prunus x cistena</i>	Use Sparingly	Short-lived	Japanese Tree Lilac Syringa reticulata
Low Deciduous Tree	Russian Olive	<i>Elaeagnus angustifolia</i>	Use Sparingly	Drops fruit, non-native	Syringa reticulata
Tall Deciduous Shrub	Buckthorns	<i>Rhamnus cathartica</i>	Prohibited	Invasive, non-native	Grey Dogwood Cornus mas Lilacs Syringa spp.
Tall Deciduous Shrub	Autumn-olive	<i>Elaeagnus umbellata</i>	Prohibited	Invasive, non-native	Grey Dogwood Cornus mas Lilacs Syringa spp.
Tall Deciduous Shrub	Multiflora rose	<i>Rosa multiflora</i>	Prohibited	Invasive, non-native	Grey Dogwood Cornus mas Lilacs Syringa spp.
Medium Deciduous Shrub	Japanese spirea	<i>Spiraea japonica</i>	Prohibited	Invasive (re-seed)	Red chokeberry Aronia arbutifolia Black chokeberry Aronia melanocarpa Redosier dogwood Cornus sericea Summersweet Clethra Clethra alnifolia Viburnums Viburnum spp.
Medium Deciduous Shrub	Burning bush	<i>Euonymus alatus</i>	Prohibited	Invasive non-native	Redosier dogwood Cornus sericea Summersweet Clethra Clethra alnifolia Viburnums Viburnum spp.
Medium Deciduous Shrub	Honeysuckle	<i>Lonicera spp.</i>	Prohibited	Invasive, non-native	Redosier dogwood Cornus sericea Summersweet Clethra Clethra alnifolia Viburnums Viburnum spp.

Classification	Common Name	Scientific Name	Prohibited <sup>2</sup> or Use Sparingly <sup>1</sup>	Reason	Alternative – fix page breaks
Low Deciduous Shrub	Japanese Barberry	<i>Berberis thunbergii</i>	Prohibited	Invasive; over-planted	Dwarf bush honeysuckle Diervilla lonicera
Tall Evergreen Tree	Austrian pine	<i>Pinus nigra</i>	Use Sparingly	Over-planted	Norway spruce
Tall Evergreen Tree	Blue spruce	<i>Picea pungens</i>	Use Sparingly	Over-planted	Picea abies Canadian hemlock
Tall Evergreen Tree	White pine	<i>Pinus strobus</i>	Use Sparingly	Over-planted	Tsuga canadensis Scotch pine Pinus sylvestris
Tall Evergreen Tree	White spruce	<i>Picea glauca</i>	Use Sparingly	Over-planted	American arborvitae Thuja occidentalis

Notes:

<sup>1</sup> “Species to Use Sparingly” may be used as part of an overall landscaping plan, but only if the number of individual plants does not constitute more than one plant per 20 total plants within the same plant classification. For example, if a landscaping plan includes a total of 20 Tall Deciduous Trees, no more than one of those 20 trees may be classified as a “Species to Use Sparingly.” The purpose of this provision is to encourage plant species diversity throughout the City.

<sup>2</sup> “Prohibited Species” may not be included as part of any landscaping plan that is subject to City review per Section 30-252. The purpose of this provision is to limit the planting of species that are invasive, have invasive tendencies, or that may perpetuate or spread disease.

## **SECTION 84.135 Standards for Rain Gardens and Bioswales.**

### **(a) Definitions.**

- (1) A **Rain Garden** is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture extremes and potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.
- (2) A **Bioswale** is a linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bioswale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on or off-site. Water being infiltrated or conveyed via a bioswale is also filtered by the vegetation within it, generally improving both ground and surface water quality.
- (3) Rain gardens and bioswales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited.

### **(b) Requirements.**

- (1) The installation of a rain garden or bioswale may contribute to the overall stormwater management plan for a development site and count toward meeting the Village's landscaping guidelines. Rain gardens may count for 20 points for every 20 square feet for yard area, building foundation, and/or paved area requirements, provided the requirements of this Section are met.
- (2) Detailed plans shall be provided that show all proposed dimensions of the rain garden or bioswale including length, width, depth, and slope of depression; location of the rain garden or bioswale on the lot relative to hard-surfaced areas, downspouts, and site topography; characteristics of the soil underlying the rain garden or bioswale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bioswale; and information on any other materials (e.g., rocks) that will be used to line the rain garden or bioswale.
- (3) Installation shall not be proposed for any of the following areas of a site:
  - a. Areas where there is known soil contamination unless the rain garden or bioswale is proposed to be constructed with an under-drain;
  - b. Areas where the characteristics of the soil would not allow for the proper infiltration of water into the ground; or
  - c. Areas where there are expected to be high levels of foot traffic.

- (4) The owner of the site shall demonstrate that the rain garden or bioswale will be properly maintained; kept free of trash, weeds, debris, and dead or dying plants; any pipes associated with the rain garden or bioswale shall be inspected on an annual basis and kept free of debris; and by the beginning of every spring dead plant materials shall be cut back or removed.
- (5) Bioswales and rain gardens shall be generously (and appropriately) vegetated to qualify for landscaping points. Bioswales and rain gardens (or portions thereof) that are lined with turf and/or rocks but do not include other vegetation will not count toward meeting landscaping point requirements.
- (6) Rain gardens and bioswales may serve as a component of an overall stormwater management plan for a site only if detailed plans, calculations, and specifications are submitted. Detailed plans shall include the location and description of all other stormwater management facilities serving the site, particularly those to which any bioswale will be directed.

## **SECTION 84.136 Installation Requirements.**

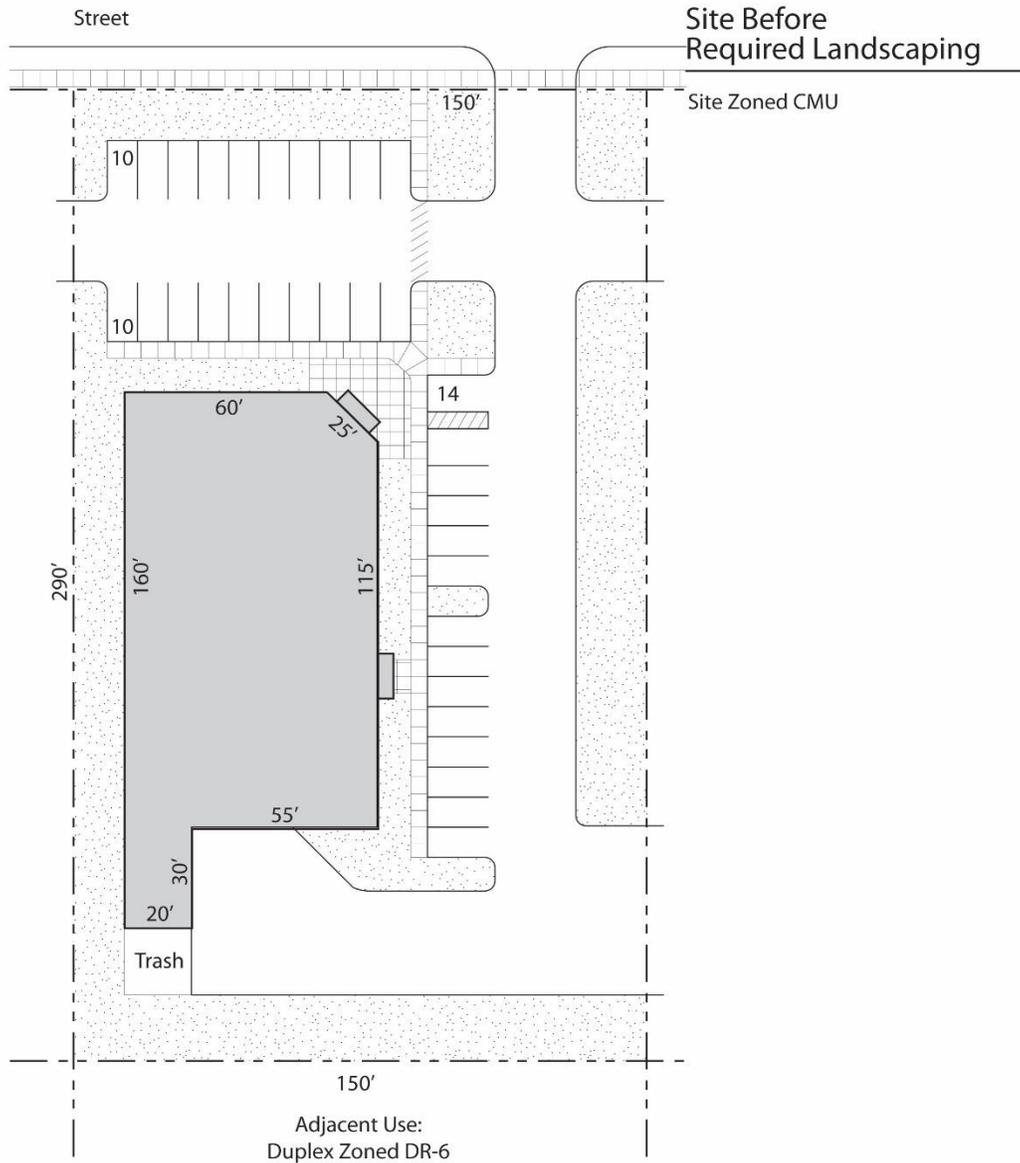
- (a) **Installation.** Any and all landscaping and bufferyard material required by the provisions of this Chapter shall be installed on the subject property, in accordance with the approved site plan within 365 days of the issuance of an occupancy permit for any building on the subject property, unless a conditional use is approved to allow for greater than 365 days.
- (b) **Surety.**
  - (1) If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard material, the property owner shall sign an instrument agreeing to install the landscaping within the 365 day period and shall furnish to the Village an irrevocable letter of credit or performance bond sufficient to guarantee completion of the work. Such security shall be provided by the property owner at the time that the agreement is signed. It shall be in an amount equal to 110 percent of the estimated actual cost for all of the required elements of the approved site plan and shall specifically guarantee that all such elements shall be made and installed according to the approved site plan. The costs of the work shall be furnished by the property owner and shall be verified by the Village. The financial security shall remain in force until all of the work has been completed and approved by the Village. Upon completion of the work and approval by the Village, the security shall be reduced to 10% of the original amount. The reduced security shall be held by the Village for 14 months following approval by the Village in order to provide a warranty for the work. This agreement shall also contain a statement indicating that the property owner's failure to comply with the requirements of the terms of the agreement will constitute a violation of the Chapter and subject the property owner to any remedies available to the Village, including having the Village complete the work and withhold funds from the security to reimburse the Village for the work performed.
  - (2) If the required landscaping and bufferyard materials are to be installed during different phases of a subdivision development, the developer may furnish for each phase financial security in an amount sufficient to guarantee completion of the landscaping and bufferyard work performed during a particular phase, unless the Land Division Regulations requires otherwise.
  - (3) If the property owner is a governmental unit, it may, in lieu of signing an agreement and furnishing a guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this Article.
- (c) If existing plant material meets the requirements of this Article and will be preserved on the subject property following the completion of development, it may be counted as contributing to the landscaping requirements and worth double the landscaping point value per plant.

- (d) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- (e) The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the Village for its approval. Such plant and structure location shall be the decision of each property owner provided the following requirements are met:
  - (1) Evergreen shrubs shall be planted in clusters to maximize their chance for survival.
  - (2) Where a combination of plant materials, berming, and fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
  - (3) A property owner may establish through a written agreement, recorded with the Register of Deeds that an abutting property owner agrees to provide on the immediately abutting portion of his or her land a partial or full portion of the required bufferyard, thereby relieving the developer of the responsibility of providing the entire bufferyard on his property.
  - (4) Under no circumstance shall landscaping or bufferyard materials be selected or located in a manner resulting in the creation of a safety or visibility hazard.
  - (5) The restrictions on types of plants listed in this Article shall apply.
- (f) **Maintenance.** The continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this Chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this chapter shall constitute an agreement by the property owner to comply with the provisions of this Section. If the property owner fails to comply with these provisions, the Village may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. A property owner's failure to comply with this requirement shall also be considered a violation of this chapter, and shall be subject to any and all applicable enforcement procedures and penalties.

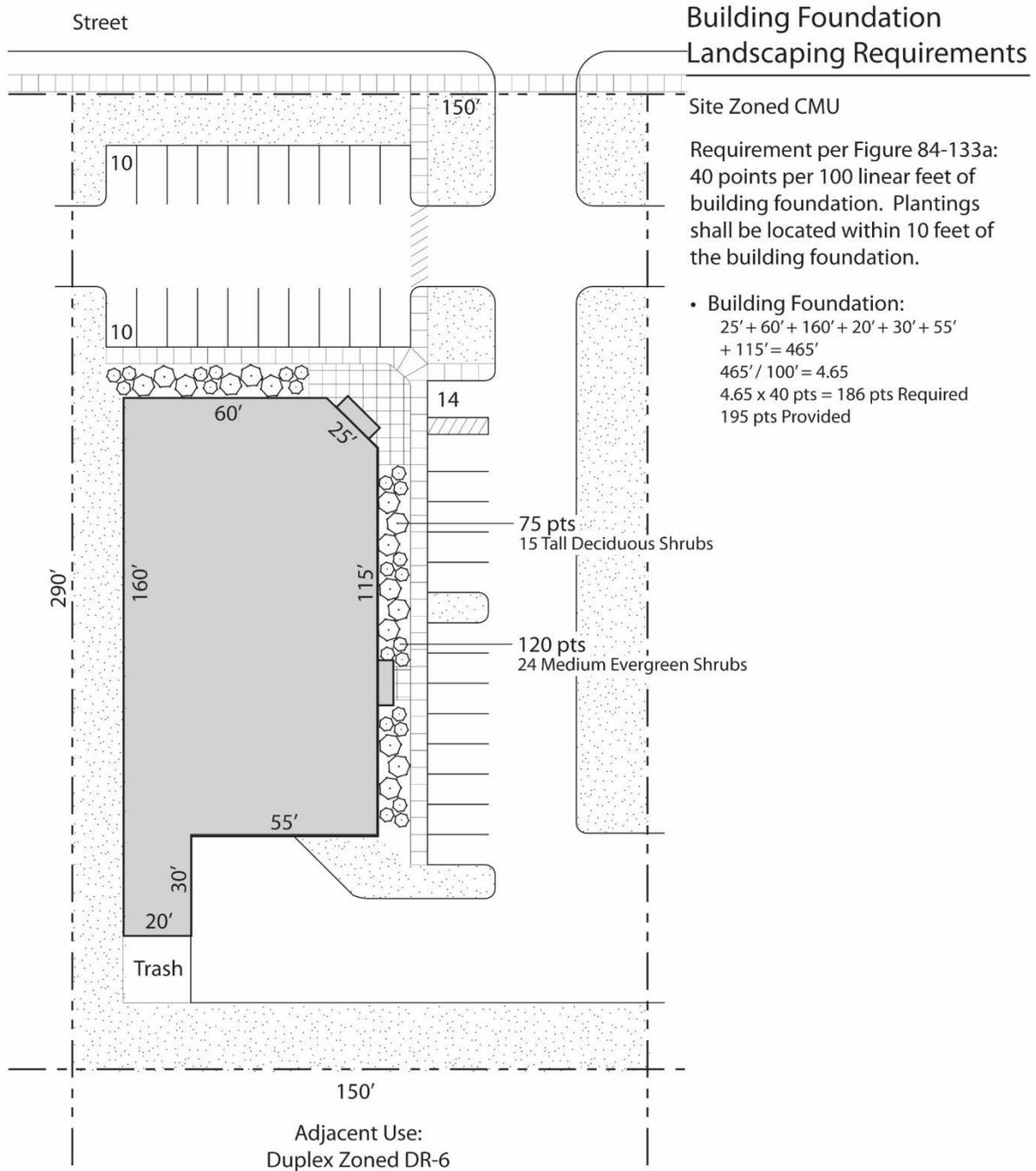
**SECTION 84.137 Sample Landscaping Schemes.**

Sample landscaping schemes that may be used for street frontages, paved areas, and buffer yards are depicted in Figure 84.137a through Figure 84.137g.

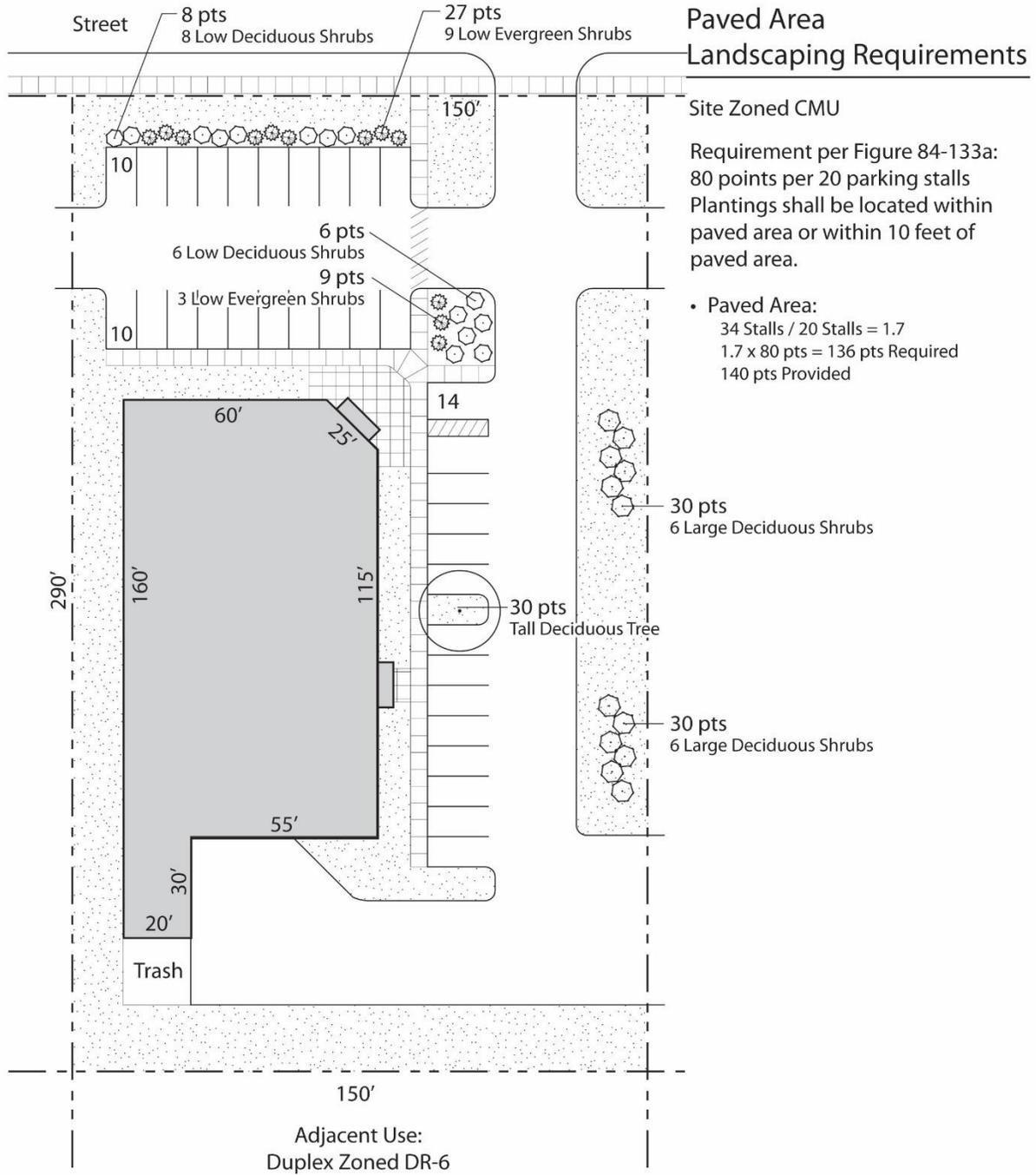
**Figure 84.137a: Sample Landscaping Schemes – Site Before Required Landscaping**



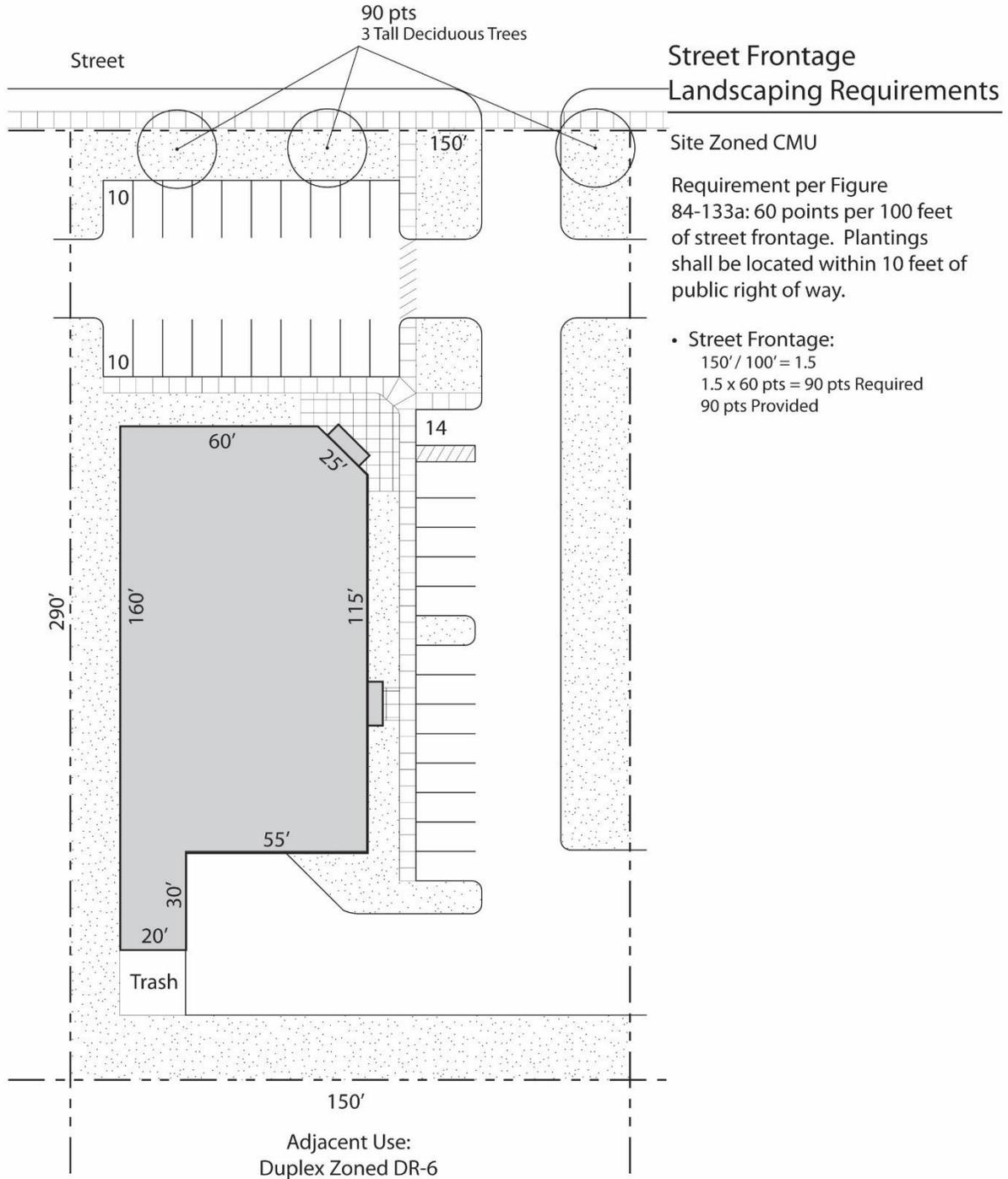
**Figure 84.137b: Sample Landscaping Schemes – Building Foundation**



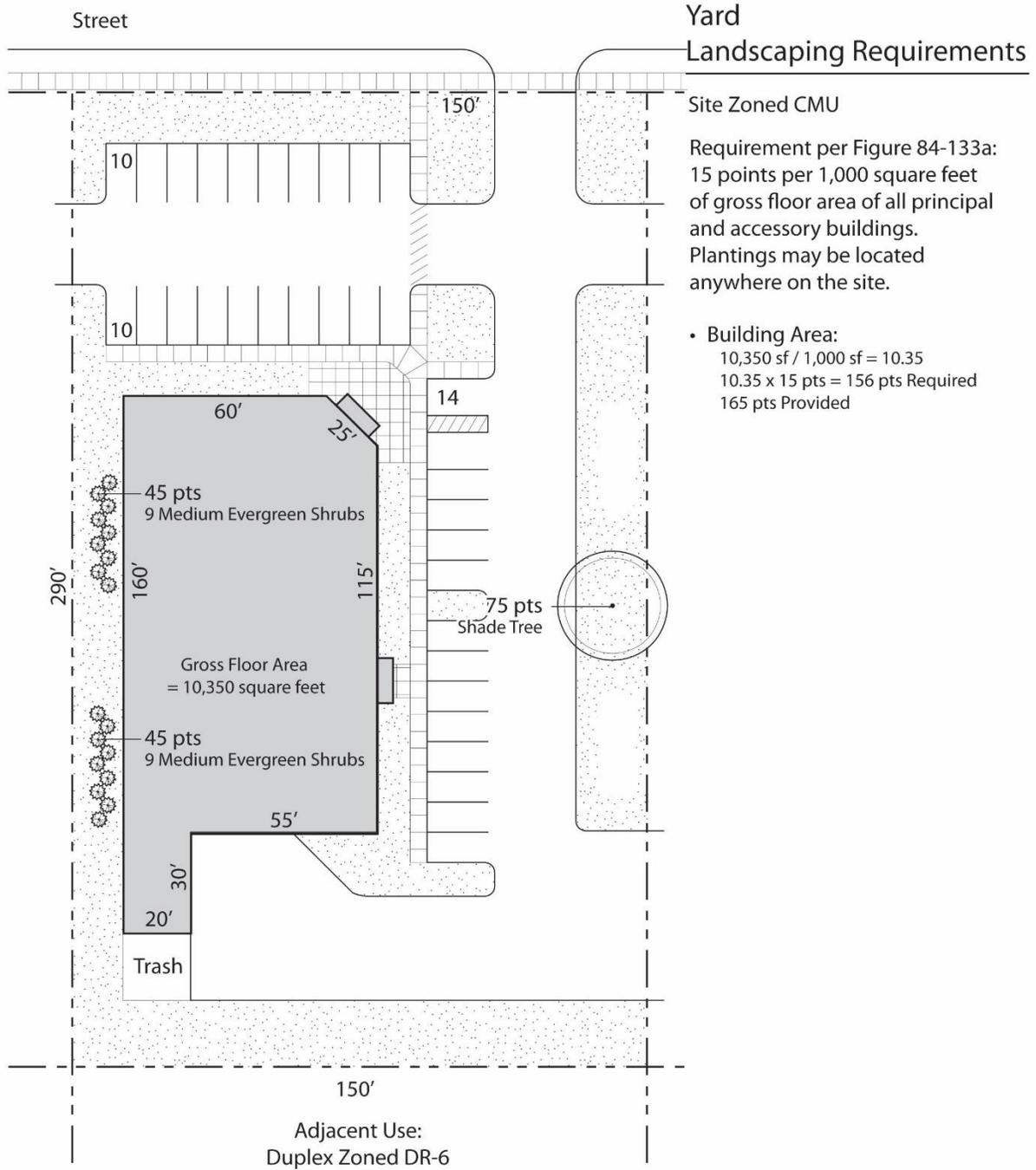
**Figure 84.137c: Sample Landscaping Schemes – Paved Areas**



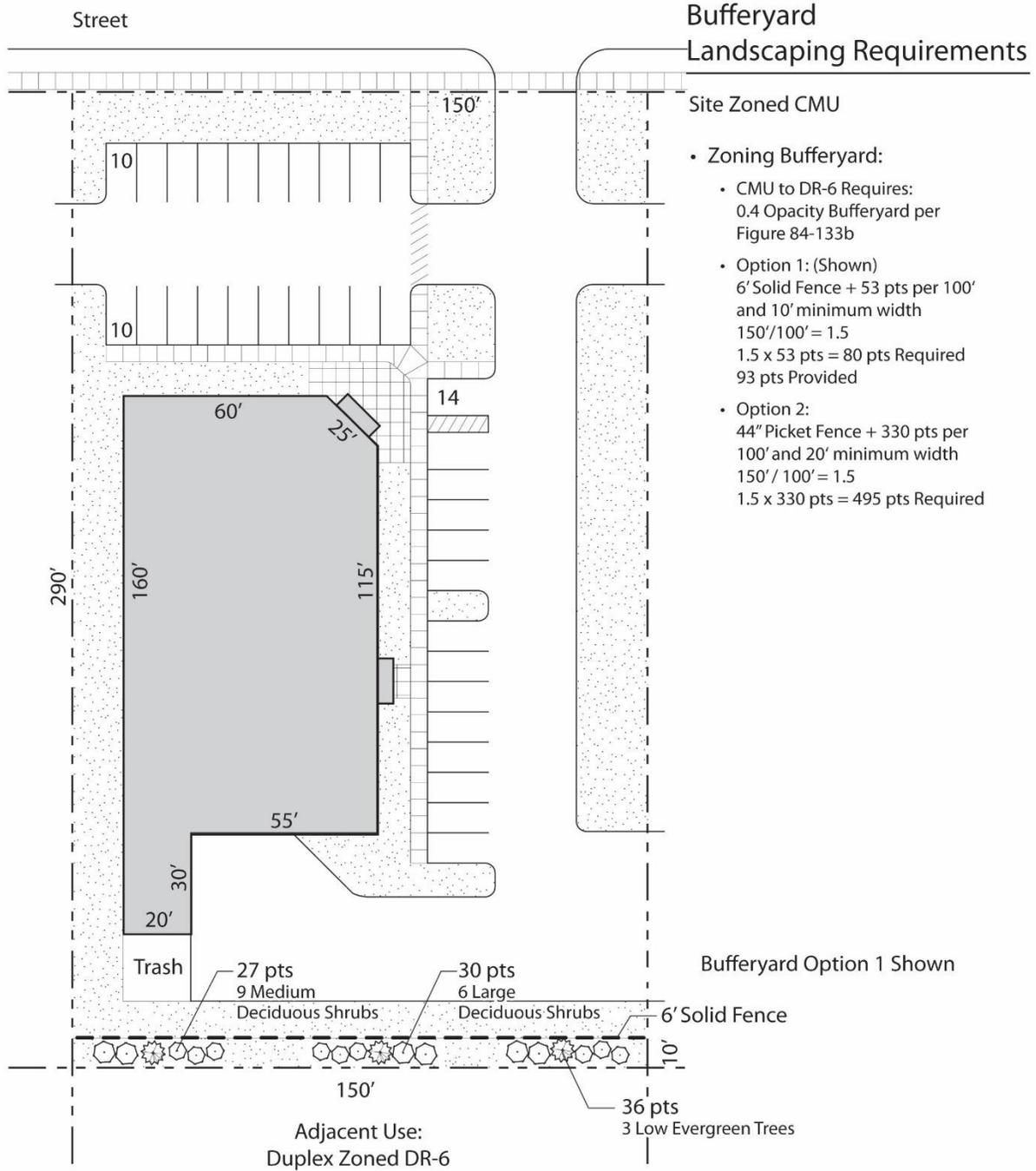
**Figure 84.137d: Sample Landscaping Schemes – Street Frontage**



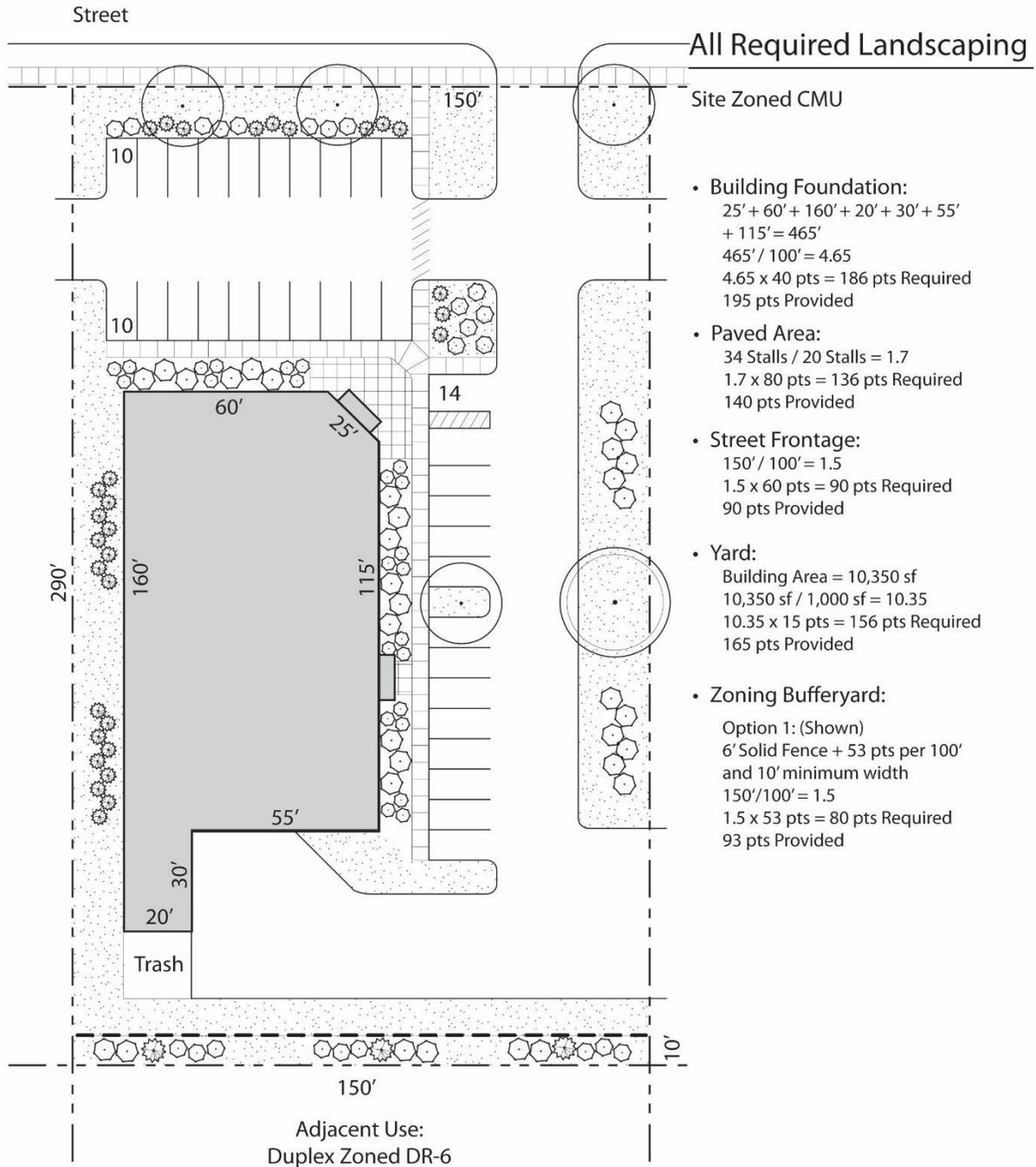
**Figure 84.137e: Sample Landscaping Schemes – Yard Areas**



**Figure 84.137f: Sample Landscaping Schemes – Bufferyards**



**Figure 84.137g: Sample Landscaping Schemes – All Required Landscaping**



**SECTIONS 84.138 to 84.149 Reserved.**

## **ARTICLE IX: ADMINISTRATION AND PROCEDURES.**

### **SECTION 84.150 Purpose.**

The purpose of this Article is to establish responsibilities for the administration of this Chapter, and the enforcement procedures and penalties for non-compliance with the provisions of this Zoning Ordinance. The purpose of this Article is also to establish procedural requirements for zoning text amendments, zoning map amendments, and various development approvals under this Chapter, including conditional use permits, temporary use permits, variances, certificates of occupancy, and site plan review and approval.

### **SECTION 84.151 Exempt Activities.**

The following activities do not require review or approval by the Village under this Chapter.

- (a) Single family and two family residential uses on individual lots in any zoning district (compliance with this Chapter determined as part of building permit issuance).
- (b) Residential accessory buildings (compliance with this Chapter determined as part of building permit issuance).
- (c) A change in use of land or structure from one permitted use to another permitted use involving no physical site changes.
- (d) Official public information street graphics installed by or at the direction of a governmental unit.
- (e) The maintenance or improvement of a public road or railroad track not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right of way.
- (f) Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal or construction on established rights-of-way of any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

## **SECTION 84.152 Zoning Administrator.**

The Zoning Administrator, and/or other designee of the Village Administrator, is hereby designated as the administrative and enforcement officer(s) for the provisions of this Chapter. The general duty of the Zoning Administrator is to interpret and administer this Chapter. The Zoning Administrator shall also have the following specific duties and responsibilities:

- (a) Maintain permanent and current records of this Chapter, including, but not limited to, all maps, amendments, conditional uses, temporary uses, site plans, occupancy permits, variances, appeals, interpretations, and applications thereof.
- (b) Receive, review, analyze, and develop written reports on all applications for land use permits, certificates of occupancy, appeals, variances, amendments to this Chapter, or other development matters.
- (c) Serve as an ex-officio nonvoting member of the Plan Commission and the Zoning Board of Appeals.
- (d) Issue land use permits and certificates of occupancy when the requirements of this Chapter have been met, and make and maintain records thereof.
- (e) Along with any authorized agent, issue citations for the enforcement of this Chapter and nuisances under Chapter 23 of the Municipal Code.
- (f) Coordinate official development review processes among government offices to the extent feasible.
- (g) Conduct inspections to determine compliance with the terms of this Chapter and to take remedial action when required.
- (h) Make interpretations regarding the provisions of this Chapter per Section 84.168.
- (i) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters. The Zoning Administrator shall give notice of all violations of this Chapter to the owner, resident, agent, and occupant of the premises (if not the same person or entity), and report uncorrected violations to the Village Chief of Police in a manner specified by him.

## **SECTION 84.153 Development Review Team.**

- (a) The Development Review Team is comprised of appropriate Village Staff that may include the Village Administrator, Public Facilities Director, Village Engineer, Village Attorney, and such other personnel as determined by the Zoning Administrator.
- (b) Development review is implemented under municipal authority to promote the public health, safety, and welfare of the Village citizens. More specifically, development review is intended to enhance the aesthetic environment and ensure that larger development projects are compatible with neighboring properties and existing development elsewhere in the Village of Cross Plains.
- (c) See Figure 84.157 for a summary of the Development Review Team's role in administering this Chapter.

**SECTION 84.154 Plan Commission.**

- (a) The Plan Commission, together with its other statutory duties, shall make recommendations relating to the planning and development of the Village to the Village Board, other public officials, and other interested organizations and citizens.
- (b) The Plan Commission in the performance of its functions may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.
- (c) Under this Chapter, unless specifically stated otherwise, the functions of the Plan Commission are primarily recommendatory to the Village Board pursuant to guidelines set forth in this Chapter as to various matters, and, always being mindful of the intent and purposes of this Chapter.

**SECTION 84.155 Village Board.**

The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission, has ultimate authority to make changes and amendments to this Zoning Ordinance and the Official Zoning Map.

## **SECTION 84.156 Zoning Board of Appeals.**

A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in the enforcement of this Chapter.

- (a) **Membership.** The Board shall consist of 5 members appointed by the Village President subject to confirmation of the Village Board for terms of 3 years. The members of the Board shall receive no compensation for their services, except they may be authorized repayment of any out-of-pocket expenses necessarily incurred in relation to their assigned duties. Board members shall be removable by the Village President for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Village President shall appoint, for staggered terms of 3 years, 2 alternate members of the Board, in addition to the 5 members provided for in this Subsection. Annually, the Village President shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
- (b) **Meetings.** Meetings of the Board shall be held at least once a month, unless there is nothing to come before it. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the Board and vote of each member upon each question considered. The presence of 4 members shall be necessary to constitute a quorum. Special meetings shall be called by the chairman. No special meeting of the Board of Appeals shall be called to hear any appeal at the request of any appellant unless such appellants shall have each first paid to the Zoning Administrator an appeal fee as prescribed in Section 84.171.
- (c) **Powers.** The Board of Appeals shall have the following powers:
  - (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement, administration, or interpretation of this Chapter.
  - (2) To hear and decide special exceptions to the terms of this Chapter upon which the Board is required to pass.
  - (3) To authorize upon appeal in specific cases such variances from the terms of this Chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done. The Board

- may not permit as a variance any use that is not permitted under this Chapter for property in the zoning district where the affected person's land is located.
- (4) Attach conditions of approval to any action described under this section, in furtherance of the general purpose and intent of this Chapter.
  - (5) Interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of this Chapter as shown on the Official Zoning Map where the actual street layout on the ground varies from the street layout on the aforesaid map.
  - (6) The Zoning Board of Appeals shall have the power to call on any other Village department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.
- (d) In exercising the above listed duties and responsibilities, the Board may reverse or affirm, wholly or in part, or may modify any order, requirement, decision, or determination of the Zoning Administrator or other administrative officer from whom the appeal is taken. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision, or determination for which an appeal has been requested.

**SECTION 84.157 Review and Approval Required.**

Review procedures vary depending on the type of request; however, procedures within this Article generally adhere to 3 common elements:

- (a) Submittal of a complete application, including fee payment and appropriate supplemental information.
- (b) Review by appropriate Village staff and/or officials.
- (c) Action by appropriate Village officials or staff to approve, conditionally approve, or deny the request.
- (d) Figure 84.157 summarizes the procedures, agencies, and personnel involved in the various procedures authorized by this Chapter. Detailed procedures are discussed in Sections 84.159 through 84.169 of this Article. Figure 84.157 is provided as a convenience for the general public. Where there are conflicts between the text of this Chapter and Figure 84.157, the text shall prevail.

**Figure 84.157: Review and Approval Activities and Bodies**

<b>Application Process</b>	<b>Zoning Administrator</b>	<b>Development Review Team</b>	<b>Plan Commission</b>	<b>Village Board</b>	<b>Zoning Board of Appeals</b>
Zoning Ordinance Amendment (§84.159)	RE	RE	PH, RR	RE, A	
Zoning Map Amendment (§84.160)	RE	RE	PH, RR	RE, A	
Conditional Use Permit (§84.161)	RE	RE	PH, RR	RE, A	
Temporary Use Permit (§84.162)	RE, IP				
Land Use Permit (§84.163)	RE, IP				
Site Plan (§84.164)	RE, A	RE			
Downtown Design Review (§84.165)			See Figure 84-165		
Variance (§84.166)	RE				RE, PH, A
Planned Development (§84.167)	RE	RE	PH, RR	RE, A	
Interpretation (§84.168)	RE, A				
Appeal (§84.169)	RE				RE, PH, A
Violations and Penalties (§84.170)	RE, A				
Fence Permit (§84.108)	RE, IP				
Group & Large Development (§84.118) (Regulated as Conditional Use)	RE	RE	PH, RR	RE, A	
Building Permit		See Chapter 312 of the Municipal Code			
Sign Permit		See Chapter 87 of the Municipal Code			
<i>A = Action</i>	<i>IP = Issues Permit</i>	<i>PH = Public Hearing</i>			
<i>RE = Review and Evaluate</i>	<i>RR = Review and Recommend</i>				

## **SECTION 84.158 Public Hearings.**

In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this Chapter.

- (a) Notice of any public hearing which the Village Board, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this Chapter shall specify the date, time, and place of hearing, and the matter to be presented at the hearing.
- (b) The notice for variances and conditional uses shall be published as a Class 1 notice.
- (c) The notice for Zoning Ordinance amendments and Zoning Map amendments shall be published as a Class 2 notice.
- (d) The notice of public hearing shall be published in a newspaper of general circulation in the Village of Cross Plains at least one week before the public hearing.
- (e) Notice of the public hearing shall be mailed by first class mail to all parties-in-interest at least 10 days before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of all lands included in the petition and all lands lying within 100 feet of lands included in the petition; and the owner or operator of an airport lying within 3 miles of lands included in the petition. Notice shall be mailed to the parties' last known address. The failure of any property owner to actually receive mailed notice shall not invalidate the action taken by any of the aforementioned bodies.
- (f) Except for hearings required for a zoning change, such request for a hearing shall be presented to the Zoning Administrator in writing and shall be accompanied by a map or description clearly identifying the property involved and by a fee in accordance with the Village fee schedule, payable to the Village, to defray the cost of notification and holding of a public hearing.

## **SECTION 84.159 Zoning Ordinance Amendment.**

- (a) **Purpose.** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the provisions of this Chapter. Refer also to the requirements of Wisconsin Statutes 62.23(7)(d).
- (b) **Initiation of Request for Amendment.** Proceedings for amendment of this Chapter may be initiated by one of the following 3 methods: an application by any member of the general public; a recommendation by the Plan Commission to the Village Board; or by action of the Village Board.
- (c) **Application Requirements.** An application to amend the regulations of this Chapter shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):
  - (1) A copy of the portion of the current provisions of this Chapter which are proposed to be amended.
  - (2) A copy of the text which is proposed to replace the current text.
  - (3) As an optional requirement, the applicant may provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Comprehensive Plan.
  - (4) Any further information which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.
- (d) **Review by the Zoning Administrator.**
  - (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  - (2) The Zoning Administrator shall review the completed application and evaluate whether the proposed amendment:
    - a. Advances the purposes of this Chapter as outlined in Section 84.03.
    - b. Advances the purposes of the general Article in which the amendment is proposed to be located.
    - c. Advances the purposes of the specific Section in which the amendment is proposed to be located.
    - d. Is in harmony with the recommendations of the Comprehensive Plan.
    - e. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
    - f. Addresses any of the following factors that may not be addressed in the current zoning text:
      - 1. A change in the land market, or other factors which require a new form of development, a new type of land use, or a new procedure to meet said change(s).
      - 2. New methods of development or types of infrastructure.

3. Changing governmental finances to meet the needs of the government in terms of providing and affording public services.
- g. The Zoning Administrator shall prepare a written report addressing items d(2)a. through d(2)f., above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (e) **Public Hearing.** Within 50 days of filing a complete application, the Plan Commission shall hold a public hearing in compliance with Section 84.158 to consider the request.
  - (f) **Review and Recommendation by the Plan Commission.**
    - (1) Within 60 days of the public hearing, the Plan Commission may make a written report to the Village Board and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (d)(2)b, above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
    - (2) If the Plan Commission fails to make a recommendation within 60 days after the public hearing, the Village Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive a recommendation from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements of Section 84.158.
  - (g) **Review and Action by the Village Board.**
    - (1) The Village Board shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Village Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the applicant.
    - (2) The Village Board may take final action (by ordinance) on the application at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.
    - (3) If the Village Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Village Board action. Any action to amend the provisions of proposed amendment requires a majority vote of the Village Board. The Village

Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

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

## **SECTION 84.160 Zoning Map Amendment.**

- (a) **Purpose.** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map (rezonings).
- (b) **Initiation of Request for Amendment.** Proceedings for amendment of the Official Zoning Map may be initiated by an application of the owner(s) of the subject property; a recommendation of the Plan Commission; or by action of the Village Board.
- (c) **Application.** An application to amend Official Zoning Map shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):
  - (1) A map of the subject property to scale depicting:
    - a. All lands for which the zoning is proposed to be amended and all other lands within 100 feet of the boundaries of the subject property.
    - b. Names and addresses of the owners of all lands on said map as they appear on the current tax records of the Village of Cross Plains.
    - c. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
    - d. All lot dimensions of the subject property.
    - e. A graphic scale and north arrow.
  - (2) Legal description of the property.
  - (3) Written justification for the proposed Official Zoning Map amendment, including evidence that the application is consistent with the Comprehensive Plan.
  - (4) Any further information which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.
- (d) **Review by Zoning Administrator.**
  - (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  - (2) The Zoning Administrator shall review the completed application and evaluate whether the proposed amendment:
    - a. Advances the purposes of this Chapter as outlined in Section 84.03 and the applicable rules of Wisconsin Department of Natural Resources (WisDNR) and the Federal Emergency Management Agency (FEMA).
    - b. Is in harmony with the recommendations of the Comprehensive Plan.
    - c. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
    - d. Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:

1. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.
  2. A mapping mistake was made. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from spreading.
  3. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
  4. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.
- (3) The Zoning Administrator shall prepare a written report addressing items (d)(2)d., above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (e) **Public Hearing.** Within 50 days of filing a complete application, the Plan Commission shall hold a public hearing in compliance with Section 84.158 to consider the request.
- (f) **Review and Recommendation by the Plan Commission.**
- (1) Within 60 days of the public hearing, the Plan Commission may make a written report to the Village Board and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (d)(2)d, above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
  - (2) If the Plan Commission fails to make a recommendation within 60 days after the public hearing, the Village Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive a recommendation from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements of Section 84.158.
- (g) **Review and Action by the Village Board.**
- (1) The Village Board shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Village Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or applicant.

- (2) The Village Board may take final action (by ordinance) on the application to the Official Zoning Map at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.
  - (3) If the Village Board wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Village Board action. Any action to amend the Official Zoning Map requires a majority vote of the Village Board, except that in case of adverse recommendation by the Plan Commission or of a protest against such change signed and acknowledged by the owners of 20 percent of the frontage proposed to be changed or the frontage immediately in the rear thereof or directly opposite thereto, such amendment shall not be passed, except by a  $\frac{3}{4}$  vote of all members of the Village Board. The Village Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- (h) **Effect of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

## SECTION 84.161 Conditional Use Permit Procedures.

- (a) **Purpose.** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.
- (b) **Applicability.** There are certain uses, which because of their unique characteristics make impractical the predetermination of permissibility. In these cases, specific standards, regulations, or conditions may be established.
- (c) **Initiation of Request.** Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property.
- (d) **Application.** An application for a conditional use permit shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):
  - (1) A map of the subject property to scale depicting:
    - a. All lands for which the conditional use is proposed and all other lands within 100 feet of the boundaries of the subject property.
    - b. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County.
    - c. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
    - d. All lot dimensions of the subject property.
    - e. A graphic scale and a north arrow.
  - (2) Written description of the proposed conditional use including the type of activities, buildings, structures, and off-street parking proposed for the subject property and their general locations.
  - (3) A site plan of the subject property if proposed for development conforming to all requirements of Section 84.164. If the proposed conditional use is a group or large development (per Section 84.118), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan.
  - (4) Written justification for the proposed conditional use, including evidence that the application is consistent with the Comprehensive Plan.
  - (5) For Group and Large Development, a Transportation Demand Management (TDM) Plan meeting Wisconsin Department of Transportation requirements for content and format may be required by the Village if deemed necessary by the Village Engineer.
- (e) **Review by Zoning Administrator.**
  - (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

- (2) The Zoning Administrator may coordinate review with the Village's Development Review Team.
- (3) The Zoning Administrator shall review the completed application and evaluate whether the proposed conditional use:
  - a. Is in harmony with the recommendations of the Comprehensive Plan.
  - b. Will result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future.
  - c. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
  - d. The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.
  - e. The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.
- (4) The Zoning Administrator shall prepare a written report addressing items (e)(3)a.-e. above, to be forwarded to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (f) **Public Hearing.** Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 84.158 to consider the request.
- (g) **Review and Recommendation by the Plan Commission.**
  - (1) Within 60 days after the public hearing, the Plan Commission may make a written report to the Village Board, and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (e)(3)a.-e. above.
  - (2) If the Plan Commission fails to make a recommendation within 60 days after the public hearing, the Village Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive a recommendation from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements so Section 84.158.

- (h) **Review and Action by Village Board.**
- (1) The Village Board shall consider the recommendation of the Plan Commission regarding the proposed conditional use. The Village Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, applicant, and/or from any other source.
  - (2) The Village Board may take final action (by resolution) on the application at the time of its initial meeting or may continue the proceedings at applicant's request. The Village Board may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications, or may deny approval of the proposed conditional use.
  - (3) If the Village Board wishes to make significant changes in the proposed conditional use, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Village Board action.
- (i) **Effect of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (j) **Revocation of an Approved Conditional Use.** Upon approval by the Village Board, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 84.164. Once a conditional use is granted, no erosion control permit, site plan, certificate of occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Village Board, following the procedures outlined in Subsection (i), above.
- (k) **Time Limits on the Development of Conditional Use.** Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of its approval by the Village Board and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, "operational" shall be defined as the granting of a certificate of occupancy for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Village Board and shall be based upon a showing of acceptable justification (as determined by the Village Board). However, as a condition of approval, the 365 and/or 730 day time limits may be extended for any specific period including not time limit to accommodate phased or multi-stage development.

- (l) **Discontinuing an Approved Conditional Use.** Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.
- (m) **Change of Ownership.** All requirements of the approved conditional use shall be continued regardless of ownership of the subject property; however, submittal of a plan of operation may be required prior to the change in ownership.
- (n) **Modification, Alteration, or Expansion.** Modification, alteration, or expansion of any conditional use without approval by the Village Board, shall be considered in violation of this Chapter and shall be grounds for revocation of said conditional use approval per Subsection (j), above. A modification, alteration, or expansion which has been approved as part of a prior valid condition use does not require a new conditional use approval.
- (o) **Recording of Conditional Use Requirements.** Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the Village, at the applicant's expense, with the Register of Deeds for the subject property.
- (p) **Formerly Approved Conditional Uses.** A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Chapter, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under this Section.
- (q) **Limited Conditional Uses.** A limited conditional use is any development, activity or operation for which a conditional use permit has been approved that is limited to a specific operator or property owner, or to a specific date or event upon which the conditional use permit either expires or is required to be reviewed and reapproved. The Plan Commission may recommend, and the Village Board may designate, any proposed conditional use request as a limited conditional use. The Plan Commission shall specify which of the following characteristics are present that create the need for the limited conditional use:
  - (1) A particular aspect of the specific land use.
  - (2) A particular aspect of the proposed operation (including, but not limited to, operating hours).
  - (3) A particular aspect of the proposed location.
  - (4) A particular aspect of the proposed site design.
  - (5) A particular aspect of the adjacent property or of the surrounding environs.
  - (6) Any other reason(s) the Village Board deems specially relevant and material.

(r) **Successor Conditional Uses.**

- (1) **Definition.** A successor conditional use is a land use which has been granted a conditional use permit by the Village, which is proposed to undergo one or more of the following:
  - a. Changing from the specific use originally permitted by conditional use to another operation of the same use. (For example, changing from one restaurant to another is permitted. However, changing from a restaurant to a tavern is not permitted even though both are considered Indoor Commercial Entertainment land uses under Section 84.58(d). Likewise, changing from a drive-through restaurant to a drive-through bank is not permitted, even though both are considered In-Vehicle Sales and Service under Section 84.58(i).
  - b. Only a change in the ownership of the subject property.
  - c. Only a change in the ownership of the business or other operator of the land use.
  - d. Other changes explicitly identified in a currently valid conditional use permit which are identified as acceptable as a successor conditional use.
- (2) **Purpose.** The purpose of these provisions is to create a process which:
  - a. Verifies that the proposed change is a valid successor conditional use.
  - b. Creates a record that the proposed change is recognized by the Village as a successor conditional use.
  - c. Clarifies that the same conditions of approval, development and operation continue to apply to a successor conditional use.
  - d. Reduces the costs and time needed to approve a successor conditional use;
- (3) **Approval Process.** A successor conditional use shall not require the granting of a new conditional use permit by the Village. However, prior to operation, a successor conditional use shall require the formal reaffirmation of its status as a valid successor conditional use. This required formal reaffirmation shall be issued in writing by the Village Zoning Administrator, or by the designee of the Village Zoning Administrator.
- (4) **Proposed Expansions are Not Eligible.** Any physical enlargement of a previously approved conditional use in terms of buildings, structures, activity areas, and/or any expansion of the conditions of operation, beyond the limits of site plans, floor plans and conditions of operation approved through the conditional use process, shall not be eligible for treatment as a successor conditional use, and must seek an amendment to its conditional use permit through the conditional use process.
- (5) **Ineligible Land Uses.** The following land uses are not eligible for treatment as a successor conditional use, and shall require approval of a new limited conditional use permit which is specific to both the business owner and to the property owner:
  - a. Intermediate Home Day Care (9-15 children) land uses in residential zoning districts.
  - b. Bed and Breakfast land uses in residential zoning districts.

## **SECTION 84.162 Temporary Use Permit Procedures.**

- (a) **Purpose.** The purpose of this Section is to provide regulations that govern temporary uses. All temporary uses are required to meet the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.
- (b) **Review and Approval by the Zoning Administrator.** There is no formal application requirement or process for temporary uses. However, temporary uses have the potential to create undesirable impacts on nearby properties that cannot be determined except on a case-by-case basis. In order to address unforeseen circumstances, the Zoning Administrator may require an applicant to submit materials including:
  - (1) A map of the subject property to scale depicting:
    - a. All lands for which the temporary use is proposed and all other lands within 100 feet of the boundaries of the subject property.
    - b. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
    - c. All lot dimensions of the subject property.
    - d. A graphic scale and a north arrow.
  - (2) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
  - (3) A site plan of the subject property. Said site plan shall conform to any and all the requirements of Section 84.164.
  - (4) Additional information as may be required by the Zoning Administrator.

## **SECTION 84.163 Land Use Permit Review and Approval Procedures.**

- (a) **Purpose.** The purpose of this Section is to determine compliance with this Chapter for any new land use, any change in land use, and any development or land disturbing activity (e.g., structure, paving, grading) that does not require a site plan. The purpose of this Section is also to determine if other procedures are needed per the requirements of this Article. A land use permit may be waived if other application processes are necessary, including some instances of building permits, site plans, and conditional use permits.
- (b) **Applicability.** A land use permit shall be required for any of the following activities:
  - (1) A change in type of use of a structure or land.
  - (2) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.
  - (3) Reestablishment of a nonconforming or conditional use which has not been utilized for one year.
  - (4) Commencement of mining or excavation on a parcel of land.
  - (5) Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land.
  - (6) Alteration of a shore, bank, or floodplain of a stream, lake, pond, or artificial body of water.
- (c) **Application.** Applications for a land use permit shall contain all of the following (digital files should be submitted rather than paper copies whenever possible, if applicable):
  - (1) Name and address of the applicant, owner of the site, architect, professional engineer and contractor.
  - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds.
  - (3) Address of the subject site.
  - (4) Type of structure.
  - (5) Existing and proposed operation or use of the structure or site.
  - (6) Number of employees.
  - (7) Zoning district within which the subject site lies.
  - (8) Additional information as may be required by the Village Engineer or Zoning Administrator.
- (d) **Review and Action by the Village Engineer/Zoning Administrator.** A land use permit shall be granted or denied by the Village Engineer or Zoning Administrator in writing within 30 days of the application, and the applicant shall post such permit in a conspicuous place at the site. Any permit issued in conflict with the provisions of the Chapter shall be null and void.
- (e) **Time Limits on Land Use Permits.** The work must begin within one year of approval and be completed within 2 years. Time limits for Conditional Use Permits and Variances may be established at the time of approval. All other permits shall meet the timelines required at the time of issuance as listed elsewhere in this Chapter.

## SECTION 84.164 Site Plan Review and Approval Procedures.

- (a) **Purpose.** The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land uses and development activity complies with the requirements of this Chapter.
- (b) **Applicability.** Site plan review and approval shall be required for changes to site characteristics in Subsections (d)(3) through (9) including redevelopment, expansion, and new development under 50,000 square feet and 3 to 10 unit residential development, except for the following:
  - (1) Group and Large Developments.
  - (2) Residential accessory buildings, decks, and landscape features.
  - (3) Fences.
  - (4) Uses within a Specific Implementation Plan in a Planned Development in accordance with the procedures of Article IX, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.
- (c) **Pre-Application Conference.** Prior to formal submittal of a site plan application, it is recommended that the applicant confer with the Zoning Administrator in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the technical requirements and procedures for processing the site plan application. A timetable for project review may also be discussed.
- (d) **Application.** A site plan application may be considered complete if it contains all of the following, unless specific application requirements are waived in writing by the Zoning Administrator. Maps depicting the following information shall be prepared (digital files should be submitted rather than paper copies whenever possible, if applicable).
  - (1) Written description of the intended use describing in reasonable detail the following:
    - a. Existing zoning district(s) and proposed zoning district(s), if different.
    - b. Existing and proposed land uses.
    - c. Projected number of residents, employees, and/or daily customers.
    - d. Proposed number of dwelling units and density.
    - e. Demonstration of compliance with the applicable standards and requirements of this Chapter.
    - f. Demonstration of compliance with the Village's land dedication requirements per Chapter 83 Land Division and Subdivision of the Municipal Code.
    - g. Demonstration of consistency with the Comprehensive Plan.
    - h. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
    - i. Fencing materials (Section 84.108).

- j. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- (2) A small location map showing the subject property and illustrating its relationship to the nearest street intersection.
- (3) **Pre-Development Site Information.**
- a. Legal description of the subject property.
  - b. Existing property lines and setback lines.
  - c. Existing structures and paved areas.
  - d. Existing right of way lines with bearings and dimensions clearly labeled.
  - e. Existing easements and utilities.
  - f. Existing and proposed topography with a maximum contour interval of 2 feet, except where existing ground is on a slope of less than 2 percent where one foot contours shall be shown.
  - g. The outer edges of all natural resource areas (i.e. floodplains, shorelands, wetlands, drainageways, woodlands, steep slopes).
- (4) **Proposed Post-Development Site Information.**
- a. Property lines and setback lines.
  - b. Location of all proposed structures and use areas, including paved areas, building entrances, walks, drives, decks, patios, fences, utility poles, and drainage facilities.
  - c. Proposed right of way lines with bearings and dimensions clearly labeled.
  - d. Proposed access points onto public streets and access drives on the subject property.
  - e. Location of all pedestrian walkways.
  - f. Location and dimension of all on-site parking (and off-site provisions if they are to be employed), including a summary of the number of parking stalls provided.
  - g. Location of all proposed parking and traffic circulation areas.
  - h. Location and configuration of all visibility triangles proposed on the subject property.
  - i. Location and dimension of all loading and service areas on the subject property.
  - j. Location of all outdoor storage areas and the design of all screening devices.
  - k. Location and type of all stormwater facilities and management approach to be employed.
  - l. Location of snow storage areas, except for single family and two family residential.
  - m. Proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.

- n. Location, type, height, size, and lighting of all signage on the subject property.
  - o. In the legend, include the following data for the subject property: lot area, flood area, floor area ratio, impervious surface area, impervious surface ratio, and building heights.
- (5) **Detailed Landscaping Plan.** If required, a landscape plan depicting the location, type, and size at time of planting and maturity of all landscaping features as required in Article VIII.
- (6) **Grading and Erosion Control Plan.** Depicting existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the Village Engineer.
- (7) **Elevation Drawings.**
- a. Elevations of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment.
  - b. Depict exterior materials, texture, color, and overall appearance.
  - c. Perspective renderings of the proposed project and/or photos of similar structures may also be submitted, but not in lieu of drawings showing the actual intended appearance of the building(s).
- (8) **Photometric Plan.**
- a. Location, type, height, design, illumination power, and orientation of all exterior lighting on the subject property.
  - b. Impact of lighting across the entire property to the property lines rounding to the nearest 0.10 foot candles, and depicting an illumination limit of 0.50 foot candles. The 0.50 foot candle line cannot extend beyond the property line.
- (9) **Operational Plan.**
- a. Describe the proposed hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation.
  - b. Procedures for snow removal, except for single and two family residential.
- (e) **Review and Approval.**
- (1) The Zoning Administrator shall determine whether the site plan application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  - (2) The Zoning Administrator shall coordinate review with the Village's Development Review Team.
  - (3) The Zoning Administrator shall review and approve or deny the site plan.

## SECTION 84.165 Downtown Design Overlay Review.

- (a) **Purpose and Scope.** These districts are intended to implement the urban design recommendations of the Comprehensive Plan by preserving and enhancing the aesthetic qualities (historical and visual) of the community, and by attaining a consistent visually pleasing image for various portions of the Village. As emphasized by said plan, these districts are designed to forward both aesthetic and economic objectives of the Village by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure the long-term progress and broad participation toward these principles.
- (b) **Definitions.**
- (1) **Cornice.** The topmost projecting portion of the entablature, or top portion of a building. This term also refers to any “crowning” projection of a building.
  - (2) **Header.** A brick laid so that the end only appears on the face of the wall, as opposed to a stretcher, which is a brick laid so that the side only appears.
  - (3) **Kickplate.** A horizontal area on the facade of a building located between the sidewalk/entrance pavement and the lowest storefront windows.
  - (4) **Sign band.** A horizontal area on the facade of a building located between the transom and the cornice, which is typically opaque and provides a location for signage indicating the name of the establishment.
  - (5) **Sill.** A horizontal, lower member or bottom of a door or window casing.
  - (6) **Transom.** A horizontal bar of stone, wood or glass across the opening of a door or window.
- (c) **Procedure for Project Review and Approval.** There are three categories of Downtown Design review: renovation review, design review, and project review. See Figure 84.165 for a summary of the processes.
- (1) **Renovation Review.** Applications which involve only a renovation of the exterior appearance of a property (such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials), as determined by the Zoning Administrator, are considered a renovation review and may proceed with the project; no additional processes are required.
  - (2) **Design Review.** Applications which involve a change only in the appearance of a nonresidential property (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are considered design review and are subject to review and approval by the Zoning Administrator.
    - a. **Procedure.** Design review proposals shall follow the procedures for site plan review; refer to Section 84.164.
    - b. **Application Requirements.** In addition to the application requirements for site plan review, all applications for design review shall be made to the Zoning Administrator and shall be accompanied by the building permit application, and, in addition, shall be

accompanied by all of the following, unless specifically waived in writing by the Zoning Administrator:

1. A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village.
2. A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village.
3. A written description of the proposed modification, including a complete listing of proposed components, materials, and colors.
4. Written justification for the proposed alteration consisting of the reasons why the applicant believes the requested alteration is in harmony with the Downtown Design standards of Section 84.36(i).

(3) **Project Review.** Applications which involve modification to the physical configuration of a locally-recognized property (such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to project review by the Zoning Administrator and the Plan Commission. The Zoning Administrator shall serve as the liaison between the applicant and the Plan Commission in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Village Board shall serve as the final discretionary review body on aesthetics and site design, and shall focus its review on the application's compliance with sound aesthetic, land use, site design and economic revitalization practices. In part, this effort shall be guided by the Comprehensive Plan and the recommendation of the Plan Commission.

- a. **Procedure.** Project review proposals shall follow procedures for conditional use permits; refer to Section 84.161.
- b. **Application Requirements.** In addition to the application requirements for conditional use permits, all applications for project review shall be made to the Zoning Administrator and shall be accompanied by the building permit application, and, in addition,

shall be accompanied by all of the following, unless specifically waived in writing by the Zoning Administrator:

1. A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village.
2. A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village.
3. For all projects involving a new building, or an addition exceeding 100 square feet of gross floor area, a detailed site plan which provides the following information:
  - (i) A title block indicating name and address of the current property owner, developer and project consultants.
  - (ii) The date of the original plan and the latest date of revision to the plan.
  - (iii) A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet.
  - (iv) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
  - (v) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
  - (vi) All existing and proposed buildings, structures, and paved areas, including walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
  - (vii) All required building setback lines.
  - (viii) A legal description of the subject property.
  - (ix) The location, type and size of all signage on the site.
  - (x) The location, type and orientation of all exterior lighting on the subject property.
  - (xi) The location of all access points, parking and loading areas on the subject property, including a summary of the number of parking stalls and labels indicating the dimension of such areas.
  - (xii) The location of all outdoor storage areas.

- (xiii) The location and type of any permanently protected green space areas.
  - (xiv) The location of existing and proposed drainage facilities.
  - (xv) In the legend, the following data for the subject property: lot area, floor area, floor area ratio, impervious surface area, impervious surface ratio, and building height.
4. A detailed landscaping plan depicting the location, type, and size at time of planting and maturity of all landscaping features as required in Article VIII.
  5. A written description of the proposed project, including a complete listing of proposed components, materials, and colors.
  6. Written justification for the proposed alteration consisting of the reasons why the applicant believes the requested alteration is in harmony with the Downtown Design standards of Section 84.36(i).
- (d) **Additional Recommendations Permitted Under the Design Review Process.**
- (1) The Zoning Administrator is hereby authorized to make recommendations for a proposed application for renovation review, design review, or project review.
  - (2) The Plan Commission is hereby authorized to make recommendations for, or require modifications to, a proposed application for site design aspects for project review.
- (e) **Appeals.** Appeals from the decisions of the Zoning Administrator may be made per the provisions of the Municipal Code and State Statutes.
- (f) **Penalty.** Penalty for violation of the provisions of this chapter shall be per the provisions of Section 84.170.

**Figure 84.165: Process for Proposal Review within the  
Main Street Mixed Use District**

Procedure	Type of Proposal		
	Renovation <sup>1</sup>	Design <sup>2</sup>	Project <sup>3</sup>
1. Meeting with Zoning Administrator to confirm type of proposal	Yes	Yes	Yes
2. Submit Site Plan Application	No	Yes	No
3. Submit Conditional Use Permit Application	No	No	Yes
4. Review and action by Zoning Administrator	No	Yes	Yes
5. Review and action by Plan Commission	No	No	Yes

KEY: Yes: Step is required. No: Step is not required.

<sup>1</sup>Only a replacement to or maintenance of the exterior of a property.

<sup>2</sup>Only a change in the appearance of a property.

<sup>3</sup>Modification to the physical configuration of a property.

## SECTION 84.166 Variances.

- (a) **Purpose.** The purpose of this Section is to provide regulations which enable the Village to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wisconsin Statutes 62.23(7)(e)(7).
- (b) **Initiation of Request for Approval of a Variance.** Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) or their authorized agent of the subject property.
- (c) **Application.** Variance applications shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):
  - (1) A map of the subject property depicting:
    - a. All lands for which the variance is proposed and all other lands within 100 feet of the boundaries of the subject property.
    - b. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County.
    - c. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
    - d. All lot dimensions of the subject property.
    - e. A graphic scale and a north arrow.
  - (2) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 84.164.
  - (3) Written description of the proposed variance, including the type of specific requirements of the variance proposed for the subject property and evidence that the application is consistent with the Comprehensive Plan.
- (d) **Review by the Zoning Administrator.**
  - (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  - (2) The Zoning Administrator shall review the application and prepare a written report including the following:
    - a. Evaluate whether the request is in harmony with the recommendations of the Comprehensive Plan.
    - b. Evaluate the request based upon the criteria used by the Zoning Board of Appeals in their review.
- (e) **Public Hearing.** Within 30 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 84.158 to consider the request.

- (f) **Review and Action by the Zoning Board of Appeals.**
- (1) Within 30 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings per the following based on Wis. Stats. 62.23(7)(e)7:
    - a. The variance will not be contrary to the public interest.
    - b. Substantial justice will be done by granting the variance.
    - c. The variance is needed so that the spirit of the ordinance is observed.
    - d. Due to special conditions, a literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship.
    - e. The variance will not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
  - (2) The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration.
  - (3) If the Zoning Board of Appeals fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.
- (g) **Effect of Denial.** No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (h) **Limited Effect of a Variance.** Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance.
- (i) **Stay of Proceedings.** An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals, or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

## SECTION 84.167 Planned Developments.

- (a) **Purpose.** The purpose of this Section is to provide regulations which govern the procedures for the review and approval, or denial, or proposed Planned Developments.
- (b) **Initiation of Request.** Proceedings for approval of a Planned Development may be initiated by any of the following:
  - (1) An application by the owner(s) of the subject property;
  - (2) A recommendation of the Plan Commission to the Village Board; or
  - (3) By action of the Village Board.
- (c) **Procedure for Planned Development Approval.** The procedure for zoning to a Planned Development (PD) district shall follow the Zoning Map Amendment procedure included in Section 84.160, except that the Planned Development procedure shall be subject to the following additional requirements.
  - (1) **Pre-Application Conference.** Prior to formal petition for zoning to a PD district, the applicant shall confer with appropriate Village staff in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the requirements for processing. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step.
  - (2) **Optional Concept Plan Review.** Upon completion of the pre-application conference, described above, the applicant may decide to prepare an optional conceptual plan for review by the Plan Commission.
    - a. At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the concept plan. Appropriate topics for discussion may include the any of the information provided in the concept plan, or other items as determined by the Plan Commission. Points of discussion and conclusions reached at this stage of the process shall be in no way be binding upon the applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal application for rezoning, which accompanies the General Development Plan application (see (3), below).
    - b. The concept plan submittal shall include the following items (digital files should be submitted rather than paper copies whenever possible).
      - 1. A location map of the subject property and its vicinity.
      - 2. A general written description of the proposed PD, including:
        - (i) General project themes and images.
        - (ii) The general mix of dwelling unit types and/or land uses.

- (iii) Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface ratio, and/or other appropriate measures of density and intensity.
  - (iv) General treatment of natural features.
  - (v) Relationship to nearby properties and public streets.
  - (vi) Relationship of the project to the Comprehensive Plan.
  - (vii) Description of potentially requested exceptions from the requirements of this Chapter. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exceptions to standard zoning district requirements.
3. A conceptual drawing of the site plan layout, including the general locations of public streets and/or private drives.
  4. The Plan Commission shall review the concept plan and, if accepted, shall inform the applicant to move on to the next step in the PD process, General Development Plan.
- (3) **General Development Plan Review.** Upon acceptance of the Concept Plan by the Plan Commission, the applicant shall submit a General Development Plan (GDP) to the Zoning Administrator for determination of completeness. Upon determination of completeness by the Zoning Administrator, the GDP shall be placed on the Plan Commission agenda for review and recommendation. Upon recommendation of the Plan Commission, the GDP shall be reviewed by the Village Board. Upon approval of the GDP by the Village Board, the GDP shall establish the zoning for the property.
- a. The GDP submittal shall include the following items(digital files should be submitted rather than paper copies whenever possible):
    1. General location map of the subject site depicting:
      - (i) All lands for which the Planned Development is proposed and all other lands within 100 feet of the boundaries of the subject site.
      - (ii) Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds.
      - (iii) Current zoning of the subject site and abutting properties, and the jurisdiction(s) that maintains that control.
      - (iv) A graphic scale and a north arrow.
    2. Generalized site plan showing the pattern or proposed land uses, including:

- (i) General size, shape, and arrangement of lots and specific use areas.
  - (ii) Basic street pattern.
  - (iii) General site grading plan showing preliminary road grades.
  - (iv) Basic storm drainage pattern, including proposed on-site stormwater detention.
  - (v) Preliminary sanitary sewer and water system layout.
  - (vi) General location of recreational and open space areas, including designation of any such areas to be classified as common open space.
3. Statistical data, including:
- (i) Minimum lot sizes in the development.
  - (ii) Approximate areas of all lots.
  - (iii) Density/intensity of various parts of the development.
  - (iv) Building coverage.
  - (v) Landscaping surface area ratio of all land uses.
  - (vi) Expected staging.
4. Conceptual landscaping plan, noting approximate locations of foundation, street, yard, and paving landscaping, and comparing the proposed landscaping plan to the standard landscaping requirements in Article VIII.
5. General signage plan, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from Village standards or common practices.
6. General outline of property owners association, covenants, easements, and deed restrictions.
7. A written description of the proposed Planned Development, including:
- (i) General project themes and images.
  - (ii) The general mix of dwelling unit types and/or land uses.
  - (iii) Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface area ratio, and/or other appropriate measures of density and intensity.
  - (iv) General treatment of natural features.
  - (v) General relationship to nearby properties and public streets.
  - (vi) General relationship of the project to the Comprehensive Plan.

- (vii) Proposed exceptions from the requirements of this Chapter.
  - 8. A Transportation Demand Management (TDM) Plan meeting Wisconsin Department of Transportation requirements for content and format may be required by the Village if deemed necessary by the Village Engineer.
  - b. The Zoning Administrator, or by majority vote of the Village Board may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.
  - c. The process for review and approval of the GDP shall be identical to that for Zoning Map Amendments per Section 84.160.
  - d. All portions of an approved GDP not initiated through granting of a building permit within 10 years of final Village Board approval shall expire and no additional Planned Development-based activity shall be permitted. The Village Board may allow multiple extensions via a majority vote following a public hearing. Completed portions of the GDP shall retain the GDP status.
  - e. Within 12 months of GDP approval the applicant shall submit a Specific Implementation Plan.
- (4) **Specific Implementation Plan.** Upon completion of the GDP review process described above, the applicant shall submit a Specific Implementation Plan (SIP) to the Zoning Administrator for determination of completeness. Upon determination of completeness by the Zoning Administrator, the SIP may be placed on the Plan Commission agenda for SIP review.
- a. The SIP submittal shall include the following items. Note that the area included in an SIP may be only a portion of the area included in a previously approved GDP (digital files should be submitted rather than paper copies whenever possible).
    - 1. An existing conditions map of the subject site depicting the following:
      - (i) All lands for which the Planned Development is proposed and all other lands within 100 feet of the boundaries of the subject site.
      - (ii) Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds.
      - (iii) Current zoning of the subject property and all abutting properties, and the jurisdiction(s) that maintains that control.
      - (iv) Existing utilities and recorded easements.
      - (v) All lot dimensions of the subject site.
      - (vi) A graphic scale and a north arrow.

2. An SIP map of the proposed site showing at least the following:
  - (i) Lot layout and the arrangements of buildings.
  - (ii) Public and private roads, driveways, walkways, and parking facilities.
  - (iii) Specific treatment and location of recreational and open space areas, including designation of any such areas to be classified as common open space.
3. Proposed grading plan.
4. Specific landscaping plan for the subject site, specifying the location, species, and installation size of all plantings. The landscaping plans shall include a table summarizing all proposed species.
5. Architectural plans for any nonresidential buildings, multifamily structures, or building clusters, other than conventional single-family homes or individual lots, in sufficient detail to indicate the floor area, bulk, and visual character of such buildings.
6. Engineering plans for all water and sewer systems, stormwater systems, roads, parking areas, and walkways.
7. Signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes that are proposed to vary from Village standards or common practices.
8. Specific written description of the proposed SIP including:
  - (i) Specific project themes and images.
  - (ii) Specific mix of dwelling unit types and/or land uses.
  - (iii) Specific residential densities and nonresidential intensities as described by dwelling units per acre, and landscaping surface area ratio and/or other appropriate measures of density and intensity.
  - (iv) Specific treatment of natural features, including parkland.
  - (v) Specific relationship to nearby properties and public streets.
  - (vi) Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads; density/intensity of various parts of the development; building coverage, and landscaping surface area ratio of all land uses; proposed staging; and any other plans required by the Plan Commission.
  - (vii) A statement of rationale as to why PD zoning is proposed. This statement shall list the standard zoning

requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed PD project.

- (viii) A complete list of zoning standards that would not be met by the proposed SIP and the location(s) in which such exceptions would occur. The applicant may also provide a list of zoning standards that would be more than met by the proposed PD and the location(s) of such occurrences.
  - (ix) Phasing schedule, if more than one development phase is intended.
- 9. Agreements, bylaws, covenants, and other documents relative to the operational regulations of the development and particularly providing for the permanent preservation and maintenance of common open areas and amenities.
  - 10. A written description that demonstrates how the SIP is consistent with the approved GDP and any and all differences between the requirements of the approved GDP and the proposed SIP.
  - 11. The applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
- b. The Zoning Administrator, or by majority vote of the Village Board may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.
  - c. The process for review and approval of the SIP shall be identical to that for site plans per Section 84.164.
  - d. The Plan Commission shall make recommendations to the Village Board. The Village Board shall then review and consider approval of the SIP. All portions of an approved SIP not fully developed within 10 years of final Village Board approval shall expire, and no additional Planned Development-based activity shall be permitted. The Village Board may allow multiple extensions via a majority vote following a public hearing. Completed portions of the SIP shall retain the SIP status.
- (5) **Criteria for Approval.** In its review and action for an application for a Planned Development district, the Plan Commission and, subsequently, the Village Board shall make findings with respect to the following criteria:
- a. The proposed Planned Development project is consistent with the overall purpose and intent of this Chapter.

- b. The proposed Planned Development project is consistent with the Village's Comprehensive Plan (it is the responsibility of the Village to determine such consistency).
  - c. The proposed Planned Development project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
  - d. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the Planned Development project, including but not limited to public sewer and water and public roads.
  - e. The proposed Planned Development project will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
  - f. The proposed Planned Development project design does not detract from areas of natural beauty surrounding the site.
  - g. The proposed architecture and character of the proposed Planned Development project is compatible with adjacent/nearby development.
  - h. The proposed Planned Development project will positively contribute to the physical appearance and functional arrangement of development in the area.
  - i. The proposed Planned Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exceptions or variation of any normal standard of this Chapter.
  - j. For Planned Development projects that are proposed to be developed in phases, the applicant can provide a clear timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.
- (6) **Changes or Alterations.** Any change of the PD plans subsequent to approval of the PD-SIP shall be submitted to the Zoning Administrator. If the Zoning Administrator determines that the change constitutes a substantial modification, the developer will be required to amend the PD-SIP, and if necessary, the PD-GDP, following the procedures set forth in this section for review and approvals. If, in the opinion of the Zoning Administrator, such changes do not constitute a substantial alteration of either the GDP or SIP, the change may be accomplished by approval of the Zoning Administrator. Such approved changes or modifications shall be documented and recorded in the official file of the Village on the PD.
- (7) **Recording.** The final PD-SIP and GDP, and all amendments thereto, shall be recorded with the Dane County Register of Deed's Office at the applicant's sole expense.

## SECTION 84.168 Interpretations.

- (a) **Purpose.** The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.
- (b) **Initiation of Request for an Interpretation.** Proceedings for an interpretation may be initiated by any of the following four methods: an application of the owner(s) of the subject property; a recommendation of the Plan Commission to the Village Board; by action of the Village Board; or by request of the Zoning Administrator.
- (c) **Application.** A zoning interpretation application contains all of the following:
  - (1) Clear indication of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.
  - (2) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information shall be required (digital files should be submitted rather than paper copies whenever possible):
    - a. A map of the subject property depicting:
      - 1. All lands for which the interpretation is requested and all other lands within 100 feet of the boundaries of the subject property.
      - 2. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County.
      - 3. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
      - 4. All lot dimensions of the subject property.
      - 5. A graphic scale and a north arrow.
    - b. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.
    - c. A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 84.164.
  - (3) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions:
    - a. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the Village's Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

- b. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?

(d) **Review by Zoning Administrator.**

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed interpretation provided in the application to determine whether the requested variance is in harmony with the recommendations of Village's Comprehensive Plan.
- (3) The Zoning Administrator shall forward a report to the applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(e) **Standards for Review.** This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Village Board as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:

- (1) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required. (Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.)
- (2) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited.

- (3) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (i.e. the abutting landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements.
- (4) This Chapter has been carefully designed by the Village Board to combine maximum achievement of public goals, and the protection of abutting property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgments for the legislative acts of the Village Board.
- (5) In addition to the applicant's response to the questions required by Subsection (4), above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:
  - a. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Village Board on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
  - b. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted in the zoning district of the subject property (see Article II).
  - c. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district (see Article II).
  - d. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either

not permitted in said district, or permitted in a more intensive district in the same zoning district category (see Article II).

- e. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to Section 84.161.

- (f) **Effect of a Favorable Land Use Interpretation.** No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, special use permits, conditional uses, and certificates of occupancy.

- (g) **Limitations on Favorable Land Use Interpretation.**

- (1) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development has begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
- (2) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

## **SECTION 84.169 Appeals of Zoning Interpretations.**

- (a) **Purpose.** The purpose of this Section is to provide regulations which enable the Village to hear and decide requests for appeals from the interpretations of the Zoning Administrator per Section 84.168 as provided for by Wisconsin Statutes 62.23(7)(e)(7).
- (b) **Initiation of Request for Appeal.** Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the Village affected by any decision of the Zoning Administrator.
- (c) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken to the Zoning Board of Appeals determines that, by reason of facts state in the certificate, a stay would cause immediate peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application and on notice to the Zoning Administrator and on due cause shown.
- (d) **Time Limit for Filing an Appeal.** Any appeal under the provisions of this Section shall be made per the requirements of Subsection (e) below, within a period not exceeding 45 days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.
- (e) **Application Requirements.** An application of an appeal of a zoning interpretation shall contain the following (digital files should be submitted rather than paper copies whenever possible):
  - (1) A copy of pertinent items in the file on the matter at hand as identified by the Zoning Administrator and/or the applicant.
  - (2) A written statement from the applicant indicating the reasons why an appeal is justified. This statement shall be dated and signed by the applicant.
- (f) **Review by the Zoning Administrator.**
  - (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  - (2) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant. The Zoning Administrator shall also evaluate the application to determine whether the requested appeal is in harmony with the recommendations of the Comprehensive Plan.
  - (3) The Zoning Administrator shall forward a report to the Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

- (g) **Public Hearing.** Within 45 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 84.158 to consider the request.
- (h) **Review and Action by the Zoning Board of Appeals.**
  - (1) Within 60 days after the filing of the complete application, the Zoning Board of Appeals shall make its findings. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at applicant's request. Said final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.
  - (2) If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, then the request for the appeal shall be considered denied.
- (i) **Effects of Denial.** No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (j) **Limited Effect on a Favorable Ruling on an Appeal.**
  - (1) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
  - (2) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

**SECTION 84.170 Violations and Penalties.**

- (a) **Violation of this Chapter.** It shall be unlawful to construct or use any land, engage in any development activity, or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter’s requirements.
- (b) **Penalties.** See Chapter 1 of the Village of Cross Plains Code of Ordinances.
- (c) **Promulgated Correction of Violation.** In addition to any other penalty imposed by this Section for a violation of the provisions of this Chapter, the Village reserves and maintains the continued right to abate violations of this Chapter. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.

**SECTION 84.171 Fees.**

- (a) Fees for procedures and permits established by this Chapter shall be as follows:

Permit or Procedure	Fee
Conditional Use	\$250.00
Variance	\$150.00
Appeal	\$150.00
Design Review	\$250.00
Zoning Text Amendment	\$150.00
Zoning Map Amendment	\$150.00
Planned Development	\$500.00

- (b) **Engineering, Inspection, Consulting and Legal Fees.**
  - (1) **Payment for Review Services.** An applicant shall pay all administrative costs incurred by the Village for studying and reviewing any proposed request or action brought pursuant to this Chapter from the date the request is filed until the date the request is approved or withdrawn. These costs shall include, but not be limited to because of enumeration, planning, legal, engineering, and Village staff service costs incurred by the Village in connection with the review of the applicant’s request and review of compliance with all Village ordinances. The legal, planning and/or engineering consultants retained by the Village are acting exclusively on behalf of the Village and not the applicant.

- (2) **Guarantee of Payment.**
- a. The applicant shall reimburse the Village for all administrative costs described in Subsection (b)(1) and as required by Village ordinance as the same shall be billed from time to time by the Village. The applicant shall deposit with the Village Administrator/Clerk-Treasurer, in escrow, an amount to be established by the Village Board to ensure performance of the promise or guarantee of reimbursement. The Village may draw upon the escrow from time to time as necessary to reimburse the Village for fees and expenses incurred. If at any time moneys in the escrow are insufficient to pay expenses incurred by the Village for planning, legal, engineering, and staff services, the applicant shall deposit additional amounts as determined by the Village within 15 days of written demand or further review and evaluation of the proposed development shall be delayed or terminated.
  - b. Payment of all administrative costs shall be a condition of any further approvals required from the Village. Further, should the applicant withdraw the project and the amount of the escrow is insufficient to cover all of the Village's administrative, planning, legal, and engineering costs, the subdivider shall immediately reimburse the Village within 15 days of final billing. Should the subdivider withdraw the request or the project reach completion and there are sums held in escrow by the Village which shall exceed the final amount owed to the Village, the Village shall return all excess funds in escrow to the applicant within 15 days of reconciling the final billing statement with the applicant.
- (3) **Default.** In the event of default by the applicant, in addition to any other remedies to which the Village may be entitled, the Village shall recover from the applicant all of its costs in enforcing this Chapter, including actual attorney fees, and may elect to collect the administrative costs and all costs of collection as a special charge upon the new tax roll on lands being reviewed if owned by the applicant pursuant to the authority of Section 66.0627, Wis. Stats.