

ZONING ORDINANCE  
FOR THE  
VILLAGE OF NORTH PRAIRIE  
WAUKESHA COUNTY, WISCONSIN

Prepared by:

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## ZONING ORDINANCE FOR THE VILLAGE OF NORTH PRAIRIE, WISCONSIN

### **SECTION 1: STATUTORY AUTHORITY AND PURPOSE**

#### **1.1 AUTHORITY**

These regulations are adopted under the authority granted by Sections 61.35, 61.351, 62.23(7) and 87.30 of the Wisconsin Statutes. Therefore, the Village Board of North Prairie, Wisconsin do ordain as follows:

#### **1.2 PURPOSE**

The purpose of this Ordinance is to promote the health, safety, morals, aesthetics, and general welfare of this community.

#### **1.3 INTENT**

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution, and density; and regulate and restrict size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; facilitate the use of solar energy devices and other innovative development techniques; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. To this end, it is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

#### **1.4 ABROGATION AND GREATER RESTRICTIONS**

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

#### **1.5 INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

#### **1.6 SEVERABILITY**

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

#### **1.7 REPEAL**

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

#### **1.8 TITLE**

This ordinance shall be known, referred to, or cited as the ZONING ORDINANCE FOR THE VILLAGE OF NORTH PRAIRIE, WISCONSIN.

#### **1.9 EFFECTIVE DATE**

This Ordinance shall be effective after a public hearing, adoption by the Village Board of Supervisors, and publication or posting as provided by law.

## **SECTION 2: GENERAL PROVISIONS**

### **2.1 JURISDICTION**

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Village of North Prairie.

### **2.2 COMPLIANCE**

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

### **2.3 MUNICIPALITIES AND STATE AGENCIES REGULATED**

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all required permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.12(4)(a) of the Wisconsin Statutes applies.

### **2.4 DUTIES OF THE BUILDING INSPECTOR**

The Village Building Inspector is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance. The duty of the Building Inspector shall be to interpret and administer this Ordinance and to issue, after on-site inspection, all permits required by this Ordinance. The Building Inspector shall further:

- A. Maintain Records of all permits issued, inspections made, work approved, and other official actions.
- B. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Ordinance.
- C. Investigate all written complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Ordinance to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Plan Commission.
- D. Assist the Village Attorney in the prosecution of Ordinance violations.
- E. Be Permitted Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Ordinance. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.
- F. Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- G. Request Assistance and cooperation from the Village Police Department and Village Attorney. Prior to taking action, the Building Inspector shall consult with the Village President when requesting assistance and cooperation from the Village Police Department and/or Village Attorney.
- H. Attend meetings of the Village Plan Commission and the Village Zoning Board of Appeals.

## 2.5

### **BUILDING PERMIT REQUIRED**

No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building permit from the Building Inspector. Applications for building permit shall be made in duplicate to the Building Inspector on forms furnished by the Building Inspector and shall include the following where applicable:

- A. Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
- B. Description of the Subject Site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- C. Plat of Survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations to Village of North Prairie datum, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
- D. When it is proposed to construct an addition to an existing structure, or construct an accessory structure, the Building Inspector may accept a location sketch drawn to scale in lieu of a plat of survey. The location sketch shall contain all information and dimensions required on the plat of survey.
- E. The Building Inspector may waive the requirement for elevations on either a plat of survey or a location sketch when the development is neither located within or adjacent to a wetland.
- F. Proposed Sewage Disposal Plan shall include a copy of the permit issued by the Waukesha County Department of Parks and Land Use Environmental Health Division for the installation of an onsite soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
- G. Proposed Water Supply Plan if a public water system or water trust is not available. This plan shall be in accordance with Chapter NR-812 of the Wisconsin Administrative Code.
- H. An Operation Plan providing information for proposed commercial and industrial uses on such matters as the proposed days and hours of operation; the number of employees; parking requirements; outdoor signage and lighting, refuse disposal; security lighting requirements; sanitation requirements; drainage requirements; odor, smoke, dust, noise control; and any special requirements such as a liquor license.
- I. Additional Information as may be required by the Village Plan Commission, Village Engineer, or Building Inspector.
- J. After a complete building application has been filed with the Building Inspector and all fees have been paid, a Building Permit shall be granted or denied in writing by the Building Inspector within 30 days. After a building permit for construction or alteration of a building has been issued, the building or structure shall be completed according to the approved plans within 24 months.

**2.6 OCCUPANCY PERMIT REQUIRED**

- A. No Vacant Land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until an occupancy permit shall have been issued by the Building Inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this Ordinance. Such permit shall be applied for at the time of occupancy of any land and/or building.
- B. No Building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new occupancy permit by the Building Inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of the Zoning Ordinance, Uniform Dwelling Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the Village of North Prairie and State of Wisconsin. Such occupancy permit for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for an occupancy permit shall be made in the same manner as for a building permit pursuant to Section 2.5 of this Ordinance.

**2.7 CONDITIONAL USE PERMIT REQUIRED**

See Section 5 and Sections 4.3(E), 4.4(E), 4.5(E), 4.6(E), 4.7(E), 4.8(E), 4.9(E), 4.9A(E), 4.10(E), 4.11(E), and 4.13(E).

**2.8 SIGN PERMIT REQUIRED**

See Section 8.

**2.9 OTHER PERMITS**

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or local agency. This includes, but is not limited to, a County land disturbing and erosion control permit, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act.

**2.10 SITE RESTRICTIONS**

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Village Building Inspector, in applying the provisions of this section, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Village Plan Commission may affirm, modify, or withdraw the determination of unsuitability. In addition:

- A. All Lots shall abut upon a public right-of-way, and each lot shall have a minimum frontage equal to 50 feet.
- B. All Principal Structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot in single-family residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.

- C. No Building Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- D. Lots Abutting More Restrictive district boundaries shall provide side and rear yards for principal structures and/or accessory structures not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts. For parking lots and parking aisle setbacks see Section 6.3(F).
- E. Buffering. The Village Plan Commission may require the construction of a buffer between dissimilar zoning districts or dissimilar uses to screen the dissimilar activities from view. The buffer may consist of a landscaped buffer yard, a landscaped berm, a screening fence or wall, or a combination of buffering/screening elements.
  - (1) If a buffer yard is used, it shall be of sufficient depth and height, and contain sufficient plant species as to provide dense visual screening within two years and during all seasons of the year.
  - (2) If a berm is used, it shall be not less than four nor more than six feet in height and the side slopes shall be a maximum of one foot vertical to three feet horizontal. Berms shall be constructed of clean earth fill in locations and to lines and grades established by the Village Engineer and shall be sufficiently landscaped to provide dense visual screening within two years and during all seasons of the year. The Plan Commission may require higher berms for the purpose of buffering.
  - (3) Where architectural walls or fences are used, such wall or fence shall create an attractive view from the residential side of the wall or fence. Any wall or fence shall not be less than four nor more than six feet in height. The Plan Commission may require additional landscaping in conjunction with a fence or wall.
  - (4) When buffering is required, the buffer screen shall be sufficiently opaque to prevent the penetration of headlight glare.
  - (5) All landscaping shall be maintained by the owner or operator to the satisfaction of the Plan Commission.
  - (6) No lighting shall be permitted on or in any part of the buffer yard, and no lighting installed elsewhere on the parcel shall throw any rays onto adjacent residential properties.
  - (7) No signs shall be permitted on or in any part of a buffer yard.
  - (8) All buffer yards, berms, fences, or walls shall be in conformance with the traffic visibility requirements set forth in Section 6.1 of this Ordinance.

## 2.11 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- A. Principal Uses: Only those principal uses specified for a district, essential services necessary to support those uses, and the following uses shall be permitted in that district.

- B. Accessory Uses and Structures are permitted in any district but not until the attendant principal structure is present or under construction.
- C. Residential Accessory Uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Ordinance.
- D. Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Plan Commission in accordance with Section 5 of this Ordinance. Such development shall be specifically reviewed and approved by the Village Plan Commission as provided in Section 5 of this Ordinance.
- E. Unclassified or Unspecified Uses may be permitted by the Village Plan Commission provided that such uses are similar in character to the principal uses permitted in the district.
- F. Temporary Uses, such as real estate sales or rental field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted for a period of up to one year by the Village Plan Commission. Temporary use permits listed here may be renewed if the Plan Commission deems such renewal appropriate.
- G. Temporary Uses in Village Parks may be permitted by the Village Board and are exempt from the requirement to secure a Village Building Permit.
- H. Rummage Sales, as defined in Section 14 of this Ordinance, are permitted in any district and are exempt from the requirement to secure a Village Building Permit. See Section 7.4(D).
- I. Conceptual Approval of group housing, multiple-family, commercial, industrial, or mixed-use projects may be granted by the Plan Commission. Such conceptual approval shall serve as a notice of intent to formally approve a project when detailed plans meeting the requirements of this Ordinance and conditions set by the Plan Commission are submitted in a formal building permit application. Conceptual approval shall not, however, be binding on the Plan Commission or the Village Board. The Village Plan Commission may require a public hearing conforming to the review procedures set forth in Sections 5.3 and 13 of this Ordinance.

**2.12 REDUCTION OR JOINT USE**

No existing conforming or non-conforming lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance, except as permitted herein. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use, except as permitted herein.

### **SECTION 3: FEES AND PENALTIES**

#### **3.1 PERMIT FEES**

All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Village Treasurer to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits for which a fee is required are the Building Permit, Occupancy Permit, Conditional Use Permit, Sign Permit, Fence Permit, Satellite Dish Antenna Permit, Accessory Structure Permit and any other fees required by Village ordinances. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Village Board from time to time as deemed appropriate.

#### **3.2 VIOLATIONS**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case of any violation, the Village Board, the Village Plan Commission, the Village Building Inspector, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Ordinance.

#### **3.3 PENALTIES**

Any person, firm, or corporation that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200) and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Any person, firm or corporation that fails to comply with the provisions of this Ordinance for a second or subsequent violations, shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500 and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 60 days. Each day a violation exists or continues shall constitute a separate offense, except that in order for the defendant to be charged with a second offense it shall be a separate and distinct violation as opposed to a continuing daily violation on the same provision.



## **SECTION 4: ZONING DISTRICTS**

### **4.1 ESTABLISHMENT**

For the purpose of this Ordinance, the Village of North Prairie is hereby divided into nine basic use districts and two overlay districts as follows:

C-1	Conservancy District (see Section 4.3)
A-T	Agricultural Land Preservation Transitional District (see Section 4.4)
R-1	Single-family Residential District (see Section 4.5)
R-2	Central Residential District (see Section 4.6)
R-3	Multi-Family Residential District (see Section 4.7)
B-1	Neighborhood Business District (see Section 4.8)
B-2	Central Business District (see Section 4.9)
B-3	Mixed Use District (see Section 4.9A)
I-1	Industrial District (see Section 4.10)
P-1	Public or Private Park District (see Section 4.11)
G-1	Governmental, Institutional and Public Utility District (see Section 4.11-5)
PUDOD	Planned Unit Development Overlay District (see Section 4.12)
FOD	Floodland Overlay District (see Section 4.13)

- A. Boundaries of these Districts are hereby established as shown on the map entitled "Official Zoning Map--Village of North Prairie, Waukesha County, Wisconsin," dated January 5, 1999, and is herein made a part of this Ordinance. This Ordinance hereby incorporates herein any future changes or any later zoning maps that may be adopted by ordinance of the Village Board.
- B. The District Boundaries in all districts, except the Lowland Conservancy District, shall be construed to follow: corporate limits; U. S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended.
- C. Boundaries of the C-1 Lowland Conservancy District are based on the Wisconsin Wetland Inventory Maps compiled on 1 inch equals 2000 feet scale ratioed and rectified aerial photographs dated September 6, 1984, and revisions thereto, and include, but are not limited to, all shoreland wetlands, five acres or greater in area shown on that map.
- D. Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- E. Annexations and Attachments to or consolidations with the Village subsequent to the effective date of this Ordinance shall be placed in the A-T Agricultural Land Preservation Transitional District, unless the annexation and attachment Ordinance temporarily places the land in another district. Within one year, the Village Plan Commission shall evaluate and recommend a permanent classification to the Village Board. Annexations and attachments containing floodlands and shorelands shall be governed in the following manner:
- (1) Annexations and Attachments Containing Floodlands shall be governed by the provisions of the Waukesha County Shoreland and Floodland Protection Ordinance until such time that the Wisconsin Department of Natural Resources (DNR) certifies that amendments to the Village of North Prairie Zoning Ordinance meet the requirements of Chapter NR 116 of the Wisconsin Administrative Code.
  - (2) Annexations and Attachments Containing Shorelands. Pursuant to Section 59.971(7) of the Wisconsin Statutes, any annexation and attachments of land after May 7, 1982, which lies within shorelands, as defined herein, shall be governed by the provisions of the Waukesha County Shoreland and Floodland

Protection Ordinance until the zoning on the parcel is modified pursuant to the procedures set for in Section 59.971(7) of the Wisconsin Statutes. Said regulations shall be administered and enforced by the Village Building Inspector. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this section.

#### 4.2 ZONING MAP

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Village President and Village Clerk and shall be available to the public in the office of the Village Clerk. Changes, thereafter, to the general zoning districts, shall not become effective until entered and attested on the certified copy. Changes in any floodland districts shall not become effective until approved by the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA)

#### 4.3 C-1 CONSERVANCY DISTRICT

##### A. Statement of Intent

The Conservancy District is intended to preserve, protect and enhance the ponds, streams and wetland areas and primary and secondary environmental corridors and isolated natural resource areas of the Village of North Prairie. The preservation, protection and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for such use; and protect the water-based recreation resources of the Village.

##### B. Permitted Uses

- (1) Recreational activities such as hiking, fishing, trapping, swimming, and boating, unless prohibited by other ordinances and laws.
- (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
- (3) The practice of silviculture, including the planting, thinning, and harvesting of timber, including the temporary stabilization of water levels to alleviate abnormally wet or dry conditions.
- (4) Construction and maintenance of fences.
- (5) Agricultural cultivation and pasturing provided they do not involve extension of existing or creation of new drainage systems, and further provided they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
- (6) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system only to the extent necessary to maintain the level of drainage required to continue the existing use.
- (7) The construction and maintenance of piers, docks, and walkways, including those built on pilings.
- (8) The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
- (9) The installation of sealed tiles to drain lands outside of the District.

C. Permitted Accessory Uses

None

D. Conversions

None

E. Conditional Uses (See Section 5 for associated regulations)

- (1) The Construction of Streets Which Are Necessary for the Continuity of the Village Street System, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses provided that:
  - (a) The street cannot, as a practical matter, be located outside the conservancy district;
  - (b) The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland;
  - (c) The street is designed and constructed with the minimum cross-section practical to serve the intended use;
  - (d) The street construction activities are carried out in the immediate area of the roadbed only; and
  - (e) Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.
- (2) The Construction and Maintenance of Non-residential Buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, provided that:
  - (a) The building cannot as a practical matter be located outside the conservancy district;
  - (b) The building is not designed for human habitation and does not exceed 500 square feet in area; and
  - (c) Only limited filling or excavating necessary to provide structural support is conducted.
- (3) The Establishment and Development of Private recreation areas, recreation trails, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas, provided that:
  - (a) Any private recreation or wildlife habitat area is used exclusively for that purpose;
  - (b) No filling is to be done; and
  - (c) Ditching, excavating, dredging, dike and dam construction are limited to any required for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.
- (4) The Construction and Maintenance of Electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, provided that:
  - (a) The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and

- (b) Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.
- (5) The Construction and Maintenance of Railway Lines, provided that:
  - (a) The railway lines cannot as a practical matter be located outside the conservancy district; and
  - (b) Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railway, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.
- (6) Notice to DNR: The Village Plan Commission shall transmit a copy of each application for a conditional use in the "Shoreland" portion of the C-1 Conservancy District to the Wisconsin Department of Natural Resources (DNR) at least 10 days prior to the public hearing. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions related to "shoreland" conditional uses in the C-1 district shall be transmitted to the DNR within 10 days of such decision.

F. Prohibited Uses

- (1) Any use not listed as a permitted use or a conditional use is prohibited unless the Conservancy District lands concerned are first rezoned into another district.
- (2) Lands lying within the Conservancy District shall not be used to meet the minimum lot area requirements in development districts.

G. Lot Area and Width

None

H. Setbacks

None

I. Building Height and Area

None

J. Parking Requirements

None

K. Signs and Outdoor Lighting

Refer to Section 8 for the applicable standards.

**4.4 A-T AGRICULTURAL LAND PRESERVATION TRANSITIONAL DISTRICT**

A. Statement of Intent

The A-T Agricultural Land Preservation District is intended to maintain, enhance, preserve and protect existing farm operations and prime agricultural lands historically utilized for crop production and the raising of livestock; to maintain a viable agricultural base and associated services; to discourage the conversion of prime agricultural lands to scattered residential, commercial and industrial uses; to pace and shape development and to prevent the premature conversion of land that is necessary for the growth and development of the community and to control the cost of providing public

services. This District is intended to serve as a holding or transitional zone enabling farmers to continue farming until a demonstrated need becomes evident for rezoning to an appropriate district permitting urban development.

B. Permitted Uses

- (1) General farming, including agriculture, dairying, floriculture, forestry, grazing, hay, orchards, truck farming, and vineyards provided, however, that farm buildings housing animals, barnyards, and feed lots shall not be located in a floodland, and shall be at least 100 feet from any navigable water or residential district boundary.
- (2) Farm dwellings for farm owners which, for the purpose of this ordinance, shall include residences occupied by a person or by a family, at least one member of which, earns a substantial part of his or her livelihood from the farm operations on the farm parcel, or is the parent, child or owner of the owner operator or of the farm.
- (3) Existing dwellings not accessory to any farm operation or dwelling remaining after consolidation of farms.

C. Permitted Accessory Uses (Refer to Section 7.4 for associated regulations)

- (1) Customary accessory buildings, including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign, and other provisions of this Ordinance.
- (2) Attached or detached private garages and carports accessory to permitted uses, providing that such accessory uses shall not involve the conduct of a business.
- (3) Defined home occupations and professional home offices.
- (4) Satellite dish antennas in excess of 18 inches in diameter, located on the roof of any structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (5) Roof-mounted solar collectors, wind powered electric power generators or other alternative energy generators provided that a registered engineer shall certify that the structure is adequate to support the load.

D. Conversions

None

E. Conditional Uses (See Section 5 for associated regulations)

- (1) Airports, airstrips, and aircraft land fields provided that the site has an area of not less than 20 acres.
- (2) Commercial kennels or Private kennels, as defined in Section 14 of this Ordinance.

F. Prohibited Uses

Any use not listed as a permitted use, permitted accessory use, or a conditional use is prohibited unless the A-T Agriculture Land Preservation Transitional District lands are first rezoned into another district.

G. Lot Area and Width

- (1) Farm structures erected, moved, or structurally altered after the effective date of this ordinance shall provide a contiguous site area of not less than 35 acres, except as provided in Section 4.4(G)(2) for those residual dwellings and parcels that result from farm consolidation. The minimum average width shall be 600 feet, except as may be provided in Section 4.4(G)(2).
- (2) Accessory farm dwellings, existing residential structures, and farm dwellings remaining after the consolidation of existing farms shall provide a lot area of not less than 40,000 square feet and a lot width of not less than 120 feet.

H. Setbacks

- (1) There shall be a minimum building setback of 50 feet from the street right-of-way.
- (2) There shall be a side yard setback on each side of the principal structure not less than 50 feet.
- (3) There shall be a rear yard setback of not less than 25 feet.
- (4) There shall be a minimum shore yard setback of 75 feet from the ordinary high water mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a Conservancy District boundary.

I. Building Height and Area

No building or parts of a building shall exceed 35 feet in height. The total finished living area of any dwelling shall be not less than 1100 square feet, and the finished living area of the first floor shall not be less than 900 square feet.

J. Parking Requirements

Refer to Section 6 for the applicable requirements.

K. Signs and Outdoor Lighting

Refer to Section 8 for the applicable standards.

**4.5 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

A. Statement of Intent

The R-1 Residential District is intended to provide for single-family residential development at densities not exceeding 1.09 dwelling units per net acre, and served by a public water system.

B. Permitted Uses

- (1) Single-family dwellings with attached garages.
- (2) Community and other living arrangements as permitted and limited in Section 62.23(7)(i) of the Wisconsin Statutes.

C. Permitted Accessory Uses (Refer to Section 7.4 for associated regulations)

- (1) Defined home occupations and professional home offices.
- (2) Accessory garages, gardening, tool, and storage sheds incidental to the residential use.

- (3) Satellite dish antennas in excess of 18 inches in diameter located on the roof of any structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (4) Roof-mounted solar collectors, wind powered electric power generators or other alternative energy generators, provided that a registered engineer shall certify that the structure is adequate to support the load.

D. Conversions

None

E. Conditional Uses (See Section 5 for associated regulations)

- (1) Utility substations, wells, pumping stations, and water towers provided all structures and uses are not less than 50 feet from any residential lot line.
- (2) Public, parochial, and private elementary and secondary schools and churches provided the lot area is not less than 2 acres and all structures and uses are not less than 50 feet from any residential lot line.
- (3) Parks and playgrounds.
- (4) Accessory apartments provided that:
  - (a) The principle dwelling has a minimum living area of 1,000 square feet, excluding the accessory dwelling unit;
  - (b) The principle dwelling unit is owner occupied;
  - (c) There may be only one accessory apartment per principle dwelling unit;
  - (d) The accessory apartment shall have a minimum living area of 600 square feet and no more than one bedroom; and,
  - (e) The accessory apartment shall be occupied by a person related to the owner of the principle dwelling unit by blood, marriage or adoption.
- (5) Private kennels, as defined in Section 14 of this Ordinance.
- (6) The keeping and housing of domestic livestock shall be regulated to allow no more than one (1) head of livestock for the first three (3) acres of land in contiguous ownership, and no more than one head of livestock per one (1) acre of land thereafter, in accordance with the following standards:
  - (a) The land to be so utilized shall be adjacent to or across from rural development in the Towns of Eagle, Genesee, Mukwonago or Ottawa; shall be three (3) acres or larger parcels or lots; and shall be regularly shaped with proper proportion of width and depth to provide for adequate outdoor space for the livestock.
  - (b) The keeping and housing of domestic livestock shall be accomplished with maximum effort of neatness and sanitation so as to not be detrimental to neighboring residential uses.
  - (c) Objections from any neighboring property owners shall be submitted in writing or in person to the Plan Commission and addressed at the public hearing prior to approval and issuance of the Conditional Use Permit.
  - (d) The Plan Commission may impose additional conditions for the protection of the public health, safety and welfare.

F. Prohibited Uses

Any use not listed as a permitted use, permitted accessory use, or a conditional use is prohibited unless the R-1 Single-Family Residential District lands are first rezoned into another district.

G. Lot Area and Width

Lots shall have a lot area of not less than 40,000 square feet and a minimum average lot width of not less than 150 feet.

H. Setbacks

- (1) There shall be a minimum building setback of 50 feet from the street right-of-way.
- (2) There shall be a side yard setback on each side of the principal structure of not less than 20 feet in width.
- (3) There shall be a rear yard setback of not less than 25 feet.
- (4) There shall be a minimum shore yard setback of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a Conservancy District boundary.

I. Building Height and Area

- (1) No building or parts of a building shall exceed 35 feet in height. The first floor and total minimum finished living area of any dwelling shall be as follows:

Bedrooms Per Dwelling Unit	Total Area (Square Feet)	First Floor Area (Square Feet)
One	1,100	900
Two	1,200	900
Three	1,300	900
Four or More	1,400	900

- (2) No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

J. Parking Requirements

Refer to Section 6 for the applicable requirements.

K. Signs and Outdoor Lighting

Refer to Section 8 for the applicable standards



**4.6 R-2 CENTRAL RESIDENTIAL DISTRICT**

A. Statement of Intent

The R-2 Residential District is intended to accommodate existing single-family residential development where densities may reach 6.1 dwelling units per net acre in order that single-family dwellings in this district shall not be rendered nonconforming uses. This district is intended to accommodate existing development, and accordingly, no undeveloped land shall be placed in the district.

B. Permitted Uses

- (1) Single-family dwellings, duplexes, with attached or detached garages.
- (2) Community and other living arrangements as permitted and limited in Section 62.23(7)(i) of the Wisconsin Statutes.

C. Permitted Accessory Uses (Refer to Section 7.4 for associated regulations)

- (1) Defined home occupations and professional home offices.
- (2) Detached garages, gardening, tool, and storage sheds incidental to the residential use.
- (3) Satellite dish antennas in excess of 18 inches in diameter located on the roof of any structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (4) Roof-mounted solar collectors, wind powered electric power generators or other alternative energy generators provided that a registered engineer shall certify that the structure is adequate to support the load.

D. Conversions

None

E. Conditional Uses (See Section 5 for associated regulations)

- (1) Utility substations, wells, pumping stations and water towers provided all structures and uses are not less than 50 feet from any residential lot line.
- (2) Public, parochial, and private elementary and secondary schools and churches provided the lot area is not less than 2 acres and all structures and uses are not less than 50 feet from any residential lot line.
- (3) Parks and playgrounds.
- (4) Bed and breakfast establishments provided that:
  - (a) A site plan and plan of operation shall be submitted to the Village Plan Commission. The site plan shall include a parking plan.
  - (b) Traffic conditions in the neighborhood shall not be adversely impacted by access to the property, traffic generated by the use, or any other aspects of the proposal.
  - (c) Adequate off-street parking shall be provided as set forth in Section 6.3(K)(1)(e) of this ordinance.
  - (d) All necessary State permits and licenses shall have been secured.
  - (e) The owner of the bed and breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.

- (f) No more than two rooms shall be rented for such use in any establishment which is located in an area which is predominantly comprised of single-family homes, and in no case shall more than four rooms be rented for such use in other districts.
  - (g) Dwellings being considered for conversion to bed and breakfast establishments shall exhibit unique architectural or historic characteristics.
  - (h) Individual rentals shall not exceed five consecutive days in length.
  - (i) No retail sales of goods shall occur in a bed and breakfast establishment.
  - (j) One exterior advertising sign, not exceeding four square feet in area, may be erected on the premises.
- (5) Accessory apartments provided that:
- (a) The principle dwelling has a minimum living area of 1,000 square feet, excluding the accessory dwelling unit;
  - (b) The principle dwelling unit is owner occupied;
  - (c) There may be only one accessory apartment per principle dwelling unit;
  - (d) The accessory apartment shall have a minimum living area of 600 square feet and no more than one bedroom; and,
  - (e) The accessory apartment shall be occupied by a person related to the owner of the principle dwelling unit by blood, marriage or adoption.
- (6) Clubs, fraternities, lodges, and meeting places of a noncommercial nature provided all structures and uses are not less than 25 feet from any lot line.
- (7) Private kennels, as defined in Section 14 of this Ordinance.

F. Prohibited Uses

Any use not listed as a permitted use, permitted accessory use or a conditional use is prohibited unless the R-2 Single-Family Residential District lands are first rezoned into another district.

G. Lot Area and Width

- (1) Lots shall be a minimum of 7,200 square feet in area and shall be not less than 50 feet in width.
- (2) Each R-2 district lot shall maintain 3,600 square feet of the lot area per dwelling unit in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

H. Setback and Yards

- (1) There shall be a minimum building setback of 10 feet from the street right-of-way.
- (2) There shall be a side yard setback on each side of all buildings of not less than 5 feet in width.
- (3) There shall be a rear yard setback of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a Conservancy District boundary.

I. Building Height and Area

- (1) No building or parts of a building shall exceed 35 feet in height. The first floor and total minimum finished living area of any dwelling shall be as follows:

Bedrooms Per Dwelling Units	Total Area (Square Feet)	First Floor Area (Square Feet)
One	900	850
Two	1,000	850
Three	1,100	850
Four or More	1,200	850

- (2) No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

J. Parking Requirements

Refer to Section 6 for the applicable requirements.

K. Signs and Outdoor Lighting

Refer to Section 8 for the applicable standards.

**4.7 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

A. Statement of Intent

The R-3 Multi-Family Residential District is intended to provide for multi-family residential development at densities not exceeding 4.4 dwelling units per net acre, and served by a public water system.

B. Permitted Uses

- (1) Multi-Family dwellings.
- (2) Community and other living arrangements as permitted and limited by Section 62.23(7)(i) of the Wisconsin Statutes.

C. Permitted Accessory Uses (Refer to Section 7.4 for associated regulations)

- (1) Defined home occupations and professional home offices.
- (2) Detached garages, gardening, tool, and storage sheds incidental to the residential use.
- (3) Satellite dish antennas in excess of 18 inches located on the roof any structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (4) Roof-mounted solar collectors, wind power electric power generators or other alternative energy generators, provided that a registered engineer shall certify that the structure is adequate to support the load.
- (5) Automobile garages and parking areas incidental to the residential use.

D. Conversions

None

E. Conditional Uses (Refer to Section 5 for associated regulations)

- (1) Utility substations, wells, pumping stations, and water towers provided all structures and uses are not less than 50 feet from any residential lot line.
- (2) Public, parochial and private elementary and secondary schools and churches provided the lot area is not less than 2 acres and all structures and uses are not less than 50 feet from any residential lot line.
- (3) Parks and playgrounds.
- (4) Bed and breakfast establishments provided that:
  - (a) A site plan and plan of operation shall be submitted to the Village Plan Commission. The site plan shall include a parking plan.
  - (b) Traffic conditions in the neighborhood shall not be adversely impacted by access to the property, traffic generated by the use, or any other aspects of the proposal.
  - (c) Adequate off-street parking shall be provided as set forth in Section 6.3(K)(1)(e) of this ordinance.
  - (d) All necessary State permits and licenses shall have been secured.
  - (e) The owner of the bed and breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.
  - (f) No more than two rooms shall be rented for such use in any establishment which is located in an area which is predominantly comprised of single-family homes, and in no case shall more than four rooms be rented for such use in other districts.
  - (g) Dwellings being considered for conversion to bed and breakfast establishments shall exhibit unique architectural or historic characteristics.
  - (h) Individual rentals shall not exceed five consecutive days in length.
  - (i) No retail sales of goods shall occur in a bed and breakfast establishment.
  - (j) One exterior advertising sign, not exceeding four square feet in area, may be erected on the premises.
- (5) Clubs, fraternities, lodges and meeting places of a noncommercial nature provided all structures and uses are not less than 25 feet from any lot.
- (6) Rest homes, nursing homes and clinics provided all structures and uses are not less than 50 feet from any lot line.

F. Prohibited Uses

Any use not listed as a permitted use, permitted accessory use or a conditional use is prohibited unless the R-3 Multi-Family Residential District lands are first rezoned into another district.

G. Lot Area and Width

- (1) The minimum lot area shall be determined by the number of dwelling units to be accommodated. When served by on-site sewage treatment and disposal facilities, a minimum of 10,000 square feet of open space shall be provided for each dwelling unit to be accommodated. The location and design of the sewage disposal facilities shall be subject to approval by Waukesha County and the Wisconsin Department of Commerce.
- (2) Lots shall have a minimum average lot width of not less than 150 feet.

H. Setbacks

- (1) There shall be a minimum building setback of 50 feet from the street right-of-way.
- (2) There shall be a side yard setback on each side of the principal structure of not less than 20 feet in width.
- (3) There shall be a rear yard setback of not less than 25 feet.
- (4) There shall be a minimum shore yard setback of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a Conservancy District boundary.

I. Building Height and Area

- (1) No building or parts of a building shall exceed 35 feet in height. The first floor and total minimum finished living area of any dwelling shall be as follows:

Bedrooms Per Dwelling Unit	Total Area (Square Feet)	First Floor Area (Square Feet)
One	900	850
Two	1,000	850
Three	1,100	850
Four or More	1,200	850

J. Parking Requirements

Refer to Section 6 for the applicable requirements.

K. Signs and Outdoor Lighting

Refer to Section 8 for the applicable standards.

L. Plans to be Submitted to Village Plan Commission

- (1) To encourage a living environment that is compatible with the residential character of the Village, building permits for permitted uses in the R-3 Multi-family Residential District shall not be issued without review and approval of a site plan by the Village Plan Commission. Said review and approval shall be concerned with general layout, building locations and configurations, building materials and appearance, ingress, egress, parking and landscaping.

4.8

**B-1 NEIGHBORHOOD BUSINESS DISTRICT**

A. Statement of Intent

The B-1 Business District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area. No such district shall be less than one acre in area.

B. Permitted Uses

- (1) Automotive parts sales. No outside storage shall be permitted.
- (2) Bakeries
- (3) Banks and other financial institutions
- (4) Barber shops
- (5) Beauty shops
- (6) Cold storage compartments provided that the applicant submits and the Plan Commission approves a site plan and plan of operation; that the Plan Commission makes a finding that the storage compartments will not have an adverse impact on neighboring properties caused by increased traffic, noise, or unsightly appearance; and provided that no cold storage compartment shall exceed an area of 800 square feet.
- (7) Commercial daycare centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a vehicle service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the daycare facility site in accordance with the standards set forth in Section 6.3(K)(6)(h)(3) of this Ordinance.
- (8) Confectionaries
- (9) Delicatessens
- (10) Drive-in banks and other financial institutions
- (11) Drive-in restaurants
- (12) Drive-through restaurants
- (13) Drugstores
- (14) Florists
- (15) Fruit stores
- (16) Grocery stores
- (17) Hardware stores
- (18) Mini-warehousing and small cubical storage provided that no perishable products, or flammable or explosive materials may be stored and no sales of merchandise may be conducted from a mini-warehouse or small cubical storage shed.
- (19) Packaged beverage stores
- (20) Processing and assembly of final products provided that the industrial process does not occupy more than 1,000 square feet of floor area. Processing and assembly shall be conducted entirely within an enclosed structure and there shall be no outside storage of materials or product.
- (21) Restaurants sit-down, including drive-in and drive-through restaurants
- (22) Retail meat markets
- (23) Self-service laundry and dry-cleaning establishments

- (24) Self-service and automated car washes, with adequate queuing space and drying space as determined by the Plan Commission prior to building permit.
- (25) Other uses similar to the above Permitted Uses list, subject to the approval of the Plan Commission, if the use is not already listed as a Conditional Use.

C. Permitted Accessory Uses (Refer to Section 7.4 for associated regulations)

- (1) Garages for storage of vehicles used in conjunction with the operation of business.
- (2) Off-street parking and loading areas
- (3) Residential quarters for the owner of the property or proprietor of the business, located in the same building as the business.
- (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (5) Roof-mounted, solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

D. Conversions

None

E. Conditional Uses (Refer to Section 5 for associated regulations)

- (1) Any uses permitted in the B-2 Central Business District.
- (2) Animal hospital/clinic.
- (3) Gasoline service stations provided that the use shall not cause traffic congestion or traffic safety hazards; that lightning and glare shall not extend into adjacent residential areas; and that service island and areas shall comply with the minimum setback requirements of the District. Canopies over service islands may encroach up to six (6) feet into any required yard, but shall not encroach into a street right-of-way.
- (4) Utility substations, wells, pumping stations, and water towers, provided all structures and uses are not less than 50 feet from any residential lot line.
- (5) Vehicle sales and repair stations.
- (6) Other uses similar to the above Conditional Use list, subject to hearing and approval of the Plan Commission.

F. Lot Area and Width

- (1) Neighborhood business shopping centers or districts shall contain a minimum of 1.0 acre and shall be not less than 150 feet in width.
- (2) Individual business sites in the B-1 Business District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards and open areas. There is no required minimum site area or width.
- (3) Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.

G. Setbacks

- (1) There shall be a minimum building setback of 30 feet from all street right-of-ways.
- (2) No separation shall be required between business, service or commercial uses. No structure shall be closer than 20 feet to a side lot line.
- (3) There shall be a rear yard setback of not less than 40 feet.
- (4) There shall be a minimum shore yard setback of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a Conservancy District boundary.
- (5) A buffer area landscaped with trees and shrubs shall be required along all side and rear lot lines that abut a residential district.

H. Building Height

No principal building or parts of a principal building shall exceed 35 feet in height.

I. Parking Requirements

Refer to Section 6 for the applicable requirements.

J. Signs and Outdoor Lighting

Refer to Section 8 for the applicable standards.

K. Plans to be Submitted to Village Plan Commission

- (1) To encourage a business environment that is compatible with the primarily residential character of the Village, building permits for permitted uses in the B-1 Neighborhood Business District shall not be issued without review and approval of the Village Plan Commission. Said review and approval shall be concerned with a site plan by general layout, building locations and configurations, building materials and appearance, architectural and facade treatment ingress, egress, parking, loading and unloading, sign design, and landscaping.
- (2) An operation plan (Refer to Section 2.5H).

L. Temporary Permitted Uses

The following uses are Temporary Uses and may be permitted as specified and with a permit granted by the Plan Commission.

- (1) Flea markets, carnivals, and outdoor group assemblies of 250 people or more may be permitted in any public business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, hours of operation, and a plan of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity. Fireworks stands are considered unsafe activities at a flea market, carnival, or group assembly and are, accordingly, prohibited in the Village of North Prairie.



- (2) Circuses and animal shows may be permitted in any public, business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting and hours of operation. The Plan Commission may limit or prohibit the display of dangerous animals such as lions or snakes. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
- (3) Farmer's markets may be permitted in any public, business or industrial district for a period not to exceed 150 days. No temporary use listed herein shall be conducted within the street right-of-way unless specific approval is granted by the Plan Commission and the Village Board. One temporary sign may be erected, but may not exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

#### 4.9 **B-2 CENTRAL BUSINESS DISTRICT**

The B-2 Business District is intended to provide for the orderly and appropriate development of the central business district as designated by the Village Board.

##### A. Statement of Intent

It is the specific intent of the B-2 District to:

- (1) Encourage development of retail, residential, and office uses that are compatible with the historic Village setting in size, scale, and architectural character.
- (2) Encourage the retention and restoration of existing buildings, along with the landscaping and design elements that are characteristic of the Village setting.
- (3) Provide opportunities for a diversity of commercial uses and a mix of compatible residential uses.
- (4) Encourage mixed-use development on larger tracts in order to fully utilize the area of these tracts for the economic benefit of both the Village and the property owner.
- (5) Encourage those types of commercial and office uses that do not generate a traffic volume that may lead to congestion.
- (6) Encourage consolidation of driveways, parking, and curb cuts to enhance safety and provide more efficient and economical access and parking.
- (7) Minimize visual and functional conflicts between residential and non-residential uses within and abutting the district.

##### B. Lot Area and Width

Lots shall contain a minimum of 7,200 square feet and the minimum average lot width shall be 50 feet.

C. Permitted Uses

On any lot in the B-2 district, one or a combination of the following uses are permitted:

- (1) Banks and other financial institutions, excluding drive-in or drive-through service facilities.
- (2) Bed and breakfast establishments provided that:
  - (a) A site plan and plan of operation shall be submitted to the Village Plan Commission. The site plan shall include a parking plan.
  - (b) Traffic conditions in the neighborhood shall not be adversely impacted by access to the property, traffic generated by the use, or any other aspects of the proposal.
  - (c) Adequate off-street parking shall be provided as set forth in Section 6(K)(1)(e) of this ordinance.
  - (d) All necessary State permits and licenses shall have been secured.
  - (e) The owner of the bed and breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.
  - (f) No more than two rooms shall be rented for such use in any establishment which is located in an area which is predominantly comprised of single-family homes, and in no case shall more than four rooms be rented for such use in other districts.
  - (g) Individual rentals shall not exceed five consecutive days in length.
  - (h) No retail sales shall occur in a bed and breakfast establishment.
  - (i) One exterior advertising sign, not exceeding four square feet in area, may be erected on the premises.
- (3) Commercial daycare center.
- (4) Commercial recreation facilities such as arcades, bowling alleys, dance halls, pool and billiard halls and theaters.
- (5) Conversions. A conversion of an existing single-family residential detached building into a combination of nonresidential and residential uses or all nonresidential uses in a single existing building meeting the following requirements:
  - (a) The front façade and front porch of the existing building, if any, shall be preserved. Any building addition shall be located to the rear, and shall be compatible with the existing building in size, scale, and building materials. Stairways, fire escapes, and other structural alterations shall be located to the rear or side of the building.
  - (b) A single-family detached dwelling may be converted to:
    1. A maximum of three nonresidential uses with no residential uses, or
    2. One residential unit with up to two nonresidential uses.
    3. To encourage an environment that is compatible with the residential character of the Village, conversions to permitted uses in the District shall not be issued without review and approval of the Village Plan Commission. Said review and approval shall be concerned with the general layout, building plans, architectural and façade treatment, ingress and egress, design, parking, loading and unloading, and sign design and landscaping. The Plan Commission shall determine that all proposed development and redevelopment in the District will be compatible with the stated intent of the District.
    4. Any nonresidential use is permitted in accessory buildings located to the rear or side of principal buildings, provided that

adequate parking is provided in accordance with Section 6 of this Ordinance.

- (6) Defined professional home offices
- (7) Drive-in and drive-through windows for banks and other financial institutions, restaurants, drugstores, drycleaners, and other similar type service businesses
- (8) Educational, religious, or philanthropic institution
- (9) Funeral home provided all structures and uses are not less than 25 feet from any lot line.
- (10) General retail, including uses such as grocery, bakery, delicatessens, hardware, drug, furniture, major appliances, office supply and business machines, paint, glass and wallpaper, clothing, sporting good stores, variety stores and similar uses.
- (11) Housing for the elderly, following State guidelines.
- (12) Medical, dental, optical, and other health care offices, but not including veterinary offices.
- (13) Mixed residential and nonresidential use development, provided such development meets the following conditions:
  - (a) The project shall be developed under a single development plan with a unified architectural scheme and site plan, to include building facades, street furniture, signs, lighting standards, parking, driveways and pedestrian circulation, in conformance with the Village of North Prairie Zoning Ordinances.
  - (b) Residential and nonresidential uses may be combined on a single parcel in new buildings, existing buildings, or a combination of new and existing buildings.
  - (c) Residential units in new and existing buildings shall be located only above a nonresidential use.
- (14) Personal service shop, including such uses as hairdresser, barber, tailor, shoe repair, dry cleaning drop-off, self-service laundry and copy center.
- (15) Production of crafts, woodworking, jewelry or similar uses by artisans, provided that noise levels do not exceed those typical of permitted uses.
- (16) Public utility, municipal, or government offices and uses.
- (17) Retail meat market.
- (18) Single-family and two-family detached homes.
- (19) Sit-down restaurant and cocktail lounges
- (20) Small household appliance repair in conjunction with retail sales
- (21) Specialized retail stores and shops selling such items as gifts, novelties, flowers, confectionery, books and stationary, periodicals, newspapers, jewelry, apparel, shoes and leather goods, tobacco, packaged beverages, toys, crafts, hobby supplies, cameras and film, video tape sales and rental, stationery, or antiques. Adult-oriented establishments shall not be included in this category.
- (22) Studio for art, dance, music, exercise, or photography.
- (23) Other uses similar to the above Permitted Use list, subject to hearing and approval of the Plan Commission.

D. Permitted Accessory Uses (Refer to Section 7.4 for associated regulations)

- (1) Off-street parking and loading.
- (2) Detached garages for storage of vehicles used in conjunction with the operation of the principal business or for occupants of the premises.

E. Conditional Uses (Refer to Section 5 for associated regulations)

- (1) Clubs, fraternal organizations.

- (2) Community and other living arrangements as permitted and limited in Section 62.23(7)(l) of the Wisconsin Statutes.
- (3) Gasoline service stations provided that the use shall not cause traffic congestion or traffic safety hazards; that lighting and glare shall not extend into adjacent residential areas; and that service islands and areas shall comply with the minimum setback requirements of the District. Canopies over service islands may encroach up to six (6) feet into any required yard, but shall not encroach into a street right-of-way.
- (4) Roof-mounted solar collectors, provided that they are located on the rear of the roof of the principal structure.
- (5) Vehicle sales and repair stations and automotive parts sales.
- (6) Other uses similar to the above Conditional Use list, subject to hearing and approval of the Plan Commission.

F. Dimensional Standards.

The following standards shall apply to all permitted uses:

- (1) Build-to line: For all construction a build-to line rather than a minimum street yard shall be used. New buildings shall be constructed to a line formed by the average building setback of the buildings on the adjacent lots on both sides, except that no new building shall be located closer than 15 feet to the street right-of-way. If no existing buildings are present on the adjacent lots, the average setback of the next nearest buildings on each side shall be used, except that the minimum setback shall be 15 feet and the maximum setback shall be 30 feet.
- (2) Proposed buildings may be located more than 30 feet from the street provided that the applicant is able to demonstrate, to the satisfaction of the Plan Commission, that doing so would result in a better site plan and cohesive design that better meets the intent of the B-2 district.
- (3) Side yard setback: 10 feet on each side, except that upon the approval of the Village Plan Commission, one sideyard may be reduced to zero feet.
- (4) Rear yard setback: 15 feet.
- (5) Loading docks may be required to be set back a greater distance from the side or rear lot line, as determined by the Plan Commission.
- (6) Accessory buildings shall be set back from all property lines a minimum distance of five feet.
- (7) Maximum height: 35 feet.
- (8) Minimum shore yard: 75 feet from the ordinary high water mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a Conservancy District.
- (9) Parking lot setbacks:
  - a. From street right-of-way: five feet.
  - b. From rear property lines: ten feet.
  - c. From side property lines: five feet, however no setback is required if shared parking is used and cross-easements are established.
  - d. From buildings: five feet.
- (10) Property line buffer: A buffer area landscaped with trees and shrubs shall be required along all side and rear lot lines that abut a residential district. Driveways may not encroach into the buffer area unless the lot is too narrow

to permit any other alternative, in the opinion of the Plan Commission, or for the purpose of shared parking or connected parking areas between lots.

G. Design Standards (Required)

- (1) Proposed development of any lot with more than one principal use or building shall be designed as a compact, unified whole, with common parking and signage, and internal circulation.
- (2) Outdoor storage shall not be permitted, but outdoor display during business for the purpose of selling retail goods is permitted.
- (3) Parking in side yards shall be screened from the street right-of-way and the adjacent uses to the satisfaction of the Plan Commission and the Community Development Authority.

H. Design Standards (Encouraged)

The following guidelines are recommended for all permitted uses.

- (1) Existing buildings, especially those built prior to 1945, and contributing to the historic character of the Village, should be retained where possible. Front and side building facades and front porches, if any, should be preserved.
- (2) Additions to existing buildings or new buildings on a lot should be located to the rear or side, where possible, and should be compatible with the existing buildings in the Central Business District in the following respects:
  - (a) Height, proportion, and scale (relation of building height to width).
  - (b) Bulk and general massing.
  - (c) Number, spacing, and proportion of windows and doors.
  - (d) Roof shape and treatment.
  - (e) Materials, colors, and textures of buildings and signage. Natural materials such as stone, brick, wood siding, and shingles are preferred to industrial or artificial materials such as concrete, anodized or galvanized metal, tinted glass, plastics, vinyl, and other similar materials.
  - (f) Final determination as to the compatibility of proposed buildings shall be made by the Plan Commission in compliance with the above standards.
- (3) The applicant shall submit sufficient information in the form of architectural elevations or sketches of building additions, restoration, or new buildings to determine to what extent the design guidelines are being followed.
- (4) To facilitate traffic circulation parking areas for a proposed nonresidential use should be directly connected to nonresidential parking areas on adjacent lots where possible. If a connection cannot be made when the proposed use is constructed, a driveway may be constructed extending to the adjacent property line in a location where a future connection can be made. Cross-easements for access shall be provided where applicable.
- (5) Shared parking facilities maximize the use of the limited area available for parking within the Central Business District and should be used wherever possible. When parking facilities are shared, the overall parking requirement may be reduced. The number of residential parking spaces, however, shall not be reduced. It shall be the burden of the applicant to provide documentation that uses sharing parking are complimentary and that the full required number of parking spaces would not be required.

I. Parking Requirements

Refer to Section 6 for applicable requirements.

J. Signs and Outdoor Lighting

Refer to Section 8 for the applicable standards.

K. Plans to be Submitted to Plan Commission

(1) To encourage a business environment that is compatible with the primarily residential character of the Village, building permits for permitted uses in the B-2 Central Business District shall not be issued without review and approval of a site plan by the Village Plan Commission. Said review and approval shall be concerned with general layout, building locations and configurations, building materials and appearance, architectural and facade treatment, ingress and egress, parking, loading and unloading, sign design, and landscaping.

(2) An operation plan. (Refer to Section 2.5H)

L. Temporary Permitted Uses

The following uses are Temporary Uses and may be permitted as specified and with a permit granted by the Plan Commission.

(1) Flea markets, carnivals, and outdoor group assemblies of 250 people or more may be permitted in any public business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, hours of operation, and a plan of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity. Fireworks stands are considered unsafe activities at a flea market, carnival, or group assembly and are, accordingly, prohibited in the Village of North Prairie.

(2) Circuses and animal shows may be permitted in any public, business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting and hours of operation. The Plan Commission may limit or prohibit the display of dangerous animals such as lions or snakes. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

(3) Farmer's markets may be permitted in any public, business or industrial district for a period not to exceed 150 days. No temporary use listed herein shall be conducted within the street right-of-way unless specific approval is granted by the Plan Commission and the Village Board. One temporary sign may be erected, but may not exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

**4.9A B-3 MIXED USE DISTRICT**

A. Statement of Intent

The B-3 Mixed Use District is intended to provide for the expansion of the Village's central business district with a mix of compatible commercial and residential development that will result in a mutually beneficial development. The historic character and architectural design of the central business district is intended to extend through the mixed use district that continues the walkable atmosphere with uses developed at a pedestrian-friendly size and scale.

B. Lot Area and Width

Lots shall contain a minimum of 60,000 square feet and the minimum average lot width shall be 200 feet.

C. Permitted Uses

On any lot in the B-3 district, a combination of the following residential and non-residential uses are permitted provided such development meets the following conditions:

- (1) The project shall be developed under a single development plan with a unified architectural scheme and site plan, to include building facades, street furniture, signs, lighting standards, parking, driveways and pedestrian circulation, in conformance with the following requirements:
  - (a) Residential and non-residential uses may be combined on a single parcel in a single building or a combination of buildings.
  - (b) Where residential and non-residential uses are in a single building, non-residential uses shall be located on the ground floor of the buildings. Residential uses shall be located above the ground floor.
  - (c) On large buildings, variations in facades, canopies, and rooflines to provide contrasts of height, color, texture, and materials are encouraged.
  - (d) Any building façade that faces a street shall be constructed of at least 60% traditional building materials such as natural stone, brick, wood, cement fiber siding, or other materials approved by the plan Commission.
- (2) Permitted non-residential uses include:
  - (a) Banks and other financial institutions, excluding drive-in or drive-through service facilities.
  - (b) Commercial daycare center.
  - (c) General retail, including uses such as grocery, bakery, delicatessens, hardware, drug, furniture, major appliances, office supply and business machines, paint, glass and wallpaper, clothing, sporting good stores, variety stores, and similar uses.
  - (d) Medical, dental, optical, and other health care offices, but not including veterinary offices.
  - (e) Personal service shop, including such uses as hairdresser, barber, tailor, shoe repair, dry-cleaning drop-off, self-service laundry, and copy center.
  - (f) Production of crafts, woodworking, jewelry or similar uses by artisans provided that noise levels do not exceed those typical of permitted uses.
  - (g) Professional offices.
  - (h) Public utility, municipal, or government offices and uses.
  - (i) Retail meat market.
  - (j) Sit-down restaurant and cocktail lounges.
  - (k) Small household appliance repair in conjunction with retail sales.

- (l) Specialized retail stores and shops selling such items as gifts, novelties, flowers, confectionery, books and stationery, periodicals, newspapers, jewelry, apparel, shoes and leather goods, tobacco, packaged beverages, toys, crafts, hobby supplies, cameras and film, video tape sales and rental, stationery, or antiques. Adult oriented establishments shall not be included in this category.
- (m) Studio for art, dance, music, exercise, or photography.
- (n) Other uses similar to the above permitted use list, subject to the approval of the Plan Commission, if the use is not already listed as a conditional use.

D. Permitted Accessory Uses (Refer to Section 7.4 for associated regulations)

- (1) Off-street parking and loading.
- (2) Detached garages for storage of vehicles used in conjunction with the operation of the principal business or for occupants of the premises.

E. Conditional Uses (Refer to Section 5 for associated regulations)

- (1) Clubs, fraternal organizations.
- (2) Community and other living arrangements as permitted and limited in Section 62.23(7)(l) of the Wisconsin Statutes.
- (3) Drive-in and drive-through windows for banks and other financial institutions, restaurants, drugstores, dry cleaners, and other similar type service businesses.
- (4) Housing for the elderly.
- (5) Roof mounted solar collectors, provided that they are located on the rear of the roof of the principal structure.
- (6) Vehicle sales and repair stations and automotive parts sales.
- (7) Other uses similar to the above conditional use list, subject to hearing and approval of the Plan Commission

F. Dimensional Standards

The following standards shall apply to all permitted uses:

- (1) Build-to line: For all construction a build-to line rather than a minimum street yard shall be used. New buildings shall be constructed to a line formed by the average building setback of the buildings on the adjacent lots on both sides, except that no new building shall be located closer than 15 feet to the street right-of-way. If no existing buildings are present on the adjacent lots, the setback shall be 15 feet.
- (2) Proposed buildings may be located more than 30 feet from the street provided that the applicant is able to demonstrate, to the satisfaction of the Plan Commission, that doing so would result in a better site plan and cohesive design that better meets the intent of the B-3 District.
- (3) Property line buffer: A buffer area landscaped with trees and shrubs shall be required along all side and rear lot lines that abut a residential district. Driveways may not encroach into the buffer area unless the lot is too narrow to permit any other alternative, in the opinion of the Plan Commission, or for the purpose of shared parking or connected parking areas between lots.
- (4) Side yard setback: 10 feet on each side, except that upon the approval of the Village Plan Commission, one side yard may be reduced to zero feet.
- (5) Rear yard setback: 15 feet.
- (6) Loading docks may be required to be set back a greater distance from the side or rear lot line, as determined by the Plan Commission.
- (7) Accessory buildings shall be set back from all property lines a minimum distance of five feet and shall be located in the rear yard.
- (8) Maximum height: 35 feet.



- (9) Minimum shore yard: 75 feet from the ordinary high water mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a Conservancy District.
- (10) Parking lot setbacks:
  - (a) From street right-of-way: 5 feet.
  - (b) From rear property lines: 10 feet.
  - (c) From side property lines: 5 feet, however no setback is required if shared parking is used and cross-easements are established.
  - (d) From buildings: 5 feet.

G. Required Design Standards

- (1) Proposed development shall be designed as a compact, unified whole, with common parking and signage, and internal circulation.
- (2) Outdoor storage shall not be permitted, but outdoor display during business hours for the purpose of selling retail goods is permitted.
- (3) Parking in side yards shall be screened from the street right-of-way and the adjacent uses to the satisfaction of the Plan Commission.
- (4) The applicant shall submit sufficient information in the form of architectural elevations or sketches of building additions, restoration, or new buildings to determine to what extent the design guidelines are being followed.
- (5) To facilitate traffic circulation and parking, areas for a proposed mixed use should be directly connected to nonresidential parking areas on adjacent lots where possible. If a connection cannot be made when the proposed use is constructed, a driveway may be constructed extending to the adjacent property line in a location where a future connection can be made. Cross-easements for access shall be provided where applicable.
- (6) Shared parking facilities maximize the use of the limited area available for parking within the B-3 Mixed Use District and should be used wherever possible. When parking facilities are shared, the overall parking requirement may be reduced. The number of residential parking spaces, however, shall not be reduced. It shall be the burden of the applicant to provide documentation that uses sharing parking are complimentary and that the full required number of parking spaces would not be required.

H. Encouraged Design Standards

The following guidelines are recommended for all permitted uses.

- (1) Buildings should be designed to be compatible with the design of existing buildings in the B-2 Central Business District, especially those built prior to 1945, and contributing to the historic character of the Village. Front and side building facades and front porches, if any, should be preserved.
- (2) Additions to existing buildings or new buildings on a lot should be located to the rear or side, where possible, and should be compatible with the existing buildings in the B-2 and B-3 Districts in the following respects:
  - (a) Height, proportion, and scale (relation of building height to width).
  - (b) Bulk and general massing.
  - (c) Number, spacing, and proportion of windows and doors.
  - (d) Roof shape and treatment.
  - (e) Materials, colors, and textures of buildings and signage. Natural materials such as stone, brick, wood siding, and shingles are preferred to industrial or artificial materials such as concrete, anodized or galvanized metal, tinted glass, plastics, vinyl, and other similar materials.
  - (f) Final determination as to the compatibility of proposed buildings shall be made by the Plan Commission in compliance with the above standards.

I. Parking Requirements

Refer to Section 6 for applicable requirements.

J. Signs and Outdoor Lighting

Refer to Section 8 for the applicable standards.

K. Plans to be Submitted to Plan Commission

- (1) To encourage a business environment that is compatible with the primarily residential character of the Village, building permits for permitted uses in the B-3 Mixed Use District shall not be issued without review and approval of a site plan by the Village Plan Commission. Said review and approval shall be concerned with general layout, building locations and configurations, building materials and appearance, architectural and facade treatment, ingress and egress, parking, loading and unloading, sign design, and landscaping.
- (2) An operation plan. (Refer to Section 2.5H)

**4.10 I-1 INDUSTRIAL DISTRICT**

A. Statement of Intent

The I-1 Industrial District is intended to provide for the orderly development of business, manufacturing or industrial operations that do not require municipal sanitary sewerage, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

B. Permitted Uses

- (1) Auto and truck repair.
- (2) Business offices, trades or manufacturing and assembly industries and any other similar uses as determined by the Plan Commission which are not detrimental to the district or to nearby residential areas by reason of appearance, noise, dust, smoke or odor.
- (3) Cold storage warehouses.
- (4) Construction services such as building contractors, carpenters, electricians, flooring services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and well drilling services. No outside storage shall be permitted except as provided in Section 4.10(E)(6) of this Ordinance.
- (5) Factory outlets and retail sales of products made onsite in the principal industrial operation.
- (6) General sales of industrial products, such as building materials, electrical supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing supplies, wallpaper and wallpaper supplies, and windows and doors. No outside storage shall be permitted except as provided in Section 4.10(E)(6) of this Ordinance.

- (7) Mini-warehousing and small cubical storage provided that no perishable products, explosive materials or flammable materials may be stored except as noted below, and no sales of merchandise may be conducted from a mini-warehouse or small cubical storage shed. Motorized vehicles may contain fuel in tanks, but any fuel stored in portable containers shall be limited to five (5) gallons.
- (8) Restaurants.
- (9) Retail, wholesaler and distributor uses.

C. Permitted Accessory Uses (Refer to Section 7.4 for associated regulations)

- (1) Garages for storage of vehicles used in conjunction with the operation of an industry.
- (2) Off-street parking and loading areas
- (3) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
- (4) Satellite dish antennas in excess of 18 inches in diameter located on the roof of any structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (5) Roof-mounted solar collectors, wind powered electric power generators or other alternative energy generators, provided that a registered engineer shall certify that the structure is adequate to support the load.

D. Conversions

None

E. Conditional Uses (Refer to Section 5 for associated regulations)

- (1) Airports, airstrips and aircraft landing fields provided that the site is not less than 20 acres.
- (2) Animal hospitals provided all principal structures and uses are not less than 100 feet from any residential use.
- (3) Bag cleaning facilities, bleacheries, canneries, cold storage warehouses; electric and steam generating plants; electroplating; enameling, lacquering; lithographing; oil, coal, and bone distillation; refineries; road test facilities; and weaving facilities. All such facilities shall be at least 600 feet from residential, and public and semipublic districts.
- (4) Cellular and digital communication antennas provided that:
  - (a) The developer shall prepare a plan showing the number and potential location of all antenna sites needed in the Village and in other adjacent municipalities to complete the communication network.
  - (b) Antennas shall be to the extent practicable constructed on existing structures, such as, but not limited to, water towers, existing utility towers, industrial buildings, or other communication towers.
  - (c) If it is determined by the Plan Commission that such antennas cannot be co-located on existing structures, freestanding tower structures may be permitted, but such structures shall be designed to support the proposed antennas and three additional sets of communication antennas. The developer shall agree, in writing, to make the structure available for co-location by other companies of other communication equipment at a reasonable return.

- (d) The developer may be required to post a bond or cash deposit to assure maintenance of communication equipment and its supporting structures; and to assure that if such facilities are abandoned, sufficient resources are available for the Village to remove such equipment and structures.
- (5) Commercial kennels, as defined in Section 14 of this Ordinance.
- (6) Commercial service facilities, such as restaurants and fueling stations, provided that all such services are physically and saleswise oriented toward industrial district users and employees and that other users are only incidental customers.
- (7) Freight yards, freight terminals, and transshipment depots.
- (8) Manufacturing, processing and/or distribution of abrasives, acetylene, acid, alcoholic beverages, alkalies, batteries, bedding, bleach, home building materials, candles, celluloid, cement products, cereals, charcoal, chemicals, coffee, coke, cordage, dextrin, disinfectant, dry ice, dyes, excelsior, fat, felt, flammables, food products, fuel, furs, gasoline, gelatin, glucose, grains, ice, ink, hair products, lard, lime, linoleum matches, meat, oil cloth, paint, paper, peas, perfume, pickles, plastics, plaster of paris, polish, potash, rope, rubber, size, shellac, soap starch, stove polish, textiles turpentine, varnish, vinegar, and yeast in the I-1 Industrial District.
- (9) Outdoor storage with mini-warehousing as the permitted principal use.
- (10) Storage of building materials, ice, dry ice, flammables, gasoline, grains, paint, shellac, fat, lard, turpentine, vinegar, and yeast. All outside storage areas shall be at least 600 feet from residential, park, and institutional districts located in the Village. The Plan Commission may waive or reduce the 600-foot separation requirement. In all cases, outside storage shall be screened with buffer yards. All buffer yard plans shall be subject to review and approval by the Village Plan Commission. Buffer plantings in buffer yards shall consist of predominately evergreen trees and shrubs, the individual trees and shrubs to be of such a number and so arranged that they will have formed a dense screen within five years, or by a fence, or by a combination of trees and fencing. Individual trees shall be capable of reaching a height of ten feet within two years. Furthermore, no use shall be granted a modification of the separation requirement if the Plan Commission determines that the use will have a high risk of fire, explosion, noise, vibration, odor, or if the use will generate traffic volumes in excess of those reasonably expected in a residential neighborhood. The storage areas may be crushed stone or gravel surfaced provided dust does not create a nuisance to adjacent properties and that the areas are maintained to lines and grades established by the Village Engineer, are free of ruts and potholes, and do not exhibit ponding or standing water in wet weather.
- (11) Utility substations, wells, pumping stations and water towers provided all structures and uses are not less than 50 feet from any lot line.

F. Prohibited Uses

Any use not listed as a permitted use, permitted accessory use or a Conditional Use is prohibited unless the I-1 Industrial District lands are first rezoned into another district.

In addition, the following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

- (1) Manufacturing of acetylene, ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, pyroxyline, and radium.

- (2) Processing ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, pyroxyline, and radioactive materials.
- (3) Storage of bulk fertilizer, explosives, septic waste, gasoline in excess of 50,000 gallons, grease, and radioactive materials.
- (4) Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

G. Lot Area and Width

- (1) Lots shall have a minimum of 1.0 acre area and shall have a minimum average lot width of 150 feet.
- (2) Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 80 percent of the lot area. Landscaped open space shall occupy not less than 20 percent of the lot area.

H. Setbacks

- (1) There shall be a minimum building setback of 50 feet from the street right-of-way.
- (2) There shall be two side yards with setbacks totaling not less than 40 feet in width. No single side yard setback shall be less than 10 feet in width for building up to 35 feet in height. Where height exceptions are permitted under Section 7, the minimum side yards shall be increased by one foot for each additional one foot of building height over 35 feet.
- (3) There shall be a rear yard setback of not less than 25 feet.
- (4) There shall be a minimum shore yard setback of 75 feet from the ordinary high water mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a Conservancy District boundary.

I. Building Height

No building shall exceed 35 feet in height. The Village Board following a public hearing, may grant an exception to the 35 foot height restriction upon recommendation of the Plan Commission.

J. Parking Requirements

Refer to Section 6 for the applicable parking requirements.

K. Signs and Outdoor Lighting

Refer to Section 8 for the applicable standards.

L. Plans to be Submitted to Plan Commission

- (1) To encourage an industrial use environment that is compatible with the primarily residential character of the Village, building permits for permitted uses in the I-1 Industrial District shall not be issued without review and approval of a site plan by the Village Plan Commission. Said review and approval shall be concerned with general layout, building locations and configurations, building materials and appearance, architectural and facade treatment, ingress, egress, parking, loading and unloading, sign design and landscaping.
- (2) An operation plan. (Refer to Section 2.5H)

M. Temporary Permitted Uses

The following uses are Temporary Uses and may be permitted as specified and with a permit granted by the Plan Commission.

- (1) Flea markets, carnivals, and outdoor group assemblies of 250 people or more may be permitted in any public business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, hours of operation, and a plan of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity. Fireworks stands are considered unsafe activities at a flea market, carnival, or group assembly and are, accordingly, prohibited in the Village of North Prairie.
- (2) Circuses and animal shows may be permitted in any public, business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting and hours of operation. The Plan Commission may limit or prohibit the display of dangerous animals such as lions or snakes. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
- (3) Farmer's markets may be permitted in any public, business or industrial district for a period not to exceed 150 days. No temporary use listed herein shall be conducted within the street right-of-way unless specific approval is granted by the Plan Commission and the Village Board. One temporary sign may be erected, but may not exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

**4.11 P-1 PUBLIC OR PRIVATE PARK DISTRICT**

A. Statement of Intent

The P-1 Public or Private Park District is intended to provide for park and recreational facilities and golf courses owned by the public or the private sector. The Village shall require the following approvals, all by the Village Plan Commission: site plan approval and approval of the plan of operation, and building permit approval by the Building Inspector.

B. Permitted Uses

- (1) Publicly owned park and recreational facilities.
- (2) Publicly owned golf courses.
- (3) Privately owned park and recreational facilities.
- (4) Privately owned golf courses.

C. Permitted Accessory Uses (Refer to Section 7.4 for associated regulations)

- (1) Buildings accessory to the permitted use including shelters and maintenance buildings for public parks and public golf courses.
- (2) Satellite dish antennas in excess of 18 inches in diameter located on the roof of any structure or in the rear yard, subject to the review and approval of the Village Plan Commission. In addition, where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (3) Roof-mounted solar collectors, wind powered electric power generators or other alternative energy generators, subject to the review and approval of the Plan Commission, and provided that a registered engineer shall certify that the structure is adequate to support the load.

D. Conversions

None.

E. Conditional Uses

None.

F. Prohibited Uses

Any use not listed as permitted use, permitted accessory use or a conditional use is prohibited unless the P-1 Public or Private Park District lands are first rezoned into another district.

G. Lot Area and Width

Lots shall contain sufficient area and width for the intended public or private park, recreational facility or golf course pursuant to the requirements of this ordinance, as determined by the Village Plan Commission.

H. Setbacks

- (1) No building or structure shall be erected, altered, or moved closer than 50 feet to the front lot line, 20 feet to any side lot line, or 25 feet to the rear lot line.
- (2) There shall be a minimum shore yard setback of 75 feet from the ordinary high water mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a Conservancy District boundary.

I. Building Height

No building or part of a building shall exceed 35 feet in height.

J. Parking Requirements

Refer to Section 6.3(K) for the applicable requirements.

K. Signs and Outdoor Lighting

Refer to Section 8 for the applicable standards.

L. Plans and Specifications to be Submitted to Village Plan Commission

- (1) Site Plan and Plan of Operation, pursuant to the requirements of Section 10 of this Ordinance.

- (2) Building Permit application.

M. Temporary Permitted Uses

The following uses are Temporary Uses and may be permitted as specified and with a permit granted by the Plan Commission.

- (1) Flea markets, carnivals, and outdoor group assemblies of 250 people or more may be permitted in any public business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, hours of operation, and a plan of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity. Fireworks stands are considered unsafe activities at a flea market, carnival, or group assembly and are, accordingly, prohibited in the Village of North Prairie.
- (2) Circuses and animal shows may be permitted in any public, business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting and hours of operation. The Plan Commission may limit or prohibit the display of dangerous animals such as lions or snakes. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
- (3) Farmer's markets may be permitted in any public, business or industrial district for a period not to exceed 150 days. No temporary use listed herein shall be conducted within the street right-of-way unless specific approval is granted by the Plan Commission and the Village Board. One temporary sign may be erected, but may not exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

**4.11-5 G-1 GOVERNMENTAL, INSTITUTIONAL AND PUBLIC UTILITY DISTRICT**

A. Statement of Intent

The G-1 District is intended to provide for governmental uses, institutional uses and public utilities and facilities.

B. Permitted Uses

- (1) Governmental uses and facilities, including municipal offices and garages.
- (2) Institutional uses, including schools, churches, libraries, museums, convents, monasteries, boarding houses, fraternity and sorority houses, dormitories, rectories, nursing homes and hospitals.



- (3) Public utilities and facilities, including water towers and buildings and structures required for the maintenance of water supply systems, but is not intended to include cellular and digital communication antennas.

C. Permitted Accessory Uses (Refer to Section 7.4 for associated regulations)

- (1) Buildings accessory to the permitted use.
- (2) Satellite dish antennas in excess of 18 inches in diameter located on the roof of any structure or in the rear yard, subject to the review and approval of the Village Plan Commission. In addition, where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (3) Roof-mounted solar collectors, wind powered electric power generators or other alternative energy generators, subject to the review and approval of the Plan Commission, and provided that a registered engineer shall certify that the structure is adequate to support the load.

D. Conversions

None.

E. Conditional Uses

None.

F. Prohibited Uses

Any use not listed as permitted use, permitted accessory use or a conditional use is prohibited unless the G-1 Governmental, Institutional and Public Utility District lands are first rezoned into another district.

G. Lot Area and Width

Lots shall contain sufficient area and width for the intended use pursuant to the requirements of this ordinance, as determined by the Village Plan Commission.

H. Setbacks

- (1) No building or structure shall be erected, altered, or moved closer than 50 feet to the front lot line, 20 feet to any side lot line, or 25 feet to the rear lot line.
- (2) There shall be a minimum shore yard setback of 75 feet from the ordinary high water mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a Conservancy District boundary.

I. Building Height

No building or part of a building shall exceed 35 feet in height.

J. Parking Requirements

Refer to Section 6.3(K) for the applicable requirements.

K. Signs and Outdoor Lighting

Refer to Section 8 for the applicable standards.

L. Plans and Specifications to be Submitted to the Village Plan Commission for Approval

- (1) Site Plan and Plan of Operation, pursuant to the requirements of Section 10 of this Ordinance.
- (2) Building Permit application.

M. Temporary Permitted Uses

The following uses are Temporary Uses and may be permitted as specified and with a permit granted by the Plan Commission

- (1) Flea markets, carnivals, and outdoor group assemblies of 250 people or more may be permitted in any public business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, hours of operation, and a plan of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity. Fireworks stands are considered unsafe activities at a flea market, carnival, or group assembly and are, accordingly, prohibited in the Village of North Prairie.
- (2) Circuses and animal shows may be permitted in any public, business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting and hours of operation. The Plan Commission may limit or prohibit the display of dangerous animals such as lions or snakes. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
- (3) Farmer's markets may be permitted in any public, business or industrial district for a period not to exceed 150 days. No temporary use listed herein shall be conducted within the street right-of-way unless specific approval is granted by the Plan Commission and the Village Board. One temporary sign may be erected, but may not exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

**4.12 PUDOD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

A. Statement of Intent

The PUDOD Planned Development Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The District is intended to provide flexibility in overall development design with the benefits from such flexibility intended to accrue to both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the

underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under this section of the Ordinance and after public hearing, with such development encompassing one or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the Ordinance have been met.

B. Permitted Uses

Uses permitted in the Planned Unit Development Overlay District shall conform to uses generally permitted in the underlying basic use districts. Individual structures shall generally comply with the specific building area and height requirements of the underlying basic use districts. All open space and parking requirements of the underlying basic use districts shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one or more locations within the development.

C. Ownership and Minimum Area Requirements

Areas designated as Planned Unit Development Overlay Districts shall be under single or corporate ownership or control, and there shall not be any development area except for minimum lot size as set forth in the underlying basic zoning district.

D. Procedural Requirements

- (1) Pre-petition conference. Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner or his agent making such petition shall meet with the Village Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.
- (2) Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Village Clerk for approval of a Planned Development Overlay District. Such petition shall be accompanied by a permit fee as may be established and periodically modified by resolution of the Village Board. Such fee shall be paid in cash, check, or money order to the Village Treasurer. Costs incurred by the Village in obtaining legal, planning, engineering, and other technical and professional advice in connection with the review of the proposed development shall be charged to the applicant. The petition shall include the following:
  - (a) A statement which sets forth the relationship of the proposed planned unit development to the adopted Village master plan, or any component thereof, and the general character of and the uses to be included in the proposed planned unit development, including the following information:
    1. Total area to be included in the planned unit development, area of open space, residential density computations, proposed number of dwelling units, population and employment analyses, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
    2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
    3. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.

4. Any proposed departures from the standards of development as set forth in the Village zoning regulations, other Village regulations or administrative rules, or other universal guidelines.
  5. The expected date of commencement of physical development as set forth in the proposal and intended schedule of development to completion.
- (b) A general development plan including:
1. A legal description and plat of survey of the boundaries of the subject property included in the proposed planned unit development and its relationship to surrounding properties.
  2. The type, size and location of public and private roads, driveways, and parking facilities.
  3. The type, size, arrangement, and location of all individual building sites and proposed building groups on each individual site.
  4. The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
  5. General landscape treatment.
  6. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
  7. The existing and proposed location and size of public sanitary sewer and water supply facilities.
  8. The existing and proposed type, location and size of storm water management facilities.
  9. The existing and proposed location of all private utilities or other easements.
  10. Characteristics of soils related to contemplated specific uses.
  11. Existing topography on the site with contours at no greater than two foot intervals.
  12. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
  13. Proposals for signage and outdoor lighting.
- (3) Referral to Village Plan Commission. The petition for a Planned Development Overlay District shall be referred to the Village Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.
- (4) Public Hearing. The Village Plan Commission shall hold a public hearing pursuant to the requirements of Sections 13 of this Ordinance. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District. As soon as is practical following the hearing, the Plan Commission shall report its findings and recommendations to the Village Board.

E. Basis for Approval of the Petition

- (1) The Village Plan Commission in making its recommendation and the Village Board in making its determination, shall find that:
  - (a) The petitioners for the proposed Planned Unit Development Overlay District have indicated that they intend to begin the physical development

of the area concerned within nine months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the Village.

- (b) The proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted Village master plan or any component thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.
- (2) The Village Plan Commission in making its recommendations and the Village Board in making its determination shall further find that:
- (a) The proposed site will be provided with adequate drainage facilities for surface and storm waters.
  - (b) The proposed site will be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
  - (c) No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
  - (d) The streets and driveways on the site of the proposed development will be adequate to serve the residents of the proposed development and will meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
  - (e) A public water system will be provided.
  - (f) The entire tract or parcel of land to be included in a Planned Unit Development Overlay District is held under single ownership, or if there is more than one owner, the petition for such District shall be considered as one tract, lot or parcel, and the legal description must define said District as a single parcel, lot or tract and be so recorded with the Register of Deeds for Waukesha County.
- (3) That in the case of a proposed residential Planned Unit Development Overlay District:
- (a) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
  - (b) The total net residential density within the Planned Development Overlay District will be compatible with the adopted Village master plan or component thereof.
  - (c) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
  - (d) Adequate, continuing fire and police protection is available.
  - (e) The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
  - (f) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

- (4) That in the case of a proposed commercial Planned Unit Development Overlay District:
  - (a) The proposed development will be adequately served by off-street parking and truck service facilities.
  - (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
  - (c) The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
  - (d) The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (5) That in the case of a proposed industrial Planned Unit Development Overlay District:
  - (a) The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.
  - (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
  - (c) The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
  - (d) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (6) That in the case of a mixed use Planned Unit Development Overlay District:
  - (a) The proposed mixture of uses produces a unified composite which is compatible within the underlying districts and which as a total development entity is compatible with the surrounding neighborhood.
  - (b) The various types of uses conform to the general requirements as heretofore set forth, applicable to projects of such use and character.
  - (c) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.

F. Determination

- (1) The Village Board, after due consideration, including due consideration of the recommendations of the Village Plan Commission, may deny the petition,

approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Village Board.

G. Changes and Additions

- (1) Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Village Plan Commission and if in the opinion of the Village Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Village Plan Commission shall be required and notice thereof be given pursuant to the provisions of Section 13 of this ordinance, and said proposed alterations shall be submitted to the Village Board for approval.

H. Subsequent Land Division

- (1) The division of any land or lands within a Planned Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Village and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for District approval.

I. Reversion of Planned Development Overlay District to Underlying District

- (1) Once the lands within a Planned Unit Development Overlay District are fully developed in accordance with an approved site plan, said lands automatically revert back to the underlying zoning district. However, any conditional use permits granted earlier by the Village Plan Commission while such lands were subject to the Planned Development Overlay District shall remain in effect.

**4.13 FOD FLOODLAND OVERLAY DISTRICT**

A. Statement of Intent

The FOD-Floodland Overlay District is intended to avoid the development of flood damage prone uses in floodlands, preserve the flood water storage and conveyance capacity of natural floodlands to avoid the exacerbation of flooding problems and the need for the construction of costly flood control works, and to protect the natural resource and environmental amenity value of the floodlands.

B. Permitted Uses

- (1) Drainage, storage and movement of flood waters, navigation, stream bank protection, water measurement and water control facilities.
- (2) Grazing; horticulture; open parking and loading areas; open markets; open recreational uses such as parks and playgrounds, sport fields, hunting, fishing, ice skating rinks, golf courses and driving ranges; nurseries, pasturage, sod farming, and wildlife preserves.
- (3) All non-flood damage prone open space uses permitted in the underlying zoning districts.
- (4) No structures shall be permitted except navigation, water measurement, and water control related structures.

C. Permitted Accessory Uses

None.

D. Conversions

None.

E. Permitted Conditional Uses

- (1) All non-flood damage prone, open space, conditional uses permitted in the underlying zoning districts.

F. Lot Area and Width and Setbacks

- (1) Lot area and width and setback requirements shall be as specified in the underlying zoning districts.



## **SECTION 5: CONDITIONAL USE REGULATIONS**

### **5.1 CONDITIONAL USE PERMITS**

Certain uses and situations are of such a special nature or are so dependent upon actual contemporary circumstances that it is impractical to predetermine the permissibility of such uses or to detail in this chapter the specific standards, regulations or conditions which would permit such uses in each individual situation. Such uses may, however, be permitted as conditional uses. The fact that a conditional use may be permitted does not confer any right to such a use. Conditional uses may be denied by the Village Plan Commission so long as such action is not discriminatory or unreasonable.

### **5.2 APPLICATION**

Applications for Conditional Use permits shall be made to the Building Inspector on forms furnished by the Building Inspector and shall include the following:

- A. Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
- B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. This additional information may include plans, certified by a registered professional engineer or land survey or showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
- C. The names and complete mailing addresses, including zip codes, of the owners of all properties within 300 feet of any part of the land included in the proposed use.
- D. Additional information as may be required by the Village Plan Commission, Village Engineer or Building Inspector.
- E. A permit fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village Treasurer. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the Conditional Use and preparation of conditions to be imposed shall be charged to the applicant.
- F. Where necessary, ten copies of plat of survey, drawn to a scale showing the land in question, its legal description and location, location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100 feet of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100 feet of such land in question.
- G. Where necessary to comply with certain Wisconsin Statutes, copies of applications submitted to the Department of Natural Resources.
- H. Where necessary, the site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

### **5.3 REVIEW AND APPROVAL**

The Village Plan Commission shall review the submitted documents as to the site's existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

- A. Upon receipt of the application, foregoing data and fees, the Village Plan Commission shall establish a date for a public hearing and shall provide public notice of the hearing once each week for two consecutive weeks in the official newspaper. (Refer to Section 13.) Notice of the public hearing shall be given to the owners of all lands within 300 feet of any part of the land included in such conditional use by mail at least 10 days before such public hearing. Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this subparagraph.
- B. Within 35 days of the completion of the hearing conducted by the Plan Commission, the Plan Commission shall render its written determination stating the reasons therefore. If additional time is necessary beyond the 35 days referred to above, such time may be extended with the consent of the petitioner. Failure of the Plan Commission to render a decision as set forth shall constitute approval of the permit. The factual basis of any decision shall be solely the evidence presented at the hearing. The Village Clerk shall mail a copy of the determination to the applicant.
- C. Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, buffer yards, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, parking requirements or any other items deemed necessary by the Village Plan Commission to fulfill the purpose and intent of this ordinance.
- D. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses. Variances shall only be granted as provided in Section 11.4 of this ordinance.
- E. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits.

### **5.4 TERMINATION OF CONDITIONAL USE PERMIT**

Conditional Use Permit status may be terminated as follows:

- A. The Conditional Use Permit may be terminated upon written request by the applicant or holder of the Conditional Use Permit and the property owner to the Plan Commission that the Conditional Use Permit be terminated and if the Plan Commission agrees to terminate said Conditional Use Permit, a notice of said termination of the Conditional Use Permit is recorded in the Waukesha County Register of Deeds office; or

- B. The Conditional Use Permit may be terminated by the Plan Commission after a Class 2 notice is published and a public hearing is held, and notice is provided to the applicant or holder of the Conditional Use Permit and the owner of the subject property, upon the Plan Commission determine any of the following:
- (1) The Conditional Use Permit has not continued in conformity with the conditions of the permit.
  - (2) The use or the characteristics of the use have changed without amending the permit and obtaining approval of the Plan Commission.
  - (3) The Conditional Use Permit has been discontinued for a period of twelve (12) consecutive or eighteen (18) cumulative months during a three-year period. A business of seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, ski hills, quarries, marinas, etc.). Upon determination or finding by the Plan Commission that the use must be terminated, the owner of the premises shall be required to bring all lands and structures into conformity with the permitted use regulation of the Zoning District in which the property is located within sixty (60) days from such determination, unless such time is extended by mutual agreement of the Plan Commission and the owner. Upon determination or finding by the Plan Commission that changes in use or conditions of use are found to be more appropriate by the Plan Commission, any changes or required improvements or changes to use or operation as set forth by the Plan Commission, shall be made within sixty (60) days unless such time is specifically extended by mutual agreement of Plan Commission and owner.

## 5.5 TEMPORARY USES

The following uses are conditional uses and may be permitted as specified.

- A. Flea markets, carnivals, and outdoor group assemblies of 250 people or more may be permitted in any public business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, and hours of operation. The Plan Commission may limit or prohibit the display of dangerous animals such as lions or snakes. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
- B. Circuses and animal shows may be permitted in any public, business or industrial district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, and hours of operation. The Plan Commission may limit or prohibit the display of dangerous animals such as lions or snakes. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
- C. Farmers markets may be permitted in any public, business or industrial district for a period not to exceed 150 days. No temporary use listed herein shall be conducted within the street right-of-way unless specific approval is granted by the Plan

Commission and the Village Board. One temporary sign may be erected, but may not exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

## **5.6 ADULT-ORIENTED ESTABLISHMENTS**

Adult-oriented establishments as defined in Section 14.2(B) are conditional uses and may be permitted only in the I-1 Industrial District provided:

- A. The building, site plan and plan of operation have been submitted to and approved by the Plan Commission.
- B. A license to operate an adult-oriented establishment has been issued for the subject property.
- C. No adult-oriented establishment shall be located within 1,000 feet of any public or private school, church, religious institution, daycare center or public park. No adult-oriented establishment shall be located within 1,000 feet of any residential district or any other adult-oriented establishment. The above-noted distances shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult-oriented establishment to the nearest point of the parcel of property or land use district boundary from which the proposed land use is to be separated.

## **5.7 CONDITIONAL USE PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE**

The Village issued eight site specific conditional use permits under the Village Zoning Ordinance in effect prior to this Ordinance. The location of the sites affected are shown on the Official Zoning Map, Village of North Prairie, Waukesha County, Wisconsin. These, and any other such permits issued in connection with the development of lands in U.S. Public Land Survey Section 31, Township 6 North, Range 18 East, and in Section 36, Township 6 North, Range 17 East, and the attendant conditions shall remain in effect unless terminated by the Village Plan Commission under the provisions of Section 5.4 of this Ordinance.

## **5.8 LEGAL NONCOMFORMING USES**

Legal nonconforming uses may be granted conditional use status upon petition of the owner where such use is determined to not be any of the following:

- A. Adverse to any of the following:
  - (1) public health,
  - (2) safety, or
  - (3) welfare;
- B. In conflict of the spirit or intent of this chapter; or
- C. Otherwise detrimental to the community and particularly the surrounding neighborhood.

**SECTION 6: TRAFFIC, LOADING, PARKING AND DRIVEWAY ACCESS**

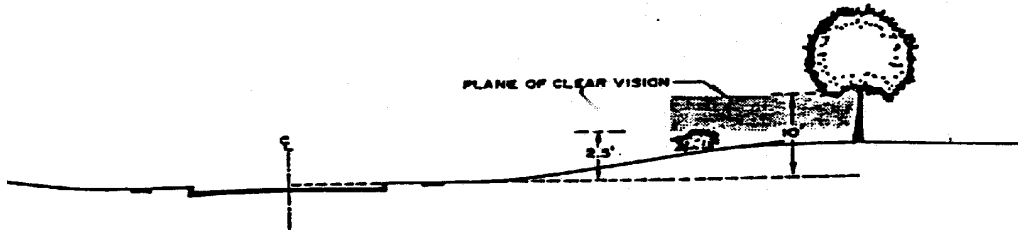
**6.1 TRAFFIC VISIBILITY**

No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half feet and 10 feet above the plane through the mean curb grades (see Illustration No. 1) within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection (see Illustration No. 2).

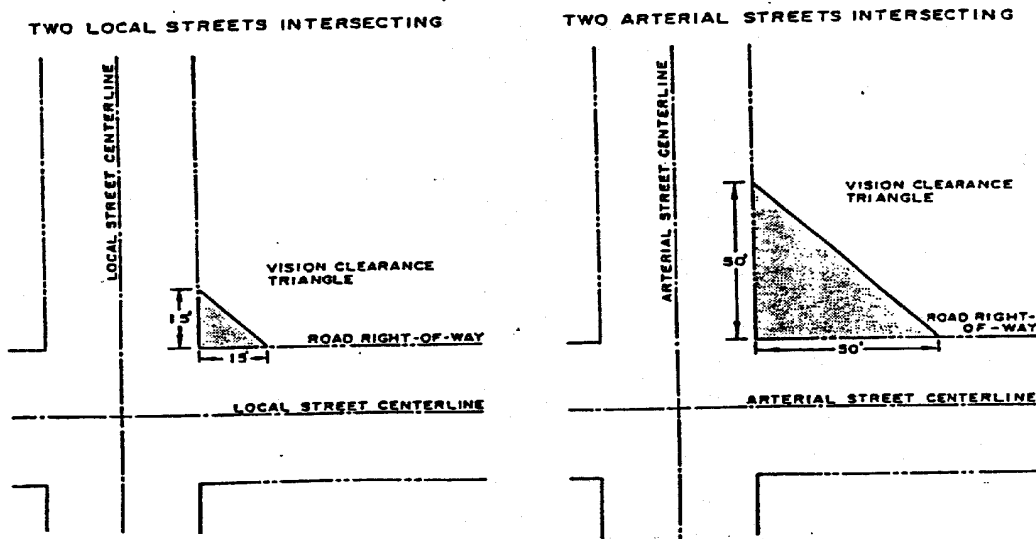
In the Case of Arterial Streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet (see Illustration No. 2).

In Addition to the vision clearance provided at intersections, no obstructions shall be permitted between the height of two and one-half feet and 10 feet above the plane through the mean curb grade within 10 feet of the curb line of a Village street in any district.

**ILLUSTRATION NO. 1  
VISION CLEARANCE TRIANGLE  
(CROSS-SECTIONAL VIEW)**



**ILLUSTRATION NO. 2  
VISION CLEARANCE TRIANGLE  
(PLAN VIEW)**



**6.2 LOADING REQUIREMENTS**

On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of freight carrier and service vehicles off the public right-of-way.

A. Number of loading and unloading spaces required:

<u>Gross Floor Area of Building (Square Feet)</u>	<u>Number of Spaces</u>
5,000 - 24,999	1
25,000 - 49,999	2
50,000 - 99,999	3
100,000 - 174,999	4
175,000 - 249,999	5

NOTE: For each additional 74,000 square feet or fraction thereof of gross floor area, one additional loading and unloading space shall be provided.

B. Each Loading and Unloading Space Shall Have Access to a public dedicated street or alley.

C. The Minimum Area For Each Loading and Unloading Space, excluding the area needed to maneuver, shall be 250 square feet.

D. At No Time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

E. (1) Surfacing. All off-street loading areas in the R-3, B-1, B-2, B-3, P-1 and G-1 zoning districts, shall be surfaced with asphaltic pavement, Portland cement concrete pavement or other suitable pavement (approved by the Plan Commission) in accordance with the Village standards and specifications so as to provide a durable and dust free surface, shall be so graded and drained as to dispose of all surface water accumulated within the area. Any surface water discharged off premises shall be so channeled and located so as not to create a nuisance to adjacent properties and the Village Engineer may require the attendant installation of pollutant runoff control measures such as, but not limited to, grass swales, and filter strips, infiltration trenches and basins, and hooded catch basins.

(2) Surfacing of the off-street loading areas shall be completed within 18 months following occupancy.

(3) All off-street loading areas in the I-1 Industrial District are to be of crushed stone or gravel (provided dust does not create a nuisance to adjacent properties), recycled pavement, asphaltic pavement or Portland cement concrete as to provide a reasonable dust free surface and free of potholes and ruts to provide reasonable access for emergency vehicles and personnel. These surfaces should not exhibit ponding or standing water in wet weather. In any case, the off-street loading area approach aprons between the curb-line or edge of pavement of the abutting public street and the street right-of-way line shall be surfaced with asphaltic pavement in accordance with Village standards and specifications.

**6.3 PARKING REQUIREMENTS**

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

- A. Adequate Access to a public street shall be provided for each parking space, and driveways shall be constructed as set forth in Section 6.4 of this Ordinance.
- B. Construction of Parking Lots as herein designed is prohibited in all R-1 and R-2 Residential Districts.
- C. All Off-Street Parking Areas constructed in the Village, except in the R-1 and R-2 Residential Districts, shall contain a minimum of five parking spaces, and shall be located in such manner to provide convenient access to the facilities they serve.
- D. The Minimum Dimensions of each right angle parking space shall be 9 by 18 feet and each angle parking space 9 by 27 feet except for parking spaces provided for use by physically disabled persons as provided in Section 6.3(J)(4) below.
- E. Location shall be on the same lot as the principal use or if adequate space is not available on the same lot not more than 400 feet from the principal use unless otherwise approved by the Village Plan Commission.
- F. Parking Lot Setback and Drive Aisle Setbacks.
  - (1) Parking lot and drive aisles shall be designed to provide area for landscaping, drainage and infiltration, vehicle overhang, sign placement and snow storage, in accordance with following minimum setbacks from property lines.

Zoning District	Street Setback (feet)	Side Setback (feet)	Rear Setback (feet)	Abutting Single-family Residential Zoning District Lot Line (feet)
B-1	15	5	5	25
B-2	5	5	10	10
B-3	5	5	10	10
I-1	25	5	5	25
Other Zoning Districts	10	5	5	25

- (2) The parking lot and drive aisle setback shall remain as greenspace, with exception of the location for a freestanding sign and drainage facilities.
- (3) The Plan Commission may waive the setback requirements along the lot line of adjacent businesses and industries when cross access easements are provided to share parking.
- G. (1) Surfacing. All off-street parking areas in the R-3, B-1, B-2, B-3, P-1 and G-1 zoning districts, shall be surfaced with asphaltic pavement, Portland cement concrete pavement or other suitable pavement (approved by the Plan Commission) in accordance with the Village standards and specifications so as to provide a durable and dust free surface, shall be so graded and drained as to dispose of all surface water accumulated within the area. Any surface water discharged off premises shall be so channeled and located so as not to create a nuisance to adjacent properties and the Village Engineer may require the attendant installation of pollutant runoff control measures such as, but not limited to, grass swales, and filter strips, infiltration trenches and basins, and hooded catch basins.
  - (2) Surfacing of the off-street parking areas shall be completed within 18 months following occupancy.
  - (3) All off-street parking areas in the I-1 Industrial District are to be of crushed stone or gravel (provided dust does not create a nuisance to adjacent properties),

recycled pavement, asphaltic pavement or Portland cement concrete as to provide a reasonable dust free surface and free of potholes and ruts to provide reasonable access for emergency vehicles and personnel. These surfaces should not exhibit ponding or standing water in wet weather. In any case, the off-street parking areas approach aprons between the curb-line or edge of pavement of the abutting public street and the street right-of-way line shall be surfaced with asphaltic pavement in accordance with Village standards and specifications.

H. Landscaping.

- (1) All off-street parking areas which serve fifty vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Ordinance shall be provided with accessory landscape areas totaling not less than five percent of the parking area required in the district. The minimum size of each landscape area shall not be less than 100 square feet and landscaped areas shall be distributed evenly throughout the parking area.
- (2) Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Plan Commission in all off-street parking areas which serve five vehicles or more.
- (3) All plans for such proposed parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements.
- (4) The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
- (5) Those parking areas for five or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of six feet.

I. Curbs or Barriers. If installed, curbs and barriers shall be a minimum of four feet from a property line so as to prevent the parked vehicles from extending over any lot lines; and a minimum of four feet from a fence line, or a line of trees or other landscape material so as to prevent damage to the fence or landscaping. This requirement may be reviewed by the Village Plan Commission where parking areas are combined across lot lines.

J. Parking Spaces For Use By Physically Handicapped Persons. Provision of parking spaces for use by physically handicapped persons shall comply with the requirements of Section 346.503 of the Wisconsin Statutes.

All open off-street parking areas providing more than 25 parking spaces, except for parking areas restricted to use by employees only, shall provide parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the following minimum standards:

- (1) One parking space shall be provided in parking areas containing 26 to 49 spaces.
- (2) Two percent of the total number of spaces shall be provided in parking areas containing 50 to 1,000 spaces.
- (3) In addition to the number of spaces required in Subsection (2) above, one percent of each 1,000 spaces over the first 1,000 spaces shall be provided for physically disabled parking.



- (4) The minimum dimensions for all parking spaces provided for use by physically disabled persons shall be 12 feet by 18 feet.
- (5) Parking spaces provided for the use of physically disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.
- (6) All parking spaces provided for the use of physically disabled persons shall be marked by a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons. Such signs shall comply with the requirements of Sections 346.50, 346.503, and 346.505 of the Wisconsin Statutes.

K. The following Guide Specifies the Minimum Number of Parking Spaces Required. With the exception of the B-2 District, in all districts and in connection with every use, there shall be provided off-street parking stalls in accordance with the minimum standards contained in this section. The reference herein to "the work shift with the largest number of employees" means the maximum number of full-time or part-time employees present at the facility at any one time. For, example the largest work shift may be a particular day of the week, or a lunch or dinner period in the case of a restaurant. The reference herein to "maximum capacity" means the maximum number of persons which may be accommodated by the use as determined by its design or by applicable building code regulations, whichever is greater. In the case of structures or uses not specified herein, the number of spaces specified for a use which is similar shall apply. In developments involving the establishment of two or more uses on one lot or parcel, the number of spaces required for each use shall determine the total number of spaces required.

(1) Residential Uses

- (a) Single-family dwellings, two-family dwellings and mobile homes--two spaces per dwelling unit.
  - (b) Multiple-family dwellings--two spaces per dwelling unit plus one guest parking space per five dwelling units (10 percent guest parking). For each dwelling one parking space shall be provided in an enclosed garage. Attached garages or underground parking is preferred.
  - (c) Community living arrangements and community-based residential facilities--one space for each care provider residing at the facility, plus one space for each three persons receiving care.
- (2) Retail Sales and Customer Service Uses, and places of entertainment, except as specifically set forth below--one space per 150 square feet of gross floor area of customer service area, plus one space per employee for the work shift with the largest number of employees. Other retail sales and customer service uses and places of entertainment:
- (a) Financial institutions – one space per 200 square feet of customer service area, plus one space per employee for the work shift with the largest number of employees. Financial institutions with drive-through service facilities shall provide sufficient space for four waiting vehicles at each drive-through service lane.
  - (b) Funeral homes--one space per four patron seats of maximum capacity, or 25 spaces per chapel unit, whichever is greater.
  - (c) Grocery stores, supermarkets or convenience stores--one space per 250 square feet of customer service area.

- (d) Motels and hotels--one space per room or suite, plus one space per employee for the work shift with the largest number of employees, plus one space per three persons of maximum capacity of each public meeting and/or banquet room.
- (e) Lodges and clubs - one space per three persons of maximum capacity of each public meeting and/or banquet room.
- (f) Repair services - one space per 500 square feet of customer service area, plus one space per employee for the work shift with the largest number of employees
- (g) Restaurant - one space per 100 square feet of customer service area, excluding restrooms, plus one space per employee for the work shift with the largest number of employees.
- (h) Theaters, auditoriums and other places of public assembly--one space per three patrons based on the maximum capacity of the facility.
- (i) Personal services--one space per 200 square feet of customer service area, plus one space per employee for the work shift with the largest number of employees, e.g. beauty salon, nail salon, barber shop, massage therapist, tanning.
- (j) Restaurants, drive-in--one space per 50 square feet of customer service area, plus one space per employee for the work shift with the largest number of employees. Drive-in restaurants with drive-through service facilities shall provide sufficient space for four waiting vehicles at each drive-through service lane.
- (k) Taverns, dance halls, night clubs and lounges—one space per 50 square feet of customer service area, plus one space per employee for the work shift with the largest number of employees.
- (l) Motor vehicle sales establishments—one customer parking space per salesperson for the work shift with the largest number of salespersons, plus one employee parking space per employee (including sales persons) for the work shift with the largest number of employees.
- (m) Motor vehicle repair, maintenance and service stations--three spaces per indoor service bay plus one space per employee for the work shift with the largest number of employees.
- (n) Automated car washes--one space per employee for the work shift with the largest number of employees. Car washes shall provide sufficient space for four waiting vehicles at each washing stall and sufficient space for drying one vehicle after each washing stall.
- (o) Self-Serve Car Washes: One space for employee for the work shift with the largest number of employees. Car washes shall provide sufficient space for one waiting vehicle at each washing stall and sufficient space for drying one vehicle after each washing stall.
- (p) Animal hospitals--three patron parking spaces per doctor on duty, plus one employee parking space for the work shift with the largest number of employees.
- (q) Plant nurseries and garden and lawn supply sales establishments--one space per 500 square feet of inside customer service area, plus one space per 1,000 square feet of gross outside sales or display area, plus one space per employee for the work shift with the largest number of employees.
- (r) Shopping centers (gross leasable area of at least 30,000 square feet)--four spaces per 1,000 square feet of customer service area.

- (s) Establishments within the B-2 Central Business District are required to comply with the requirements of this Section 6.3(k), however, the Village Plan Commission shall exercise broad discretion when considering modifications pursuant to Section 6.3(L) due to the unique nature of the B-2 Central Business District.

(3) Offices

- (a) Medical and dental clinics and similar professional health service offices--three patron parking spaces per doctor on duty, plus one parking space per employee for the work shift with the largest number of employees.
- (b) Professional and business offices (e.g. accountants, architects, attorneys, builders, consultants, engineers, insurance agents, landscape architects, planners, surveyors and similar occupations) – one space per 500 square feet of gross floor area.

(4) Commercial/Recreational Uses: One space per four patrons based on the maximum capacity of the facility, plus one space per employee for the work shift with the largest number of employees, except as specifically set forth below.

- (a) Bowling alleys--five spaces for each lane, plus one space per employee for the work shift with the largest number of employees.
- (b) Golf courses--seventy spaces per nine holes, plus one space per employee for the work shift with the largest number of employees.
- (c) Golf driving ranges--one space per tee, plus one space per employee for the work shift with the largest number of employees.
- (d) Indoor tennis, racquetball and handball courts--three spaces per court, plus one space per employee for the work shift with the largest number of employees.
- (e) Miniature golf courses--one and one-half spaces per hole, plus one space per employee for the work shift with the largest number of employees.
- (f) Skating rinks, ice or roller--one space per 200 square feet of gross floor area.
- (g) Tennis courts – three spaces per court, plus one space per employee for the work shift with the largest number of employees.
- (h) Volleyball courts – twelve spaces per court, plus one space per employee for the work shift with the largest number of employees.

(5) Industrial and Related Uses

- (a) Manufacturing, processing fabrication and storage operations:

<u>Building Size</u>	<u>Required Parking</u>
0 to 4,999 sq. ft.	1 space per 500 sq. ft.
5,000 to 9,999 sq. ft.	1 space per 750 sq. ft.
10,000 + sq. ft.	1 space per 1,000 sq. ft.

- (b) Wholesale business:

<u>Building Size</u>	<u>Required Parking</u>
0 to 4,999 sq. ft.	1 space per 500 sq. ft.
5,000 to 9,999 sq. ft.	1 space per 750 sq. ft.
10,000 + sq. ft.	1 space per 1,000 sq. ft.

- (c) Warehouse--one space per employee for the work shift with the largest number of employees, plus one space per 5,000 square feet of gross floor area.

- (d) Mini-warehouse--one space per 20 storage cubicles, distributed equally throughout the site, plus two spaces at the project manager's office, plus one space for each 25 small cubicles located at the project office.

(6) Institutional and Related Uses

- (a) Churches--one space per five seats based on the maximum capacity of the facility.
- (b) Libraries--one space per 500 square feet of gross floor area.
- (c) Museums--one space per 500 square feet of gross floor area.
- (d) Rooming and boarding houses, fraternity and sorority houses, dormitories and rectories--one space per bedroom.
- (e) Convents and monasteries--one space per three residents, plus one space per employee for the work shift with the largest number of employees, plus one space per five chapel seats if the public may attend.
- (f) Nursing homes--one space per five patient beds, plus one space per employee for the work shift with the largest number of employees.
- (g) Hospitals – one space per three patient beds, plus one space per staff doctor and each other employee for the work shift with the largest number of employees.
- (h) Schools:
  - 1. High schools--one space for each teacher and staff member, plus one space for each 10 students 16 years of age and older. Elementary and middle schools--one space for each teacher and staff member, plus one space for each 20 students.
  - 2. Colleges, universities, and trade schools--one space for each teacher and staff member during the highest class attendance period, plus one space for each two students during the highest attendance period.
  - 3. Children's nursery schools or day schools-- one space per ten students at the highest class attendance period, plus one space per employee for the work shift with the largest number of employees.
- (i) Government offices and buildings – one space per 250 square feet of gross floor area and one space per 25 square feet of official governmental meeting rooms (e.g. Plan Commission, Village Board, municipal committees).

- L. The Village Plan Commission may reduce the parking requirements in any zoning district as set forth in Section 6.3(K) of this Ordinance when it is determined that a business or industry will need fewer spaces because of a compelling reason (e.g. employees will be working off-site, an industrial process is automated requiring fewer employees, employees use car-pooling to commute to work, and so forth), and the Village Plan Commission may reduce the parking requirement pursuant to Section 6.3(k)(2) in the B-2 Central Business District based on current existing conditions and the unique nature of the B-2 district.

**6.4 DRIVEWAY REQUIREMENTS**

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

- A. Driveways shall be at least three feet from all side lot lines and the lot line extended into the right-of-way.
- B. Two Driveway Openings shall be permitted, at the discretion of the Village Plan Commission, if the second opening is incorporated into a circular driveway which shall service the primary garage of the principal residential structure only. A second driveway opening shall not be permitted for the servicing of an accessory garage, gardening, tool, and storage sheds incidental to the residential use.

In considering the second opening the Village Plan Commission shall take into consideration the aesthetics and safety, caused by allowing a second opening, to prevent a traffic hazard. No further extensions shall be permitted without a public hearing.

- C. All Vehicles Parked on Private Property, except in the A-T Agricultural Land Preservation Transitional District, shall be parked:

- (1) Within an enclosed structure; or
- (2) On an approved hard-surfaced parking lot; or
- (3) On an approved driveway.
  - (a) Parking on a parking bay extending from a driveway is permitted provided that the parking bay shall accommodate only one vehicle; shall not exceed 20 feet by 20 feet in area; shall not be permitted to extend in front of a principal structure; and shall not be located closer than three feet to a lot line.
  - (b) Only one driveway parking bay or one driveway flair shall be permitted on a lot.

- D. Openings for driveways shall provide adequate access to a public street. No driveway for a one-family or two-family dwelling shall be less than 10 feet in width at the street right-of-way line, and no driveway for any other use shall be less than 30 feet in width at the street right-of-way line.

No driveway in the R-1 and R-2 Residential Districts shall exceed 24 feet in width anywhere in the front yard. Driveways may be widened in the side yard or rear yard, but in no case shall a driveway be constructed closer than three feet to a side or rear lot line.

Residential driveways in excess of 24 feet in width may be permitted only by the Plan Commission, provided that the Village Plan Commission finds that the wider driveway is necessary to the sound development of the parcel; and will not create or exacerbate an existing traffic problem. The Village Plan Commission may require additional landscape buffers when wider driveways are permitted.

Driveways in all districts, except the R-1 and R-2 Residential Districts, shall not exceed 32 feet at the street right-of-way line.

- E. (1) Surfacing. All driveways in the R-3, B-1, B-2, B-3, P-1 and G-1 zoning districts, shall be surface with asphaltic pavement, portland cement concrete pavement or other suitable pavement (approved by the Plan Commission) in accordance with the Village standards and specifications so as to provide a durable and dust free surface, shall be so graded and drained as to dispose of all surface water accumulated within the area. Any surface water discharged off premises shall be so channeled and located so as not to create a nuisance to adjacent properties and the Village Engineer may require the attendant installation of pollutant runoff

control measures such as, but not limited to, grass swales, and filter strips, infiltration trenches and basins, and hooded catch basins.

- (2) Surfacing of the driveways shall be completed within 18 months following occupancy.
- (3) All driveways in the I-1 Industrial District are to be of crushed stone or gravel (provided dust does not create a nuisance to adjacent properties), recycled pavement, asphaltic pavement or Portland cement concrete as to provide a reasonable dust free surface and free of potholes and ruts to provide reasonable access for emergency vehicles and personnel. These surfaces should not exhibit ponding or standing water in wet weather. In any case, the driveways approach aprons between the curb-line or edge of pavement of the abutting public street and the street right-of-way line shall be surfaced with asphaltic pavement in accordance with Village standards and specifications.

F. Accessory Driveway shall be a maximum of 10 feet wide and shall comply with the following:

- (1) A driveway which is extended from an existing driveway to an accessory garage no further than 18 feet beyond the principal building; such driveway may be constructed of asphalt, concrete or alternative material.
- (2) A driveway which extends from an existing driveway to an accessory garage further than 18 feet beyond the principal building; such driveway shall be constructed of porous paving system or alternative construction material other than concrete, asphalt, gravel or stone.
- (3) A driveway which extends from an existing driveway to an approved entrance of the principal building which does not extend more than 18 feet beyond the principal building and may include an apron to the accessory garage, and shall not exceed the width of the garage opening nor longer than 20 feet in length.

## 6.5 HIGHWAY ACCESS

No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

- A. Arterial Streets Intersecting Another Arterial Street within 100 feet of the intersection of the right-of-way lines.
- B. Local Streets Intersecting Arterial Streets within 50 feet of the intersection of the right-of-way lines.
- C. Access Barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- D. Temporary Access to the above rights-of-way may be granted by the Village Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

## 6.6 JUNK VEHICLE STORAGE PROHIBITED

All vehicles stored in a parking lot, on a driveway, on a driveway flair, or in a driveway parking bay shall be licensed and in running condition. Vehicles which are for sale shall not be displayed within the street right-of-way.

**6.7 PARKING SPACES NOT TO BE USED FOR LONG TERM STORAGE**

Parking spaces required to meet the minimum parking requirements of Section 6.3(K) of the Ordinances shall not be used for the long term storage of motor vehicles, recreational vehicles, boats, commercial or industrial inventory, or equipment. Long term shall be interpreted to mean the storage for more than a period of 30 consecutive calendar days. Parking spaces in residential developments shall not be used on a regular basis by persons not residing in that development. Parking spaces in commercial, industrial, and institutional districts shall not be used or leased to persons not using the principal use the parking spaces is accessory to unless prior approval for such shared or secondary use has been granted by the Village Plan Commission.

Designated areas within parking lots may be used for storage of recreational vehicles, boats, and/or equipment provided that the Village Plan Commission has granted approval for such secondary use and further provided that the minimum parking requirements of Section 6.3(J) and 6.3(K) are met and maintained outside of the designated areas at all times.

## **SECTION 7: EXCEPTIONS**

### **7.1 GENERAL**

The Village Building Inspector, in reviewing building permits, may grant exceptions to the terms of this Ordinance as provided herein.

### **7.2 HEIGHT**

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:

- A. Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Ordinance.
- B. Special Structures, such as elevator penthouses, grain elevators, automated storage and retrieval systems, radio and television receiving antennas, satellite dish antennas when mounted on the roof of a principal structure, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
- C. Essential Services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- D. Solar Collectors and wind energy conversion systems (windmills) shall not exceed a height equal to their distance from the nearest lot line.
- E. Communication Structures, such as radio and television transmission and relay towers, aerials, and radio and television receiving and transmitting antennas, not including satellite dish antennas, shall not exceed in height three times their distance from the nearest lot line.

### **7.3 YARDS**

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- A. Uncovered Stairs, landings, and fire escapes may project into any yard but shall not exceed six feet nor be closer than three feet to any lot line.
- B. Architectural Projections, such as chimneys, flues, sills, eaves, roof overhangs, bow or bay windows, gutters and downspouts, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two feet.
- C. Landscaping and vegetation are exempt from the yard requirements of this Ordinance, provided that such landscaping and vegetation shall not interfere with the vision clearance triangle as set forth in Section 6.1 of this Ordinance.
- D. Essential Services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
- E. The Village Plan Commission may waive the setback requirements from side and rear lot lines for agricultural uses authorized under a permit issued pursuant to Section 2.9 of this ordinance.



## 7.4 ACCESSORY USE REGULATIONS

Accessory uses are permitted in any district as may be specified in the appropriate district regulations or herein. An accessory use building permit shall be required where specifically noted in this Section. Accessory uses are permitted only after their principal structure is present or under construction. The use and/or location requirements stipulated elsewhere in this Ordinance may be modified for accessory uses as follows:

A. Accessory Uses and Detached Accessory Structures shall be permitted in the rear yard only or as permitted by specific standards within this Section 7.4A. Accessory structures shall not occupy more than a total of 30 percent of the rear yard or in the street yard of a double frontage lot; except in the business and industrial districts where such uses and structures shall not occupy more than 50 percent of the rear yard area. Specific accessory uses and detached accessory structures shall be further controlled by the following standards:

- (1) Accessory garages shall be a minimum of 150 square feet and a maximum of 625 square feet. Accessory garages may be permitted only when there is not a garage attached to the principal structure. Accessory garages shall be constructed at least 10 feet from the principal structure; shall be placed on a Portland cement concrete floor or pad; shall be located not closer than the specified front, side and rear yard setbacks for the district concerned and shall be constructed only after issuance of a building permit. On R-1 lots, exceeding 40,000 square feet, the Plan Commission may, at its discretion<sup>1</sup>, permit an additional accessory garage for a residence with an attached garage. Accessory garages shall not exceed 15 feet in height, with the following exception. Any proposed accessory garage to exceed the 15 foot height restriction must be reviewed and approved by the Plan Commission and meet the following criteria:
  - (a) Not exceed the height of the primary structure.
  - (b) Be aesthetically pleasing and resemble the architectural style of the primary structure.
  - (c) Shall not be used as a rental property unless obtaining a conditional use permit from the Plan Commission.

The R-1 accessory garage and height exception shall require written notification to all adjacent property owners within 100 feet of the subject property prior to Plan Commission approval.

- (2) Accessory buildings, such as garden or utility sheds, shall require the issuance of a building permit, and shall not exceed 150 square feet in area. Accessory buildings shall be located at least 10 feet from the principal structure; shall be placed on a pad of a Portland cement concrete, asphaltic concrete, wood, or metal; shall be located not closer than five (5) feet to a lot line; and shall not exceed 15 feet in height. Any accessory building housing a motor vehicle shall be placed on a Portland cement concrete floor or pad. No more than one accessory building shall be erected on a lot in an R-1 R-2, R-3, B-1, B-2 or B-3 Zoning District. On larger lots, the Plan Commission may, at its discretion, permit more than one accessory structure or may permit a structure exceeding 150 square feet in area when it determines that more than one such structure or a larger structure is necessary to the efficient development of the property and that sufficient, usable open space areas remain on the lot.

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<sup>1</sup> May be subject to a public hearing.

On corner lots, the Plan Commission at its discretion, with the advisement of the Building Inspector, may permit accessory buildings or structures such as garden or utility sheds to be placed in a street yard, provided:

- (a) The street yard where the accessory building or structure is to be placed is not the street yard from which the property gains its primary road access.
  - (b) Said accessory building or structure is placed on the street yard in such a manner that it meets all setbacks established for principal buildings and structures from street, side and rear lot lines.
  - (c) The property owner demonstrates that because of the topography or other physical characteristics of the site, said street yard is the only practical location for the use and placement of the accessory building or structure.
- (3) Accessory buildings exceeding 625 square feet for the use of housing domestic livestock or accessory storage, in the R-1 district pursuant to Section 4.5(E)(6), may be permitted by the Plan Commission, in accordance with the following standards:
- (a) The land to be so utilized shall be adjacent to or across from rural development in the Towns of Eagle, Genesee, Mukwonago or Ottawa; shall be three (3) acres or larger parcels or lots.
  - (b) The Plan Commission determines that the larger accessory building is necessary for the efficient use of the lot and that sufficient, usable open space areas remain on the lot for the uses of the lot.
  - (c) The accessory building shall not exceed the height of the principal structure on the lot, and shall be aesthetically pleasing and resemble the architectural style of the principal structure.
  - (d) The accessory building shall not be used as a rental property unless a conditional use permit is granted by the Plan Commission.
  - (e) Prior to Plan Commission approval to consider a larger accessory building, certified notification shall be given to all property owners one hundred (100) feet from the subject lot.
  - (f) Objections from any neighboring property owners shall be submitted in writing or in person to the Plan Commission and addressed at the public hearing prior to approval.
  - (g) The Plan Commission may impose additional conditions for the protection of the public health, safety and welfare.
- (4) Patios, constructed at or below yard grade, may be erected, without a building permit, adjacent to the principal structure, and shall be located not closer than three (3) feet to a lot line.
- (5) Decks located adjacent to a principal structure shall be located not closer to a lot line than the required side yard and rear yard requirements for the district in which they are located and shall require the issuance of a building permit. Freestanding decks or decks surrounding private swimming pools separated from the principal structure shall be located at least 10 feet from the principal structure and shall be regulated in the same manner as an accessory garage, tool shed, or gazebo.
- (6) Central air conditioning compressors, children's swing sets, compost piles, and gardens are permitted without a building permit, provided that such uses shall be located at least three feet from a lot line. Where it is determined that it is impractical to locate a central air conditioning compressor in the rear yard, the

Building Inspector may permit placement in the street or side yard provided that the air conditioning compressor is screened from view. Central air conditioning equipment shall be adequately muffled in such a manner as not to create a nuisance.

- (7) Accessory pet runs shall be located only in the side or rear yard of any residential district upon the issuance of a building permit provided that the run is located not closer than twenty (20) feet from a side lot line and not closer than twenty-five (25) feet from a rear lot line; that the run is enclosed by a fence not less than four (4) feet nor more than six (6) feet in height; and that no pet run shall exceed 300 square feet in area. All pet runs must be screened from all streets and neighboring properties.

B. Accessory Uses Permitted in the Side or Rear Yard.

- (1) Private tennis courts and private volley ball courts accessory to a residential use may be placed in the rear yard in any residential district provided that the use is located not closer than ten feet to any side or rear lot line; and provided that no lighting installed around a private recreation facility shall throw rays onto adjacent property. Such recreational facilities may be enclosed by recreational facilities fences not to exceed 10 feet in height.
- (2) Private tennis courts and private volley ball courts accessory to a manufacturing or institutional use may be located in the side or rear yard of a manufacturing or institutional district provided that the use is located not closer than 10 feet to any side or rear lot line in a residential district; and provided that no lighting installed around an accessory recreation facility in a manufacturing or institutional district shall throw rays onto any adjacent property located in a residential district. The Village Plan Commission may permit the construction of a fence around the court when it is determined that such a fence is needed for safety purposes or to prevent the court from being a nuisance to neighbors.

C. A Private Swimming Pool, with the issuance of a building permit, is allowed with the following standards:

- (1) A private swimming pool is an outdoor structure containing a body of water in a receptacle or other container used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (2) Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (3) A private swimming pool shall be located in a rear yard (see Illustration No. 5 in Section 14.2) or in the street yard within a double frontage lot where the street yard is opposite to the front of the principal structure, is not used as access to the adjacent street and the adjacent street is a State or County Highway. The pool shall not be located in the street yard of a street intersecting with a state or county highway nor in a side yard.
- (4) A private swimming pool shall be surrounded by a fence not less than four feet nor more than six feet in height with self closing and latching gates designed to prevent unguarded entry to the pool. Sidewalls of above-ground pools which are at least four feet high may be used in lieu of a fence.

- (5) A private swimming pool shall not be constructed directly under or over electric transmission lines or within a horizontal distance of 15 feet of such lines. The Plan Commission may permit a swimming pool to be located a horizontal distance of 5 feet from an underground electric transmission line when the permit applicant has written approval from the WE Energies, Inc. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or surrounding fence.
- (6) No water drained from private swimming pools shall be discharged onto adjacent properties without written consent of the owner, or into a municipal sewerage system, or directly into a navigable body of water.
- (7) Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.
- (8) Heating units, pumps, and filter equipment shall be adequately housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located not closer than 10 feet to a lot line.
- (9) There shall be an unobstructed areaway around all pools of at least three feet in width.
- (10) No private swimming pool shall be located closer than 10 feet from a principal building nor closer than 10 feet to a lot line. No areaway surrounding a private swimming pool shall be located closer than three feet to a lot line.

D. A gazebo with the issuance of a building permit, is allowed with the following standards.

- (1) A gazebo is an accessory structure with more than four (4) sides, with all sides equal in width, and sides intersecting at angles greater than 90 degrees. A gazebo shall be used for recreational use of the property owner. No gazebo shall be used for storage.
- (2) A gazebo shall not be over 250 square feet in size nor shall be over 12 feet in height from top of foundation to top of roof.
- (3) A gazebo shall not be located closer than 10 feet from a principal building and closer than 20 feet from a lot line.
- (4) A gazebo shall be located in a side yard or a rear yard (see Illustration No. 5 in Section 14.2) or in a street yard within a double frontage lot where the street yard is opposite to the front of the principal structure, is not used as access to the adjacent street and the adjacent street is a state or county highway. The gazebo shall not be located in a street yard of a street intersecting with a state or county highway.

E. Accessory Uses Permitted in Any Yard. The following accessory uses and structures may be placed in any yard without a building permit provided that such use does not interfere with the vision clearance triangle as set forth in Section 6.01 of this Ordinance; shall not be located closer than three feet to a side or rear lot line and shall not exceed 15 feet in height. Basketball hoops, bird baths, fountains, lawn furniture, religious statues, and wishing wells. In addition flag poles may be placed in any yard without a building permit provided that such use does not interfere with the vision clearance triangle as set forth in Section 6.01 of this Ordinance; shall not be located closer than 3 feet to a side or rear lot line and shall not exceed 35 feet in height.

- F. Rummage Sales as provided in Section 2.11(H) may be conducted in any district provided that the rummage sale does not exceed four consecutive days in length and is not conducted more often than three times per year. Rummage sales do not require the issuance of a building permit. Rummage sale signs shall be limited as provided in Section 8.3(E) of this Ordinance.
- G. Fences are a permitted accessory use in any district and may be erected upon the issuance of a building permit provided that fences shall comply with the following requirements:
- (1) Barbed Wire Fences and electric fences are prohibited in the Village of North Prairie, except in the A-T Agricultural Land Preservation Transition District and except electric fences may be allowed in R-1 Single-Family Residential District with a conditional use permit for the keeping of domestic livestock, pursuant to Section 4.5(E)(6). A-T Agricultural Land Preservation Transition District fences are permitted up to the lot line and shall not exceed four feet in height in the street yard or six feet in height in the side yard or rear yard. All fences erected in a street yard of the A-T Agricultural Land Preservation Transition District shall be "open fences" as defined in Section 14.2 of this Ordinance.
  - (2) Residential Fences are permitted only with a building permit and shall be located up to the lot line of rear yards and side yards of residential districts, shall not exceed a height of six feet, and shall not extend into the street yard. (See Illustration No. 5 in Section 14.2). A fence may be permitted in the street yard within a double frontage lot where the street yard is opposite to the front of the principle structure, is not used as access to the adjacent street and the adjacent street is a State or County Highway, but said fence cannot be located in the street yard of a street intersecting with a State or County Highway. Residential fences may be "solid fences" as defined in Section 14.2 of this Ordinance. Residential fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. A plat of survey shall be submitted with each fence permit application showing the location of the fence with relationship to the property line. If a joint fence is to be constructed on the property line, a joint permit application shall be filed by all parties having a proprietary interest in the fence.
  - (3) Ornamental Fences, as defined in Section 14.2 of this Ordinance, are permitted in the street yard, side yard or rear yard, in any district, but shall not be erected in a street right-of-way and shall not exceed a height of 48 inches. Ornamental fences shall comply with the traffic visibility requirements set forth in Section 6.1 of this Ordinance. Ornamental fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the fence owners property.  
  
Ornamental fences used to accent the front of a dwelling may be permitted in the street yard. The fence shall have at least 50 percent of its area open for the free passage of light and air, shall enclose an area no larger than 15 feet by 15 feet, and shall not be more than 42 inches in height.
  - (4) Security Fences or screening fences are permitted up to the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be "open fences" as defined in Section 14.2 of this Ordinance when located in the street yard. Security fences may include up to four strands of barbed wire on the top of the fence provided that the barbed wire is at least 8 feet above grade. Security and screening fences shall comply with the traffic visibility requirements set forth in Section 6.1 of this Ordinance. Security fences shall be constructed in such a manner that the "finished" side shall face the

neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. A plat of survey shall be submitted with each fence permit application showing the location of the fence with relationship to the property line. If a joint fence is to be constructed on the property line, a joint permit application shall be filed by all parties having a proprietary interest in the fence.

- (5) Recreational Facility Fences. The Village Plan Commission may permit the construction of fences exceeding 6 feet in height, but not to exceed 10 feet in height, when used to enclose recreational facilities such as tennis and volleyball courts; provided that such facilities are not located in any street yard or side yard, nor closer than 20 feet from any lot line.

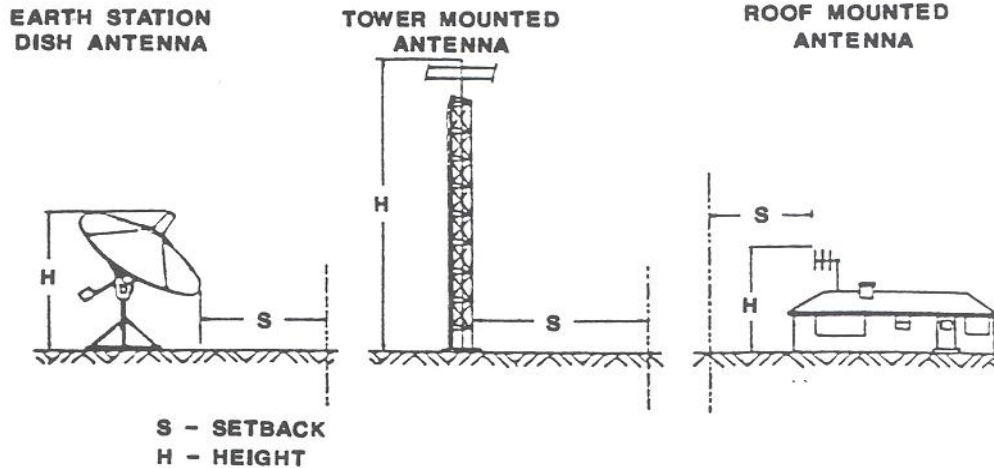
H. Antennas. The Village of North Prairie recognizes that the development of various antennas, including earth station dish antennas, and their increased use poses questions of regulation not often addressed in municipal zoning ordinances. In developing antenna regulations, the interest of the antenna owner in the use of the device must be balanced with the interest of adjoining property owners and the general public so as to protect the health and safety of all citizens, as well as the aesthetic values embodied in this Ordinance. To this end, the following regulations are adopted. Antenna are permitted as accessory uses in any district subject to the following regulations. Pursuant to the requirements of the Federal Telecommunication Act of 1996, earth station dish antennas less than one meter (39.37 inches) in diameter in residential districts and earth station dish antennas less than two meters (78.74 inches) in other districts are exempt from the requirements of this section.

- (1) Terrestrial antennas and earth station dish antennas may be located in the rear yard or on the roof of the principal structure in all residential districts. Terrestrial antennas and earth station dish antennas may be located in the side and rear yard or on the roof of the principal structure in all agricultural, business, office, manufacturing, institutional, or park districts.
- (2) All freestanding terrestrial antennas and roof antennas shall meet the height requirements for the district in which they are located, except as provided in Section 7.2(E) of this Ordinance.
- (3) Ground-mounted earth station dish antennas shall not exceed 15 feet in height.
- (4) All terrestrial antennas shall be located not less than one foot from a lot line for each three feet of height above the surrounding grade. (See Illustration No. 3)
- (5) All earth station dish antennas shall be located not less than three feet from a side or rear lot line. (See Illustration No. 3)
- (6) All antennas, including earth station dish antennas, shall be constructed and anchored in such a manner to withstand winds of not less than 100 miles per hour and such installations shall be constructed of noncombustible and corrosive resistant materials.
- (7) All antennas, including earth station dish antennas, shall be filtered and/or shielded so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (8) Not more than one terrestrial and one earth station dish antenna shall be permitted on a lot or parcel in a residential zoning district.

- (9) Earth station dish antennas shall be located and designed to reduce their visual impact on surrounding properties.
- (10) No form of advertising or identification may be displayed on the dish or framework of any antenna other than the customary manufacturer's identification plates.
- (11) All antennas, and the construction supports and installation thereof, shall conform to applicable Village building code and electrical code regulations and requirements. Appropriate permits shall be issued by the Building Inspector. Prior to the issuance of a permit for a building-mounted earth station dish antenna, the applicant shall submit a plan or document prepared by a registered professional engineer which certifies that the proposed dish antenna installation is structurally sound to accommodate wind load, snow load, and dead load.
- (12) Portable or trailer-mounted antennas are not permitted with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed two days at any one location.
- (13) The Building Inspector shall review and approve plans, including ground elevation, for location of all earth station dish antennas prior to the issuance of a permit.
- (14) In the event the property owner of a parcel of land located in a residential district determines and documents that the placement of an antenna in a rear yard would prevent its use for its intended purpose, the property owner may apply to the Village Zoning Board of Appeals for a variance to allow the installation of the antenna in a side yard location. The procedure for issuing the variance shall follow the procedure set forth in Section 11.4 of this Ordinance.

**ILLUSTRATION NO. 3**

**MEASURING HEIGHT AND SETBACK OF ANTENNAS**



**7.5**

**ADDITIONS**

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

**7.6 AVERAGE STREET YARDS**

The required street yard, or setback, may be decreased in any residential district to the average of the existing street yards of the abutting structures on each side, but shall in no case be less than 15 feet.

**7.7 CORNER LOTS**

Structures shall provide a front yard setback as required by this Ordinance on the street that the structure faces as established by the Zoning Ordinance. A second front yard setback shall be provided on the side of the structure abutting a public or private street. The second front yard setback shall be the same setback as required in that local district. The remaining yards shall be a side yard and a rear yard. The building inspector shall determine which yard is the side yard and which yard is the rear yard. The rear yard shall generally be the yard directly behind the front entrance to the structure and the side yard shall be the remaining yard.

**7.8 DOUBLE FRONTAGE LOT**

Lots abutting two opposite streets shall provide the front yard setback required by the district in which the lot is located from each street upon which the lot abuts.

Where a double frontage lot abuts an arterial street and an interior local street; the dwelling on the lot faces the local street opposite the arterial street, any accessory structure permitted by Section 7.4 of this Ordinance may be permitted in the yard abutting the arterial street provided that all the conditions set forth in Section 7.4 are complied with and further provided that no accessory structure is placed, erected, or moved closer to the arterial street right-of-way than the minimum required street yard setback for the district in which the lot is located.

If the yard abutting the arterial street has been determined to be a side yard by the Village Building Inspector, no accessory structure shall be placed within the side yard.

**7.9 COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT**

Modifications to requirements of this Ordinance may be granted by the Plan Commission for the purpose of complying with the requirements of Title II Public Services and Title III Public Accommodations and Commercial Facilities of the Americans with Disabilities Act. Such compliance may require the waiving of or modifications to setback and yard requirements; parking requirements; sign requirements; and site design and landscaping requirements. Modifications granted by the Plan Commission shall be limited to the minimum extent necessary to make structures and uses accessible and barrier free.



**SECTION 8: SIGNS AND OUTDOOR LIGHTING**

**8.1 PURPOSE AND INTENT**

The intent of this Ordinance is to provide for and regulate the location and safe construction of signs and outdoor lighting in a manner to ensure that the signs and lighting are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors and the Village as a whole. All sign and lighting permits, unless otherwise specified, shall be issued by the Building Inspector.

**8.2 COMPLIANCE**

No sign or outdoor lighting fixture shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of this Ordinance. No sign in the Village of North Prairie shall be erected within the vision clearance triangle as shown in illustration No. 2 and on page 50 of this Ordinance.

**8.3 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT**

The following signs are permitted in all zoning districts without a permit, subject to the following regulations. Off-premise signs, except official signs and election campaign signs on private property, are prohibited in the Village of North Prairie with the exception of the B-1 and I-1 Districts. Signs shall not impede the vision clearance triangle.

- A. Real Estate Signs, not to exceed eight square feet in area in a residential district or 32 square feet in other districts, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No real estate sign shall be erected in a street right-of-way. Real estate signs shall be located a minimum of 10 feet from a side or rear lot line. Temporary off-premise "Open House" and directional signs are permitted and must be removed at the end of each day. Temporary off-premise "Open House" and directional signs shall not exceed three square feet in area.
- B. Name, and Warning Signs not to exceed three square feet located on the premises. Name and warning signs shall be located a minimum of 10 feet from any street right-of-way, or any side or rear lot line.
- C. Home Occupation and Professional Home Office-Signs not to exceed three square feet in area. Home Occupation and Professional Home Office Signs shall be located a minimum of 10 feet from any street right-of-way, or any side or rear lot line.
- D. Election Campaign Signs provided that permission shall be obtained from the property owner, renter or lessee; and provided that such sign shall not be erected prior to the first day of the "election campaign period" as defined in Section 12.04 of the Wisconsin Statutes, and shall be removed within 4 days following the election. No campaign sign shall be erected in a street right-of-way. Campaign signs shall be located a minimum of 10 feet from any side or rear lot line.
- E. Rummage Sale and Garage Sale Signs provided that no such sign shall be erected or placed within a street right-of-way and further provided that such signs are removed within 24 hours following the sale. Temporary directional signs are permitted and must be removed at the end of the sale. Temporary Rummage Sale, Garage Sale Signs, and directional signs shall not exceed three square feet in size.
- F. Bulletin Boards for public, charitable or religious institutions not to exceed 32 square feet in area located on the premises. Bulletin boards shall be located a minimum of 10 feet from any street right-of-way, or any side or rear lot line.
- G. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

- H. Official Signs, such as traffic control, parking restrictions, church and school directories, government building, and public notices.

#### **8.4 SIGNS AND OUTDOOR LIGHTING FIXTURES PERMITTED IN ALL RESIDENTIAL DISTRICTS WITH A PERMIT**

The following signs and outdoor lighting fixtures are permitted in any residential district and are subject to the following regulations. Off-premise signs, except official signs and election campaign signs on private property, are prohibited in the Village of North Prairie.

- A. Permanent Real Estate Development Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development, shall be located a minimum of 10 feet from a side or rear lot line. The Plan Commission may permit a permanent real estate development sign within a street right-of-way after determining that the sign will not have an adverse impact on public safety. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
- B. Outdoor Lighting Fixtures are permitted for decorative, safety and security purposes provided that the fixtures do not directly shine on adjacent properties or otherwise create a nuisance.

#### **8.5 SIGNS PERMITTED IN ALL BUSINESS AND INDUSTRIAL DISTRICTS WITH A PERMIT**

Signs are permitted in all business and industrial districts subject to the following restrictions. The number, size, type and location of signs permitted on a premises shall be subject to review and approval by the Village Plan Commission which shall have the authority to strictly regulate the foregoing factors to provide an aesthetically pleasing appearance and to foster public safety.

- A. Wall Signs placed against the exterior walls of buildings shall not extend horizontally or vertically beyond the edges of wall surfaces, shall not extend more than twelve inches outward from wall faces, and shall not exceed 500 square feet in area for any one top premises. The top of any wall sign shall not extend above the top of the wall concerned; and shall not exceed 50 percent of the total area of the wall concerned. The Plan Commission may permit more than one wall sign on a building when such multiple signs are deemed necessary to the orderly development of the building. The aggregate area of all wall signs on any one premises shall not exceed 500 square feet.
- B. Projecting Signs fastened to, suspended from, or supported by a building shall not exceed 32 square feet in area for any one premises; shall not extend more than six feet into any required yard setback; shall not extend into any public right-of-way; shall not be less than 10 feet from all side lot lines; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- C. Marquee, Awning, or Canopy Signs affixed to the surface of a marquee, awning, or canopy is permitted provided that the sign does not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy. No marquee, awning, or canopy shall extend into the street right-of-way, nor into a required side or rear yard setback. A name sign not exceeding two square feet in area located immediately in front of the entrance to an establishment may be suspended from a marquee, awning or canopy provided that the name sign is at least 10 feet above the sidewalk.
- D. Ground Signs shall not exceed 8 feet in height and shall not exceed 80 square feet in area on any sign face. Ground signs may have multiple sign faces provided that no two sign faces are visible from the same viewing point and connecting signs have an interior angle of 90 degrees or less between them. Except in the B-1, B-2 and B-3 Business Districts, ground signs shall be not less than 10 feet from a street right-of-way and not less than 10 feet from a side lot line. No ground sign in a B-1, B-2 and B-3 District shall extend into the street right-of-way or beyond a side lot line. All ground signs shall be a minimum of 10 feet from a rear lot line.

- E. Pole Signs shall not exceed 20 feet in height above the mean centerline street grade, and shall not exceed 100 square feet in any area on any sign face. In addition, a pole sign may feature a reader board not exceeding 24 square feet in area above or below the main sign for the purpose of conveying changeable sales information. Pole signs may have multiple sign faces provided that no two sign faces are visible from the same viewing point and connecting signs have an interior angle of less than 90 degrees between them. Except in the B-1, B-2 and B-3 Business Districts, pole signs shall be not less than 10 feet from a street right-of-way and not less than 10 feet from a side lot line. No pole sign located in a B-1, B-2 and B-3 District shall extend into the street right-of-way or beyond a side lot line. All pole signs shall be located a minimum of 10 feet from a rear lot line. Pole signs and attendant reader boards shall not be less than ten feet above the sidewalk nor less than fifteen feet above a driveway or parking lot grade, unless it is determined by the Building Inspector that the distance should increase because the height creates a traffic hazard.
- F. Roof Signs shall not be permitted.
- G. A Time and Temperature Device may be erected as a wall sign, projecting sign, ground sign or pole sign and shall meet the requirements attendant to those sign types. No time and temperature device, however, shall be located closer than 750 feet to another time and temperature device.
- H. Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings.
- I. Directional Signs to identify parking lot entrances and exits, or direct customers to drive-in windows, may be placed adjacent to driveways provided that no directional sign shall be placed in the street right-of-way; shall be more than two and one-half feet in height; and no entrance/exit sign face shall exceed 18 inches in length. Menu boards may be placed adjacent to driveways for drive-through facilities, provided that no menu board shall be more than six feet in height and no more than three feet in width. All signs shall be designed in a manner to minimize obstruction of motorists vision.
- J. Reader Boards placed against the exterior walls of buildings are allowed for the purpose of conveying changeable sales information provided that they are constructed of wood-like materials and do not exceed 24 square feet.
- K. Incidental Signs advertising special sales which are 32 square feet or less in area, and erected for a period of one week or less, may be erected as wall signs, projecting signs, or ground signs, and such incidental signs shall not require the issuance of a sign permit. There shall be no more than two incidental signs on any one premise.
- L. Combinations of any of the above signs shall meet all the requirements for the individual sign. The total number of signs on any one premises shall be limited as follows:
  - (1) Shopping centers may provide one ground or pole sign displaying the name of the shopping center, lists of individual stores, hours of operation, and/or special sales information for each 500 feet of street upon which the shopping center abuts. The shopping center may also provide one wall sign and one canopy sign for each business in the shopping center. Additional wall signs may be provided in accordance with the requirements of Section 8.5(A), above.
  - (2) Gasoline and/or service stations may provide one ground and one pole sign displaying the name of the station and the brand of gasoline sold. A gasoline and/or service station logo and the name of the establishment may also be affixed to an approved service island canopy. Signs affixed to service pumps shall not be included in the maximum sign count. Wall signs may also be provided as provided in Section 8.5A above.

- (3) Multiple tenant buildings commercial and industrial buildings may provide one ground or pole sign displaying the name of the building and a list of tenants. In addition, each tenant may provide a wall sign displaying the name of the tenant business.
- M. Sign Setback Modifications. When the Plan Commission determines that there is excessive street right-of-way which will not be developed in the near future, and the sign setback required herein for such sign will unnecessarily interfere with the purpose of the sign, the Plan Commission may permit the sign applicant to measure the sign setback from a point 20 feet back from the curb line or pavement edge of the street, provided that the sign applicant shall enter into a "hold harmless" agreement with the Village that at such time roadway improvements are scheduled, the Village may order the removal of the sign, and the applicant agrees to remove said sign upon 90 days notice prior to the commencement of street construction or street improvement at no cost to the Village and without damage for loss of use of the sign. The sign may be replaced at another location on the property which is in full compliance with the sign regulations.
- N. Commercial Monument Signs may be erected in the Village of North Prairie Business and Industrial Districts. Monument signs are typically constructed of brick, dimensional building stone, larger wood beams, or other decorative building materials, and often feature landscaped element within the sign design. Monument signs shall not exceed 10 feet in height and the advertising face of a monument sign shall not exceed 100 square feet in area on any side. The area of the base may be larger than the sign face as permitted by the Village Plan Commission. Monument signs shall be located not less than 10 feet from a street right-of-way and not less than 5 feet from any other lot line.
- O. Off Premise Business Signs shall be permitted in B-1 and I-1 Districts only and restricted to valid businesses operating in the Village limits. Off-premise signs shall not exceed 32 square feet in area. The off-premise sign shall be included in the total allowable signage for the property on which it is erected; shall not be less than 10 feet from all side and rear lot lines; shall not extend into any public right-of-ways; and the sign's location shall be at least 100 feet from any other sign along the same side of a road or highway.

## 8.6 SIGNS PERMITTED IN THE PUBLIC DISTRICT

The following signs are permitted in the Public or Private Park District and are subject to the following regulation:

- A. Public Institutional and Park Name Signs when approved by the Village Plan Commission after review and recommendation by the Park Commission.
- B. Temporary off-premise signs for civic or non-private Organizations may be permitted in the P-1 Public or Private Park District per Section 8.8 of this Ordinance.

## 8.7 TEMPORARY DEVELOPMENT SIGNS

Temporary development signs for the purpose of designating a new building or development, or for promotion of a subdivision may be permitted by the Building Inspector in any district for a limited period of time not to exceed one year. Such signs shall not exceed 200 square feet in area and shall be located a minimum of 10 feet from a street right-of-way, or any side or rear lot line. The Plan Commission may grant an extension to the one-year limit when the reasonable development of a project requires such additional use of temporary signs. Off-premise temporary signs are prohibited.

The Village Building Inspector may permit the temporary placement of signs identifying contractors or financial institutions or products used on a development project provided that no such sign shall exceed 12 square feet in area; that not more than one sign per contractor is erected; and that the total number of contractor signs per lot does not exceed three. Contractor signs shall be removed within 10 days following occupancy of the building.

**8.8 PORTABLE SIGNS**

The Building Inspector may permit the temporary use of an on-premise portable sign in any district provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than three weeks. The permit required in Section 8.15 shall be required for portable signs.

Portable signs for special events sponsored by civic or nonprofit organizations may be permitted in any district for a period not to exceed three weeks, including off-premise signs and shall not exceed 32 square feet of area per side. Any permit fee shall be waived for Civic or other nonprofit organizations.

**8.9 BANNERS, PENNANTS, FLAGS AND HOLIDAY DECORATIONS**

- A. Banners and Pennants. The Village Building Inspector may permit the temporary use of banners and pennants in any business district for a period of not more than 15 days in any calendar quarter provided that the banner or pennants will not be located in the street right-of-way and will not cause a hazard to traffic or adjoining properties. Banners shall not exceed 150 square feet in area. No new banner shall be displayed for at least 15 days following removal of the previous banner. Banners extending over the street right-of-way shall be permitted only by action of the Village Board.
- B. Flags. The display of the national flag of any country, or the official flag of any state, or a flag displaying a business or industrial logo is permitted in any district without a permit provided that such flag is setback a minimum of 20 feet from the street right-of-way in any business or manufacturing district; is set back a minimum of 10 feet from the street right-of-way in any residential district; and provided that the area of the flag does not exceed 60 square feet. Display of larger flags may be permitted only upon approval of the Village Plan Commission.
- C. Holiday Decorations. The Village Board may permit the installation of holiday decorations within or over the street right-of-way provided that such decorations will not cause a hazard to traffic or adjoining properties.

**8.10 FACING**

No sign except those permitted in Sections 1.0803 and 1.0805 shall be permitted to face a residence within 100 feet of such residence.

**8.11 LIGHTING AND COLOR OF SIGNS**

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways. Signs may be illuminated but non-flashing. Signs shall not be revolving or animated, however, copy on time and temperature devices may be cyclical. Signs in residential districts shall not be illuminated; however, the Plan Commission may permit the installation of accent lighting for subdivision entrance monuments.

**8.12 CONSTRUCTION AND MAINTENANCE STANDARDS**

Signs shall be constructed in such a manner that they will not be a hazard to neighboring properties and will withstand the forces of severe weather. Signs shall be maintained in a clean and sanitary manner, shall be repainted or repaired when necessary, and all accessory features of signs, such as lighting, shall be maintained in an operable condition. Signs shall not be permitted to become aesthetically offensive in appearance. Signs shall be secured to buildings, poles, and posts, and shall not be placed in a manner which interferes with the provision of public services such as electrical service, telephone service, gas service, and fire protection.

**8.13 EXISTING SIGNS**

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure; and the provisions of Section 1.0900 of this Ordinance shall apply.

**8.14 OUTDOOR LIGHTING FIXTURES PERMITTED IN ALL BUSINESS AND INDUSTRIAL DISTRICTS WITH A PERMIT**

Outdoor lighting fixtures are permitted in all business and industrial districts subject to the review and approval of the Village Plan Commission. The Village Plan Commission shall have the authority to strictly regulate the type, number, intensity, color, and location of proposed outdoor lighting fixture permitted on a premises in order to promote an aesthetically pleasing appearance, foster public safety, and avoid the creation of a public nuisance.

**8.15 SIGN AND OUTDOOR LIGHTING PERMIT**

A sign and lighting permit shall be required for erecting a sign structure or installing an outdoor lighting fixture as regulated under this ordinance, and for changing or replacing a sign structure or outdoor lighting fixture. No permit shall be required for repainting or replacing the message on a sign, provided that the content of the message advertises a legal activity and the message is not misleading.

Applications for sign or lighting permits shall be made on forms provided by the Building Inspector or Village Clerk and shall contain or have attached thereto the following information:

- A. Name, Address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected or for which the lighting fixture is to be installed.
- B. Name of Person, firm, corporation, or association erecting the sign or installing the lighting fixture.
- C. Written Consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed or for which the lighting fixture is to be installed.
- D. A Scale Drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
- E. A Scale Drawing indicating the location and position of such sign or lighting fixture in relation to nearby buildings or structures.
- F. Copies of any other permit required and issued for said sign, including the written approval by the Building or Electrical Inspector, in the case of illuminated signs and lighting fixtures, who shall examine the plans and specifications, reinspecting all wiring and connections to determine if the same complies with the Village Electrical Code.

- G. Additional Information as may be required by the Building Inspector or Village Plan Commission.
- H. Sign and Outdoor Lighting Permit Applications shall be filed with the Building Inspector, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the applicant. A sign or outdoor lighting permit shall become null and void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.
- I. Sign and Outdoor Lighting Permit Applications in the B-1 Neighborhood Business District, B-2 Central Business District, and M-1 Industrial District shall be subject to review and approval by the Village Plan Commission.

**8.16**

**MEASURING SIGNS**

In calculating the area of a sign to determine whether it meets the requirement of this Ordinance, the Building Inspector shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

## **SECTION 9: NONCONFORMING USES, STRUCTURES, AND LOTS**

### **9.1 EXISTING NONCONFORMING USES**

The lawful nonconforming use of land without structures, or water; or a lawful nonconforming use in a conforming or nonconforming structure; or a lawful nonconforming use on a conforming or nonconforming lot which existed at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

- A. Only Use of That Portion of the Land or Water in Actual Use may be so continued and the use may not be extended, enlarged substituted or moved; and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- B. Discontinuance. If such nonconforming use is discontinued or terminated for a period of 12 consecutive months or 18 cumulative months during a 3 year period, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.
- C. Abolishment or Destruction. When a structure containing a nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent that the cost of repair would exceed 50 percent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

### **9.2 CHANGES AND SUBSTITUTIONS**

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. The Zoning Board of Appeals may permit the substitution of a more restrictive nonconforming use for an existing nonconforming use. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use, the existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Zoning Board of Appeals.

### **9.3 CONFORMING STRUCTURES ON NONCONFORMING LOTS**

The conforming use of a conforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the lot area or lot width does not conform to the requirements this Ordinance.

- A. Additions and Enlargements to the structures or reconstruction of the structure is permitted if it conforms with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance.

### **9.4 NONCONFORMING STRUCTURES ON A CONFORMING OR NONCONFORMING LOT**

The conforming use of a nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established building setback line along streets, or the yard, height, parking, loading, and/or access provisions of this Ordinance.

- A. Additions and Enlargements to existing nonconforming structures are permitted if the additions or enlargements conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance.
- B. Existing Nonconforming Structures with a conforming use which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and insofar as is practicable shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance.
- C. Existing Nonconforming Structures may be moved and when moved shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance.



**9.5 VACANT NONCONFORMING LOTS**

The Building Inspector may issue a building permit for development of a vacant nonconforming lot which does not contain sufficient area to conform to the dimensional requirements of this Ordinance, but which is at least 50 feet wide and 7,200 square feet in area, provided that the use is permitted in the zoning district in which it is located, provided that the lot is of record in the County Register of Deeds Office prior to the effective date of this Ordinance; and provided that the lot is in separate ownership from abutting lands. Where a vacant nonconforming lot was once in common ownership with adjoining vacant conforming or nonconforming lots, and said lot or lots were conveyed to another owner, a building permit shall not be issued.

- A. Multiple Vacant Nonconforming Lots Under the Same Ownership. Where a vacant nonconforming lot abuts one or more other vacant conforming or nonconforming lots under the same ownership, the individual lots shall not be developable as separate vacant nonconforming lots, and the individual lots shall be considered to be combined in order to comprise a larger lot for the purpose of this ordinance.
  
- B. Yards. Vacant nonconforming lots granted permits under this Section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the Board of Appeals. A variance shall not be granted if the lot at any time was conveyed to another owner where the common ownership of adjoining lots existed unless a variance was granted for the conveyance.
  
- C. Reduction in Lot Size, Width, Open Space, Floor Area Ratio (F.A.R.) and Offset Requirements. In the case of any lot proposed to be served by a municipal or municipally approved communal sewerage system or water system, and where such service would be provided prior to any occupancy of such lot, the Village Board may reduce the lot size, width, open space, offset and increase the F.A.R. requirements applicable to such lot, following a public hearing by the Village Board and recommendation of the Plan Commission. Notice of such hearing shall be given by official publication and by direct notice to owners of any contiguous property as listed on the previous tax roll, at least ten (10) and not more than thirty (30) days before such hearing. In making such recommendations the Plan Commission shall give particular consideration to the following and shall make written finding of facts relative thereto:
  - (1) The suitability of solid, terrain and water level conditions with regard to effective provision of individual sewerage disposal or water supply, with careful consideration of economic and practical engineering aspects involved in the future probability or necessity of providing municipal sewerage or water service in the area.
  - (2) The effect of any reduction in the lot size, width, open space, offset and increase in the F.A.R. requirements on the character and value of surrounding development.
  - (3) The effect of any such reduction on the overall density pattern and the economic balance of land use in the community.

In the case of reductions involving two (2) or more lots, different provisions may be established for individual lots to meet special circumstances and to carry out the intent of the considerations listed above. In no case, however, shall the lot size, width, open space, offset and increase in the F.A.R. requirements be reduced by more than 30% if serviced by one (1) municipal service or 50% if serviced by both municipal sewer and water. A fee shall be submitted for a sewer reduction in accordance with the Village office fee schedule.

**9.6**

**WETLAND NONCONFORMING USES**

Notwithstanding Section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling, or expansion of a legal nonconforming structure, or any environmental control facility related to a legal nonconforming structure, located in the C-1 Lowland Conservancy District and in existence at the time of adoption or subsequent amendment of this Ordinance is permitted pursuant to Section 61.351(5) of the Wisconsin Statutes.

**SECTION 10: SITE PLAN REVIEW AND ARCHITECTURAL CONTROL**

**10.1 PURPOSE AND INTENT**

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure, with the exception of single-family and two-family dwellings, without first obtaining the approval of the Village Plan Commission of detailed site and architectural plans as set forth in this section.

The Village Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, utilization of landscaping and open space, and the proposed operation in all districts except the A-T Agricultural Land Preservation Transitional District, and the R-1 and R-2 Residential Districts.

**10.2 PRINCIPLES**

To implement and define criteria for the purposes set forth in Section 10.1, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

- A. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- C. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
- D. The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade facing each street. Metal buildings may be constructed in any business or manufacturing district, but only by a three-fourths affirmative vote of the Plan Commission.
- E. Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- F. Building Roof lines and Roof Shapes. The visual continuity of roofs and their contributing elements, such as parapet walls, coping, and cornices, shall be maintained in building development and redevelopment.
- G. Since the selection of building colors has a significant impact upon the public and neighboring properties, color shall be selected in general harmony with existing neighborhood buildings.

- H. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- I. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village.
- J. No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment shall be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers shall be screened from the street and from neighboring facilities. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business or industrial use.
- K. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- L. Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead doors shall face upon a street right-of-way unless a determination is made by the Village Plan Commission that the docks are setback sufficiently from the street right-of-way and screened with landscape berms or other landscaping to be "not visible" from the roadway and appropriately screened.
- M. Buildings and uses shall be provided with adequate public services as approved by the appropriate utility.
- N. Buildings and uses shall make appropriate use of open spaces and the Village Plan Commission may require appropriate landscaping and buffer yards.
- O. Buildings and signs within the designated B-2 Central Business District shall be designed and sited in accordance with any design standards developed and adopted by the Village.
- P. Development in the B-2 Central Business District shall provide adequate open space and landscaping in accordance with any design standards developed and adopted by the Village Plan Commission.
- Q. Development in all business and industrial districts shall provide adequate open space and landscaping. All landscaped areas shall provide a mix of tall and medium height deciduous trees, tall and medium height coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

### 10.3

#### **ADMINISTRATION**

Plan data shall be submitted to the Village Clerk who shall transmit all applications and the accompanying plans in the B-1 Neighborhood Business District, B-2 Central Business District, and I-1 Industrial District to the Village Plan Commission for review. Plan data to be submitted with all plan review applications shall include the following:

- A. Site plan drawn to an acceptable engineering scale.
- B. Name of project.
- C. Owner's and/or developer's name and address.
- D. Architect and/or engineer's name and address.
- E. Date of plan submittal.

- F. Scale of drawing.
- G. Existing and proposed topography shown at a contour interval not less than two feet.
- H. The characteristics of soils related to contemplated specific uses.
- I. Total number of parking space.
- J. The type, size, and location of all structures with all building dimensions shown.
- K. Indicate height of buildings.
- L. Indicate existing and proposed street names.
- M. Indicate existing and proposed public rights-of-way and widths.
- N. North arrow.
- O. Location of existing and proposed sanitary sewers, storm sewers, and water mains.
- P. Location of any proposed storm water management facilities, including detention/retention areas.
- Q. Existing trees.
- R. Location, extent, and type of proposed plantings.
- S. Location of pedestrian sidewalks and walkways.
- T. A graphic outline of any planned development staging.
- U. Architectural plans, elevations, perspective drawings and sketches illustration the design and character of proposed structures.

#### **10.4 REVIEW AND FINDINGS**

The Village Building Inspector or Village Plan Commission, whichever is appropriate, shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Ordinance. The Village Building Inspector or Village Plan Commission, whichever is appropriate, will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety. The Village Plan Commission may require that a Developers' Agreement be entered into between the developer and the Village as a condition of architectural and site plan approval.

#### **10.5 SURETIES**

Time schedules may be imposed for the completion of buildings, parking areas, open space utilization, and landscaping. Occupancy to any structure prior to completion of improvements may only be authorized by the Village Plan Commission. Whenever improvement schedules are delayed, the Village Plan Commission shall require appropriate sureties to guarantee that the required improvements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation and the Village Building Inspector shall initiate the appropriate action to correct the violation pursuant to Section 3 of this Ordinance.

#### **10.6 APPEALS**

Any person or persons aggrieved by any decisions of the Village Building Inspector or Village Plan Commission related to plan review may appeal the decision to the Village Zoning Board of Appeals. Such appeal shall be filed with the Village Clerk within 30 days after issuance of the decision by the Village Building Inspector or the Village Plan Commission.

**SECTION 11: ZONING BOARD OF APPEALS**

**11.1 ESTABLISHMENT**

There is hereby established a Zoning Board of Appeals for the Village of North Prairie for the purpose of hearing appeals and applications, and for granting variances and exceptions to the provisions of this Zoning Ordinance.

**11.2 MEMBERSHIP**

The Zoning Board of Appeals shall consist of five (5) members appointed by the Village President and confirmed by the Village Board.

- A. Terms shall be for staggered three-year periods.
- B. Chairman shall be designated by the Village President.
- C. Alternate Member. The Village President shall appoint a first alternate member and a second alternate member to act only when a regular member is absent or refuses to vote because of interest. The second alternate member may act only when the first alternate is unable to act or is already sitting.
- D. One Member should be a Village Plan Commissioner and one member should be a registered architect, registered professional engineer, builder, or real estate appraiser.
- E. Secretary and office of the Board of Appeals shall be the Village Clerk and the office of the Village Clerk.
- F. Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- G. Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.
- H. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

**11.3 ORGANIZATION**

The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

- A. Meetings shall be held at the call of the chairman and shall be open to the public.
- B. Minutes of the proceedings and a record of all actions shall be kept by the secretary, or other designated person, showing the vote of each member upon each question, the reasons for the Board's of Appeals determination, and its finding of facts. These records shall be immediately filed in the office of the Board of Appeals and shall be a public record.
- C. The Concurring Vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

#### 11.4 POWERS

The Zoning Board of Appeals shall have the following powers:

- A. Errors: To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by any administrative official.
- B. Variances: To hear and grant appeals for variances 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 and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- C. Special Exceptions: To hear and decide applications for special exceptions to the parking requirements for offices set forth in Section 6.3(K)(3) of this Ordinance on a case-by- case basis where it is determined that fewer parking spaces will be required because of the availability of shared parking; the availability of public transportation; the availability of car pools or van pools; the availability of alternative transportation such as walking or bicycles; or because the office operations has limited customer operations. The Board of Appeals may require the filing of signed agreements, parking studies, or evidence to support the reduced parking requirements.
- D. Interpretations: To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Plan Commission has made a review and recommendation.
- E. Substitutions: To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Village Plan Commission has made a review and recommendation. Whenever the Board of Appeals permits such a substitution, the use may not thereafter be changed without application.
- F. Temporary Uses: To hear and grant applications for temporary uses in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses, and provided that the Village Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, and subject to any conditions required by the Board of Zoning Appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this Ordinance shall be required.
- G. Permits: The Board of Appeals may reverse, affirm wholly, or partly modify the requirements appealed from, and may issue or direct the issue of a permit.
- H. Assistance: The Board of Appeals may request assistance from other Village officers, departments, commissions, and boards.
- I. Oaths: The chairman may administer oaths and compel the attendance of witnesses.

#### 11.5 APPEALS AND APPLICATIONS

Appeals of the decision of the Building Inspector or any administrative official concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, board, or bureau of the Village. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the Building Inspector or any administrative official. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- A. Name and Address of the appellant or applicant and all abutting and opposite property owners of record.
- B. Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 2.5 for a Building Permit.
- C. Additional Information required by the Village Plan Commission, Village Engineer, Zoning Board of Appeals, or Building Inspector.

**11.6 HEARINGS**

The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, shall give public notice thereof as specified in Section 13 of this Ordinance, and shall give due notice to the parties in interest, the Building Inspector, and the Village Plan Commission. At the hearing the appellant may appear in person, by agent, or by attorney.

**11.7 WETLAND MAPPING DISPUTES**

Wetland Disputes. Whenever the Board of Appeals is asked to interpret a C-1 Lowland Conservancy District boundary where an apparent discrepancy exists between the Village's Final Wetland Inventory Map and actual field conditions, the Village shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the Board of Appeals shall direct the Village Plan Commission to initiate appropriate action to rezone the property within a reasonable amount of time.

**11.8 FINDINGS**

No variance to the provisions of this Ordinance shall be granted by the Board of Appeals unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

- A. Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- B. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- C. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- D. Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- E. Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.



- F. No variance shall be granted where:
- (1) A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval flood for the particular area would result.
  - (2) Any action contrary to the provisions of Chapter NR-116 of the Wisconsin Administrative Code would result.

**11.9 DECISION**

The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector, and Village Plan Commission.

- A. Conditions may be placed upon any building permit ordered or authorized by this Board of Appeals
- B. Variances, Substitutions, or Use Permits granted by the Board of Appeals shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- C. Applicants Receiving Variances in Floodlands. Pursuant to Federal Regulations [44 CFR Part 60.6(5)], applicants receiving variances shall be notified, in writing, by the Board of Appeals that increased flood insurance premiums may result from the granting of the variance. The Board of Appeals shall keep a record of the notification in its file.

**11.10 REVIEW BY COURT OF RECORD**

Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

**SECTION 12: CHANGES AND AMENDMENTS**

**12.1 AUTHORITY**

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board of Trustees may, by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Village Plan Commission.

**12.2 INITIATION**

A change or amendment may be initiated by the Village Board or Village Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

**12.3 PETITIONS**

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

- A. Plot Plan drawn to a scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 300 feet of the area proposed to be rezoned.
- B. Owners Names and Addresses of all properties lying within 300 feet of the area proposed to be rezoned.
- C. Additional Information required by the Village Plan Commission or Village Board.

**12.4 REVIEW AND RECOMMENDATIONS**

The Village Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied.

**12.5 HEARINGS**

The Village Board shall hold a public hearing upon each petition giving public notice thereof as specified in Section 13 of this Ordinance, listing the time, place, and the changes of amendments proposed. The Village Board shall also give at least 10 days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

**12.6 VILLAGE BOARD'S ACTION**

As soon as possible after such public hearing, and after careful consideration of the Village Plan Commission's recommendations, the Village Board shall act on the petition either approving, modifying and approving, or disapproving of the same.

**12.7 PROTEST**

In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of 20 percent or more of the areas of the land included in such proposed change, by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

**SECTION 13: PUBLIC HEARINGS**

**13.1 PUBLIC HEARINGS**

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 Ordinance shall specify the date, time and place of hearing, and the matter to be presented at the hearing. Pursuant to Chapter 985 of the Wisconsin Statutes, the notice shall be published as a Class 2 notice, to-wit:

The notice of public hearing shall be published in a newspaper of general circulation in the Village of North Prairie at least once each week for two (2) consecutive weeks, the last publication of which shall be at least one (1) week before the public hearing.

Notice of the public hearing shall be mailed 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 and the owners of all lands included in the petition and all lands lying within 300 feet of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

**13.2 PUBLIC HEARING PROCEDURE**

The procedure for public hearing before the Village Plan Commission shall be as follows:

- A. Any person may appear in person, by agent, or attorney.
- B. The Plan Commission may issue subpoenas and administer oaths of affirmations.
- C. The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence.
- D. The Plan Commission may permit cross examinations reasonably required for a full and true disclosure of the facts.
- E. The Plan Commission shall provide that notes of testimony given shall be taken and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant making the request pays a reasonable compensatory fee for the transcription and copies of the written transcript.

## **SECTION 14: DEFINITIONS**

### **14.1 GENERAL**

For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Ordinance include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she". The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

### **14.2 SPECIFIC WORDS AND PHRASES**

A. Accessory Apartment

A dwelling unit located within a single-family dwelling unit intended for occupancy by another person or family. The accessory apartment is self-contained featuring a separate outside entrance, sleeping facilities, kitchen facilities, and bathroom facilities. The apartment usually occupies only a small portion of the single-family dwelling area and is often occupied by a parent or in-law.

B. Accessory Pet Run

An enclosed area specifically intended for the containment and/or shelter of pets but not associated with a commercial kennel or private kennel. (Note: see Section 7.4(A)(6) of this Ordinance for height and area requirements. Also, refer to Village Ordinance No. 2-99 which specifies the number of allowed dogs per residence, and Village Ordinance No. 6-92 which specifies the number of allowed cats per residence, including any subsequent amendments that may be made to said ordinances.)

C. Adult-Oriented Establishments

Adult-oriented establishments shall include, but not be limited to adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, or adult cabarets. It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect.

D. Accessory Use or Structure

Either a use or detached structure; or a structure that does not have a roof attached to a principal structure that is subordinate to the principal use of a structure, land, or water and located on the same lot or parcel, and serving a purpose customarily incidental to the principal use or the principal structure. (See also "minor structure")

E. Alley

A special public right-of-way affording only secondary access to abutting properties.

F. Antenna

A device used to receive or send broadcasts either as over the air signals from transmitters, including fixed television or radio signals, or microwave signals from earth orbiting communication satellites.

G. Antenna, Earth Station Dish

A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites.

- H. Antenna, Terrestrial  
Any antenna designed to receive television and radio signals relayed from one ground location to another ground location. Such antennas are typically mounted on a tower or support on the rooftop of a structure, or on free-standing towers.
- I. Art Studio  
An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macramé, knitted goods, stitchery, or pottery. Art studios are also engaged in the creations of such art works and often offer instruction in their creation. Within the context of this Ordinance, art studio does not include adult oriented establishments or pornographic exhibits.
- J. Assembly  
When used in describing an industrial operation, the fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding or other similar technique. Assembly shall not include the construction, stamping or reshaping of any of the component parts.
- K. Basement  
That portion of any structure which is below grade, or which is partly below and partly above grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.
- L. Bed and Breakfast Establishment  
Any place of lodging that provides four or fewer rooms for rent for more than 10 nights in a twelve month period; is the owner's personal residence; is occupied by the owner at the time of rental; and in which the only meal served to guests is breakfast.
- M. Berm  
A landscaped manmade mound constructed of clean earth fill and shaped to lines and grades for the purpose of shielding, screening, and buffering undesirable views, to separate incompatible land uses, provide visual interest, decrease noise, control the direction of water flow and act as a dam.
- N. Boardinghouse  
A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for four or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.
- O. Bond  
See "Surety".
- P. Buffer Yard  
An area of land which may contain sufficient area and width, landscape plantings, earth berms, fencing, walls, or other visual and/or sound barriers intended to eliminate or minimize land use conflicts between adjacent land uses.
- Q. Building  
Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.
- R. Building Height  
The vertical distance measured from the highest point of the foundation wall of the structure to the highest point of the structure's roof.
- S. Channel  
Those floodlands normally occupied by a stream, lakebed, or other body of water under average annual high-water flow conditions while confined within generally well-established banks.

- T. Clothing Stores  
Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.
- U. Cold Storage  
Storage of goods—especially food—in a place kept cold by refrigeration for preservation purposes.
- V. Commercial Day Care Center  
A private establishment providing care and supervision for nine or more persons under the age of seven where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes.
- W. Community-based Residential Facility  
A place where 3 or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided in the facility. A community-based residential facility is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes.
- X. Community Living Arrangement  
The following facilities licensed and operated, or permitted under the authority of the Wisconsin Statutes: child welfare agencies under Section 48.60, group homes for children under Section 48.02(7), and community-based residential facilities under Section 50.01(1)(g); and including such amendments and renumbering of such statutes as may be made in the future; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails.
- Y. Conditional Uses  
Uses of a special nature as to make impractical their predetermination as a permitted use in a district.
- Z. Construction Services  
Establishments engaged in the distribution, handling, and installation of construction materials. For the purpose of this Ordinance, construction services does not include retail sales of construction materials to the general public.
- AA. Conversion  
Adaptation of an existing single family residential detached building in the B-2 Central Business District into a combination of non-residential and residential uses or all non-residential uses.
- AB. Customer Service Area  
The area in which customers are permitted without needing to be accompanied by an employee.
- AC. Day  
A calendar day.
- AD. Development  
Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- AE. Distribution Centers  
Establishments engaged in the receipt, storage, and distribution of goods, products, cargo and materials. Distributors are involved in business-to-business sales and not retail sales.

- AF. Distributor  
Establishments or places of business primarily engaged in selling merchandise, generally of a specific type or category, to retailers; to industrial, commercial, institutional, or professional business users; or acting as agents or brokers and selling merchandise to, such individuals or companies.
- AG. District, Basic  
A part or parts of the Village for which the regulations of this Ordinance governing the use and location of land and buildings are uniform (such as the Residential, Commercial, and Industrial District classifications).
- AH. District, Overlay  
Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
- AI. Domestic Livestock  
Any cattle, sheep, goat or any horse, mule or other equine, whether for commerce or private use.
- AJ. Drive-in Restaurant  
An establishment serving food and/or drink where provisions are made for customers to drive on the premises and receive service and/or consume food and/or drink in automobiles or other motor vehicles where said vehicle stands or parks in its own separate parking space during the process; and/or establishments where food and/or drink is prepared and/or served outside of an enclosed building, including open-air restaurants, diners, hot dog stands, barbecue stands or similar establishments. For the purpose of this Ordinance, an eating establishment located in a shopping center with three or more attached business/retail establishments; which does not provide drive-through service; and which may serve food, refreshments, or beverages in or on disposable plates and cups is not considered to be a drive-in restaurant.
- AK. Drive-Through Restaurant  
A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready to consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating. For the purpose of this Ordinance, an eating establishment located in a shopping center with three or more attached business/retail establishment; which does not provide drive-through service; and which may serve food, refreshments, or beverages in or on disposable plates and cups is not considered to be a drive-through restaurant.
- AL. Driveway  
A roadway providing access for vehicles to a parking lot, parking space, driveway flair, driveway parking bay, garage, dwelling, or other structure.
- AM. Dryland Access  
A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.
- AN. Dwelling  
A detached building, designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.
- AO. Dwelling, Single-Family  
A detached building designed for or occupied exclusively by one (1) family.

- AP. Dwelling, Two-Family  
A detached building, also called a duplex, containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.
- AQ. Dwelling, Multiple-Family  
A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.
- AR. Dwelling, Bi-Level  
A two-level dwelling with one level above grade, and the other level half above grade and half below grade. The lowest level may or may not have exterior access. For the purpose of measuring living area, the Building Inspector will determine functional areas as set forth in the definition of "living area" and the first floor area will be considered to be the first level that is entirely above grade.
- AS. Dwelling, Tri-Level  
A three-level dwelling with two levels above grade, and a third level half above grade and half below grade. The lowest level may or may not have exterior access.
- AT. Essential Services  
Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead facilities such as gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- AU. Family  
The body of persons related by blood, marriage or adoption, or not more than four unrelated persons who live together in one dwelling unit as a single housekeeping entity.
- AV. Family Day Care Home  
A dwelling licensed as a day care center by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes, where care is provided for not more than eight (8) children.
- AW. Fence, Open  
A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50 percent of their surface area open for free passage of light and air. Examples of such fences include chain link, picket, and rail fences.
- AX. Fence, Ornamental  
A fence whose only purpose is to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 75 percent of their surface area open for free passage of light and air. Ornamental fences are often of the rail, or wrought iron type.
- AY. Fence, Recreational Facility  
An open-type fence, such as a chain link fence, enclosing an active sport or recreation facility, such as a tennis court or volleyball court, said fence not to exceed 10 feet in height.
- AZ. Fence, Screening  
A structure of bricks, planks, woven wire with screening inserts, or similar material erected as an enclosure, barrier, or boundary. A screening fence is erected for the purpose of preventing a view of equipment, materials, or products; may shield undesirable views; or may serve as a barrier to prohibit entry to a property at a given location. A screening fence may or may not form a complete enclosure.

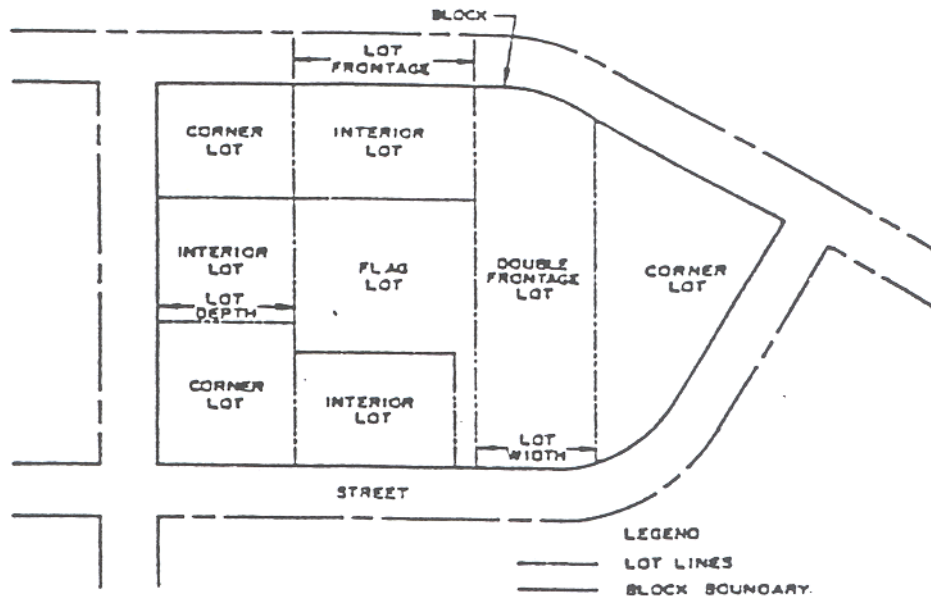


- BA. Fence, Security  
A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. A security fence is erected for the purpose of preventing entry to a property by unauthorized persons and protecting equipment, materials, or products contained within the enclosure. A security fence may also be erected to screen equipment, materials, or products from unauthorized view.
- BB. Fence, Solid  
A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50 percent or less of their surface area open for free passage of light and air and designed to conceal from the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and batten, basket weave, louvered fences, and chain link with screening inserts.
- BC. Flag Lot  
Any lot which connects to a street by a narrow appendage of land.
- BD. Flea Market  
Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered to be flea markets.
- BE. Flood  
A temporary rise in streamflow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- BF. Flood Profile  
A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.
- BG. Flood Protection Elevation  
A point two feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called a "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstructions of bridge openings.
- BH. Floodlands  
For the purpose of this Ordinance, the floodlands are all lands contained within the area inundated by the 100-year recurrence interval flood.
- BI. Frontage  
The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.
- BJ. Garage, Private  
A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.
- BK. Garage, Public or Commercial  
Any garage other than a private garage.
- BL. Gift Stores  
Retail stores where items such as art, antiques, jewelry books, and notions are sold.

- BM. Group Assembly  
A company of persons gathered together for any purpose for a period of two or more hours.
- BN. Hardware Stores  
Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.
- BO. Home Occupation  
Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 25 percent of the area of any floor, and uses only household equipment, and for which no stock in trade except commercially prepackaged non-consumable products are kept or sold except that made on the premises. A home occupation includes uses such as crafts, dressmaking, millinery, and non-commercial day care, but does not include the display of any goods nor such occupations or uses as barbering, beauty shops, canning, dance schools, laundering, or photographic studios.
- BP. Housing for the Elderly  
A dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.
- BQ. Junk or Salvage Yard  
An area consisting of buildings, structures, or premises where junk waste and discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards and house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.
- BR. Kennel, commercial  
The boarding, breeding, raising, grooming, treating or training of three or more dogs, cats, or other household pets of any age not owned by the owner occupant or the premises, and/or for commercial gain.
- BS. Kennel, private  
The keeping, breeding, raising, showing or training of three or more dogs, cats or other household pets over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.
- BT. Landowner  
Any person holding title to or having an interest in land.
- BU. Land User  
Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
- BV. Living Area  
The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.
- BW. Loading Area  
A completely offstreet space or berth on the same lot as the principal use it serves for the loading or unloading of freight carriers and service vehicles, having adequate ingress and egress to a public street or alley.

- BX. Lot  
For the purpose of this Ordinance a lot shall be defined as a parcel of land on which a principal building and its accessory building are placed, together with the required open spaces, provided that no such parcel shall be bisected by a public street and should not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes should be included in the computation of lot size.
- BY. Lot, Corner  
A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. (See illustration No. 4.)

ILLUSTRATION NO. 4  
ILLUSTRATION OF TYPICAL CORNER,  
DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS



- BZ. Lot, Depth  
The distance measured at the midpoint of the lot frontage, perpendicular or radial to that frontage between the street line and opposing rear line of a lot.
- CA. Lot, Double Frontage  
A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. (See illustration No. 4.)

- CB. Lot Width  
The distance measured between side lot lines perpendicular to and at the midpoint of the lot depth.
- CC. Machine Shops  
Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.
- CD. Manufacturing  
When used in describing an industrial operation, the making or processing of a product with machinery.
- CE. Minor Structures  
Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences.
- CF. Mixed Compatible Use  
A set of uses of a property that has direct association with each use on the property because they are complimentary, congruous or otherwise not detrimental.
- CG. Motel  
A series of attached, semiattached, or detached sleeping units for the accommodation of transient guests.
- CH. Nonconforming Uses or Structures  
Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendment thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements is considered a nonconforming structure and not a nonconforming use.
- CI. Nursing Home  
A place which provides 24-hour services including room and board to 3 or more unrelated persons who because of their mental or physical condition require nursing care or personal care in excess of 7 hours per week. A nursing home is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes.
- CJ. Official Letter of Map Amendment  
Official notification from the Federal Emergency Management Agency (FEMA), that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.
- CK. Open Space  
Land areas not occupied by buildings, structures, parking areas, streets, driveways, alleys, or other impervious surfaces.
- CL. Ordinary Highwater Mark  
The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- CM. Parking  
The act of placing or leaving an automobile or other motor vehicle standing for a time on a street, driveway, in a garage, or in a parking lot. The placing or leaving of an automobile, motor vehicle, boat, trailer, or equipment on a street, driveway, parking lot, or in a garage for a long period—exceeding 24 hours—without moving would be termed “storage.”

- CN. Parking Lot  
A structure or ground level premises containing 5 or more parking spaces for temporary storage of motor vehicles.
- CO. Parties in Interest  
Includes all abutting property owners, all property owners within 300 feet, and all property owners of opposite frontages.
- CP. Principal Structure  
A non-accessory building in which is conducted the main or principal use of the lot on which it is located, including any structure that has a roof that may or may not enclose the structure and is attached thereto.
- CQ. Processing  
When used in describing an industrial operation, the series of continuous actions that changes one or more raw materials into a finished product. The process may be chemical as in the processing of photographic materials; it may be a special method such as processing butter or cheese; it may be a mechanical process such as packaging a base product.
- CR. Professional Home Offices  
Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or persons in licensed professions used to conduct their professions where the office does not exceed 25 percent of the area of only one floor of the residence and only one nonresident person is employed.
- CS. Rear Yard  
A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the foundation of the principal structure subject to the exclusions described in Section 7.3(A) and 7.3(B) of this ordinance. This yard is opposite the street yard or one of the street yards on a corner lot. (See Illustration No. 5)
- CT. Restaurant, Drive-In  
See Drive-In Restaurant
- CU. Restaurant, Drive-Through  
See Drive-Through Restaurant.
- CV. Restaurant, Sit-Down  
See Sit-Down Restaurant.
- CW. Roof  
A protective covering that covers or forms a top of a building.
- CX. Rummage Sale  
The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four consecutive days in length and are not conducted more often than three times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this Section, are not rummage sales.
- CY. Setback or Street Yard  
A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the foundation of the principal structure subject to the exclusion described in Section 7.3(A) and 7.3(B) of this ordinance. Corner lots and double frontage lots have two such yards. (See Illustration No. 5)

CZ. Shorelands

Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use.

DA. Shore Yard

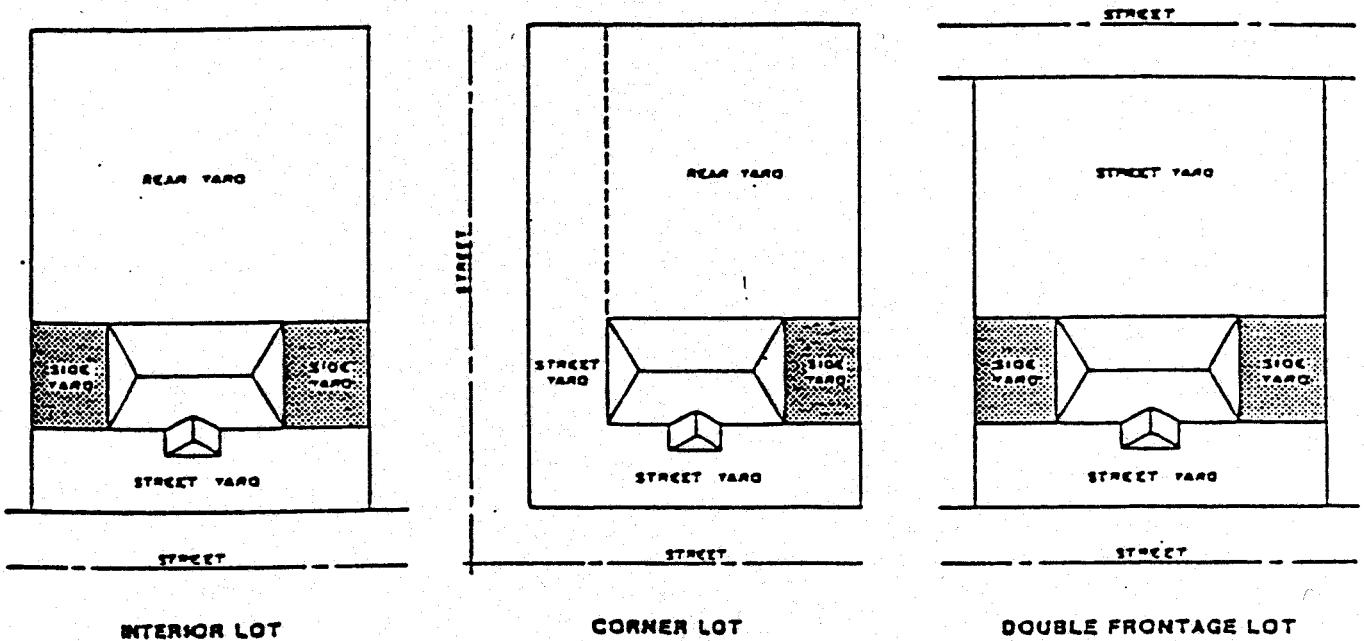
A yard extending from the ordinary highwater mark of a navigable body of water and a line parallel thereto through the nearest point of the principal structure, subject to the exclusions described in Section 7.3(A) and (7.3(B) of this ordinance.

DB. Side Yard

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the foundation of the principal structure subject to the exclusions described in Section 7.3(A) and (7.3(B) of this ordinance. (See Illustration No. 5)

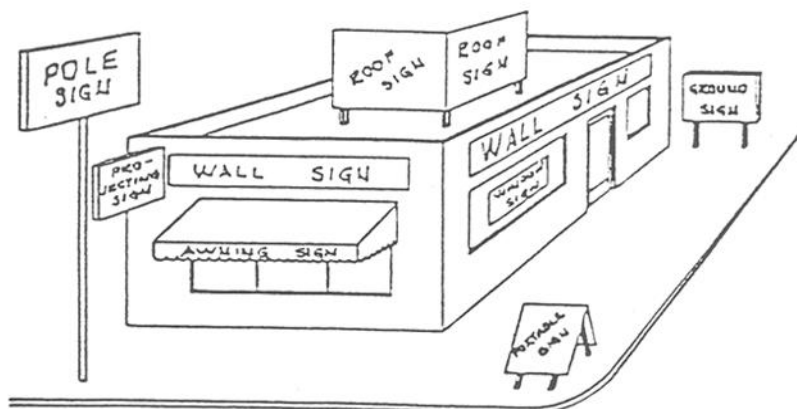
**ILLUSTRATION NO. 5**

**LOCATION OF YARDS ON TYPICAL  
INTERIOR, CORNER, AND DOUBLE FRONTAGE LOTS**



- DC. Sign  
Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.
- DD. Sign, Awning  
A sign that is mounted or painted on, or attached to an awning, canopy, or marquee. (See Illustration No. 6)
- DE. Sign, Copy  
The message or advertisement, and any other symbols on the face of a sign.
- DF. Sign, Face  
The area or display surface used for the message.
- DG. Sign, Ground  
Any sign placed upon or supported by the ground independent of any other structure. (See Illustration No. 6)
- DH. Sign, Pole  
A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is 10 feet or more above grade. (See Illustration No. 6)
- DI. Sign, Portable  
A sign that is not permanent, affixed to a building, structure, or to the ground. Such sign is sometimes mounted on wheels to make it transportable. (See Illustration No. 6)
- DJ. Sign, Projecting  
A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. (See Illustration No. 6)
- DK. Sign, Roof  
A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. (See Illustration No. 6)
- DL. Sign, Wall  
A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure. (See Illustration No. 6)

ILLUSTRATION NO. 6  
SIGN TYPES



- DM. Sign, Window  
A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. (See Illustration No. 6)
- DN. Sit-Down Restaurant  
An enclosed building in which food and beverages are prepared and served to the public at tables in a dining room or rooms located therein, and shall not include open-air, drive-in, drive-through restaurants, diners, hot dog stands, barbecue stands, or similar establishments where food is delivered or served to cars, or on stools, outside the main body of the restaurant. The primary business shall be the service of food.
- DO. Site  
The entire area included in the legal description of the land upon which a land disturbing or land development activity is proposed in a land disturbing permit application.
- DP. Street  
A public right-of-way not less than 50 feet wide providing primary access to abutting properties.
- DQ. Street Right-of-Way  
A strip of land acquired by dedication, easement, or reservation and intended to be occupied by a street, highway, road or alley. In accordance with State Statutes, where no public record exists or where such public record has been lost or destroyed, the street right-of-way is presumed to be 66 feet wide.
- DR. Structure  
Any erection or construction, such as buildings, prefabricated or prebuilt buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.
- DS. Substantial Improvement  
Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.
- DT. Structural Alterations  
Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
- DU. Surety  
Whenever the terms "surety", "surety bond," or "bond" are used in this Ordinance, said term shall describe only an irrevocable letter of credit or a cash bond as approved by the Village Attorney.
- DV. Sustained Yield Forestry  
Management of forested lands to provide annual or periodic crops of forest products.
- DW. Townhouses  
A group of single-family dwellings, also called row houses, having an unpierced common wall between each adjacent section and the end units having side yards.



- DX.** Tree, Conifer  
A tree characterized by needle-shaped leaves, cones, and a resinous wood. These trees are often referred to as evergreens because they do not lose their foliage during the winter. Examples of tall conifer trees include pines, spruces, and firs. An example of a medium conifer is the arborvitae.
- DY.** Tree, Deciduous  
A tree characterized by leaves, fruits, and/or flowers that fall off or are shed at specific seasons, especially winter. Examples of tall deciduous trees are red and silver maples, white and green ash, honeylocust, and linden. Examples of medium deciduous trees are birch and willow.
- DZ.** Turning Lane  
An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.
- EA.** Utilities  
Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
- EB.** Variance  
An authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance. A variance may not permit the use of a property that is otherwise prohibited by the Ordinance or allow floodland construction that is not protected to the flood protection elevation.
- EC.** Warehousing  
Establishments used primarily for the storage and handling of goods and materials.
- ED.** 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.
- EE.** Wholesaling  
Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- EF.** Yard  
An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation and the exceptions of Section 7.3(A) and 7.3(B) of this ordinance. The street and rear yards extend the full width of the lot. (See Illustration No. 5).

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