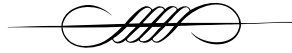


# Chapter 10

## LAND USE REGULATIONS



ZONING CODE  
August 28, 1989

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ARTICLE A

INTRODUCTION

SEC. 10-1-1 AUTHORITY.

This Chapter is adopted under the authority granted by sections 62.23, 62.231, 87.30 and 144.26 of the Wisconsin Statutes and amendments thereto.

SEC. 10-1-2 TITLE.

This Chapter shall be known as, referred to and cited as the "Zoning Code, Village of Shorewood Hills, Wisconsin" and is hereinafter referred to as the "Code" or "Chapter."

SEC. 10-1-3 GENERAL PURPOSE.

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Village of Shorewood Hills, Wisconsin.

SEC. 10-1-4 INTENT AND PURPOSES.

The general intent and purposes in view of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and commercial and other specified uses;
- (c) Protect the character and the stability of the residential, business, commercial and other districts within the Village and to promote the orderly and beneficial development thereof;

- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;
- (i) Preserve and protect the beauty and environmental health of the Village of Shorewood Hills;
- (j) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (k) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (m) Further the maintenance of safe and healthful water and air;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) Provide for and protect a variety of suitable commercial sites;
- (p) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Shorewood Hills;
- (r) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

ARTICLE A, INTRODUCTION (Continued)

SEC. 10-1-5 ABROGATION AND GREATER RESTRICTIONS.

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

SEC. 10-1-6 INTERPRETATION.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Shorewood Hills.

SEC. 10-1-7 SEVERABILITY AND NON-LIABILITY.

- (a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- (c) The Village does not guarantee, warrant or represent that only those areas designated as flood plains will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village Board, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

SEC. 10-1-8 REPEAL AND EFFECTIVE DATE.

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

SEC. 10-1-9 VESTED RIGHTS.

Those uses and structures lawfully in existence at the time this code is adopted may continue subject to the provisions of Article F of this Chapter.



ARTICLE B

GENERAL PROVISIONS

**SEC. 10-1-10 JURISDICTION AND GENERAL PROVISIONS.**

- (a) Jurisdiction. The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Shorewood Hills.
- (b) Compliance. No new structure, new use of land, water or air or change in the use of structure, land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- (c) District Regulations to be Complied With. Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) Reduction or Joint Use. Except as otherwise provided:
  - (1) No 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 Chapter. 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.
  - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space required for another building.

**SEC. 10-1-11 USE REGULATIONS.**

Only the following uses and their essential services may be allowed in any district:

- (a) Permitted Uses. Permitted uses, being the principal uses, specified for a district.
- (b) Accessory Uses. Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) Conditional Uses.

- (1) Classes of conditional uses. Conditional uses may be either denominated "regular" or "limited."
- (2) General Conditional Use Provisions. Provisions applicable to conditional uses generally:
  - a. Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, a review, public hearing and approval by the Village Board in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.
  - b. Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Chapter require no action by the Village Board for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses, subject to the provisions of Article E of this Chapter.
  - c. Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.
  - d. Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.
  - e. Provisions in this Chapter relating generally to Conditional Uses shall, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provisions would then control) shall be deemed to be applicable to both regular and limited conditional uses.
- (3) Specific Regular Conditional Use Provisions. Provisions applicable specifically to regular conditional uses:
  - a. Regular conditional uses, either allowed by action of the Village Board or existent at time of adoption of this Code, shall be non-lapsing, shall survive vacancies and change of ownership of the properties where located (and be subject to substitution with other conditional use(s) of same or similar type) without Village Board approval. Change to conditional use of other than same or similar type shall require procedures and approval in accordance with Article E.

- b. See Subsection (c)(2)a., above, as to conditional uses existent at time of adoption of this Code being deemed to be regular conditional uses.
- (4) Specific Limited Conditional Use Provisions. Provisions applicable specifically to limited conditional uses:
- a. Limited conditional uses authorized by Village Board resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
  - b. Limited conditional uses authorized by the Village Board shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Board approval and the procedures required in Article E of this Chapter.
- (d) Uses Not Specified in Code.
- (1) Uses not specified in this Chapter which are found by the Zoning Administrator to be sufficiently similar to specified permitted uses for a district shall be allowed in accordance with Article K of this Chapter.
  - (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board after consideration and recommendation by the Plan Commission, public hearing and approval in accordance with Article E of this Chapter.

#### **SEC. 10-1-12 SITE REGULATIONS.**

- (a) Site Suitability. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board, upon the recommendation of the Plan Commission, 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, environmental quality and general welfare of this community. The Plan Commission, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its 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 Plan Commission may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Village Board.
- (b) Street Frontage. All lots shall abut upon a public street, a public street appearing upon the official map of the Village or other officially approved means of access.

- (c) Principal Structures. All principal structures shall be located on a single lot. Only one (1) principal structure shall be located or erected on a lot, except as provided herein for Planned Unit Development Districts pursuant to Section 10-1-33 of this Chapter or in a shopping center.
- (d) Moving Building onto Lots Prohibited. No building previously erected in Shorewood Hills or elsewhere shall be moved to any lot in the Village of Shorewood Hills.
- (e) Dedicated Street. No zoning 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.
- (f) Lots Abutting More Restrictive Districts. Lots abutting more restrictive district boundaries shall provide side, front and rear yards not less than those required in the more restrictive abutting district.
- (g) Preservation of Topography. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the approval of the Village Board, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

SEC. 10-1-13 THROUGH SEC. 10-1-19      RESERVED FOR FUTURE USE.

ARTICLE C

ZONING DISTRICTS

**SEC. 10-1-20 ESTABLISHMENT OF DISTRICTS.**

(a) District. For the purpose of this Chapter, present and future, provision is hereby made for the division of the Village of Shorewood Hills into the following ten (10) basic zoning districts:

- (1) R-1 Single-Family Residence District.
- (2) R-2 Single-Family Residence District.
- (3) R-3 Single-Family Residence District.
- (4) R-4 Multiple-Family Residence District.
- (5) C-1 Village Commercial District.
- (6) C-2 Limited Commercial District.
- (7) C-3 Medical Office Commercial District.
- (8) P Planned Overlay District.
- (9) PUD Planned Unit Development District.
- (10) CF Community Facility District.

**SEC. 10-1-21 VACATION OF STREETS; ANNEXATIONS.**

(a) Vacation of Streets. When a street or alley is vacated, the right-of-way shall be placed in the adjoining zoning districts by dividing the vacated area evenly between the districts.

(b) Annexations. Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the R-1 Single-Family Residence District, unless the annexation ordinance places the land in another district.

**SEC. 10-1-22 ZONING MAP.**

- (a) The Village of Shorewood Hills is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the Village of Shorewood Hills and made a part of this Chapter. The Official Zoning Map and all the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the Village Administrator of the Village of Shorewood Hills.
- (b) The District Boundaries shall be determined by measurement from and as shown on the Official Zoning Map. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the center lines of streets, public roadways, highways or alleys.

**SEC. 10-1-23 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.
- (d) Boundaries indicated as following railroad rights-of-way shall be construed to include the full right-of-way.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

- (f) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

**SEC. 10-1-24 R-1 SINGLE-FAMILY RESIDENCE DISTRICT.**

- (a) Description and Purpose. The purpose of this District is to provide for lots primarily intended for single-family structures.

- (b) Principal Permitted Uses.

- (1) Single-family dwellings.
- (2) Community living arrangements for not more than eight (8) persons.

[Statutory references: sections 46.03(22) and 62.23(7)(I), Wis. Stats.]

Such community living facilities shall be subject to the following criteria:

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

- (c) Conditional Uses. The following uses are allowed in the R-1 Single-Family Residence District only after review and approval of the specific use pursuant to Article E of this Chapter:
- (1) Churches.
  - (2) Public and private elementary and secondary schools.
  - (3) Public libraries.
  - (4) Public parks and playgrounds, including swimming pools and tennis courts.
  - (5) Village buildings and uses.
  - (6) Public utility buildings and uses.
  - (7) Community living arrangements for nine (9) to fifteen (15) persons. The guidelines contained in Section 10-1-24(b)(2) shall apply.
  - (8) Public transit shelters.
- (d) Accessory Uses. Accessory uses shall be permitted as provided in Article K of this Chapter.
- (e) Bulk Regulations.
- (1) Minimum lot area. Nine thousand (9,000) square feet.
  - (2) Maximum height. Thirty-five (35) feet.
  - (3) Minimum width of lot at building setback line. Seventy (70) feet.
  - (4) Minimum yard dimensions.
    - a. Front yard. Twenty-five (25) feet except when twenty-five percent (25%) or more of all the frontage on one (1) side of a street between two (2) intersecting streets is built up with buildings having a minimum setback line of more, or of less than twenty-five (25) feet from the street line, no building hereafter erected or altered shall project beyond the minimum setback line so established; provided that this regulation shall not be interpreted so as to reduce the buildable depth of any lot to less than forty (40) feet, or so as to reduce the buildable width of a corner lot facing an intersecting street, held

under a separate and distinct ownership from adjacent lots and of record at the time this ordinance is adopted, to less than fifty (50) feet.

- b. Rear yard. Twenty-five (25) feet.
  - c. Side yard. Fifteen (15) feet.
- (5) Maximum lot coverage. The principal and accessory structures shall not exceed twenty-five percent (25%) of the lot.
- (f) Off-Street Parking. Off-street parking shall conform, where applicable, with the regulations set forth in Article G of this Chapter.

**SEC. 10-1-25 R-2 SINGLE-FAMILY RESIDENCE DISTRICT.**

- (a) Description and Purpose. The purpose of this district is to provide for lots primarily intended for single-family structures.
- (b) Principal Permitted Uses. Any permitted use in the R-1 District.
- (c) Conditional Uses. Any conditional use permitted in the R-1 District, and the use of outside storage, rubbish and recycling containers on premises where the principle structure is a church, school or Village building.
- (d) Accessory Uses. Accessory uses shall be permitted as provided in Article K of this Chapter.
- (e) Bulk Regulations.
  - (1) Minimum lot area. Five thousand (5,000) square feet.
  - (2) Maximum height. Thirty-five (35) feet.
  - (3) Minimum width of lot at building setback line. Fifty (50) feet.
  - (4) Minimum yard dimensions.
    - a. Front yard. Twenty-five (25) feet, except forty-two (42) feet from the right-of-way line of University Avenue and fifty-five (55) feet from the centerline of University Bay Drive between University Avenue and the centerline of Colgate Road and except when twenty-five percent (25%) or more of all the frontage on one (1) side of a street between two (2) intersecting streets is built

up with buildings having a minimum setback line of more, or of less than twenty-five (25) feet from the street line, no building hereafter erected or altered shall project beyond the minimum setback line so established; provided that this regulation shall not be interpreted so as to reduce the buildable depth of any lot to less than forty (40) feet or so as to reduce the buildable width of a corner lot facing an intersecting street, held under a separate and distinct ownership from adjacent lots and of record, at the time this ordinance is adopted, to less than seventy (70) feet.

- b. Rear yard. Twenty-five (25) feet.
  - c. Side yard. Ten (10) feet.
- (5) Maximum lot coverage. The principal and accessory structures shall not exceed twenty-five percent (25%) of the lot.
- (f) Off-Street Parking. Off-street parking areas shall conform, where applicable, with the regulations set forth in Article G of this Chapter.

**SEC. 10-1-26 R-3 SINGLE-FAMILY RESIDENCE DISTRICT.**

- (a) Description and Purpose. The purpose of this District is to provide for lots primarily intended for single-family structures.
- (b) Principal Permitted Uses. Any permitted use in the R-1 District.
- (c) Conditional Uses. Any conditional use in the R-1 District.
- (d) Accessory Uses. Accessory uses shall be permitted as provided in Article K of this Chapter.
- (e) Bulk Regulations.
  - (1) Minimum lot area. Ten thousand (10,000) square feet.
  - (2) Maximum height. Thirty-five (35) feet.
  - (3) Minimum width of lot at building setback line. Fifty (50) feet.
  - (4) Minimum yard dimensions.
    - a. Front yard. Twenty-five (25) feet.

- b. Rear yards not on lakefront property. Twenty-five (25) feet.
- c. Rear yards on lakefront property. Seventy-five (75) feet for principal structures.
  - 1. Yard requirements adjacent to the lake shall be determined by measuring to the closest point of the lake's ordinary high water mark ("high water mark").
  - 2. If the adjacent lots on both sides have existing buildings closer to the high water mark than seventy-five (75) feet, the minimum distance from the high water mark shall be the larger of the yards of the two adjacent lots.
  - 3. The yard requirement for lake property shall apply to all new construction, reconstruction or additions to existing construction.
- d. Side yards. Seven and one-half (7.5) feet.
- e. Maximum lot coverage. The principal and accessory structures shall not exceed twenty-five percent (25%) of the lot.
- (f) Off-Street Parking. Off-street parking areas shall conform, where applicable, with the regulations set forth in Article G of this Chapter.
- (g) Conditional Use. Any development which results in a change specified in paragraph (1) of this subsection to structures or conditions legally existing on February 1, 2002, on properties located north of Lake Mendota Drive, is permitted only as a conditional use pursuant to Article E of this Title 10. In determining whether or not to approve such a conditional use, the standards set forth in paragraph (2) shall be applied in addition to those in Article E, with the following modifications: first, section 10-1-52(b) which specifies notice requirements for hearings, shall be modified to include owners of property who are within 200 feet of the boundary of the property affected; second, section 10-1-52(d) which specifies procedures for referral and recommendation from the Plan Commission to the Board, shall permit the Plan Commission to make reasonable conditions related to the conditions in paragraph (2), however items 1-15 which include a range of conditions not relevant for residential properties such as sureties and hours of operation, and other conditions outside the intent of this ordinance, such as architecture, exterior colors and exterior materials shall not apply.
  - 1. The following require a conditional use pursuant to this subsection:
    - a. Any development in the area between Lake Mendota and the lakefront

setback line described in paragraph (3).

- b. Any new roof area more than 30 feet above the ground surface immediately beneath it.
  - c. Any new construction the highest point of which is more than six feet above the highest point of the principal structure on an adjacent lot.
  - d. Any new structure.
  - e. Extending a roof more than two feet horizontally in any direction.
  - f. Any reduction in the distance between any part of a structure and the lake or a side lot line.
  - g. Any increase in height of any part of a structure.
  - h. Adding, removing or moving more than 10 cubic yards of soil or other fill to, from, or within any lot.
  - I. Increasing the amount of area covered by roofs, paving, or other impervious surfaces by more than 200 square feet.
2. A conditional use shall be approved under this paragraph only if the applicant demonstrates by clear and convincing evidence the following:
    - a. Views of Lake Mendota from points off the lot on which the development or excavation is proposed will not be adversely affected.
    - b. Erosion will not be increased.
    - c. The flow of surface water will not be changed so as to adversely affect other lots, the lake or other aspects of the natural environment.
    - d. Infiltration of surface water into the ground will not be adversely affected.
    - e. Access to properties and structures by firefighters and other emergency personnel will not be adversely affected.
  3. The purpose of this special lakefront setback line (“the Line”) is to preserve the existing open space between Lake Mendota (the “Lake”) and the existing houses in order to maintain the view of the Lake for all the properties, to enhance water

quality and preserve the environment. The Line is referenced in places to existing houses. Unless a special surface is mentioned, the Line is drawn as of 2/1/02 to the exterior surface of the house such as the siding, stucco, etc., which is closest to the Lake, and not to the foundation, deck, patio, roof overhangs, or window sills or similar trim protrusions. In the definition, all properties are described by their house numbers as of 2/1/02, and all house numbers are on the north side of Lake Mendota Drive. The character ' means feet. The term NHWM means the normal high water mark of the Lake as defined by the Wisconsin Department of Natural Resources.

The Line begins at the west property line of the lot at 3696 at a point 75' from the NHWM and goes from that point to the

NW corner of the house at 3696, follows the back of that to its NE corner, then to the

NW corner of the house at 3690, follows the bank of that to its NE corner, then to the NW corner of the house at 3672, then runs directly to the

Northernmost point of the house at 3668, then runs directly to the NW corner of the house at 3656, follows the back of that to its NE corner, then runs directly to the

NW corner of the northern most portion of the house at 3636, follows the back of that house to its NE corner, then runs directly to the NW corner of the house at 3626, follows the back of that to its NE corner, then runs directly to the

NW corner of the house at 3610, then runs directly to the

NW corner of the house at 3546, follows the back of that to its NE corner, then runs directly to the

NW corner of the house at 3522, follows the back of that to its NE corner, then runs directly to the

NW corner of the house at 3514, and follows the back of that to its NE corner.

From there, the line goes to the NW corner, across the back to the NE corner and to the next NW corner and so on for the next 10 houses, specifically, to the

NW corner of the house at 3512, follows the back of that to its NE corner, then to the

NW corner of the house at 3506, follows the back of that to its NE corner, then to the

NW corner of the house at 3448, follows the back of that to its NE corner, then to the

NW corner of the house at 3444, follows the back of that to its NE corner, then to the NW corner of the house at 3440, follows the back of that to its NE corner, then to the NW corner of the house at 3434, follows the back of that to its NE corner, then to the NW corner of the house at 3426, follows the back of that to its NE corner, then to the NW corner of the house at 3422, follows the back of that to its NE corner, then to the NW corner of the house at 3418, follows the back of that to its NE corner, then to the NW corner of the house at 3414, follows the back of that to its NE corner, then to the NW corner of the northernmost portion of the house at 3410, follows the back of that portion to the NE corner of that portion, then runs directly to the NW corner of the northernmost portion of the house at 3334, follows the back of that portion to the NE corner of that portion, then runs directly to the NW corner of the main body of the house at 3310 (not the porch), follows the back of that portion to the NE corner of that portion, then runs directly to the NW corner of the house at 3300, follows the back of that to its NE corner, then runs directly to the NW corner of the top roof of the house at 3226, follows the edge of that roof to the NE corner of that roof, and then continues along the same bearing to the intersection Point on the eastern property line of 3226. The Line then follows that property line away from the Lake to a Point due west of the NW corner of the house at 3220, then to the NW corner of that house, follows the back of that to its NE corner, then runs directly to the NW corner of the northernmost portion of the house at 3210, follows the back of that portion to the NE corner of that portion, then runs directly to the NW corner of the building south of the house at 3202, then runs directly to the West corner of the house at 3202, then north to a line 75' from the NHWM. From that intersection the Line runs to the Village boundary staying 75' from the NHWM.

The Line has no meaning as a setback line where it crosses Village property

(between the eastern property line of 3534 and the western property line of 3522, and between the eastern property line of 3406 and the western property line of 3334).

4. Pre-application process (optional) In preparation for a conditional use application a homeowner or adjacent neighbor may request that the village convene a pre-application meeting. The meeting would be facilitated by the village administrator or a designated member of the Plan Commission. The objectives of the meeting would be as follows:
  - a. Clarify the conditional use process and criteria;
  - b. Allow homeowners to share their preliminary goals and plans;
  - c. Allow neighbors to express their preferences and concerns relating to the criteria;
  - d. Begin the process of exploring mutually advantageous solutions.

#### **SEC. 10-1-27 R-4 MULTIPLE-FAMILY RESIDENCE DISTRICT.**

- (a) Description and Purpose. The purpose of this District is to provide an area for medium density, multiple-family dwelling units.
- (b) Principal Permitted Uses.
  - (1) Multiple-family dwellings of all types.
  - (2) Community living arrangements for not more than eight (8) persons.
  - (3) Family day care centers.
- (c) Conditional Uses. Any conditional use allowed in the R-1 District.
- (d) Accessory Uses. Accessory uses shall be permitted as provided in Article K of this Chapter.
- (e) Bulk Regulations.
  - (1) Minimum lot area. One (1) acre.
  - (2) Maximum height. Fifty (50) feet.
  - (3) Minimum width of lot at building setback line. One hundred and fifty (150) feet.

- (4) Minimum yard dimensions.
  - a. Adjacent to University Avenue. Forty-two (42) feet.
  - b. Adjacent to University Bay Drive. Fifty-five (55) feet from the right-of-way centerline.
  - c. Rear yard. Twenty-five (25) feet.
  - d. Side yard. Ten (10) feet.
- (5) Maximum lot coverage. The principal and accessory structures shall not exceed fifty percent (50%) of the lot.
- (6) Maximum density. Twenty-five hundred (2,500) square feet per dwelling unit.
- (f) Off-Street Parking. Off-street parking areas shall conform with the regulations set forth in Article G of this Chapter.

**SEC. 10-1-28 C-1 VILLAGE COMMERCIAL DISTRICT.**

- (a) Description and Purpose. The purpose of the C-1 Village Commercial District is to provide an area for retail sales and services intended to serve the needs of Village residents. The District should provide the range of goods and services typically found in a community shopping area. No single use should dominate the District. The District may also accommodate mixed-use projects. The developed district should serve as the Village center, provide an attractive and cohesive visual entrance to the Village and provide appropriate screening and transition devices where it is adjacent to residential areas.
- (b) Permitted Uses. Only the following uses are permitted in the C-1 Village Commercial District:
  - (1) Retail sales and service uses, with a single use containing no more than 10,000 square feet of gross floor area, including but not limited to: Art shops, artists and professional studios, barber shops and beauty parlors, business and trade schools, clothing stores, drug stores, financial institutions, florist shops, grocery stores, hardware stores, health clubs, jewelry stores, liquor stores, markets, grocery stores or supermarkets, opticians, shoe repair, tailor shops and watch maker.
  - (2) Other neighborhood retail sales or service uses which are similar in character to those enumerated above and which will not be dangerous or otherwise detrimental to the persons residing or working in the vicinity thereof, or to the public welfare,

and will not impair the use, enjoyment or value of any property, but not including any of the following uses:

- a. Wholesale, jobbing, distribution and repair businesses.
  - b. Manufacturing and processing, other than an accessory use customarily incidental to a permitted use.
  - c. Commercial, recreation and entertainment uses such as bowling alleys, billiard and pool halls, dance halls and skating rinks.
  - d. Mortuaries.
  - e. New and used car lots.
  - f. Storage garages and mini warehouses.
  - g. Similar businesses and industrial uses.
- (3) Automated bank teller machines.
  - (4) Bakeries, cafes, confectioneries, ice cream shops, restaurants, taverns and liquor stores.
  - (5) Business and professional offices, but not medical and dental offices and clinics.
  - (6) Hotels.
  - (7) Post office substations.
  - (8) Public transit shelters.
  - (9) Public utility buildings and uses.
  - (10) Village buildings and uses.
  - (11) Other uses similar in nature that are compatible with permitted uses in the District as determined pursuant to Article K of this Chapter.
- (c) Conditional Uses. The following uses are allowed as a conditional use in the C-1 Village Commercial District only after review and approval of the specific use pursuant to the requirements of Article E of this Chapter:

- (1) Automobile service stations, but not including automobile repair garages.
  - (2) The following uses, when accessory to the conduct of automobile service stations: retail sale of gasoline, oil, grease and automobile accessories, and the lubricating and servicing of automobiles, including minor adjustments, but not including general repairs, spray painting or overhauling.
  - (3) Day care centers.
  - (4) Medical and dental offices and clinics.
  - (5) Photocopying services.
  - (6) Recycling stations and containers.
  - (7) Retail sales and service uses, permitted under Section 10-1-28(a)(1), containing between 10,001 and 20,000 square feet of gross floor area. Uses in excess of 20,000 square feet of gross floor area may only be located in a Planned Unit Development District.
  - (8) Shops for electrician, cabinet maker, painter and plumber.
- (d) Accessory Uses. Accessory uses shall be permitted as provided in Article K of this Chapter.
- (e) Bulk Regulations. Height, yard, lot and area regulations shall conform with the regulations set forth in Article D of this Chapter.
- (f) Off-Street Parking And Loading Regulations. Off-street parking and loading areas shall conform with the regulations set forth in Article G of this Chapter.

**SEC. 10-1-29 C-2 LIMITED COMMERCIAL DISTRICT.**

- (a) Description and Purpose. The purpose of the C-2 Limited Commercial District is to accommodate a limited range of office and retail uses. The District's area is not intended to be widespread and new retail and office development should occur in the C-1 Village Commercial District or in a Planned Unit Development District.
- (b) Permitted Uses. Only the following uses are permitted in the C-2 Limited Commercial District:
- (1) Retail sales and service uses, with a single use containing no more than 10,000

square feet of gross floor area, including but not limited to: Art shops, artists and professional studios, barber shops and beauty parlors, business and trade schools, drug stores, financial institutions, florist shops, health clubs, jewelry stores, opticians, shoe repair, tailor shops and watch maker.

- (2) Other neighborhood retail sales uses which are similar in character to those enumerated above and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of any property, but not including any of the uses prohibited in the C-1 District pursuant to Section 10-1-28(b)(2).
  - (3) Automated bank teller machines.
  - (4) Bakeries, cafes, confectioneries, ice cream shops, restaurants.
  - (5) Business and professional offices, but not medical and dental offices and clinics.
  - (6) Public transit shelters.
  - (7) Public utility buildings and uses.
  - (8) Village buildings and uses.
  - (9) Other uses similar in nature that are compatible with permitted uses in the District as determined pursuant to Article K of this Chapter.
- (c) Conditional Uses. The following uses are allowed as a conditional use in the C-2 Limited Commercial District only after review and approval of the specific use pursuant to the requirements of Article E of this Chapter.
- (1) Retail sales and service uses, permitted under Section 10-1-29(a)(1), containing between 10,001 and 20,000 square feet of gross floor area. Uses in excess of 20,000 square feet of gross floor area may only be permitted in a Planned Unit Development District.
  - (2) Day care centers.
  - (3) Medical and dental offices and clinics.
  - (4) Recycling stations and containers.
- (d) Accessory Uses. Accessory uses shall be permitted as provided in Article K of this

Chapter.

- (e) Bulk Regulations. Height, yard, lot and area requirements shall conform with the regulations set forth in Article D of this Chapter.
- (f) Off-Street Parking and Loading Regulations. Off-street parking and loading areas shall conform with the regulations set forth in Article G of this Chapter.

**SEC. 10-1-30            C-3 MEDICAL OFFICE-COMMERCIAL DISTRICT.**

- (a) Purpose.        The C-3 Medical Office-Commercial District is intended to provide a zone for commercial, medical and dental offices and related uses supportive of nearby hospitals and other medical facilities. This separate C-3 Medical Office-Commercial District is created for these uses in order to ensure that they are in proximity to existing hospitals. These C-3 uses possess characteristics (such as high automobile trip generation rates and increased off-street parking requirements) which may make them incompatible with residential uses and certain other commercial uses.
- (b) Permitted Uses.
  - (1)    Automated bank teller machines.
  - (2)    Medical and dental offices, including clinics and pharmacy, laboratory and radiology facilities.
  - (3)    Opticians.
  - (4)    Professional and business offices.
  - (5)    Public transit shelters.
  - (6)    Public utility buildings and uses.
  - (7)    Village buildings and uses.
  - (8)    Other uses similar in nature that are compatible with permitted uses in the District as determined pursuant to Article K of this Chapter.
- (c) Conditional Uses. The following uses are allowed as a conditional use in the C-3 Medical Office Commercial District only after review and approval of the specific use pursuant to the requirements of Article E of this Chapter:

- (1) Day care centers.
- (d) Permitted Accessory Uses. Accessory uses shall be permitted as provided in Article K of this Chapter.
- (e) Bulk Regulations. Height, yard, lot and area requirements shall conform with the regulations set forth in Article D of this Chapter.
- (f) Off-Street Parking and Loading Regulations. Off-street parking and loading areas shall conform with the regulations set forth in Article G of this Chapter.

**SEC. 10-1-31 CF COMMUNITY FACILITY DISTRICT.**

- (a) Purpose. The CF Community Facility District is intended to provide for those non-commercial and institutional uses necessary to the community but which are otherwise inappropriate as principal permitted uses in other districts because of their potential incompatibility.
- (b) Permitted Uses.
  - (1) Automated bank teller machines.
  - (2) Boat rentals.
  - (3) Botanical gardens and arboretums.
  - (4) Churches.
  - (5) Day care centers.
  - (6) Forest reserves (wilderness areas and wilderness refuges).
  - (7) Fraternal organizations.
  - (8) Golf courses with or without country club facilities (public or private).
  - (9) Historic and monument sites.
  - (10) Public and private art galleries, museums and libraries.
  - (11) Public and private elementary schools.

- (12) Public and private parks and playground areas of all types, including swimming pools, tennis courts, ice skating rinks and skiing and tobogganing hills.
  - (13) Public and private recreation and community centers, athletic clubs and health clubs.
  - (14) Public transit shelters.
  - (15) Public utility buildings and uses.
  - (16) Village buildings and uses.
  - (17) Other uses similar in nature that are compatible with permitted uses in the District as determined pursuant to Article K of this Chapter.
- (c) Conditional Uses. The following uses are allowed as a conditional use in the CF Community Facility District only after review and approval of the specific use pursuant to the requirements of Article E of this Chapter.
- (1) Heliport and helicopter landing area.
  - (2) Hospital, sanatorium and nursing home.
  - (3) Hospital incinerators.
  - (4) Off-street parking area and parking garage.
  - (5) Public and private colleges and universities and associated facilities.
- (d) Permitted Accessory Uses. Accessory uses shall be permitted as provided in Article K of this Chapter.
- (e) Bulk Regulations. Height, yard, lot and area requirements shall conform with the regulations set forth in Article D of this Chapter.
- (f) Off-Street Parking and Loading Regulations.
- Off-street parking and loading areas shall conform with the regulations set forth in Article G of this Chapter.

**SEC. 10-1-32 P PLANNED OVERLAY DISTRICT.**

- (a) Purpose and Intent. The planned overlay district (designated by "(P)" following the underlying district; example--C-1(P)) is intended for those areas of the Village which require special attention to site design, traffic circulation and architectural appearance. The district requires plan approval for permitted uses which otherwise would receive no site plan review. These areas have one or more of the following characteristics:
- (1) Close proximity to a major public facility.
  - (2) Unique or difficult terrain, shape or other development constraint.
  - (3) Close proximity to other land uses which require special consideration of compatibility.
  - (4) A master plan has been prepared for the area.
  - (5) Existing zoning regulations do not adequately control development of the area.
- (b) Initiation of the District. The district may be established according to the process in Article K of this Chapter.
- (c) Requirements.
- (1) In conjunction with an application for establishment of the planned overlay district or a permitted use where the district is already established, the applicant shall submit a concept plan. (A proposed use which is a conditional use in the underlying district shall be reviewed pursuant to Article E of this Chapter.) The concept plan is a written and graphic representation of the proposed development. The concept plan shall include a site plan which conforms to the requirements of Section 10-1-151(b)(1) of this Chapter. The written portion shall include a description of anticipated uses, architecture, traffic generation and other factors which may be used to evaluate the desirability of the proposed site design. The concept plan is a guideline for development and is not intended to be a precise plan. The purpose of the concept plan is to allow evaluation of the development's potential impact by the guidelines in Subsection (2), below.
  - (2) Concept plan review criteria. A concept plan shall be reviewed using the criteria listed below. No concept plan shall be approved unless the plan complies with these criteria and is consistent with the intent and purpose of this Chapter.
    - a. The proposed development will not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood of the proposed development.

- b. The proposal is consistent with any approved master plan.
  - c. The proposed density, types of land uses and range of square footages permit adequate light and air both on and off the site.
  - d. The proposed uses, building pads, exterior appearance and parking and landscaping arrangement are appropriate to the type of development, the neighborhood and the Village.
  - e. The proposed ingress and egress points, traffic circulation, parking areas, loading and service areas and pedestrian areas are designed to promote safety, convenience and ease of traffic flow and pedestrian movement both on and off the site.
  - f. The proposed development will not overburden the capacities of existing streets, utilities, parks, schools and/or other public facilities and services.
  - g. The proposed development will promote the stabilization and preservation of the existing properties in adjacent areas.
  - h. The concept plan shows how any potentially detrimental use-to-use relationships (e.g., commercial use adjacent to single-family homes) will be mitigated and the development provides a gradual transition between uses of differing intensities.
- (3) If the concept plan is approved, it shall be the basis for development plan approval.
- a. No zoning certificate or certificate of occupancy shall be approved until a development plan is approved for the site. The development plan must generally conform to the concept plan but may contain minor variations from it. The approved development plan shall be deemed to satisfy the site plan requirements for a zoning permit and certificate of occupancy required under Section 10-1-131(b)(1) of this Chapter.
  - b. The development plan shall conform to the requirements of Section 10-1-118 of this Chapter.
- (d) Development Plan Approval Process. The development plan may be approved by the Village Board, after review and recommendation by the Plan Commission, pursuant to the provisions of Section 10-1-135(3) of this Chapter.
- (e) Uses. All permitted uses shall be allowed under this Section; no permitted use may be

excluded.

- (f) Other Zoning Ordinance Requirements. The Plan Commission may increase the bulk regulations, parking regulations, landscaping regulations, sign regulations and other zoning ordinance regulations if it finds that the purpose of this Section and Chapter are furthered. Such increases may be required at either the concept plan or development plan stage.
- (g) Conditions. The Plan Commission may condition approval of either the concept plan or development plan to provide for the following:
  - (1) Landscaping.
  - (2) Exterior materials.
  - (3) Lighting.
  - (4) Fencing and other types of visual screening.
  - (5) Traffic circulation and access.
  - (6) Deed restrictions.
  - (7) Bulk requirements greater than those required in Article D of this Chapter.
  - (8) Parking requirements greater than those required in Article H of this Chapter.
  - (9) Maximum amount of gross floor area.
  - (10) Signage.
  - (11) Drainage.
  - (12) Other requirements deemed necessary by the Plan Commission to fulfill the purpose and intent of this Chapter.

#### **SEC. 10-1-33 PUD PLANNED UNIT DEVELOPMENT DISTRICT.**

- (a) Description and Purpose. The planned unit development district is established to provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the Village by allowing for greater design freedom, imagination and flexibility in the development of land while insuring substantial compliance with the basic intent of this Chapter and the Village Master Plan. To further

these goals, the district allows diversification and variation in the bulk and relationship of uses and structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. The district is further intended to encourage developments consistent with coordinated area site planning.

- (b) Types of PUD Districts. A planned unit development district may consist solely of residential, commercial or research and development uses or a combination thereof.
- (c) Permitted Uses. The following uses may be allowed in a planned unit development district.
  - (1) Existing uses.
  - (2) Any principal permitted or conditional use in the R-4, C-1, C-2 and C-3 Districts without gross floor area limitations.
  - (3) Research and development uses.
  - (4) Other uses as proposed and approved.
- (d) Lot Area, Lot Width, Height, Floor Area Ratio, Yard, Usable Open Space Requirements, Signs and Off-Street Parking Requirements. In the planned unit development district there shall be no predetermined specific lot area, lot width, height, floor area ratio, yard, usable open space, sign and off-street parking requirements, but such requirements as are made a part of an approved recorded specific development plan agreed upon by the owner and the Village shall be, along with the recorded plan itself, construed to be and enforced as a part of this ordinance.
- (e) Criteria For Approval. As a basis for determining the acceptability of a planned unit development district application, the following criteria shall be applied with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design.
  - (1) Character and intensity of land use. A planned unit development district's uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
    - a. Are compatible with the physical nature of the site or area.
    - b. Will produce an attractive environment of sustained aesthetic desirability, economic stability and functional compatibility with the Village Master

## Plan.

- c. Will not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.
  - d. Will not create a utility, traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved.
- (2) Economic impact. A planned unit development district shall not adversely affect the economic prosperity of the Village or of surrounding properties.
  - (3) Preservation and maintenance of open space. A planned unit development district shall make adequate provision for the improvement and continuing preservation and maintenance of attractive open space.
  - (4) Implementation schedule. A planned unit development district shall include suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point.
  - (5) Adherence to Master Plan. A planned unit development district shall further the Village Master Plan.
- (f) Procedure. A petition for a planned unit development district shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by a general development plan. Upon submission of a complete application form, general development plan and payment of the required fee, the Zoning Administrator shall forward the application to the Plan Commission.
- (1) General development plan. The plan shall include the following:
    - a. A statement describing the general character of the intended development.
    - b. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features.
    - c. A plan of the proposed project showing sufficient detail to make possible the evaluation of the criteria for approval as set forth in Section 10-1-33(e).
    - d. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

- e. When requested, an economic feasibility study of the proposed use.
  - f. When requested, any other information necessary to evaluate the proposal.
  - g. Proof of financial capability and economic feasibility report.
- (2) Referral and Hearing.
- a. Within sixty (60) days after forwarding of the petition for approval of a general development plan by the Zoning Administrator to the Plan Commission, the Plan Commission shall forward the petition to the Village Board with recommendations that the plan is to be approved as submitted, approved with modifications or disapproved.
  - b. Upon receipt of the recommendations, the Board shall determine whether or not to initiate a proposed zoning change to establish the proposed planned unit development district and to schedule the required public hearing. If the Board fails to initiate such a change within thirty (30) days, the petitioner may file a petition directly with the Village Clerk as provided by law.
  - c. Approval of the re-zoning and related general development plan shall establish the basic right of use for the area when in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon subsequent approval of a specific development plan, and shall not make permissible any of the uses as proposed until a specific development plan is submitted and approved for all or a portion of the general development plan. If the approved general development plan is not recorded as approved within twelve (12) months of the date of approval by the Board, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan approval. If the general development plan and specific development plan are approved at the same time and not recorded as approved within twelve (12) months of the date of approval by the Board, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan and specific development plan approval. General development plans approved prior to the effective date of this ordinance shall have the longer of either twelve (12) months from the date of approval by the Board or six (6) months from the effective date of this ordinance to complete recording in the Dane County Register of Deeds Office or they shall become null and void.

- (3) Specific development plan. The specific development plan shall be submitted to the Plan Commission and shall conform to the requirements of Section 10-1-118 of this Chapter.
- (4) Approval of the specific development plan.
  - a. Following a review of the specific development plan, the Plan Commission shall recommend to the Board that it be approved as submitted, approved with modifications or disapproved. The procedure hereunder shall be the same as under Section 10-1-33(f)(2).
  - b. Upon receipt of the Plan Commission recommendation, the Board may approve the plan and authorize the development to proceed accordingly, modify the plan or disapprove the plan and send it back with specific objections to the Plan Commission for further negotiation with the developer.
  - c. In the event of approval of the specific development plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the Village offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within twelve (12) months of the date of approval by the Board in the Dane County Register of Deeds Office. This shall be accomplished prior to the issuance of any zoning permit. If the specific development plan is not recorded as approved within twelve (12) months of the date of approval by the Board, the approval shall be null and void, and a new petition and approval process shall be required to obtain specific development plan approval. Specific development plans approved prior to the effective date of this ordinance shall have the longer of either twelve (12) months from the date of approval by the Board or six (6) months from the effective date of this ordinance to complete recording in the Dane County Register of Deeds Office or they shall become null and void.
  - d. Any subsequent change or addition to the plan or use shall first be submitted for approval to the Plan Commission and if, in the opinion of the Commission, the change or addition constitutes a substantial alteration of the original plan, the procedure required in this Section shall be followed in order to change the plan or use.
- (g) The Zoning Administrator shall not issue a zoning permit or certificate of occupancy for a

planned unit development district unless the application conforms to the approved recorded specific development plan.

SEC. 10-1-34 THROUGH SEC. 10-1-39      RESERVED FOR FUTURE USE.

ARTICLE D  
BULK REGULATIONS

**SEC. 10-1-40 DESCRIPTION AND PURPOSE.**

- (a) This Section sets forth the bulk regulations for the following zoning use districts: C-1, C-2, C-3 and CF.
- (b) The bulk regulations for all districts, other than PUD, are intended to be minimum requirements which should be followed and should not be modified absent extenuating circumstances. The Village Board, upon recommendation of the Plan Commission, may impose additional regulations or more stringent regulations if necessary or appropriate for the public health, safety and general welfare or to further the intent and purpose of this Chapter.
- (c) The bulk regulations set forth below shall apply to both principal and accessory structures unless a different regulation is provided for in the use district or Article J of this Chapter.

**SEC. 10-1-41 HEIGHT REGULATIONS.**

The height of structures shall conform to the requirements below.

- (a) C-1: minimum height - 30'; maximum height - 45'
- (b) C-2: maximum height - 130'
- (c) C-3: maximum height - 35'
- (d) CF: maximum height - 45', except hospitals, which may have a maximum height of 135'

**SEC. 10-1-42 MINIMUM SETBACK REGULATIONS.**

- (a) C-1: adjacent to University Avenue - 42'  
adjacent to other streets or rights-of-way - 25'  
side yards - 0', except where adjacent to a residential zoning district - 10'  
rear yards - 25'

ARTICLE D, BULK REGULATIONS FOR  
COMMERCIAL ZONING DISTRICTS (Continued)

*Zoning Code-10-36*

- (b) C-2: adjacent to University Avenue - 42'  
adjacent to other streets - 25'  
adjacent to railroad right-of-way - 40'  
side yard - 0', except where adjacent to a residential zoning district - 10'  
rear yard - 40'
  
- (c) C-3: adjacent to University Avenue - 42'  
adjacent to University Bay Drive - 55' from the centerline of University Bay Drive  
right-of-way except when twenty-five percent (25%) or more of all the  
frontage on one (1) side of a street between two (2) intersecting  
streets is built up with buildings having a minimum setback line of  
more, or of less than twenty-five (25) feet from the street line, no  
building hereafter erected or altered shall project beyond the  
minimum setback line so established; provided that this regulation  
shall not be interpreted so as to reduce the buildable depth of any lot  
to less than forty (40) feet or so as to reduce the buildable width of a  
corner lot facing an intersecting street, held under a separate and  
distinct ownership from adjacent lots and of record, at the time this  
ordinance is adopted, to less than seventy (70) feet.  
adjacent to other streets or rights-of-way - 15'  
side yards - 10'  
rear yards - 25'
  
- (d) CF: adjacent to streets or other rights-of-way - 25'  
side yards - 10'  
rear yards - 25'
  
- (e) No uses shall be allowed within the required yards specified under this Chapter, other than  
lawfully existing nonconforming uses or structures, landscaping, permitted signs,  
permitted driveways or where specifically allowed by this Chapter.
  
- (f) In the event a side yard setback is provided in a use district where none is required, the  
side yard setback shall not be less than six (6) feet.

**SEC. 10-1-43 MINIMUM LOT SIZE REGULATIONS.**

There shall be no minimum lot sizes in the C-1, C-2, C-3 and CF districts.

**SEC. 10-1-44 MAXIMUM LOT COVERAGE REGULATIONS.**

The principal and accessory structures shall not exceed the percentage of the gross lot area as shown below:

- (a) C-1: 50%.
- (b) C-2: 50%.
- (c) C-3: 40%.
- (d) CF: 50%.

**SEC. 10-1-45 HEIGHT AND AREA EXCEPTIONS.**

The regulations contained herein relating to the height of principal structures and the size of yards and other open spaces shall be subject to the following exceptions:

- (a) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, flag poles, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials; microwave radio relay structures; telephone, telegraph and power poles and lines and necessary mechanical appurtenances are hereby excepted from the height regulations of this Code and may be erected in accordance with other regulations or codes of the Village.
- (b) Residences in the residence districts may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.
- (c) Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such street grades shall control building height only for a depth of one hundred twenty (120) feet from the grade line of the higher average established street grade.
- (d) Buildings on through lots and extending from street to street shall provide two (2) front yard setbacks.
- (e) Where a lot of record at the time of adoption of this code has an area less than the minimum area required for a permitted use in the district in which it is located, such lot may be occupied by one (1) permitted use subject to other bulk regulations.

- (f) Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet, provided it be so located as not to obstruct light and ventilation.
- (g) Stoops, unenclosed steps, chimneys, fire escapes and ordinary projections of architectural features, including but not limited to sills, belt courses, cornices, eaves and ornamental features may project into required yards not more than twenty-four (24) inches.

SEC. 10-1-46 THROUGH 10-1-49 RESERVED FOR FUTURE USE.

ARTICLE E

CONDITIONAL USES

**SEC. 10-1-50 DESCRIPTION AND PURPOSE.**

- (a) Purpose The development and execution of this Article is based upon the division of the Village into districts, within which districts the use of land and buildings and their location are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as permitted uses in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to the location, development and operation of such uses. Such uses are classified as conditional uses.
- (b) Authority and Responsibility Authority and responsibility regarding the granting and denial of Conditional Uses is shared by the Plan Commission and the Board of trustees. The role of the Plan Commission is to review each application, obtain whatever additional facts and opinions it deems necessary, evaluate the application in terms of the standards contained in Section 10-1-52©, hold a public hearing, declare its judgement as to the proper disposition of the application, pass its findings on to the Board of Trustees, and recommend to the Board of trustees that the application be denied, or that the application be approved subject to conditions specified by the Plan Commission, or that the application be approved without special conditions. The Board of Trustees shall review the application as well as the findings and recommendations of the Plan Commission, obtain whatever additional facts and opinions it deems necessary, hold a public hearing, and, declare its decision to deny the application, to approve the application subject to the conditions specified by the Plan Commission, approve the application subject to conditions other than those specified by the Plan Commission, or approve it without special conditions. The Board of Trustees may not, without a 2/3 vote of the entire Board, approve a conditional use that is not subject to all the conditions recommended by the Plan Commission.

**SEC. 10-1-51 APPLICATION.**

- (a) Who May Apply. Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought, may file an

application to use such land for one or more of the conditional uses provided for in this Chapter in the zoning district in which such land is located.

- (b) Application. A petition for a conditional use shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application form shall be accompanied by the required fee and shall include a development plan which conforms to the requirements of Section 10-1-118 of this Chapter, owners' names and addresses of all properties lying within two hundred (200) feet of the area in the petition and other information as may be required by the Zoning Administrator or the Village Board, and a written statement by the applicant containing sufficient information to enable the Plan Commission to make a determination that the proposed conditional use shall conform to the standards set forth in Section 10-1-52© of this Article.

#### **SEC. 10-1-52 PROCESS FOR REVIEW OF APPLICATION.**

- (a) Hearing By Plan Commission. Upon submission of a complete application form, including a development plan which conforms to the requirements of Section 10-1-118 of this Chapter, and payment of the required fee, the Zoning Administrator shall forward the application to the Plan Commission. Upon receipt of the application, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.
- (b) Notice of Hearing. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice under chapter 985, Wisconsin Statutes, in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, the Village Board, and the owners of record, as listed in the office of the Village Assessor, who are owners of property in whole or in part situated within one thousand (1,000) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.
- (c) Action by Plan Commission. The Plan Commission shall review the application according to the standards below. No application shall be recommended for approval by the Plan Commission unless it finds that the following conditions are met:
- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (2) That the uses, values and enjoyment of other property in the neighborhood for

purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.

- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, and will not be contrary to an adopted comprehensive plan of the Village.
- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been, are being or will be provided.
- (5) That the establishment, maintenance or operation of the conditional use is unlikely to increase the level of traffic congestion or reduce the level of safety at any point on the public streets.
- (6) That the conditional use shall conform to all applicable regulations of the district in which it is located.
- (7) That the conditional use does not violate flood plain regulations governing the site.
- (8) That, when applying the above standards to any new construction of a building, or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objectives of the zoning district.
- (9) That, in addition to passing upon the conditional use, the Plan Commission shall also evaluate the effect of the proposed conditional use upon:
  - a. The maintenance of safe and healthful conditions.
  - b. The prevention and control of water pollution including sedimentation.
  - c. Existing topographic and drainage features and vegetative cover on the site.
  - d. The location of the site with respect to flood plains and flood ways of rivers and streams.
  - e. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

- f. The location of the site with respect to existing or future access roads.
  - g. The need of the proposed use for a shoreline location.
  - h. Its compatibility with uses on adjacent land.
  - i. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.
- (d) Referral of Recommendation to Village Board. The Plan Commission shall forward its written advisory recommendation to the Village Board within thirty (30) days after receipt of the application from the Zoning Administrator. The Plan Commission shall recommend approval, approval subject to specified conditions, or denial. A recommendation for denial shall include the reasons, including which standards contained in Section 10-1-52© the Plan Commission found not to be met. Regarding the establishment, maintenance or operation of the conditional use applied for, the Plan Commission shall specify whatever reasonable conditions it deems necessary and appropriate to fulfill the intent of this Chapter. The conditions may include requirements relating to any of the following:
- (1) Landscaping.
  - (2) Type of construction.
  - (3) Construction commencement and completion dates.
  - (4) Sureties.
  - (5) Lighting.
  - (6) Fencing.
  - (7) Operational control.
  - (8) Hours of operation.
  - (9) Traffic magnitude or congestion .
  - (10) Deed restrictions.
  - (11) Access restrictions.
  - (12) Setbacks and yards.

- (13) Planting screens.
  - (14) Modifications in parking.
  - (15) Architecture, exterior colors and exterior materials.
  - (16) Increasing emphasis on, and effectiveness of, Transportation Demand Management alternatives.
  - (17) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (e) Final Hearing Action by Village Board.
- (1) Hearing. The Village Board shall hold a public hearing on the application for a conditional use within thirty (30) days after receipt of the advisory recommendation from the Plan Commission.
  - (2) Notice of Hearing. Notice shall be according to the requirements of Section 10-1-52(b) of this Article.
  - (3) Action. The Village Board may, by resolution, approve, approve with conditions, or deny the conditional use application. A two-thirds (2/3) vote of the Village Board shall be required where the resolution differs from the Plan Commission recommendation. Such action shall be based upon the standards contained in Section 10-1-52© of this Section. If approved with conditions, all or some of those contained in Section 10-1-52(d) of this Section may be included. If the application is denied, the Village Board shall furnish the applicant with a written report specifying the reasons for denial, including which standards contained in Section 10-1-52© the Village Board found not to be met.
  - (4) Limited Conditional Use. Pursuant to Section 10-1-11(c) of this Chapter, in the instance of the granting of limited conditional use, the Village Board in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Board resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises.
  - (5) Filing of Approved Plan. Upon approval of the application by the Village Board, the Board shall forward to the Zoning Administrator an approved plan for the site. Such plan shall be stamped "approved," contain the date of the Board's approval and be signed by the Board President and Village Clerk. Unless subsequently

amended, the Zoning Administrator shall not issue a zoning permit or certificate of occupancy for the site unless in conformance with the approved conditional use plan.

**SEC. 10-1-53 VALIDITY OF CONDITIONAL USE PERMIT.**

Where the Village Board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Board's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of the issuance and which shall not be renewed unless construction as commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Village Board at least thirty (30) days before the expiration of said permit.

**SEC. 10-1-54 AMENDMENT OF CONDITIONAL USE PERMIT.**

No conditional use shall be amended from the plan approved by the Village Board unless a revised application has first been submitted and approved by the Plan Commission and Village Board according to the requirements of this Article.

**SEC. 10-1-55 ALTERATION OF CONDITIONAL USE PERMIT.**

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official and after seeking an advisory recommendation from the Plan Commission, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 10-1-52©, above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 10-1-52(b), above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 10-1-52© or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the

event that no reasonable modification of such conditional use can be made in order to assure that the Standards in Section 10-1-52© will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

SEC. 10-1-56 THROUGH SEC. 10-1-59 RESERVED FOR FUTURE USE.

ARTICLE F

NONCONFORMING USES, STRUCTURES AND LOTS

**SEC. 10-1-60 EXISTING NONCONFORMING USES AND STRUCTURES.**

- (a) Authority To Continue Nonconforming Uses and Structures. The lawful nonconforming use of a structure or land, including but not limited to, fences, parking and bulk requirements existing at the time of the adoption or amendment of this Chapter may continue although the use or structure does not conform with the provisions of this Chapter. However, only that portion of the structure or land in active and actual use at the time of adoption or amendment of this Chapter may be so continued.
- (b) Prohibition of Creation of Nonconforming Uses and Structures. Except as hereinafter specified, no building, structure, premises or land shall hereafter be used, and no building or part thereof or other structure shall be erected, razed, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in the zoning ordinances of the Village of Shorewood Hills, or any subsequent amendments thereto, of the district in which the same is located.
- (c) Change of Use. Except as otherwise provided herein, a nonconforming use of a structure or land may only be changed to a use that is permitted in the zoning district where the land is located. Any such new use shall comply with all applicable bulk, parking and other zoning requirements in effect in the district, unless a variance is granted pursuant to Article K of this Chapter.
- (d) Accessory Uses. A use that is not the principal use of the lot on which it is located shall not be considered a lawful nonconforming use.

**SEC. 10-1-61 DISCONTINUANCE OF NONCONFORMING USES AND STRUCTURES.**

- (a) Termination of Use. If a lawful nonconforming use is discontinued, abandoned or otherwise not kept in active and actual use for a period of twelve (12) months, then the nonconforming status is terminated and any future use of the structure or land must conform to all provisions of this Chapter. Uses that are discontinued, abandoned, or otherwise not in active and actual use at the time this Chapter is adopted shall, for the purpose of the twelve (12) month requirement of this Subsection, be considered so terminated from the first day of such discontinuance and not from the date of adoption of this Chapter.
- (b) Destruction of Building. A nonconforming structure that is destroyed or damaged by fire or other calamity or act of God to the extent that the cost of restoration to the condition in

which it was before the occurrence shall exceed fifty percent (50%) of its fair market value, shall not be restored unless said building and the use thereof shall conform to all of the regulations of the use district in which it is located at the time the building permit application is made.

**SEC. 10-1-62 EXPANSION OR ALTERATION OF NONCONFORMING USES AND STRUCTURES.**

- (a) Expansions and Structural Alterations Prohibited. (a) A lawful non conforming structure or use existing at the time of the adoption or amendment of this chapter may be continued even though its size or location does not conform to the lot width, lot area, yard, height, parking and loading, access provisions and permitted use requirements of this Chapter.
- (1) In the case of non conforming uses, the structure shall not be extended, enlarged, reconstructed, moved or structurally altered except when required by law or order or so as to bring the entire use into full compliance with the provisions of this Chapter.
  - (2) In the case of non conforming structures, the structure may be structurally altered or expanded if the proposed structural alteration or expansion does not act to increase the existing non conforming status and the proposed alteration or expansion complies with all other requirements of this and all other applicable regulations.
- (b) Ordinary Repairs and Alterations. Ordinary repairs and alterations, not including structural alterations, may be made to a nonconforming structure, provided that the total repairs and alterations permitted hereunder subsequent to the date of its becoming nonconforming, shall not, during the life of said nonconforming structure, exceed fifty percent (50%) of its fair market value for tax purposes at such date, unless the structure and/or use are changed to conform to all regulations of the zoning district in which it is located. All alterations permitted hereunder shall conform to the regulations of the zoning district in which the structure is located. For the purpose of this Section, ordinary repairs shall be deemed to include normal maintenance of a building.

**SEC. 10-1-63 CHANGES AND SUBSTITUTIONS.**

Once a nonconforming use or structure has been changed to a conforming use, it shall not revert back to a nonconforming use or structure.

**SEC. 10-1-64 NONCONFORMING USE CERTIFICATES.**

The Village Zoning Administrator may issue certificates of lawful nonconformance to all

ARTICLE F, NON-CONFORMING USES,  
STRUCTURES AND LOTS (Continued)

*Zoning Code-10-48*

owners of nonconforming uses and structures, in accordance with Section 10-1-131(a)(6) of this Chapter. Such certificates shall include, but not be limited to a statement indicating the type of nonconformance, the extent of nonconformance, the approximate date that the particular nonconformance began, the date that the nonconforming use terminated and the value of all structural repairs subsequent to the beginning of nonconformance. The fee for such certificates will be as periodically established by the Village Board. However, such certificates shall not be required for the continuation of a nonconforming use or structure.

SEC. 10-1-65 THROUGH 10-1-69 RESERVED FOR FUTURE USE.

ARTICLE G

OFF-STREET PARKING AND LOADING REQUIREMENTS,  
ACCESS AND CORNER LOT VISIBILITY

**SEC. 10-1-70 OFF-STREET PARKING AREAS.**

- (a) Statement Of Purpose. The purpose of this Section is to provide for the regulation of off-street parking areas, and to specify the requirements for off-street parking areas for different uses. The regulations and requirements which follow are established to promote the safety and general welfare of the community by:
- (1) Increasing the safety and capacity of public streets by requiring off-street parking areas to be provided.
  - (2) Minimizing adverse effects of off-street parking areas on adjacent properties through the requirement of design and maintenance standards.
  - (3) Lessening congestion and preventing the overtaking of public streets by regulating the location and capacity of accessory off-street parking areas.
- (b) General Requirements For Off-Street Parking Areas or Garages in the R-4, C-1, C-2, C-3 and C-F Districts.
- (1) Plan approval required. The location and design of new off-street parking areas or garages or changes to existing off-street parking areas or garages shall be submitted for approval to the Plan Commission. If part of a Planned Overlay District, Planned Unit Development District or Conditional Use, the procedure required for those uses shall be followed. In all other cases, the applicant shall submit a complete application form, including a Development Plan, and the required fee to the Zoning Administrator. The Zoning Administrator shall then forward the complete application to the Plan Commission. The Plan Commission shall, within sixty (60) days after receipt of the application form, approve, approve with conditions or deny the site plan. The Development Plan shall include the following information:
    - a. Property boundary survey prepared by a registered land surveyor, indication of the scale (at least 1"=40'), bar scale, north arrow, vicinity map (not to scale), total site size in acres and square feet, name of owner or applicant and address and telephone number.
    - b. Location of parking area on the lot(s).

ARTICLE G, OFF-STREET PARKING AND LOADING  
REQUIREMENTS, ACCESS AND CORNER LOT VISIBILITY (Continued)

*Zoning Code-10-50*

- c. Number and dimensions of parking stalls (a typical parking stall dimension may be shown).
  - d. Maneuvering area, entrances and exits and dimensions.
  - e. Land uses to be served and gross floor area in square feet of each land use.
  - f. Lot(s).
  - g. Zoning district of the lot(s) and adjacent zoning districts.
  - h. Landscaping plan, including screening, plant types, sizes, quantities and locations, landscaped setbacks and interior landscaped islands.
  - i. Easements or shared parking agreements.
  - j. Other information as may be required by the Zoning Administrator, Plan Commission or Village Board for a complete review of the proposed development.
- (2) Existing off-street parking and loading areas. Off-street parking or loading areas lawfully in existence at the effective date of this ordinance may be continued.
- (3) Changes in buildings or use. Whenever a building or use is changed, structurally altered or enlarged thereby creating a need for an increase in the number of existing parking spaces, additional Transportation Demand Management (TDM) and parking spaces shall be provided to accommodate the enlarged or changed building or use.
- (4) Access. Adequate access to a public roadway or legally approved easement shall be provided. Such entrances and exits shall be located so as to provide adequate and safe sight distance along the street.
- (5) Location. Off-street parking areas shall be on the same lot as the principal use which they serve or on an adjacent lot not more than four hundred (400) feet from the principal use. In the event parking or loading areas are provided on a lot different from the principal lot, the applicant for the parking and loading area shall provide proof of an agreement allowing use of the lot.
- (6) Front yards. No off-street parking area, except driveways, shall be located within a

ARTICLE G, OFF-STREET PARKING AND LOADING  
REQUIREMENTS, ACCESS AND CORNER LOT VISIBILITY (Continued)

*Zoning Code-10-51*

required front yard setback.

- (7) Side and rear yards. No off-street parking or loading area shall be located closer than five (5) feet to a side or rear lot line, unless part of a shared parking facility.
- (8) Parking space overhang. No off-street parking space shall be designed so as to allow the vehicle to overhang onto a sidewalk, right-of-way or across a property line.
- (9) Exit onto public street. No off-street parking space shall be located so as to require an exiting vehicle to back onto any public street.
- (10) Parking area design and dimensions. Off-street parking areas shall conform to the design and dimensional standards as established by the Zoning Administrator.
- (11) Landscaping and visual screening.
  - a. Purpose. Landscaping shall be designed to create efficient and safe circulation of automobiles and pedestrians, identify entrances and exits, improve the appearance of parking areas, provide shade to automobiles and pedestrians and provide visual screening from adjacent areas.
  - b. Requirements. Any unenclosed off-street parking area which contains at least five (5) parking spaces shall be subject to these requirements.
    1. Interior landscaped islands shall be provided within the off-street parking area which are no less than ten percent (10%) of the off-street parking area or one hundred (100) square feet, whichever is greater, exclusive of front, side and rear yard landscaped setbacks. These islands shall be placed so as to fulfill the objectives of Section 10-1-70(a) of this Article.
    2. A landscaped setback of at least five (5) feet shall be provided adjacent to side and rear lot lines of off-street parking areas, except ten (10) feet shall be required where adjacent to a residential zoning district.
    3. Where an unenclosed off-street parking area rear or side yard setback is adjacent to a residential zoning district, an opaque wall, fence, evergreen planting of equivalent visual density, or a combination of any of the above, at a minimum four (4) feet in

ARTICLE G, OFF-STREET PARKING AND LOADING  
REQUIREMENTS, ACCESS AND CORNER LOT VISIBILITY (Continued)

*Zoning Code-10-52*

height, shall be provided.

4. Interior landscaped islands and setbacks shall include appropriate vegetation and a minimum of one (1) tree per five (5) parking spaces. The trees and vegetation shall be of a type suitable, in the opinion of the Village Forester, to a parking lot.
- (12) Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities.
- (13) Lighting. Lighting standards and fixtures shall conform to standards adopted by the Zoning Administrator.
- (14) Curbs. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines or overhanging into prohibited areas.
- (15) Surfacing. All off-street parking areas shall be surfaced with a bituminous material or Portland cement in accord with standards adopted by the Zoning Administrator. Any parking area for more than five (5) vehicles shall be clearly marked so as to indicate parking stalls, entrances and exits, no-parking areas and traffic direction.

© Parking Spaces Requirements. The number of off-street parking spaces shall be provided as shown below:

- (1) Residential uses.
  1. Single- and two-family dwelling units Two (2) spaces per dwelling unit
  2. Multiple-family dwelling units.
    - a. Efficiency, studio or one (1) bedroom units. One and one-quarter (1.25) spaces per dwelling unit.
    - b. Two (2) or more bedroom units. Two (2) spaces per dwelling unit
- (2) Family day care centers. Two (2) spaces plus one (1) space for every four (4) children allowed by license.

ARTICLE G, OFF-STREET PARKING AND LOADING  
REQUIREMENTS, ACCESS AND CORNER LOT VISIBILITY (Continued)

*Zoning Code-10-53*

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|---|---|
| (3) Community living arrangements.  | Two (2) spaces plus one (1) space for every two (2) beds per the maximum number of residents allowed by license.  |
| <br>  |   |
| (4) Institutional and entertainment uses.   |   |
| 1. Churches, theaters, auditoriums, community centers and other places of public assembly | One (1) space for auditoriums, community every four (4) seats centers and other places or, if no fixed of public assembly seating, one (1) per twenty-eight (28) square feet of gross floor area. |
| <br>  |   |
| 2. Elementary schools, middle and junior high schools                                     | Two (2) spaces per classroom  |
| <br>  |   |
| 3. High schools and colleges  | One (1) space per each five (5) seats, plus two (2) spaces per classroom.   |
| <br>  |   |
| 4. Hospitals, nursing homes and sanitariums   | One and one-half (1.5) spaces per bed.  |
| <br>  |   |
| 5. Music, dance, business or trade schools  | One (1) space per two (2) employees plus one (1) space per five (5) students based on the maximum number of students present at any one time.   |

ARTICLE G, OFF-STREET PARKING AND LOADING  
REQUIREMENTS, ACCESS AND CORNER LOT VISIBILITY (Continued)

*Zoning Code-10-54*

- (3) Commercial uses.
- |  |  |
|--|--|
| 1. Retail sales and service uses   | One (1) space per each three hundred (300) square feet of gross floor area.  |
| 2. Banks, financial institutions, medical, dental and optical offices and clinics, and business and professional offices | One (1) space per each three hundred (300) square feet of gross floor area.  |
| 3. Restaurants, bars, clubs and lodges   | One (1) space per each one hundred (100) square feet of gross floor area.  |
| 4. Automobile repair garages and service stations  | Two (2) spaces for each service bay, plus one (1) space for each two hundred (200) square feet of gross floor area |
- (6) Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply and the determination shall be made by the Zoning Administrator pursuant to Article K of this Chapter. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.
- (7) Combined uses. Combinations of any of the above uses shall provide the total number of stalls required for each individual use.
- (8) Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

**SEC. 10-1-71 OFF-STREET LOADING AREAS.**

- (a) Loading Space Requirements. On every lot on which a business or commercial use is hereafter established, loading space with access to a public street or alley shall be developed, maintained and used according to standards adopted by the Zoning Administrator.

ARTICLE G, OFF-STREET PARKING AND LOADING  
REQUIREMENTS, ACCESS AND CORNER LOT VISIBILITY

*Zoning Code-10-55*

**SEC. 10-1-72 DRIVE-THROUGH LANES.**

Drive-through lanes shall conform to the following standards:

- (a) The minimum width shall be eight (8) feet.
- (b) The minimum length of a drive-through lane, in order to allow sufficient parking for automobiles waiting in line without interfering with traffic circulation, shall be ninety (90) feet.
- (c) Drive-through lanes shall be designed so as to prevent interference with sidewalks, parking lot or loading area circulation and public or private street circulation.

**SEC. 10-1-73 CORNER LOT VISIBILITY.**

On a corner lot in all districts, no structure, screening or embankment of any kind shall be erected, placed, maintained or grown between the heights of three (3) feet and ten (10) feet above the curb level or its equivalent within the triangular space formed by two (2) intersecting street lines or their projections and a line joining points on such street lines located a minimum of twenty-five (25) feet from the street intersection, in order to provide adequate vehicular vision clearance.

**SEC. 10-1-74 DRIVEWAYS.**

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

- (a) The island between driveway openings shall be a minimum of ten (10) feet.
- (b) The maximum number of driveway openings in residential zoning districts for vehicular ingress and egress permitted for lots with a width less than one hundred (100) feet shall be one (1) and for lots with a width greater than one hundred (100) feet shall be two (2).
- (c) Openings for vehicular ingress and egress shall not exceed thirty (30) feet at the property line and thirty-five (35) feet at the roadway for all uses except the maximum curb opening for all residential districts shall be twenty-five (25) feet at the roadway.
- (d) Driveways shall be at least ten (10) feet wide for one- and two- family dwellings.
- (e) Residential driveways, unless a circular driveway, must lead directly to a garage opening or, in the event there is no garage, may not be located in the side yard.

ARTICLE G, OFF-STREET PARKING AND LOADING  
REQUIREMENTS, ACCESS AND CORNER LOT VISIBILITY

*Zoning Code-10-56*

**SEC. 10-1-75 MOTOR VEHICLE, MOBILE HOME AND BOAT STORAGE.**

No person shall park any boat or trailer therefore in any side yard. No person shall store any motor vehicle or mobile home in any district zoned Residential "R-1," "R-2," or "R-3." For the purposes of this subsection, the term "store" shall mean to leave standing on the same premises for more than forty-eight (48) hours any motor vehicle or mobile home without moving the same from said premises for a period of at least twenty-four (24) hours. For the purposes of this subsection, the term "motor vehicle" shall include any motor vehicle other than a passenger automobile. This subsection shall not apply to any motor vehicle or mobile home which is stored inside a garage or other building.

SEC. 10-1-76 THROUGH 10-1-79 RESERVED FOR FUTURE USE.

ARTICLE H

SIGNS

**SEC. 10-1-80 GENERAL REQUIREMENTS.**

- (a) Permit Required. A permit shall be required for the erection of signs, canopies and awnings as follows:
- (1) Requirement. No sign exceeding three (3) square feet in area and no awning or canopy shall be erected or maintained without a permit therefore having been first obtained and the fee required therefore having been first paid, providing, however, that no application or permit shall be required for an approved rental or sale sign having an area of less than twelve (12) square feet. No approved illuminated sign, awning, or canopy for which a permit has been obtained shall be maintained without the inspection fee therefore, applicable to the particular period having been paid.
  - (2) Issuance of permits. Upon the filing of an application for any sign, except an illuminated sign, lighted directly or indirectly by electricity, if the Building Commissioner believes that the sign will comply with the ordinance, and upon payment of the fee hereinafter prescribed, the Building Commissioner shall issue a permit which shall thereafter authorize the erecting and maintenance of such sign. In the case of approved illuminated signs, lighted directly or indirectly by electricity, and awnings and canopies, the Building Commissioner shall issue a permit, upon application therefore, if he believes such a sign, awning or canopy complies herewith, and upon payment of the fee hereinafter prescribed, and such permit shall authorize erection and shall authorize initial maintenance from the date of erection until the thirtieth (30th) day of June next following. Such a permit shall thereafter be renewable for one-year periods beginning July 1 upon payment of the annual inspection fee prescribed hereafter.
- (b) Definitions. In the construction of this Article, the following definitions shall be observed and applied except when the context clearly indicates otherwise:
- (1) Advertising. Advertising means any public notice which informs, notifies, announces or attracts public attention by emphasizing desirable qualities and attempts to arouse a desire to purchase, or inform or interest the public.
  - (2) Awning. An awning is any device attached to a building, intended to provide shade or shelter and devised to permit ready removal or movement to a position on or close to the building.

- (3) Canopy. A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
  - (4) Detached sign. A detached sign is any sign not supported by or attached to any building or wall of any structure.
  - (5) Flat sign. A flat sign is any sign, the back of which is attached flat against the building or wall of any structure.
  - (6) Illuminated sign. An illuminated sign is any sign lighted by electricity, directly or indirectly, or brightened in any manner.
  - (7) Professional sign. A professional sign is any sign stating only the name and business or profession of the occupant or the character of the use of the premises on which the sign is maintained, but does not include signs advertising a business which consists of the sale of merchandise or consumer commodities.
  - (8) Projecting sign. A projecting sign is any other sign attached to any building or wall of any structure.
  - (9) Shopping center. A shopping center is defined as two (2) or more contiguous stores providing retail services or engaged in the sale of consumer goods and located in a structure under common ownership.
  - (10) Sign. A sign is any conspicuous notice, board, fence, fixture or structure of any kind used to or to be used for information or advertising purposes or upon which any advertising is shown. A sign as herein defined shall not be an accessory to any building for the purpose of this Section.
- (c) Application. Any person desiring to erect or maintain a sign, a barber pole, an awning or canopy for which a permit is required hereunder, shall make application to the Building Commissioner and shall state the construction, size or dimension and the kind of materials to be used in such sign, barber pole, awning or canopy, and the number or numbers of the building before which, or premises upon which, such sign, barber pole, awning or canopy is to be erected and maintained.
- (d) General prohibitions and provisions. All signs, canopies or awning or any part thereof not existing or subsequently constructed and maintained shall comply with the following general regulations:
- (1) Obstructions and hazards. No canopy, awning or sign or any part thereof, or any anchor, brace or guy rod shall be attached, fastened or anchored to any fire escape,

fire ladder or stand pipe; nor shall the same be erected or maintained so as to cover or obstruct any door, doorway or window of any building so as to hinder or prevent ingress or egress through such door, doorway or window or as to prevent or hinder the raising or placing of ladders against such buildings by the fire department; nor shall any sign erected on top of any building or structure be so constructed as to not leave at least fifty percent (50%) of the area below such sign for a height of five (5) feet open and unobstructed.

- (2) Traffic hazards. No canopy, awning or sign or any part thereof shall be permitted that, in the judgment of the chief of police, obscures traffic at intersections, side roads, or in any other way creates hazards to the movement of vehicular traffic; nor shall any sign or any part thereof be permitted that by reason of its location, position, shape, color or wording may be contrary to any authorized traffic sign, signal, or device or which makes use of the words, "stop," "look," "danger," or any other word, phrase, symbol or character in such manner as to interfere with or mislead or confuse traffic.
  - (3) Wind pressure, live and dead load requirements. All signs, awnings or canopies erected under subparagraphs ©, (d) or (e) of this ordinance shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area, and shall be constructed to receive live and dead loads as required in the State of Wisconsin Building Code.
- (e) Annual inspection and annual inspection fees. It shall be the duty of the Building Commissioner to inspect, prior to July 1 of each year, each sign, awning, or canopy for which a permit has been issued or which would require the obtaining of a permit to construct the same.
  - (f) Authority of Building Commissioner. Power and authority is hereby given to the Building Commissioner to remove or cause to be removed any and all defective or dangerous signs, awnings or canopies, however erected or installed, if not repaired by the owner, operator or licensee within five (5) days after deposit in the public mail of a registered letter addressed to the licensee or owner of record of the premises upon which such defective dangerous sign, awning or canopy is located, and to charge the cost of such removal to the premises upon which the sign, awning or canopy is located. Power and authority is also hereby given the Building Commissioner to refuse a permit for any sign, awning or canopy which may imperil life or property within the limits of the Village.
  - (g) Insurance requirements. Every applicant for a permit for a canopy which will overhang the public street or sidewalk, shall, before the permit is granted, file with the Building Commissioner a liability insurance policy with minimum limits of \$50,000 for personal injury to any person and \$100,000 for any one (1) accident and \$10,000 for property

damage which shall indemnify and save harmless the Village from any and all damages, judgments, costs or expenses which the said Village may incur or suffer by reason of the granting of said permit. Any person maintaining a sign, awning or canopy regulated by this ordinance at the time of the enactment of this ordinance shall, within thirty (30) days after said enactment, comply with all the provisions set forth in this Section.

- (h) Nonconforming uses. The lawful use of a sign, awning, or canopy existing at the time of the adoption or amendment of this Section may be continued although such use does not conform with the provisions hereof on the terms and conditions set forth in this article; providing, however, that a permit, permit fee, annual inspection fee and the liability insurance policy shall be required for such nonconforming use if it would have been otherwise required had the use been conforming. Ordinary repairs and normal maintenance may be made on nonconforming signs, awnings or canopies provided the same shall not include additions or enlargements unless by reason of the same the sign, awning or canopy which does not conform with the provisions of this ordinance is discontinued for a period of six (6) months or more, any future use of said sign, awning or canopy shall conform to this Section.
- (i) Enforcement.
  - (1) Authority to enforce the provisions of this code shall be enforced by the Building Commissioner and/or Electrical Inspector of the Village. Appeals from the decision of the Building Commissioner may be made to the Village Board of Appeals as provided by Article K of this Chapter.
  - (2) Frequency of offenses. Each day that a violation of this Subsection is permitted to exist shall constitute a separate violation and shall be punishable as such.

#### **SEC. 10-1-81 PERMITTED SIGNS.**

- (a) Permitted signs-residential zoning districts. Only the following approved signs shall be erected or maintained within residential zoning districts except provided the permit required hereunder is first obtained and that the same shall conform to the zoning regulations of the district in which the same may be located.
  - (1) Home occupation sign. An approved home occupation sign shall be a sign not exceeding two (2) by two (2) square feet in area, stating only the name and business or profession of the occupant or the character of the use of the premises on which the sign is maintained. It shall be attached to the dwelling unit, shall not be illuminated and shall not move. Only one such approved professional sign shall be maintained on a premises.

- (2) Bulletin board. An approved bulletin board shall be a board not exceeding twenty-four (24) square feet in area and used for church, school or Village purposes.
  - (3) Construction sign. An approved construction sign shall be a sign not exceeding sixteen (16) square feet in area pertaining to the construction of a building on the premises, placed against the wall of a building or entirely on the premises and maintained only during construction of the building.
  - (4) Rental or sale sign. An approved rental or sale sign shall be a sign advertising only the premises upon which the sign is located, for sale or for rent, and the name, address and telephone number of the owner or agent, constructed in a neat and workmanlike manner, not more than sixteen (16) square feet in area, and erected back of the front lot line and inside of the side setback lines of such property.
- (b) Permitted signs--non-residential zoning districts. Only the following approved signs shall be erected or maintained in the C-1, C-2, C-3 and CF Districts provided a permit is obtained therefor as required in this ordinance and that the same conform to the regulations of the zoning district in which the same may be located.
- (1) Flat signs. No approved flat sign shall advertise any business or product other than that which is conducted, manufactured, produced or sold within the building to which it is attached. No approved flat sign shall exceed in length, the building or wall to which it is attached and shall not have more than three (3) square feet of area for each foot of frontage of the premises on which the same is located, nor shall such approved flat sign extend more than eight (8) inches from the building or wall to which the same is attached.
  - (2) Detached sign. No approved detached sign shall advertise any business or product other than that which is conducted, manufactured, produced or sold on the premises on which the same is located. No such sign shall stand closer to a public street or highway than the established setback unless its lowest edge shall be six (6) feet or more, perpendicularly above the established grade of the public highway or sidewalk at such point thereof as is nearest to such detached sign. No such sign shall be located within fifteen (15) feet of the curb line of any public street and the same shall not extend over or into any public street or highway or sidewalk. No more than two (2) such signs shall be located on any one (1) premises. The aggregate square footage of such signs shall not exceed one percent (1%) of the square footage of the premises on which the same are located; nor shall any such sign have a vertical dimension in excess of thirty (30) feet above the established grade of the public highway or sidewalk nearest thereto; nor shall the horizontal dimension of any such sign exceed fifteen (15) feet. Any such sign which designates a shopping center as defined herein may have a vertical dimension of up

to thirty (30) feet above the established grade of the public highway or sidewalk nearest thereto and shall be permitted a horizontal dimension of up to fifteen (15) feet.

- (3) **Illuminated sign.** No approved illuminated sign shall advertise any business or product other than that which is conducted, manufactured, produced or sold on the premises on which the same is located. All such signs, if an electrical circuit is attached to or contained within them, shall be constructed of incombustible material throughout, and for which fittings and materials used in the construction, connection and operation are in accordance with the Wisconsin State Electrical Code and the ordinance of this Village. No such sign shall face or project into property located within residential zoning districts in any such manner as to permit the illumination to be directed or reflected or to glare into an area within any residential zoning district. Approved illuminated signs shall meet the requirements of the particular classifications applicable thereto as described in paragraphs (1) and (2) of Subsection (8)© of this ordinance.
  - (4) **Professional sign.** No approved professional sign shall exceed ten (10) square feet in area or shall be illuminated or move. No such sign shall exceed five (5) feet in height and shall state only the name, profession, practice, or business operated on the premises on which or before which it is situated, or the character of the use of such premises, and the location of the person or business referred to. If any such sign refers to three (3) or more professions or businesses occupying quarters within a single structure before which it is situated then such professional sign may be of an overall area, not including supports, of twenty (20) square feet, but shall not exceed ten (10) feet in height. Only one (1) such sign shall be maintained for and before each professional or business establishment.
  - (5) **Rental or sale sign.** Any approved rental or sale sign shall meet the requirements relating to size, location or construction as would be approved if it advertised a business establishment operated on such premises provided, however, that no more than one (1) sign, of any type, shall be erected or maintained for each business establishment or property for rent or for sale.
- (c) **Measurement of signs.** In measuring signs, the extreme vertical and horizontal dimensions shall be used, except that the brace or support shall not be considered in such measurement. When signs are in sections joined so as to form a continuous structure, the entire structure shall be considered to be one sign. All lettering shall be measured including all sides of detached signs with two (2) or more sides.
- (d) **Number of signs permitted.** No more than two (2) signs of any type shall be located on any premises except that any premises occupied by a shopping center may as an alternative

have one (1) detached sign plus one (1) flat sign illuminated or otherwise for each place of business located in said shopping center provided that the aggregate total area of all signs located on any premises so occupied shall not exceed the total area permitted for one (1) detached sign and one (1) flat sign as set forth in subparagraphs (c)(1) and (c)(2).

- (e) Prohibited devices. No sign shall be equipped with any device which produces motion or the flashing of light in connection with said sign.
- (f) Exclusions. The provisions of this Section, except as to safety requirements, shall not apply to signs painted upon the windows of any business establishment, provided that the same shall advertise only the business or trade conducted therein or the product or products manufactured, produced or sold therein; not to awnings or canopies servicing only a particular single family dwelling unit provided the same shall conform to the regulations applicable to the zoning district in which the same are located; nor to signs erected by the Village for municipal purposes; nor to house numbers or signs identifying parks or country clubs or to official bulletin boards.

#### **SEC. 10-1-82 AWNINGS.**

- (a) Permitted awnings. No awnings shall be erected or maintained except such awnings as comply with the following specific requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which same are to be located.
- (b) Requirements.
  - (1) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
  - (2) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than seven (7) feet above the level of the sidewalk or public thoroughfare.
  - (3) Setback from curb line. No awning shall extend beyond a point twelve (12) inches inside the curb line.
  - (4) Advertising. No advertising shall be placed on any awning, except that the name of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding eight (8) inches in height on the front and side edges.

**SEC. 10-1-83 CANOPIES.**

- (a) Permitted canopies. No canopies shall be erected or maintained except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located.
- (1) **Support.** The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Building Inspector as in compliance with the building code of the Village. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Subsection (f)(3) of this Code. All canopies shall be attached to a building and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
  - (2) **Height above sidewalk.** All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than nine (9) feet above the level of the sidewalk or public thoroughfare.
  - (3) **Setback from curb.** No canopy shall extend beyond a point twelve (12) inches inside the curb line.
  - (4) **Advertising.** No advertising shall be placed on any canopy except that the name of the establishment may be painted or placed in a space not exceeding twenty (20) inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder, providing, however, that if such canopy shall contain more or other than the name of the establishment in letters more than eight (8) inches high on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.

SEC. 10-1-84 THROUGH SEC. 10-1-89      RESERVED FOR FUTURE USE.

ARTICLE I

SATELLITE EARTH STATIONS, WIND ENERGY SYSTEMS  
AND ANTENNAS

**SEC. 10-1-90 SATELLITE EARTH STATIONS.**

- (a) Permit Required. No owner shall, within the Village, build, construct, use or place any type of satellite earth station until a permit shall have first been issued by the Village Administrator pursuant to Article K of this Chapter.
- (b) Definitions.
  - (1) For purposes of this Section, a "satellite television dish" or "earth station" is defined as an apparatus capable of receiving communications from a transmitter or a transmitter relay location in a planetary orbit. They are also commonly referred to as disks, satellite communications systems or home earth stations.
  - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.
- (c) Application.
  - (1) Application for a satellite earth station permit shall be made in writing to the Village Administrator. With such application, there shall be submitted a fee and a complete set of plans and specifications, including a plot plan showing the location of the proposed satellite earth station with respect to adjoining streets, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (d) Installation Restrictions. Satellite earth stations installed in any zoning district within the Village shall comply with the following provisions:
  - (1) Number of units. Not more than one (1) satellite earth station may be allowed per individual recorded lot.
  - (2) Location and setbacks.
    - a. Any satellite earth station dish antenna shall only be located in the rear yard

ARTICLE I, SATELLITE EARTH STATIONS,  
WIND ENERGY SYSTEMS AND ANTENNAS (Continued)

*Zoning Code-10-66*

of a lot and must meet side yard and rear yard setback requirements of an accessory building in its zoning district.

- b. No dish shall be placed in the front yard of any residential, business or industrial lot in the Village.
  - c. The Village Board shall determine whether a signal constitutes a usable satellite signal, based on evidence provided by the person seeking a permit to erect or construct the dish.
- (3) **Mounting.** Satellite earth stations located in residential districts shall be ground-mounted only. Satellite earth stations may be wall- or roof-mounted in non-residential districts only. Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be subject to the structure being constructed to carry all imposed loading. The Village may require engineering calculations. Satellite earth station dish antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation, and shall comply with Section 10-1-80(d)(3) of this Chapter.

**SEC. 10-1-91 WIND ENERGY SYSTEMS.**

- (a) Permit required. The permit application for a wind energy system shall be made to the Village Administrator on forms provided by the Village. The application shall include the following information:
- (1) The name and address of the applicant.
  - (2) The address of the property on which the system will be located.
  - (3) Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
  - (4) An accurate and complete written description of the use for which special grant is

ARTICLE I, SATELLITE EARTH STATIONS,  
WIND ENERGY SYSTEMS AND ANTENNAS (Continued)

*Zoning Code-10-67*

being requested, including pertinent statistics and operational characteristics.

- (5) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc., if applicable.
  - (6) Any other information which the Village Board or Village Administrator may deem to be necessary to the proper review of the application.
  - (7) The Village Administrator shall review the application and, if the application is complete and contains all required information, shall refer it to the Village Board.
- (b) Hearing. Upon referral of the application, the Village Board shall schedule a public hearing thereof as soon as practical and the Village Board shall notice said hearing as deemed appropriate.
  - (c) Determination. Following public hearing and necessary study and investigation, the Village Board shall, as soon as practical, render its decision in writing and a copy made a permanent part of the Board's minutes. Such decision shall include an accurate description of the special use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or, if disapproved, shall indicate the reasons for disapproval. The Village Board may impose any conditions or exemptions necessary to minimize any burden on the persons affected by granting the special use permit.
  - (d) Termination. When a special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the special grant may be terminated by action of the Village Board following a public hearing thereon.
  - (e) Changes. Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Village Board and if, in the opinion of the Board, such change or addition constitutes a substantial alteration, a public hearing before the Board shall be required and notice thereof be given.
  - (f) Approval Does Not Waive Permit Requirements. The approval of a permit under this Article shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.

**SEC. 10-1-92 SPECIFIC REQUIREMENTS REGARDING WIND ENERGY SYSTEMS.**

ARTICLE I, SATELLITE EARTH STATIONS,  
WIND ENERGY SYSTEMS AND ANTENNAS (Continued)

*Zoning Code-10-68*

- (a) Additional Standards. Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section in addition to those found elsewhere in this Article.
- (b) Application. Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
- (c) Construction. Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- (d) Noise. Wind energy conservation systems shall comply with Chapter 21.4.
- (e) Electro-Magnetic Interference. Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (f) Location and Height. Wind energy conversion systems shall be located in the rear yard only and shall meet the setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Chapter; however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- (g) Fence Required. All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.

ARTICLE I, SATELLITE EARTH STATIONS,  
WIND ENERGY SYSTEMS AND ANTENNAS (Continued)

*Zoning Code-10-69*

- (h) Utility Company Notification. The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

**SEC. 10-1-93 PERSONAL WIRELESS SERVICES ANTENNAS AND ANTENNA TOWERS.**

(a) Definitions.

- (1) *“Personal Wireless Services”* means commercial mobile telecommunications services, unlicensed wireless telecommunication services, and common carrier wireless telecommunications exchange access services.
- (2) *“Personal Wireless Services Antenna Tower”* means an antenna used in connection with the provision of personal wireless services.
- (3) *“Personal Wireless Services Antenna Tower”* means any structure, whether freestanding or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one or more personal wireless services antennas, including, but not limited to, self-supporting lattice towers, guy towers, or monopole towers.

(b) Permit Required.

- (1) No person shall, within the zoning jurisdiction of the Village of Shorewood Hills, build, construct, use or place any personal wireless services antenna or personal wireless services antenna tower until a conditional use permit shall have first been obtained in accordance with Article D and this Section of the Code. However, notwithstanding anything to the contrary in Article D, a denial of a conditional use permit under this section must be in writing.
- (2) Applications. In addition to the application requirements of this chapter, all applications for a conditional use permit for wireless communications facilities shall include the following:
  - a. A report from a professional engineer registered in the State of Wisconsin which:
    - i) Certifies the facility's compliance with structural and electrical standards.

ARTICLE I, SATELLITE EARTH STATIONS,  
WIND ENERGY SYSTEMS AND ANTENNAS (Continued)

*Zoning Code-10-70*

- ii) Describes the tower's capacity, including the potential number and type of antennas that it can accommodate.
  - iii) Describes the lighting and/or painting to be placed on the tower if required by the FCC or FAA.
  - iv) Certifies that the applicant or tenant has a valid license from the FCC to operate the proposed facilities and identifies both the class of the license and the license holder.
  - v) Describes the tower height and design, including a cross section, elevation, and foundation design.
  - vi) Identifies the location of all sites that were considered as possible alternatives to the site being applied for.
- b. A facility plan. The Village will maintain an inventory of all existing and proposed wireless communication site installations, and all providers shall provide the following information in each plan:
- i) Written description of the type of consumer service each provider will provide to its customers.
  - ii) A map which shows the geographic service areas for the existing and proposed telecommunication sites affecting the Village.
- c. Landowner acknowledgment. Written acknowledgment by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the conditional use permit. Such acknowledgment shall be in recordable form and made to all successors, heirs and assignees. Such acknowledgment, after approval by the Village, shall be recorded by the provider or landowner at the Dane County Register of Deeds Office.
- d. Additional information.
- i) The Zoning Administrator or Plan Commission, at his/her/its discretion, may require visual impact demonstrations, including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of nearby wireless communication facilities, or facility design alternatives for the proposed facilities.

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WIND ENERGY SYSTEMS AND ANTENNAS (Continued)

*Zoning Code-10-71*

- ii) The Village may require the Village Engineer or an independent technical expert to review technical materials submitted by the applicant at the applicant's cost.
  - iii) Applications for a permit to add a new antenna to an existing tower or structure shall be exempt from the requirements of Subparagraph (b)(2)(ii) of this section.
- (c) Standards.
- (1) Location. Personal wireless services antennas shall be located on lawfully pre-existing antenna support structures or other lawfully pre-existing buildings or structures wherever possible. No conditional use permits authorizing construction of a new personal wireless services antenna tower or addition to or expansion of an existing personal wireless services antenna tower shall be authorized unless the applicant is able to demonstrate that no lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services.
  - (2) Design of New Personal Wireless Services Antenna Towers for Co-Location. Unless otherwise authorized by the Village Plan Commission for good cause shown, every new personal wireless services antenna tower shall be designed, constructed and installed to be of a sufficient size and capacity to allow the location of additional personal wireless services antennas to accommodate at least two (2) additional personal wireless service provider(s) on such structure in the future. Any conditional use permit for such a support structure may be conditioned upon the agreement of the applicant to allow co-location of other personal wireless service providers on commercially reasonable terms specified in such conditional use permit.
  - (3) Modification of Personal Wireless Antenna Towers. Unless otherwise provided herein, a conditional use permit is required for any modification of a personal wireless services antenna tower which significantly alters the appearance or structural integrity of the tower or which involves the installation of antennas or equipment differing in size and function from that previously installed on the tower. The Village Plan Commission shall consider the reasonableness, based on economic and technological feasibility, of conditioning the grant of the conditional use permit upon modifying the tower in a manner which would accommodate the co-location of one (1) or more additional antenna arrays.
  - (4) *Facilities Associated with Personal Wireless Services Antennas.* All electronic and other related equipment and appurtenances necessary for the operation of any

ARTICLE I, SATELLITE EARTH STATIONS,  
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personal wireless services antenna shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, such structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.

- (5) Abandonment and Removal.
  - a. Permit holders shall notify the Village Plan Commission when one (1) or more antennas, an antenna support structure, or related equipment are not operated for the provision of personal wireless services for a continuous period of twelve (12) months or more. If two (2) or more providers of personal wireless services use the antenna support structure or related equipment to provide personal wireless services, then the period of non-use under this provision shall be measured from the cessation of operation at the location of such antenna support structure or related equipment by all such providers. Such antenna, antenna support structure, or related equipment may be deemed to be abandoned by the Village.
  - b. The owner of such an antenna, antenna support structure, or related equipment shall remove such items within ninety-(90) days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested by the Village to such owner at the last known address of such owner. If the owner fails or refuses to remove such items within the time prescribed, the Village may cause such items to be removed, and the cost of such removal shall be charged against the real estate on which such items are located, and if that cost is so charged it is a lien upon such real estate and may be assessed and collected as a special assessment.
- (6) Compliance with Conditional Use Permits. Upon written inquiry by the Village Plan Commission, the recipient of a conditional use permit under this Section shall have the burden of presenting credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit.
- (7) *Information Regarding Future Antennas or Towers.* The Village Plan Commission may require that an applicant for a conditional use permit under this Section provide information regarding the applicant's then current plans for future placement or construction of personal wireless services antenna towers in the

ARTICLE I, SATELLITE EARTH STATIONS,  
WIND ENERGY SYSTEMS AND ANTENNAS (Continued)

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Village of Shorewood Hills, in addition to the tower which is the subject of the application.

- (8) **Payment of Costs.** The applicant shall pay all reasonable costs and expenses, including fees charged by consultants and attorney's fees, incurred by the Village relating to any application for a conditional use permit to construct a new personal wireless services antenna tower or related facilities, or to locate a personal wireless services antenna on an existing tower or other structure. Holders of conditional use permits shall also pay all reasonable costs and expenses relating to establishing and enforcing compliance with conditional use permits. If a dispute arises involving an applicant for a conditional use permit and a holder of a conditional use permit, the Village Plan Commission may allocate the costs and expenses incurred by the Village between the applicant and the permit holder. Failure to pay such costs and expenses or provide information requested by the Village Plan Commission shall be grounds for denial or revocation of a conditional use permit.
- (9) *Limited to Applicant.* The rights granted under a conditional use permit granting approval of a personal wireless services antenna or a personal wireless services antenna tower shall not be assigned or transferred without prior approval of the Village Plan Commission.
- (10) *Prohibitions.*
  - a. No advertising message or sign shall be affixed to any tower or antenna. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices but does not include weather devices.
  - b. Towers and antennas shall not be artificially illuminated unless required by FCC or FAA regulations.
  - c. No part of any tower or antenna shall extend across or over any right-of-way, public street, highway, sidewalk, or property line without the written permission of the Village and, in the case of extending over private property, the private property owner.
  - d. No temporary mobile communication sites are permitted except in the case of testing purposes, equipment failure, equipment replacement or an emergency situation, which in any case must be authorized by the Zoning Administrator. Use of temporary mobile communications sites for testing purposes shall be limited to seven working days, and the use of temporary

ARTICLE I, SATELLITE EARTH STATIONS,  
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mobile communications sites for equipment failure, equipment replacement, or in the case of emergency situations shall be limited to 30 days, unless extended in writing by the Zoning Administrator.

- e. No part of any tower or antenna shall extend beyond the fenced enclosure required by this article.

(11) *Performance Standards.*

- a. Security fencing, lighting and signage.
  - (i) All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to 12 feet above ground shall be designated to prevent unauthorized climbing and shall be enclosed with a minimum of a six-foot-high fence with a locked gate. Fence design, materials, and colors shall reflect the character of the surrounding area.
  - (ii) Security lighting for on-ground facilities and equipment is permitted, as long as it is shielded to keep the light within the boundaries of the site.
  - (iii) Signs shall be mounted on the fenced enclosure, or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and/or unauthorized climbing of the tower and identifying the owner of the tower and telephone number for contact in case of emergency.
- b. Aesthetics.
  - (i) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
  - (ii) Towers shall maintain either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light gray, so as to reduce visual obtrusiveness and blend in to the natural setting.
  - (iii) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with,

ARTICLE I, SATELLITE EARTH STATIONS,  
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the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

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

(12) *Accessory Equipment and Buildings.*

- a. Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with an antenna may be located on a roof, provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning requirements.
- b. The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the zoning district in which it is located. Equipment cabinets or structures shall be screened from view by an evergreen hedge or suitable vegetation, except where the use of nonvegetative screening would reflect and complement the architectural character of the surrounding neighborhood. Additional screening will not be required if the cabinet or structure is located within the screened compound.

- (13) Exceptions. If the applicant can show that one or more standards under this Section would prohibit the applicant from siting an antenna or antenna tower in a location essential to providing satisfactory coverage to Village residents, then the application may be granted notwithstanding its failure to meet such standards.

SEC. 10-1-94 THROUGH SEC. 10-1-99      RESERVED FOR FUTURE USE.

ARTICLE J

SUPPLEMENTARY REGULATIONS

**SEC. 10-1-100 ACCESSORY USES.**

(a) Definition. An accessory use is a structure or land use which conforms to the following criteria.

(b) It is subordinate to and serves the principal use or structure.

(c) It is located on the same lot as the principal use or structure.

(d) It is subordinate in area to the principal use or structure.

(e) It contributes to the comfort and convenience or is necessary to the occupants' or customers' use and enjoyment of the principal use or structure.

(f) It is not injurious, noxious or offensive to the surrounding area and is otherwise compatible with the permitted and conditional uses in the District.

(g) Principal Use to be Present. An accessory use shall not be established unless a principal use is present.

(h) Permitted Accessory Uses in the R-1, R-2 and R-3 Districts.

(i) Unattached deck, patio, porch, pavilion or arbor.

(j) Garage or yard sales and in-house craft sales, provided that no more than two (2) such sales are conducted per calendar year, the sale does not exceed two (2) consecutive days and it may not operate before 7:00 a.m. or after 6:00 p.m.

(k) Home occupations.

A home occupation shall conform to the following standards:

(1) Must be conducted entirely within the principal structure.

(2) May not employ more than one (1) person who does not reside in the dwelling unit.

(3) May have a sign identifying the home occupation provided the sign is no larger than two (2) feet by two (2) feet, is attached to the principal structure

and is unilluminated.

- (4) May not generate any dust, vibration, odor, smoke, glare, light, electrical interference, fire hazard, traffic congestion or nuisance or in any way be incompatible with the surrounding area. Noise must conform to Chapter 21 of the Village code.
  - (5) No exterior alterations or additions to the principal structure shall be permitted which are intended to accommodate the home occupation.
  - (6) The area devoted to the home occupation shall not exceed twenty-five percent (25%) of any single floor.
  - (7) Prohibited uses shall include motor vehicle repair, retail and wholesale on-premises sales, beauty or barber shop serving more than one (1) customer at a time and instruction of all types for more than three (3) students at a time.
- (l) One (1) boat house.
  - (m) One (1) child's play house.
  - (n) One (1) residential garage, not to exceed three (3) car spaces, per single-family dwelling unit.
  - (o) One (1) storage unit not to exceed twelve (12) feet by fourteen (14) feet in area.
  - (p) Pool house or cabana not to exceed twenty (20) by twenty (20) feet in area.
  - (q) Private storm shelters.
  - (r) Private swimming pools or tennis courts.
  - (s) Radio, television, satellite dish, citizen's band radio antennae and flag poles.
  - (t) Residential quarters for clergy.
  - (u) Similar uses as determined pursuant to Article K of this Chapter.

- (v) Permitted Accessory Uses in R-4 District and to Residential Uses in A PUD District.
  - (w) Clubhouse, swimming pool, tennis court, recreation room, rental or management office, maintenance office, storm shelters and all types of play fields and playgrounds.
  - (x) Day care centers for the use of residents of multi-family complexes only.
  - (y) Enclosed storage areas for use of residents.
  - (z) Enclosed storage, rubbish and recycling containers.
  - (aa) Home occupations. The standards under Section 10-1-110(e)(11) shall apply.
  - (ab) Off-street parking areas or garages and loading areas.
  - (ac) Radio, television, satellite dish, citizen's band radio antennae and flag poles.
  - (ad) Residential quarters for clergy.
  - (ae) Similar uses as determined pursuant to Article K of this Chapter.
- (af) Permitted Accessory Uses in the C-1 and C-2 Districts.
  - (ag) Canopies and gasoline pumps in a service station.
  - (ah) Day care centers intended exclusively for use by the children of employees of a permitted use in the District.
  - (ai) Enclosed storage, rubbish containers and recycling containers.
  - (aj) Off-street parking lots or garages and loading areas.
  - (ak) Similar uses as determined pursuant to Article K of this Chapter.
- (al) Permitted Accessory Uses in the C-3 District.
  - (am) Enclosed storage, rubbish and recycling containers.
  - (an) Off-street parking lots or garages and loading areas.
  - (ao) Service buildings, facilities and garages for storage of vehicles or materials used in

connection with a permitted use in the District.

- (ap) Similar uses as determined pursuant to Article K of this Chapter.
- (aq) Permitted Accessory Uses in the CF District.
  - (ar) Enclosed storage, rubbish and recycling containers.
  - (as) Lodging facilities used exclusively for use by out-patients and relatives caring for an in-patient of a hospital or clinic in the district.
  - (at) Off-street parking lots or garages and loading areas.
  - (au) Public storm or emergency shelters located within permitted uses.
  - (av) Residential quarters for administrators, care takers or clergy.
  - (aw) Residential quarters for clergy.
  - (ax) Retail sales and service uses intended primarily for use by the customers and patrons of a permitted use in the District, including but not limited to restaurants, snack bars and gift shops.
  - (ay) Service buildings, facilities and garages for storage of vehicles or materials used in connection with a permitted use in the District.
  - (az) Service-oriented shops or offices located within institutional buildings.
  - (ba) Similar uses as determined pursuant to Article K of this Chapter.
- (bb) Bulk Regulations. Accessory uses shall conform to the regulations of the zoning district in which they are located, except as provided below:
  - (bc) Maximum height of residential garages or storage units in the R-1, R-2 and R-3 Districts. Twenty (20) feet.
  - (bd) Rear yard setback. Fifteen (15) feet.
  - (be) A detached accessory use shall not be closer than ten (10) feet to the principal structure.
  - (bf) Lawn accessories. Walks, drives, paved terraces and purely decorative garden

accessories such as pools, fountains, statuary, flag poles, etc., in the R-1, R-2 and R-3 Districts shall be permitted in required yards but shall not be closer than three (3) feet to an abutting lot.

- (bg) On lakefront lots in the R-3 District, accessory structures intended to facilitate use of the lake may have a zero (0) rear yard setback.
- (bh) Permits for certain accessory structures. No deck, patio or driveway shall be constructed unless a Village Building Permit is applied for and issued by the Village in accordance with the requirements of the Village Code.

**SEC. 10-1-101      TEMPORARY USES.**

- (a) Permitted Temporary Uses in the R-1, R-2, R-3 or R-4 Districts.
  - (b) Open houses for the sale or rental of dwelling units.
  - (c) Festivals or carnivals at a church or school.
- (d) Permitted Temporary Uses in Other Districts.
  - (e) Christmas tree sales.
  - (f) Storage of materials or equipment used in the construction of a permanent structure and construction offices.
  - (g) Promotional commercial activities in conjunction with a principal use.
  - (h) Caretaker or guard residence.
- (i) Approval. Temporary uses may be approved by the Zoning Administrator, pursuant to Article K of this Chapter and conditions for their approval may include but are not limited to dates and hours of operation, location, removal of rubbish and litter and conformance to health and sanitation codes.
- (j) Sale of Goods Prohibited. This Section shall not be construed to permit the sale of any used product or a product not ordinarily permitted in the District.

**SEC. 10-1-102      OUTDOOR STORAGE, USES AND LIGHTING.**

- (a) Outdoor Uses. No goods, wares or merchandise shall be sold, rented or leased, or shall be

exposed for sale, rental or leasing, or otherwise displayed for any other commercial reason, on any streets, sidewalks, alleys or in any other public or private outdoor area without the approval of the Zoning Administrator, pursuant to Section 10-1-131(b) of this Chapter, except as otherwise provided in this Chapter.

- (b) Outdoor tables and chairs. Restaurants, bakeries, cafes, confectioneries, taverns and ice cream shops may place customer tables and chairs in a required front yard setback or on a public sidewalk immediately adjacent to the principal use, upon approval of a special privilege, provided that the tables and chairs do not impede or prohibit pedestrian movement on sidewalks.
- (c) Outdoor Storage Prohibited. No outdoor storage of rubbish, litter, trash or abandoned products shall be permitted unless in an enclosed structure and intended for immediate pick-up and disposal.
- (d) Outdoor Lighting. Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (e) Planting in Right-Of-Way. There shall be no plantings of any kind within a street right-of-way without an approval, by permit, from the Village Administrator. No plantings in the street right-of-way, except trees or evergreens, shall exceed a maximum height of three (3) feet and the same shall be trimmed to so control their height. No trees or evergreens shall be planted in a street right-of-way without the approval of the Village Forester as to the type and location of such planting. Any trees or evergreens presently growing in the street right-of-way or subsequently planted therein upon permit shall be trimmed and maintained as required by the Village Forester and Village Administrator.

**SEC. 10-1-103      FENCES.**

- (a) No person shall erect a fence in the Village of Shorewood Hills unless a permit shall first be obtained by the owner of the premises on which said fence is to be located or his duly authorized agent from the Building Commissioner. Upon request, any applicant for such a permit shall provide the Building Commissioner, at his request, with a site plan of the property on which said fence is to be constructed showing the proposed location thereon, together with sufficient diagrams to illustrate the construction of any such fence and its height in relation to existing grade levels. Each permit shall be void if construction thereunder is not commenced within sixty (60) days after issuance.
- (b) Height and Location in Residence Districts.

- (c) Fences to be erected within the setback, side yard or rear yard areas required to be maintained on any lot shall permit the passage of light and air through forty percent (40%) of each square foot of lateral area and shall not exceed four (4) feet in height above the existing grade level at the time of application for a permit for the construction thereon.
- (d) Solid fences of a screening variety and not located within the side yard or rear yard setback of any lot may be installed to a maximum height of five (5) feet above the natural grade level of the premises on which the same are to be constructed at the time of application for a permit. Solid fences of a screening variety may be installed within side yard or rear yard areas to a maximum height of five (5) feet above the average natural grade level of the premises on which the same are to be constructed and the closest adjoining premises after first obtaining and filing the written approval and consent of the owner of any property immediately adjoining that portion of the premises upon which said fence shall be located. No solid fence of a screening variety may be installed under any circumstances within the required front yard setback.
- (e) Prohibited Fences. No fence shall be constructed which is of a dangerous condition or design, or which conducts electricity or is designed to electrically shock or which uses barbed wire.
- (f) Fences to be Repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (g) Temporary Fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences.

#### **SEC. 10-1-104 OUTDOOR NEWS RACKS.**

Outdoor news racks shall be permitted in all districts established by this Chapter provided that it shall conform to the following standards.

- (a) Outdoor news racks shall not be located in the traveled portion of a roadway or in any way which impedes vehicular or pedestrian traffic, or interferes with driver or pedestrian vision.
- (b) Outdoor news racks shall be kept in good repair and free of rubbish, litter, garbage and

debris.

- (c) Outdoor news racks may not display advertising for other than the newspaper, advertising publication or periodical contained within.

**SEC. 10-1-105 ROOFTOP MECHANICAL DEVICES.**

- (a) Heating, ventilation, air conditioning equipment and other mechanical devices located on the roof of any commercial structure shall be enclosed or screened from view with an opaque screen. Noise must conform to Chapter 21 of the Village code.

**SEC. 10-1-106 STANDARDS TO BE ADOPTED BY ZONING ADMINISTRATOR.**

The Zoning Administrator shall adopt standards to be applied to exterior lighting standards and fixtures, off-street parking and loading areas dimensions, design and surface material(s), and other matters as required by this Chapter. Such standards shall be approved by the Plan Commission and Village Board pursuant to the requirements of Section 10-1-135(c)(3) of this Chapter.

**SEC. 10-1-107 LANDSCAPING.**

- (a) The required front yard setbacks in the C-1, C-2, C-3 and CF Districts shall be landscaped.
- (b) Where a side or rear yard in the C-1, C-2, C-3 and CF Districts is adjacent to a residential zoning district, a ten (10) foot landscaped setback shall be provided.
- (c) In the R-1, R-2 and R-3 Districts, at least thirty percent (30%) of each lot shall be planted with grass, shrubs, trees or other forms of vegetation.

**SEC. 10-1-108 DEVELOPMENT PLAN REQUIREMENTS.**

Where required in this Chapter, a development plan shall include the following information:

- (a) Property boundary survey prepared by a registered land surveyor, indication of the scale (at least 1" = 40'), bar scale, north arrow, vicinity map (not to scale), total site size in acres and square feet, name of owner or applicant and address and telephone number.
- (b) Legal description.
- (c) Existing and proposed adjacent and subject site Zoning Districts.

- (d) Existing and proposed principal and accessory uses.
- (e) Dimensions and square feet of each existing and proposed lot.
- (f) Location, height, dimensions, exterior materials and colors of each existing and proposed building.
- (g) Distance from each existing and proposed building to the nearest lot line.
- (h) Location, size and type of all existing and proposed utility lines and structures.
- (i) Location, size and dimensions of existing and proposed common areas, easements and other specially designated areas.
- (j) Location and dimensions of all existing and proposed walkways, sidewalks and trails.
- (k) Location, width of right-of-way and roadway surface, name and designation as public or private of adjacent existing and proposed driveways, streets, alleys and roadways.
- (l) Location, size, dimensions, type, material and color of existing and proposed signs.
- (m) Location, size, dimensions and type of fixtures of existing and proposed lighting standards.
- (n) Page and volume number of any recorded easements or covenants and a note describing their effect on the use of the site. Proposed easement and covenants shall be submitted with the plan.
- (o) Grading and drainage plan.
- (p) Off-street parking areas including the information required in Section 10-1-70(b)(1) of this Chapter.
- (q) Landscaping plan including the information required in Section 10-1-70(b)(1)g. of this Chapter.
- (r) Construction schedule indicating approximate construction beginning and ending dates and phases, if applicable.
- (s) Other information as may be required by the Zoning Administrator, Plan Commission or Village Board for a complete review of the proposed development.

**SEC. 10-1-109 SPECIAL PRIVILEGES.**

- (a) Privileges for an obstruction or excavation on, or projections over, public thoroughfares, other than those regulated by this Chapter or by other ordinances, may be granted by the Village Board pursuant to section 66.045, Wis. Stats.
- (b) Any person, firm, partnership or corporation desiring such special privilege shall file with the Zoning Administrator a petition in writing on a form furnished for such purpose by the Zoning Administrator and shall pay to the Treasurer of the Village a fee for the purpose of defraying the cost of printing and other expenses which the Village may incur in the consideration of such petition for a special privilege, as provided herein.
- (c) A special privilege shall be granted only on condition that by acceptance of such special privilege, the grantee shall:
  - (d) Become primarily liable for damages to persons or property by reason of the granting of such special privilege and indemnify and hold harmless or co-insure the Village from any and all liability.
  - (e) File with the Village Clerk, a license, permit or maintenance bond surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in such sum as the Village Board may require but not exceeding the sum of \$10,000, said bond running to the Village and to such third parties as may be injured or damaged. The term of said bond shall be for a minimum of one (1) year and shall be in full force and effect during the life of the special privilege granted hereunder. Said bond shall be approved by the Village Attorney. Individual sureties shall not be deemed in compliance with this Section. The applicant shall also file with the Village Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$100,000 covering bodily injury to any one (1) person, and \$300,000 covering bodily injury to more than one (1) person in any one (1) accident and \$25,000 covering the property damage to any one (1) owner on the areas included within the special privilege, and naming the Village as a co-insured. The term of the insurance policy shall be for a minimum of one (1) year and said insurance shall remain in full force and effect during the life of the special privilege granted hereunder. The policy of insurance shall be approved by the Village Attorney. Both the bond and the insurance policy shall provide that they shall not be canceled until after at least thirty (30) days' notice in writing has been given to the Village Clerk of the Village. The bond provision hereunder may be waived by the Village Board if the applicant is the owner of the property requiring said privilege.

- (f) Remove said obstruction, encroachment or projection under such special privilege whenever public necessity so requires, or when so ordered by the Village Board, and such grantee shall not be entitled to damages for such removal.
- (g) Waive the right to contest in any manner the validity of section 66.045, Wis. Stats.
- (h) Permits granted hereunder, heretofore and hereafter shall remain in effect so long as the provisions of this Section are complied with, or until such time as the Village Board orders the revocation of said permit.
- (i) The Village Board shall refer to the Superintendent of Public Works, the Building Commissioner and the Chief of Police, all petitions for special privileges for their consideration and recommendation.
- (j) In case privileges, projections or encroachments permitted as provided herein become out of repair, unsafe or unsightly, in the opinion of the Building Commissioner, the Building Commissioner shall notify the owners or person in charge of the abutting property to maintain, repair or make such things safe. If such notice is not complied with within five (5) days from the receipt thereof, the Building Commissioner shall thereupon notify the Superintendent of Public Works, who shall maintain, repair or remove such privileges, projections or encroachments, either by contract or by Village forces, and shall certify the costs thereof in the proper manner to have them levied as special charges against such property, and the proper officers of the Village are authorized and directed to enter such charges onto the tax rolls.

#### **Sec. 10-1-110 RESIDENTIAL FLOOR AREA AND HEIGHT LIMITATION**

- (a) In this section the following words and terms shall have the following meanings:
  - (1) “Floor Area Ratio” (FAR). The floor area ratio of the building or buildings on any lot is the floor area of the building or buildings on the lot divided by the area of such lot. The floor area requirements as set forth in this section shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the area of the lot.
  - (2) “Floor Area.” For the purpose of this ordinance , the floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings. The floor area of a building shall include:
    - a. Basement floor area where more than one exterior basement walls are above the finished lot grade. The percentage of the total basement floor area to be

included in the adjusted floor area shall be equal to the percentage of the total perimeter of the basement wall that is completely exposed.

- b. Elevator shafts and stairwells at each floor;
- c. Floor space used for mechanical equipment;
- d. Penthouses, attic space used for human occupancy, interior balconies and mezzanines;
- e. Enclosed porches; and
- f. Floor area devoted to accessory uses.

The floor area of a building shall not include:

- a. Unenclosed spaces such as unenclosed decks
- b. The first 500 square feet of garage space
- c. Accessory structures having dimensions less than 100 sq ft or 7 ½ ft inside height
- d. The first 500 square feet of a detached accessory dwelling structure on a lot larger than 8,000 square feet

(b) The floor area ratio of the building or buildings on any lot in the R1, R-2 or R-3 Residential District shall not exceed the following:

- (1) On lots smaller than 8,000 square feet, the floor area ratio shall not exceed 0.35 plus an additional 250 square feet of floor area;
- (2) On lots between 8,000 and 19,999 square feet, the floor area ratio shall not exceed 0.10 plus an additional 2,250 square feet of floor area;
- (3) On lots larger than 19,999 square feet, the floor area ratio shall not exceed 0.02 plus an additional 3,850 square feet of floor area.

(c) If the lot is vacant, then these rules shall be interpreted as compared to a building that is the size of the maximum building in the limits provided above.

(d) **MAXIMUM HEIGHT** The vertical distance between any point on the roof and the point on the natural grade directly beneath it shall not exceed the following values.

- (1) A gable or hip roof with a pitch of 12:12 or steeper: 32 feet
- (2) A gable or hip roof with a pitch of less than 12:12, or a gambrel roof: 30 feet
- (3) A shed, flat or mansard roof: 22 feet
- (4) Natural grade is defined as the grade determined by the survey required in section 15.10 of the Village code, titled "Permits and Site Surveys Required" in cases

where that code section applies.

- (e) A special exception to the floor area and height ratio may be granted as follows:
- (1) Applications for special exceptions shall be made and processed using the same procedure that applies to conditional use permits under Article E of this Code.
  - (2) A special exception shall not be granted unless the applicant demonstrates that the building or buildings on the lot that exceed the floor area ratio and height limit will meet the conditions set forth in Sec. 10-1-52 of this Code. For purposes of this section references to “use” or “conditional use” in Sec. 10-1-52 shall be deemed to be references to the building or buildings for which a special exception is requested. In addition, the applicant shall demonstrate compliance with the following additional conditions:
    - a. The uses, values, views, vistas and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or be diminished by the special exception.
    - b. The special exception will not substantially impair an adequate supply of light and air to adjacent property, or increase the danger of fire within the neighborhood.
    - c. The special exception will not substantially increase erosion;
    - d. The special exception will not substantially cause the flow of surface water to be changed so as to adversely affect other lots or the natural environment.
    - e. The special exception will not substantially adversely affect infiltration of surface water into the ground.
    - f. The special exception will not substantially adversely affect access to property or structures by fire fighters and other emergency personnel.
  - (3) The Plan Commission may consider the following:
    - a. If other residences along the same side of the street adjoining the residence have similar FARs.
    - b. If the lot has large trees and/or mature landscaping which obscures the scale of the residence.
    - c. If the property has unique topographic features which reduce the scale of the residence.
    - d. If the residence setback from the public street is significantly greater than minimum requirements.
- (f) Any structure that existed lawfully at the time this section was adopted and that exceeds the floor area ratio or height limit shall be deemed to have been granted a special exception to the floor area ratio and height limit. Should any structure as defined above be destroyed

through natural or man-made disaster, including fire said structure shall be permitted to be reconstructed on the same footprint and up to the same floor area and height as preexisted.

- (g) Pre-application process (optional). In preparation for a special exception application, interested parties may request that the village convene a pre-application meeting. The meeting would be facilitated by the village administrator and staff. The objectives of the meeting would be as follows:
- (1) Clarify the process criteria;
  - (2) Allow the homeowners to share their goals and plans;
  - (3) Allow neighbors to express their preferences and concerns;
  - (4) Begin the process of exploring mutual advantageous solutions.

SEC. 10-1-111 THROUGH SEC. 10-1-119 RESERVED FOR FUTURE USE.

ARTICLE K

ADMINISTRATION

**SEC. 10-1-120 ZONING ADMINISTRATOR.**

- (a) Village Administrator Designated. Unless the Village Board or the Village Administrator, upon approval of the Village Board, shall designate another person, the Village Administrator shall serve as the Zoning Administrator.
- (b) Responsibilities. The Zoning Administrator shall, in addition to the provision of Section 10-1-121, be responsible for performance of the following duties:
  - (c) Interpret the provisions of the zoning ordinance.
  - (d) Maintain records of all permits issued, inspections made, work approved and other official actions.
  - (e) Record the lowest floor elevations of all structures erected, moved, altered or improved in the flood plain districts.
  - (f) Establish that all necessary permits that are required for flood plain uses by state and federal law have been secured.
  - (g) Inspect all structures, lands or waters as often as necessary to assure compliance with this Chapter.
  - (h) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by the Zoning Administrator.
  - (i) Prohibit the use or erection of any structure, land or water until inspection and approval of same.
  - (j) Request assistance and cooperation from the Police Department and Village Attorney as deemed necessary.
  - (k) Perform other functions as required by Village Plan Commission or Board and Village ordinances or statute.
- (l) Right of Entry. The Zoning Administrator or a designee shall have the right to enter upon

any property at any reasonable time for the purpose of carrying out duties in the enforcement of this Chapter.

**SEC. 10-1-121 PERMITS AND INTERPRETATIONS.**

- (a) Zoning Administrator Shall Issue. The Zoning Administrator shall issue the following permits and make the following interpretations:
- (b) Interpretation of Zoning District boundaries according to the rules of interpretation contained in Section 10-1-23 of this Chapter.
  - (c) Interpretation of the meaning of any word or requirement of this Chapter.
  - (d) Similar use designations for permitted and accessory uses.
  - (e) Permits for temporary uses, outdoor uses, fences, special privileges and plantings in right-of-way.
  - (f) Zoning certificate.
    - (1) When required. No new use of land or structure or change, modification or enlargement of an existing use of land or structure shall be permitted without the issuance of a Zoning Certificate. Such permit shall be required for the issuance of any building permit.
    - (2) Provisions of the permit. The permit shall state that the proposed land use or structure conforms to the applicable district regulations then in effect in all respects.
  - (g) Certificate of lawful noncompliance.
    - (1) When required. No nonconforming use or structure shall be changed, improved, renewed or continued, subject to the requirements of Article F of this Chapter, unless a Certificate of Lawful Noncompliance has been issued.
    - (2) Provisions of the permit. The permit shall contain the information required in Section 10-1-64 of this Chapter.
  - (h) Certification of occupancy.
    - (1) When required. No structure shall be occupied or used for any purpose

without the issuance of a Certificate of Occupancy.

- (2) Provisions of the permit. The permit shall authorize the occupation or use of a structure and shall be required prior to the issuance of any building permit.
- (i) Procedure for Issuance Under This Section. Any of the permits or interpretations contained in this Section shall be administered as follows:
    - (j) Completion of an application form as required by the Zoning Administrator. Such form(s) shall require but not be limited to the following information:
      - (1) Description of request.
      - (2) Applicant's and/or representative's name, mailing address and telephone number.
      - (3) Legal description.
      - (4) Site plan, when required by the Zoning Administrator, containing, but not limited to, the following information: the location, boundaries, dimensions, uses, and size of the subject site; existing proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; flood plain boundaries; and existing and proposed street, side and rear yards.
    - (k) Payment of a fee as established by the Village Board.
    - (l) Within thirty (30) days of submittal of the completed application form and payment of fee, the Zoning Administrator shall issue a written notice of decision, indicating approval or denial. The approval may include conditions as deemed necessary by the Zoning Administrator in order to insure compliance with the intent and purposes of this Chapter. A denial shall include the reason(s).
    - (m) The permit shall expire within six (6) months unless substantial work has commenced or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the applicant shall reapply before commencing work on the structure.
    - (n) Any permit issued in conflict with the provisions of this Chapter shall be null and void.

- (o) Appeals. Any approval or denial under this Section may be appealed to the Board of Appeals pursuant to Section 10-1-134 of this Article.

**SEC. 10-1-122 PLAN COMMISSION.**

The Plan Commission, together with its other statutory duties, shall prepare and approve comprehensive plans for the Village, make other reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens and advise the Village Board as to conditional uses. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily advisory to the Village Board pursuant to guidelines set forth in this Chapter as to various matters and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall generally be in writing. A recording thereof in the Commission's minutes may constitute the required written recommendation.

**SEC. 10-1-123 VILLAGE BOARD.**

The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and the holding of public hearings by said Board, has ultimate authority to approve conditional use applications, planned unit development districts, make changes and amendments in zoning districts, the zoning map and supplementary flood plain zoning map and to amend the text of this Chapter. The Village Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.

**SEC. 10-1-124 ZONING BOARD OF APPEALS.**

- (a) Creation and Membership. A Zoning Board of Appeals is hereby created as authorized pursuant to section 62.23(7)(e), Wis. Stats. The Board of Appeals shall consist of five (5) members appointed by the President subject to confirmation of the Village Board for terms of three (3) years, except that of those first appointed, one shall serve for one (1) year, two for two (2) years and two for three (3) years. The members of the Board of Appeals shall be removable by the President for cause upon written charges and after public hearing. The President shall designate one (1) of the members as Chairman. The board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The President may appoint, for staggered terms of three (3) years, two (2) alternate members for such Board in addition to the five (5) members above provided for. Annually, the President shall designate one (1) of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of such board refuses to vote because of interest or when a member is absent. The above provisions, with regard to removal and the

filling of vacancies, shall apply to such alternates.

- (b) Jurisdiction. The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:
  - (c) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or other administrative officer in the enforcement of this Chapter.
  - (d) To hear and act upon applications for variances from the terms provided in this Chapter in the manner prescribed by and subject to the standards established herein.
  - (e) To permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (f) Meetings and Rules. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as such board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of said board shall be open to the public, except the Board may hold closed deliberative sessions to consider testimony which is the subject of a hearing before it, pursuant to section 19.85(1)(a), Wis. Stats. The board shall keep minutes of its proceedings, showing the vote for each member upon each question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. The board shall adopt its own rules of procedure not in conflict with this ordinance or with the applicable Wisconsin Statutes, and may select or appoint such officer as it deems necessary.
- (g) Finality of Decisions of the Zoning Board of Appeals. All decisions and findings of the Zoning Board of Appeals, on appeal or upon application for a variance after a hearing, shall in all instances be final administrative determinations and shall be subject to review by court as by law may be provided.
- (h) Notice of Hearing. Notice of the time, place and purpose of hearings under this section shall be given by posting in three (3) public places within the Village at least ten (10) days prior to the date of such public hearing. Notice of the time, place and purpose of such hearing shall be sent to the appellant or proponent of a variance, the Zoning Administrator, and the owners of record as listed in the office of the Village Assessor, who are owners of

property in whole or in part situated within two hundred (200) feet of the property affected by any appeal or which is the subject of a variance request, said notice to be sent at least ten (10) days prior to the date of such public hearing.

(i) Appeals.

(j) **Scope of appeals.** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. Such appeals shall be taken within thirty (30) days of the written notice of decision.

(k) **Stay of proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with the Zoning Administrator, that by reason of facts stated in the certificate, a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

(l) **Hearing.** The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal.

(m) **Findings of the Zoning Board of Appeals.** The Zoning Board of Appeals, upon its findings, shall render a decision on the appeal within a reasonable time. The board, upon the concurring vote of four (4) members, may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office of the Zoning Administrator, and may issue or direct the issue of a permit.

(n) Variances.

(o) **Authority.** The Zoning Board of Appeals, after a public hearing, may determine and vary the regulations, except as to uses, of this ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the board makes a finding of fact based upon the standards hereinafter prescribed, that there are practical difficulties or unnecessary hardships in the way

of carrying out the strict letter of the regulations of this ordinance.

- (p) Application for variance and notice of hearing. An application for a variance shall be filed with the Zoning Board of Appeals. The application shall contain such information as the Zoning Board of Appeals may, from time to time, by rule provide. After the filing of such application, a public hearing shall be held on such application.
- (q) Standards for variances. The Zoning Board of Appeals shall not vary the regulations of this ordinance as authorized in this subsection, unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are present:
  - (1) Literal enforcement of the provisions of this Chapter will result in unnecessary hardship or practical difficulty
  - (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - (3) The proposed variance will not be contrary to the spirit and general purposes of this Chapter.
- (r) Conditions. The Board of Appeals may impose such conditions and restrictions upon the granting of an appeal or variance as may be necessary to comply with the standards established in this Section.
- (s) Review by Court of Record. Any person or persons aggrieved by any decision of the Board of Appeals may present to a 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 thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

#### **SEC. 10-1-125            CHANGES AND AMENDMENTS TO THE ZONING CODE.**

- (a) Authority. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Flood plain Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall first be submitted to the Plan Commission for review and

recommendation in accordance with section 62.23(7), Wis. Stats.

- (b) Initiation of Changes or Amendments. The Village Board, the Plan Commission, the Zoning Administrator, public utilities, school districts, state or state agency, federal government or agency, and any private person may apply for an amendment to the text of this Chapter or to the District boundaries hereby established or by amendments hereto in the accompanying zoning map made a part of this Chapter and/or the Supplementary Flood plain Zoning Map to be made a part of this Chapter by reference.
- (c) Procedure for Changes or Amendments.
  - (d) Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, on a form prescribed by the Zoning Administrator, describe the premises to be re-zoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following if the petition is for change of district boundaries:
    - (1) Site plan, drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be re-zoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within two hundred (200) feet of the area proposed to be zoned.
    - (2) Owners' names and addresses of all properties lying within two hundred (200) feet of the area proposed to be re-zoned.
    - (3) Additional information as may be required by the Plan Commission or Village Board.
  - (e) Recommendations. Upon submission of a complete application form and payment of the required fee, the Zoning Administrator shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and zoning map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the Commission may on occasion, of its own violation, conduct its own public hearing on proposed amendment(s).
  - (f) Hearings. The Village Board, following receipt of recommendation of the Plan

Commission, shall hold a public hearing upon each proposed change or amendment. When the proposed amendment proposes a change in the classification of any property, the Village Administrator shall post, at least ten (10) days before the time of such public hearing, in at least one (1) conspicuous place in each block proposed to be changed, a notice giving the description of the property proposed to be changed, the nature of the change, and the time and place of the public hearing. The Administrator shall also mail to the owners or occupants of any property situated in the block where the proposed change is to be made a copy of the notice herein above required at least ten (10) days before the time of such public hearing and shall mail a similar copy to the owners or occupants of all property lying within the radius of two hundred (200) feet from any part of the property, the zoning of which is proposed to be changed at least ten (10) days before the time of such public hearing. At least ten (10) days' prior notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment. When the proposed amendment is to the code's text, the board shall first publish a class 2 notice pursuant chapter 985, Wisconsin Statutes, of the proposed changes and hearings as well as the notice to the clerk of any contiguous municipality under (3).

- (g) Village Board's action. Following such hearing and after consideration of the Plan Commission's recommendations, the Village Board shall vote on the proposed ordinance affecting the proposed change or amendment.
- (h) Protest.
  - (i) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4ths) of the full Village Board membership.
  - (j) In the event of a protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4ths) vote of the full Village Board membership to adopt such amendment.
- (k) Limitation on Reapplication. Whenever a request for change of zone or conditional use has been finally disapproved by the Village Board, the Plan Commission or Village Board shall not consider the same request for the property or a portion thereof within twelve (12)

months from the notice of final disapproval. The Zoning Administrator may waive this provision upon a showing of substantial change in the application from that denied.

#### **SEC. 10-1-126 REIMBURSEMENT OF EXPENSES.**

Any person applying for Village review, action or approval under this Zoning Code shall reimburse the Village for Village outside services costs it incurs in connection with such application, including but not limited to professional expenses for engineering, planning, and legal services the Village may obtain to assist with such review, action, or approval. This section shall apply to all requests or applications for zoning ordinance amendments, re-zonings, conditional use permits, planned development districts, site plan reviews, variances, zoning permits, appeals, interpretive rulings and other similar review requests or applications. This section shall not apply to requests or applications initiated by the Village Plan Commission, Village Board, Zoning Administrator or Zoning Board of Appeals. The Village Administrator or the Administrator's designee shall notify the applicant of any reimbursement required under this section and payment shall be made to the Village within 10 days after delivery of the notice. The Village may require the applicant to enter into an agreement providing for the reimbursement required by this section, and may require the applicant to provide a letter of credit or other surety securing the applicant's reimbursement obligation. The reimbursement required under this section is in addition to any other fees, expenses or obligations imposed under this Code.

#### **SEC. 10-1-127 VIOLATIONS AND PENALTIES.**

- (a) Violations. It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) Remedial Action. Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings.
- (c) Penalties. Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances.

ARTICLE K, ADMINISTRATION (Continued)

*Zoning Code-10-100*

SEC. 10-1-127 THROUGH SEC. 10-1-139 RESERVED FOR FUTURE USE.

ARTICLE L

DEFINITIONS

**SEC. 10-1-140        DEFINITIONS.**

- (a) For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided for a section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive.
- (b) Abutting. Having a common property line or district line; adjacent.
- (c) Accessory Use or Structure. See Article J for definition.
- (d) Acre, Net. The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within forty-three thousand five hundred and sixty (43,560) square feet.
- (e) Alley. A public right-of-way not more than twenty-one (21) feet wide which affords only a secondary means of access to abutting property.
- (f) Apartment. A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities and toilet, permanently installed, must always be included for each apartment.
- (g) Arterial Street. A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
- (h) Automated Bank Teller Machines. Machines which provide banking services, without employees, including the dispensation of cash.
- (i) A Zones. Areas of potential flooding shown on the Village's "Flood Insurance Rate Map" which would be inundated by the regional flood as defined herein. These zones may be numbers as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- (j) Basement. That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-around living accommodations. Space partly below grade which is designed and finished as

habitable space is not defined as basement space.

- (k) Block. A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (l) Buildable Lot Area. The portion of a lot remaining after required yards have been provided but not exceeding the maximum lot coverage allowed in the Zoning District.
- (m) 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. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (n) Building, Detached. A building surrounded by open space on the same lot.
- (o) Building, Heights of. The vertical distance measured from the average elevation of the natural topography of the land at the building line of the lot, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (p) Building Setback Line. A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements established in this Chapter.
- (q) Building, Principal. A non-accessory building in which the principal use of the lot on which it is located is conducted.
- (r) Bulk. The term used to indicate dimensional requirements for structures and lots.
- (s) Channel. Those flood lands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- (t) Clinic, Medical and Dental. A medical and dental clinic is a building in which a group of physicians, dentists and/or allied professional assistants are associated for the purpose of carrying on their professions. The clinic may include an accessory dental or medical laboratory but shall not include facilities for in-patient care or major surgery.
- (u) Commercial Truck. Any truck larger than a van or pick-up, identifying a business, trade or product and used in a business or trade.

- (v) Community Living Arrangement. Any facility licensed, operated or permitted under the authority of the following Wisconsin Statutes: child welfare agencies under section 48.60, group foster homes for children under section 48.02(7m) and community based residential facilities under section 50.01. This facility does not include family day care centers, nursing homes, general or special hospitals and prisons or jails. The establishment of a community living arrangement shall be in conformance with applicable Wisconsin Statutes, including sections 46.03(22), 69.97(15), 62.23(7)(I) and 62.23(7a), and subsequent amendments thereto, and applicable sections of the Wisconsin Administrative Code.
- (w) Conditional Use. Use of a special nature so as to make impractical a predetermination as a principal use in a district; includes the term special exception.
- (x) Controlled Access Arterial Street. The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
- (y) Conservation Standards. Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for Dane County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.
- (z) Day Care Center. A day care center other than a family day care center.
- (aa) Deck. Deck shall mean a flat floored or surfaced structure on a lot and supported above grade.
- (ab) Development. Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.
- (ac) District. A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (ad) Drive-Through Lanes. A drive-through lane is a traffic lane which allows a customer to receive retail goods or services while seated in an automobile. Drive-

through lanes include, but are not limited to pick-up windows for fast food restaurants and bank tellers.

- (ae) Dwelling. A 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.
- (af) Dwelling, Efficiency. A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- (ag) 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.
- (ah) Dwelling, Single-Family. A detached dwelling containing only one (1) dwelling unit.
- (ai) Dwelling Unit. A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family. Individual bathrooms and complete single kitchen facilities, permanently installed, shall be included in each dwelling unit.
- (aj) Enclosed. Completely surrounded by a structure or an opaque wall or fence which is intended to provide a visual screen.
- (ak) Equal Degree of Hydraulic Encroachment. The effect of any encroachment into the flood way is to be computed by assuming an equal degree of hydraulic encroachment on the opposite side of a river or stream for a significant hydraulic reach, in order to compute the effect of the encroachment upon hydraulic conveyance. This computation assures that the property owners up, down or across the river or stream will have the same rights of hydraulic encroachment.
- (al) 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 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.
- (am) Fair Market Value. The assessed value divided by the ratio of estimated fair

market value as determined annually by the Wisconsin Department of Revenue for the Village.

- (an) Family. The term family means an individual or two (2) or more persons related by blood, marriage, adoption or similar legal relationship, or a group of not more than two (2) persons not so related and their children, plus domestic staff and other persons necessary for health care of a member of the family, living together as a single housekeeping unit in a one-family dwelling or in one (1) dwelling unit of a multi-family dwelling.

Exceptions: Nothing in this Chapter shall prohibit, under the definition of "Family," priests, laybrothers, nuns or such other collective body of persons living together in one (1) house under the same management and care, subsisting in common, and directing their attention to a common object or the promotion of their mutual interest and social happiness as set forth by the Wisconsin Supreme Court in Missionaries of Our Lady of LaSalette v. Village of Whitefish Bay Board of Zoning Appeals, 267 Wis. 609, which is hereby incorporated by reference.

- (ao) Family Day Care Center. A facility which provides care and supervision for at least four (4) and no more than eight (8) children, age seven (7) or less, for less than twenty-four (24) hours per day, for compensation. The facility will be licensed by the State Department of Health and Social Services. This facility does not include care for children related to the owner or operator of the facility nor care for three (3) or fewer children.
- (ap) Fence. A structure of any material or planting serving as a barrier to physical entry but not including those structures primarily intended to provide visual screening from off-street parking areas.
- (42) First Responder Residential Unit. A rental dwelling in which more than two (2) persons unrelated by blood, marriage, adoption or similar legal relationship may cohabit as tenants as long as all such persons serve the Village in an employee or volunteer capacity as first-responders, including volunteer firefighters, emergency medical technicians, and police officers. If the status of any tenant changes such that the tenant no longer serves the Village in an employee or volunteer capacity as a first-responder, that person may remain as a tenant of the dwelling through the remainder of the rental term. However, when the rental term expires, any tenant who does not have the required status must vacate the dwelling.
- (43) Flood. A temporary rise in streamflow or stage in lake level that results in water overtopping the banks and inundating the areas adjacent to the steam channel or lake bed.

- (44) Flood Insurance Study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mud flow) and/or floor-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.
- (45) Flood Profile. A graph showing the relationship in the flood water 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.
- (46) Flood Protection Elevation. A point two (2) feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "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.
- (47) Flood Stage. The elevation of the flood water surface above an officially established datum plane, which is Mean Sea Level, 1929 Adjustment, on the Supplementary Floodland Zoning Map.
- (48) Flood plain. For the purpose of this Code, the flood plains are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of zoning regulation, the flood lands are divided into the flood way district, the flood plain conservancy district and the flood plain fringe overlay district.
- (49) Flood plain Fringe. Those flood lands, outside the flood way, subject to inundation by the 100-year recurrence interval flood. For the purpose of this Code, the flood plain fringe includes the flood plain conservancy district and the flood plain fringe overlay district.
- (50) Flood proofing. Measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in the flood plain, ranging from structural modifications through installation of special equipment or materials, to operation and management safeguards, such as the following: reinforcing the basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of waterproof cement; adequate fuse protection; sealing of basement walls; installation of sump pumps; placement of automatic sing check valves; installation of seal-tight windows and doors; installation of wire

reinforced glass; location and election of valuable items; waterproofing, disconnecting, elevation or removal of all electric equipment; avoidance of the use of flood-vulnerable areas; temporary removal of waterproofing of merchandise; operation of emergency pump equipment; closing of backwater sewer valve; placement of plugs and food drain pipes placement of movable watertight bulkheads; erection of sand bag levees; and the shoring of weak walls or structures. Flood proofing of structures shall be extended at least to a point two (2) feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.

- (51) Flood way. A designated portion of the 100-year flood area that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.1 foot unless special legal measure are provided. The flood way, which includes the channel, is that portion of the flood plain not suited for human habitation. All fill, structures and other development that would impair flood water conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the flood way.
- (52) Floor Area. For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production of processing of goods, or to business or professional offices.
- (53) Foster Family Home. The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under section 48.62 of the Wisconsin State Statutes, and amendments thereto.
- (54) Garage, Parking. A completely enclosed off-street parking area for other than a single family dwelling.
- (55) Garage, Repair. A building used for vehicle repair and accessory storage or parking of vehicles which are awaiting service or pickup, but excluding the storage of junk vehicles. The term includes more specific repair garages for particular vehicles such as automobile repair garage, recreational vehicle repair garage and truck repair garage.
- (56) Garage, Residential. An accessory building or portion of the principal building,

designed, arranged, used or intended to be used for storage of automobiles of the occupant of a single family dwelling.

- (57) Group Foster Home. Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute section 48.62 for the care and maintenance of five (5) to eight (8) foster children.
- (58) Helicopter Landing Area. A space for the take-off and landing of helicopters. A "heliport" is a helicopter landing area which includes facilities for the servicing and storage of helicopters.
- (59) Home Occupation. A home occupation is a business, service or profession conducted by an occupant of a dwelling unit.
- (60) Hospital. A building used for the maintenance and operation of facilities for the diagnosis, treatment of and medical or surgical care of patients suffering from illness, disease, injury or disability, whether physical or mental, and including pregnancy and regularly making available at least clinical laboratory services, and diagnostic x-ray services and treatment facilities for surgery or obstetrical care or other definitive medical treatment.
- (61) Hotel. A hotel is a lodging facility in which guest accommodations, with or without meals, are provided to the public for compensation. The lodging is not for permanent or semi-permanent residency but is intended for transient guests. The facility contains accessory facilities including, but not limited to, restaurants, coffee shops, convention facilities, meeting rooms, recreational facilities, and offers personal services to guests and the facility's location is not primarily dependent upon attracting guests using a private car. Access to rooms is primarily through a lobby or central entrance. A hotel is distinguished from a motel in that a motel offers only a minimum of services such as lodging or parking and the facility is primarily designed around the concept of easy access to and from the private car.
- (62) Lot. A parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this Chapter as required by the district in which it is located.
- (63) Lot, Corner. A lot abutting two (2) or more streets at their intersection.
- (64) Lot, Interior. A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.

- (65) Lot, Substandard. A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this Code as pertaining to the district wherein located.
- (66) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot.
- (67) Lot Coverage. The area of a lot occupied by the principal building and accessory building.
- (68) Lot Line. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.
- (69) Lot Width. The horizontal distance between the side lot lines measured at the building setback line.
- (70) Mobile Home. A manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of a roof), built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.
- (71) Multiple-Family Dwelling. A building designed or intended to be used by more than two (2) families living independently of each other and including apartments, town homes and condominiums but excluding lodging, boarding and rooming houses.
- (72) Nonconforming Uses. Any structure, use of land, use of land and structure in combination or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this Code or amendments thereto and which is not in conformance with this Code. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.
- (73) Nursing Home. A health care facility providing personal care on a twenty four (24) hour per day basis to individuals who, because of advanced age, chronic illness or

infirmity, are unable to care for themselves.

- (74) 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.
- (75) Off-Street Loading Area. An off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (76) Off-Street Parking Area. An unenclosed, one-level, surfaced area provided for vehicle parking.
- (77) Outdoor News Racks. An outdoor news rack is a vending device for the self-service dispensation of newspapers, advertising publications and periodicals.
- (78) Parking Space. A graded and surfaced area either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (79) Parties in Interest. Includes all abutting property owners, all property owners with two hundred (200) feet, and all property owners of opposite frontages.
- (80) Patio. Patio shall mean an outdoor living area on grade which has a surface composed of flagstone, concrete, brick, pavers or similar material.
- (81) Porch. Porch shall mean a covered entrance to a building.
- (82) Professional and Business Office. The office of a practitioner, minister, architect, landscape architect, engineer, lawyer, author, musician or other similar recognized trade or profession.
- (83) Public Transit Shelters. Shelters intended for use by patrons of a public transit agency.
- (84) Recycling Containers. Structures, with or without an employee, for the collection of recyclable items, such as cans, bottles and paper, but not toxic or hazardous materials.
- (85) Regional Flood. This regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every one hundred (100) years;

this means, that in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence.

- (86) Research and Development. A unified development containing research, office and/or light manufacturing facilities for the development and manufacture of products.
- (87) Retail Sales and Services. A commercial establishment principally engaged in the sale of commodities or goods in small quantities to the ultimate consumer, or the provision of services for households or businesses and conducted at the principal place of business.
- (88) Service Station. An establishment which provides routine daily service and maintenance to motor vehicles, including but not limited to gasoline filling, oil changes, tuneups, engine lubrication, tire changing and repair and muffler repair but does not include removing engines or transmissions, painting or body work or substantial sales of non-automotive goods.
- (89) Setback. The minimum horizontal distance between the front, side or rear lot lines and the nearest point of an accessory or principal structure or use as required by the Zoning District in which the lot is located.
- (90) Shopping Center. A shopping center is defined as two (2) or more contiguous stores providing retail services or engaged in the sale of consumer goods and located in a structure under common ownership.
- (91) Story, Half. That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4 ½) feet above the finished floor of such store. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, one-half (½) story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (92) Street. Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and which is twenty-one (21) feet or more in width.
- (93) Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

- (94) Structural Alterations. Any change in the supporting members of structure, such as foundations, bearing walls, columns, beams or girders.
- (95) Substantial Work. Construction has begun and is being actively and diligently prosecuted toward completion.
- (96) Substantially Completed. The use or structure has commenced active use and/or little remains to be done before completion.
- (97) Temporary Use. A temporary use is a structure or land use which by its nature is needed, or in place, for only a short period of time.
- (98) Transportation Demand Management (TDM) Actions, programs, or facilities designed to modify travel behavior in order to reduce parking demand, manage costs associated with building new parking facilities, alleviate traffic congestion, conserve energy, and improve air quality. Transportation Demand Management (TDM) strategies include, without limitation, incentives and disincentives market devices and planning strategies to lessen the number of single occupancy vehicle trips to and from a given destination such as enhanced bicycle and pedestrian facilities, improved transit service, park and ride shuttle services and car pooling programs.
- (99) Use. The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (100) Use, Accessory. A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations. See Article J. for additional criteria.
- (101) Use, Principal. The main use of land or building as distinguished from subordinate or accessory use.
- (102) Utility, Public. Public utilities include, but are not limited to, water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, incinerators, warehouses, shops, storage yards and power plants.
- (103) Vehicles, Junk. An automobile or truck that is inoperable or not currently licensed.

- (104) Village. The Village of Shorewood Hills, Dane County, Wisconsin.
- (105) Vision Clearance. An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.
- (106) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter. A yard extends along a lot line and at right angles to such lot line only to a depth or width specified in the Bulk Regulations for the Zoning District in which a lot is located.
- (107) Yard, Front. A yard extending the full width of the lot between any street and the principal structure. Corner or through lots shall have two (2) front yards.
- (108) Yard, Rear. 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 principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
- (109) Yard, Side. A yard extending from the front 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 principal structure.
- (110) Zero Lot Line. The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.
- (111) Zoning Permit. A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.

SEC. 10-1-141 THROUGH SEC. 10-1-149 RESERVED FOR FUTURE USE.

Appendix A: ZONING ADMINISTRATION

<u>ACTION:</u>	<u>Application Submitted To:</u>	<u>Advisory Recommendation by:</u>	<u>To be forwarded to final decision maker by:</u>	<u>Final decision maker:</u>	<u>Decision may be appealed to:</u>
Zoning district or ordinance text amendment	Zoning Administrator	Plan Commission	No time limit	Village Board	-----
Planned overlay district	Zoning Administrator	Plan Commission	60 days	Village Board	-----
Planned Unit Development district	Zoning Administrator	Plan Commission	60 days	Village Board	-----
Conditional Use	Zoning Administrator	Plan Commission	30 days	Village Board, within 30 days of receipt	-----
Variance or appeal of administrative decision	Board of Appeals, within 30 days of notice of decision	Not applicable	Not applicable	Zoning Board of Appeals	Circuit Court
Certificate of occupancy, zoning certificate, temporary use permit, outdoor use permit, certificate of nonconformity, fence permit, plantings in right-of-way permit, interpretations of zoning code or district boundary, and satellite earth station permit	Zoning Administrator	Not applicable	Not applicable	Zoning Administrator, within 30 days of submittal of complete application	Zoning Board of Appeals
	Zoning Administrator	Not application	60 days	Plan Commission	Zoning Board of Appeals
	Zoning Administrator	Not applicable	Not applicable		Zoning Board of Appeals

Off-street parking area plan

Sign Permit

APPENDIX B, PERMITTED AND CONDITIONAL USES

<u>Uses</u>	<u>Zoning Districts</u>								
	R-1	R-2	R-3	R-4	C-1	C-2	C-3	CF	
Art shops				P/C	P/C				
Artists and professional studios				P/C	P/C				
Automated bank teller machines				P	P	P			P
Automobile service stations (not repair garages)				C					
Bakeries, cafes, confectioneries, ice cream shops and restaurants				P	P				
Barber shops and beauty parlors				P/C	P/C				
Boat rentals									P
Botanical gardens and arboretums									P
Business and professional offices but not including medical and dental				P	P	P			
Business and trade schools				P/C	P/C				
Churches	C	C	C	C					P

Zoning Code-10-116

Clothing stores					P/C	P/C			
Community living arrangements for not more than eight persons	P	P	P						
Community living arrangements for 9-15 persons	C	C	C	C					
Day care centers					C	C	C	P	
Drug stores					P/C	P/C			
Family day care	P	P	P	P					
Financial institutions					P/C	P/C			
Florists shops					P/C	P/C			

Uses

Zoning Districts

	R-1	R-2	R-3	R-4	C-1	C-2	C-3	CF
Forest reserves (wilderness areas and wilderness refuges)								P
Fraternal organizations								P
Golf courses with or without country qualifications (public or private)								P
Grocery stores, markets and supermarkets					P/C	P/C		
Hardware stores					P/C	P/C		

Zoning Code-10-117

Heliport and helicopter landing area					C
Historic and monument sites					P
Hospital, sanatorium and nursing home					C
Hospital incinerators					C
Hotels		P			
Jewelry stores		P/C	P/C		
Liquor stores		P/C			
Medical and dental offices and clinics		C	C	P	
Multiple-family dwellings of all types	P				
Opticians		P/C	P/C		
Parking lots and parking garages					C
Photocopying services		C			
Post office substations		P			
Public and private art galleries, museums and libraries					P

Uses

Zoning Districts

R-1 R-2 R-3 R-4 C-1 C-2 C-3 CF

Zoning Code-10-119

Public and private colleges and universities and associated facilities									C
Public and private elementary schools									P
Public and private elementary and secondary schools	C	C	C						
Public and private parks and playground areas of all types, including swimming pools, tennis courts, ice skating rinks and skiing and tobogganing hills									P
Public and private recreation and community centers, athletic clubs and health clubs									P
Public libraries	C	C	C	C					
Public parks and playgrounds, including swimming pools and tennis courts	C	C	C	C					
Public transit shelters	C	C	C	C	P	P	P		P
Public utility buildings and uses	C	C	C	C	P	P	P		
Recycling stations and containers					C	C			
Retail sales and service uses, with a single use containing no more than 10,000 square feet of gross floor area					P	P			
Retail sales and service uses containing between 10,001 and 20,000 square feet of gross floor area					C	C			
Shoe repair					P/C	P/C			

Zoning Code-10-120

Uses

Zoning Districts

R-1 R-2 R-3 R-4 C-1 C-2 C-3 CF

Zoning Code-10-121

Shops for electrician, cabinet maker, painter and plumber					C	C		
Single-family dwellings	P	P	P					
Tailor shops					P/C	P/C		
Taverns					P			
Village buildings and uses	C	C	C	C	P	P	P	P
Watch maker					P/C	P/C		

P = Permitted use.

C = Conditional use.

P/C = Permitted use when not in excess of 10,000 square feet of gross floor area; conditional use when in excess of 10,000 square feet of gross floor area; retail sales and service uses exceeding 20,000 square feet of gross floor area may only be located in a planned unit development district.

APPENDIX C, ACCESSORY AND5 TEMPORARY USES

Uses

Zoning Districts

R-1 R-2 R-3 R-4 C-1 C-2 C-3 CF

Zoning Code-10-123

Attached or unattached deck, porch, pavilion or arbor	A	A						
Boat house (1)	A	A	A					
Canopies and gasoline pumps in service station				A	A			
Caretaker or guard residence				T	T	T		T
Child's play house (1)	A	A	A					
Christmas tree sales				T	T	T		T
Clubhouse, swimming pool, tennis court, recreation room, rental or management office, maintenance office, storm shelters and all types of play fields and playgrounds								A
Day care centers for the use of residents of multi-family complexes only								A
Day care centers intended exclusively for use by the children of employees of a permitted use in the district				A	A			
Enclosed storage areas for use of residents								A
Enclosed storage, rubbish and recycling containers				A	A	A		A
Festivals or carnivals at a church or school	T	T	T	T				

Uses

Zoning Districts

R-1   R-2   R-3   R-4   C-1   C-2   C-3   CF

Garage or yard sales and in-house craft sales, provided that no more than two such sales are conducted per calendar year, the sale does not exceed two consecutive days and it may not operate before 7:00 a.m. or after 6:00 p.m.	A	A						
Home occupations	A	A	A	A				
Incineration facilities								A
Lodging facilities used exclusively for use by out-patients and relatives caring for an in-patient of a hospital or clinic in the district								A
Off-street parking lots or garages and loading areas				A	A	A	A	A
Open houses for the sale or rental of dwelling units		T	T	T				
Pool house or cabana not to exceed 20 by 20 feet in area	A	A						
Private storm shelters	A	A	A					
Private swimming pools or tennis courts	A	A	A					
Promotional commercial activities in conjunction with a principal use					T	T	T	T
Public emergency shelters located within permitted uses								A
Radio, television, satellite dish, citizen's band radio antennae and flag poles	A	A	A					
Residential garage not to exceed three car spaces, per single-family dwelling unit (1)	A	A						

Uses

Zoning Districts

Zoning Code-10-125

R-1 R-2 R-3 R-4 C-1 C-2 C-3 CF

