

Chapter 17 – PLANNING & ZONING

Table of Contents

- ARTICLE 1: GENERAL PROVISIONS..... 1**
 - 17-1-100 GENERAL PROVISIONS 1
 - 17-1-200 ZONING MAP AND DISTRICT BOUNDARIES..... 1
 - 17-1-300 AMENDMENTS 2
 - 17-1-400 VALIDITY 2
- ARTICLE 2: ADMINISTRATION..... 2**
 - 17-2-100 GENERAL..... 2
 - 17-2-200 SITE PLAN APPROVAL REQUIREMENTS..... 3
 - 17-2-300 CONDITIONAL USES 7
 - 17-2-400 CERTIFICATE OF USE AND OCCUPANCY 9
 - 17-2-500 REZONING REQUEST 9
 - 17-2-600 PUD REVIEW PROCEDURE 10
 - 17-2-700 BOARD OF ZONING APPEALS 15
 - 17-2-800 SIGN PERMITS 18
- ARTICLE 3: DEFINITIONS, RULES FOR INTERPRETATION & ZONE DISTRICTS 18**
 - 17-3-100 RULES FOR INTERPRETATION..... 18
 - 17-3-200 DEFINITIONS..... 19
 - 17-3-300 GENERAL PROVISIONS 46
 - 17-3-400 RESIDENTIAL DISTRICTS..... 47
 - 17-3-500 BUSINESS DISTRICTS..... 47
 - 17-3-600 OVERLAY DISTRICTS
- ARTICLE 4: USE REGULATIONS 52**
 - 17-4-100 TABLE OF ALLOWABLE USES..... 52
 - 17-4-200 USE CLASSIFICATIONS, USE CATEGORIES, AND USE TYPES 59
 - 17-4-300 USE-SPECIFIC STANDARDS 71
 - 17-4-400 ACCESSORY USES 103
- ARTICLE 5: DENSITY, INTENSITY, & DIMENSIONAL STANDARDS..... 107**
 - 17-5-100 GENERAL PROVISIONS 107
 - 17-5-200 MEASUREMENTS AND EXCEPTIONS 114
- ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS..... 123**
 - 17-6-100 HIGHWAY AND NOISE CONTROL 123
 - 17-6-200 SIGNS..... 125
 - 17-6-300 OUTDOOR LIGHTING 154
 - 17-6-400 PARKING AND STORAGE IN RESIDENTIAL AREAS..... 159

17-6-500	OFF-STREET PARKING	160
17-6-600	DISTRICT-SPECIFIC SITE DESIGN STANDARDS	165
17-6-700	POLICY FOR SITE PLAN REVIEW COMMITTEE	178
ARTICLE 7:	195
ARTICLE 8:	NONCONFORMITIES	195
17-8-100	INTENT	195
17-8-200	NONCONFORMING USE	195
17-8-300	NONCONFORMING STRUCTURES	197
17-8-400	NONCONFORMING LOTS	198
17-8-500	NONCONFORMING CHARACTERISTICS	198
17-8-600	ADDITIONAL REQUIREMENTS IN FLOODPLAIN DISTRICTS	198
ARTICLE 9:	ENFORCEMENT	198
17-9-100	CONFORMITY TO REGULATIONS.....	198
17-9-200	ENFORCEMENT AND PENALTIES	199

SECTION 1. CHAPTER 17 – PLANNING AND ZONING

ARTICLE 1: GENERAL PROVISIONS

17-1-100 GENERAL PROVISIONS

- (A) This chapter shall be known and cited as the "Zoning Ordinance of the Village of Ashwaubenon."
- (B) The object of this chapter is the promotion and protection of the public health, safety, peace, morals, comfort, convenience and general welfare. This chapter is adopted among other purposes for the following more particularly specified purposes:

1) Guide future development

To assist in guiding the future development of the village in accordance with a comprehensive plan.

2) Protect character and social stability

To protect the character and the social and economic stability of residential, commercial, industrial and other areas within the village and to ensure the orderly, and beneficial development of such areas.

17-1-200 PROPERTIES FROM COMMUNITY BUSINESS DISTRICT (3B) TO SPORTS & ENTERTAINMENT DISTRICT (SE)

Parcel Number and Address of Property:

VA-41-1 at 753 Lombardi Av;
VA-41-2-13 at 1915 Holmgren Way;
VA-41-2-1 at 1917 Holmgren Way;
VA-41-2-2 at 1919 Holmgren Way;
VA-41-2-3 at 1929 Holmgren Way;
VA-41-2-4 at 1941 Holmgren Way;
VA-41-2-5 at 1931 Holmgren Way;
VA-41-2-7 at 2001 Holmgren Way;
VA-41-2-10 at 1971 Holmgren Way;
VA-41-2-11 at 1900 Block Holmgren Way;
VA-41-2-12 at 2001 Holmgren Way;
VA-54-1 at 710 Mike McCarthy Way;

PROPERTIES FROM LIGHT INDUSTRY DISTRICT (LM) TO SPORTS & ENTERTAINMENT DISTRICT (SE)

Parcel Number and Address of Property:

VA-54-9 at 710 Mike McCarthy Way;
VA-54-2 at 696 Mike McCarthy Way;
VA-55-A at 680 Mike McCarthy Way;
VA-55 at 666 Mike McCarthy Way;
VA-55-C at 600 Block Mike McCarthy Way;
VA-55-D at 600 Block Mike McCarthy Way;
VA-55-E at 620 Mike McCarthy Way;
VA-55-E-1 at Mike McCarthy Way

17-1-300 AMENDMENTS

This chapter may be amended as provided in the state law on planning and zoning and applicable to the village.

17-1-400 VALIDITY

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

ARTICLE 2: ADMINISTRATION

17-2-100 GENERAL

- (A) Summary Table of Permits and Approvals

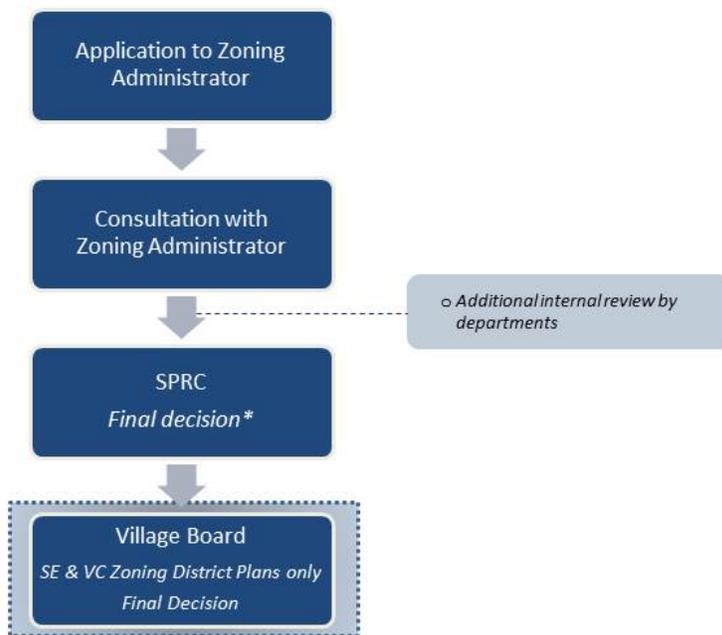
Table 17-2-100(A): Permit Review Process summarizes the review bodies and village staff that have specific permit review roles under this ordinance, and their responsibilities.

TABLE 17-2-100(A): PERMIT REVIEW PROCESS					
D = DECISION					
R = RECOMMENDATION					
A = APPEAL					
PERMIT TYPE	ZONING ADMINISTRATOR	SITE PLAN REVIEW COMMITTEE	PLAN COMMISSION	VILLAGE BOARD	BOARD OF ZONING APPEALS
GENERAL					
Rezoning Application			R	D	
PUD -- Preliminary Review			R	R	
PUD -- Final Plan		R	R	D	
Conditional Use			R	D	
Variance					D
SITE PLAN					
Site Plan Approval		D		A	
Site Plan Amendment	D	D		A	
OTHER					

TABLE 17-2-100(A): PERMIT REVIEW PROCESS					
D = DECISION					
R = RECOMMENDATION					
A = APPEAL					
PERMIT TYPE	ZONING ADMINISTRATOR	SITE PLAN REVIEW COMMITTEE	PLAN COMMISSION	VILLAGE BOARD	BOARD OF ZONING APPEALS
Sign Permit	D	A			
Temporary Use Permit		R	R	D	

17-2-200 SITE PLAN APPROVAL REQUIREMENTS

SITE PLAN REVIEW



* Except for SE & VC Zoning Districts

(A) Purpose and Intent

This section is intended to promote compatible development; stabilize property values; foster the attractiveness and functional utility of the community as a place to live and work; preserve the character and quality of the built and natural environment by maintaining the integrity of those areas which have a discernible character; protect certain public investments in the area; and raise the level of community expectations for

the quality of its environment. This section applies to commercial, industrial, institutional and multifamily residential development.

(B) General Requirements

1) Site plan approval required

No person shall obtain a building permit or commence a use of land without first obtaining site plan approval from site plan review committee; however, no approval is required for construction in single- and two-family districts or for any building or remodeling that does not substantially change the character of use or add substantial floor area.

2) Review process

In approving or disapproving proposed locations for uses under this section, the site plan review committee shall give due consideration to the character and suitability of development for the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the site plan review committee regarding traffic generation, groundwater impact, sewage disposal impact, lighting, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. The site plan review committee, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion. The applicant shall have an opportunity to present evidence contesting such unsuitability or propose adequate mitigation, if they so desire. Thereafter, the site plan review committee may affirm, modify or withdraw its determination of unsuitability.

3) Approval

To implement the purposes set forth in this section, the site plan review committee shall review the site, existing and proposed structures, neighboring uses, lighting, signage, utilization of landscaping and open space, parking, areas, driveway locations, loading and unloading (in the case of commercial and industrial uses), highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation. The site plan review committee will approve said site plans only after determining that:

a) Use conforms to zoning district

The proposed use conforms to the uses permitted in that zoning district.

b) Dimensional arrangement

The dimensional arrangement of buildings and structures conform to the required area offset, setback and height restrictions of the ordinance.

c) Use conforms to design requirements

The proposed use conforms to all use and design provisions and requirements (if any) as found in this section for the specified uses.

d) Relationship to streets

There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.

e) Minimize adverse effects upon surrounding properties

1. The proposed on-site buildings, structures and entryways are on-site and situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting and parking, as specified by this section.
2. Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing or landscaping, as provided or required in this chapter.

f) Natural features retained

Natural features of the landscape are retained where they can enhance the development on the site or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare and appearance of the neighborhood.

g) Emergency access and accessibility

Land, buildings and structures are readily accessible to emergency vehicles and persons with disabilities.

h) Groundwater quality not affected

The proposed use does not significantly impact groundwater quantity and quality, environment, drainage, the level of transportation service on public streets and any other public health, safety and welfare concerns.

i) Consistent with the intent and purpose of this section

The site plan is consistent with the intent and purpose of this section, which is to promote the public health, safety and general welfare, to encourage the use of lands in accordance with their character and adaptability, to avoid the overcrowding of populations, to lessen congestion on the public roads and streets, to reduce hazards to life and property and to facilitate existing community development plans.

j) Consistent with the comprehensive plan

The site plan is consistent with the public goals, objectives, principles, standards, policies and urban design criteria set forth in the village's adopted comprehensive plan or components thereof.

Brownfield sites

If a property has been identified by the state department of natural resources (DNR) as a contaminated site, the building inspector shall condition the site plan approvals upon compliance with a remediation plan approved by the DNR.

(C) Application Process

1) Application Procedure

Any person having legal or equitable interest in a property may file a Site Plan Review application. The application shall be filed with the zoning administrator on the approved form with applicable fee and a plan, as described in this article.

2) Consultation

The zoning administrator will hear and discuss an applicant's conceptual development proposal. While detailed drawings and plans are not required, a firm idea of the development plans along with conceptual drawings is necessary. The zoning administrator's discussion of the conceptual proposal shall not be viewed as a final commitment or vested right for or against future site development.

3) Site Plan Approval

The village department staff shall review the plan application and make a recommendation for review by SPRC. The plan application may be submitted for review by other committees, agencies, or third parties as may be deemed necessary by village department staff. Such agencies or third parties may include school districts, public utilities, or adjacent land owners.

(D) Expiration of Site Plan Approval

An approved site plan shall expire twelve (12) months after the date of such approval unless building permits have been obtained and significant construction begun on the development.

(E) Substantive Site Completion at Time of Certificate of Use and Occupancy

The site shall be completed in accordance with the approved plans at the time of the issuance of the certificate of use and occupancy unless a petition for a six (6)-month time extension has been granted by the zoning administrator due to weather conditions. A request for an additional thirty (30) day extension shall be made in writing to the zoning administrator and may be granted administratively. Any violation of this provision or this ordinance may result in revocation of permits, issuance of construction orders, or issuance of citations for failure to comply with such orders.

(F) Amendments

Any subsequent change or addition to an approved plan or use shall be submitted to the building inspector for approval. If, in staff's opinion, such change or addition constitutes a substantial alteration of the original plan, the amended plan must be submitted to the site plan review committee for approval.

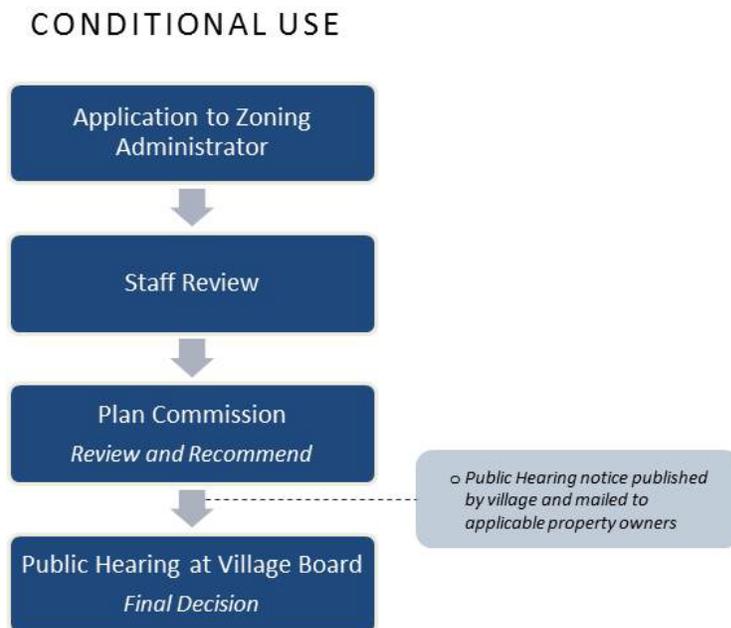
- (G) Site and Structure Design for Commercial, Industrial, Institutional and Multi-Family Residential Development

A revised written policy setting forth the site plan requirements including but not limited to general building and performance standards, landscape plan requirements, fences, lighting standards, screening, regulation of signs, off-street parking requirements. (See Article 6 of this chapter.)

- (H) Appeal

The applicant may appeal any denial to the village board.

17-2-300 CONDITIONAL USES



- (A) Permits

The village board may authorize the zoning administrator to issue a conditional use permit for conditional uses after review and a public hearing; provided that such conditional uses and related structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Only conditional uses allowed in each zoning district per Article 4, Use Regulations, may be considered for a conditional use permit.

- (B) Application

Applications for conditional use permits shall be made in duplicate to the village clerk on forms furnished by the village clerk or designated employees and shall include the following:

1) Names and addresses

Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record within three hundred (300) feet.

2) Description

Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.

3) Plat

Plat of survey prepared by a registered land surveyor showing all of the information required within this article for a building permit as well as the following: mean and historic high water lines and flood lands on or within forty (40) feet of the subject premises and existing and proposed landscaping.

4) Additional information

Additional information as may be required by the plan commission, village engineer, zoning administrator or building inspector.

(C) Review

The plan commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or park requirements may be recommended by the plan commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.

(D) Village Board Action

After holding a public hearing, as provided within this article, and after careful consideration of the recommendation of the plan commission, the village board may grant the conditional use permit as applied for, grant the conditional use permit with conditions deemed appropriate by the board, or deny the permit. Compliance with all other provisions of this chapter such as site plan approval, lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses. Variances shall only be granted as provided within this article.

(E) Recordation

When a conditional use is approved, an appropriate record shall be made of the land use and building permits and such conditional use shall be applicable solely to the structures, use and property so described.

(F) Permit Lapses

A conditional use permit shall lapse and be void unless the use granted is operational, or substantial construction required to implement such use has been commenced, within one year of the issuance of such permit unless a different time period is established by the village board.

(G) Termination

In the event that a permitted conditional use subsequently does not conform to the conditions of the original permit granted, the conditional use permit may be terminated by action of the village board following a hearing.

17-2-400 CERTIFICATE OF USE AND OCCUPANCY

(A) Requirements

- 1) Application for certificate of use and occupancy shall be made through the building inspector's office, on forms provided by the building inspector, as per Chapter 5, Buildings and Building Regulations, of the village code of ordinances.
- 2) No certificate of use and occupancy shall be issued until the zoning administrator has approved the conformance to zoning regulations.

17-2-500 REZONING REQUEST



(A) Application procedure

Any person having legal or equitable interest in a property may file a request for rezoning of a property. The application shall be filed with the village clerk on an approved form with applicable fee.

(B) Plan Commission review

Upon receipt of the recommendation of village department staff, the Plan Commission shall determine whether or not to recommend approval. If approved, the Plan Commission shall advance the request to a public hearing before the Village Board.

(C) Village Board approval

Upon receipt of the recommendation for approval or denial by the Plan Commission, the Village Board shall determine whether or not to grant approval.

17-2-600 PUD REVIEW PROCEDURE

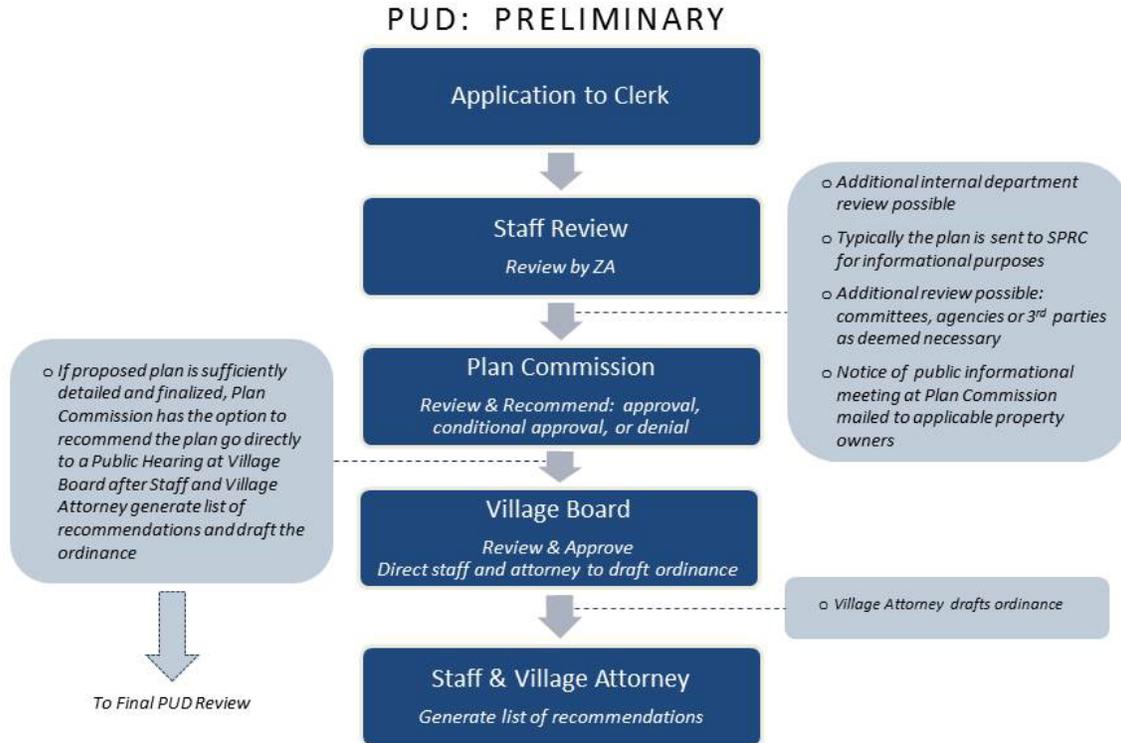
(A) Application procedure

Any person having legal or equitable interest in a property may file a development plan application for a planned unit development. The application shall be filed with the village clerk on an approved form with applicable fee and a preliminary plan, as described in this article.

(B) Preliminary plan required

Upon application of a planned unit development, village department staff shall meet (with developer if necessary) to review the preliminary plans for the development prior to submittal of the plans to the plan commission for review. Statements made during the consultation are not legally binding. The meeting is intended to ensure that the proposed development meets the planning for the village and that the developer understands and is aware of the village's standards and policies for the planned unit development. Along with the preliminary plan, the developer shall provide a written narrative containing the major planning objectives and the concept of the proposed development. The narrative and preliminary plan shall include seven copies of plans on 11" x 17" along with two full size plans and be legibly drawn to a scale not less than one (1) inch equals two hundred (200) feet and shall include the information identified on the "Planned Unit Development Supplement". The applicant shall submit as much information as possible to avoid any delays during the approval process.

(C) Preliminary plan review



1) Review

The village department staff shall review the preliminary plan and make a recommendation for review by plan commission. The preliminary plan may be submitted for review by other committees, agencies, or third parties as may be deemed necessary by village department staff. Such agencies or third parties may include school districts, public utilities, or adjacent land owners.

2) Plan Commission approval

Upon receipt of the recommendation from village department staff, the plan commission shall determine whether or not to grant approval to the preliminary plan. If approved, the plan commission shall advance the development to the village board.

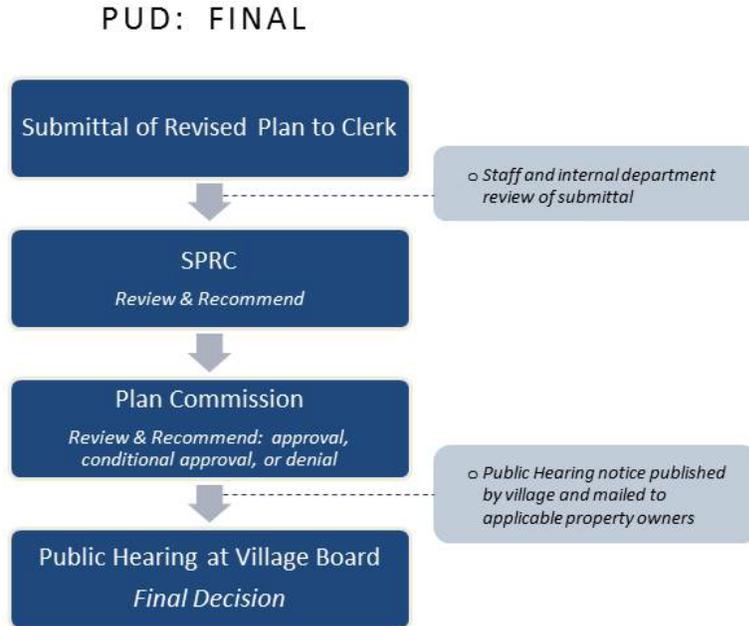
If it is determined by the Plan Commission that the proposed plan is sufficiently detailed and finalized, the Plan Commission has the option to recommend the plan go directly to a Public Hearing at the Village Board for final approval, after staff and the village attorney generate a list of recommendations and draft the ordinance. The proposed plan shall have included in this preliminary submission all items listed from within the requirements for a final plan as found in this section under 17-2-600(D)(2).

3) Village Board approval

Upon receipt of the recommendation for approval, conditional approval, or denial of the PUD from the plan commission, the village board shall determine whether or not

grant approval to the preliminary plan. If approved, the village board shall direct village staff to work with village attorney to draft the necessary ordinance.

(D) Submission of final plan



1) In general

The applicant shall revise the preliminary plan as provided in Article 3 and submit a final plan for approval by the site plan review committee, plan commission, and village board. The final application shall include a written narrative, site plan, building plans with exterior elevations, and any other information requested by village department staff, site plan review committee, plan commission, and village board. The final plan shall include seven copies of plans on 11" x 17" along with two (2) full size plans and be legibly drawn to a scale not less than one (1) inch equals two hundred (200) feet.

2) Narrative statement

A written narrative of the proposed development indicating the following information:

a) Property control

Evidence that the applicant has sufficient property control to carry out the planned unit development project;

b) Objectives

How the proposed development meets the identified objectives of this section;

c) Development schedule

Development schedule showing the timing and phasing of the proposed development;

d) Summary data

1. A summary of the total number of units of each residential use, the acreage devoted to all land uses, and the overall net density of the development;
2. A summary of the use, height, and gross floor area of all buildings;

e) Architectural design standards

Architectural design standards that will be implemented as part of the development;

f) Form or ownership and maintenance

The form of ownership and maintenance of all common use open space, recreational facilities, and other common areas within the development;

g) Proposed protective covenants

List of proposed protective covenants, easements, or restrictions to be imposed to protect open space and other identified resources.

3) Site plan information and contents

The site plan submitted in support of a development plan shall include the information identified on the "Planned Unit Development Supplement", unless specifically waived by village administration prior to submittal.

(E) Plan commission final plan review

The plan commission shall review each complete application for a planned unit development and may suspend the rules to hear from any interested party. The plan commission shall make a recommendation for approval, conditional approval, or denial to the PUD to the village board.

(F) Village board final plan review

1) Public hearing

The village board following public hearing shall approve or deny all applications for a planned unit development. The village board may establish any reasonable conditions of approval necessary to mitigate adverse impacts of development, to protect neighboring properties and to meet the objectives of this ordinance. A final PUD ordinance shall also provide that the official zoning map should be amended to designate the property as a PUD overlay district.

2) Establish conditions of approval

The village board may establish any conditions of approval they determine reasonably necessary to mitigate adverse impacts of the development, to protect neighboring properties, and to achieve the objectives of this chapter.

(G) Phasing of development

Phasing of planned unit development shall be permitted, provided that each individual phase is designed and developed to exist as an independent unit and that the construction and improvement of common use open space and site amenities shown on the development plan proceeds at the same rate as the construction of structures and other permitted land uses. Any violation of this provision may result in revocation of permits, issuance of construction orders, or issuance of citations for failure to comply with such orders.

(H) Expiration of approval

The planned unit development shall remain valid for a twelve (12) month period from the date of approval, unless a longer time period has been agreed upon by the village board. If construction has not commenced, or no use established during this period, the planned unit development shall be considered void and the overlay designation removed, unless a petition for a time extension has been granted by the village board. Any extension requests shall be submitted in writing to the village board at least thirty (30) days prior to expiration of the approval and shall describe reasons for the delay in construction of the project.

(I) Completion of development

The development shall be completed in accordance with the approved plans and within a specified time period as stated in an agreement between the village board and the developer and/or property owner, unless a petition for a time extension has been granted by the village board. Any extension requests shall be submitted in writing to the village board at least thirty (30) days prior to the agreed upon completion date and shall describe reasons for the delay in construction of the project. Any violation of this provision or this ordinance shall authorize the village board to direct village staff to review the status of the planned unit development and impose any remedies it deems appropriate, including, but not limited to, revocation of permits, issuance of construction orders, or issuance of citations for failure to comply with such orders.

(J) Plan consistency

The village shall withhold approval of any final plat, site plan, occupancy, or building permit required for a planned unit development if the proposal is inconsistent with the development plan as approved, except as provided below:

1) Minor revisions

Minor revisions may be authorized by village department staff if required by engineering or other circumstances not foreseen at the time the development plan was approved. Revisions are minor if it does not cause:

- a) A change in the use or character of the development;
- b) An increase in the overall coverage of structures;
- c) An increase in the intensity of use;
- d) An increase in the problems of traffic circulation and public utilities;
- e) A reduction in approved open space;

- f) A reduction of off-street parking/loading spaces;
- g) A reduction in required pavement widths;

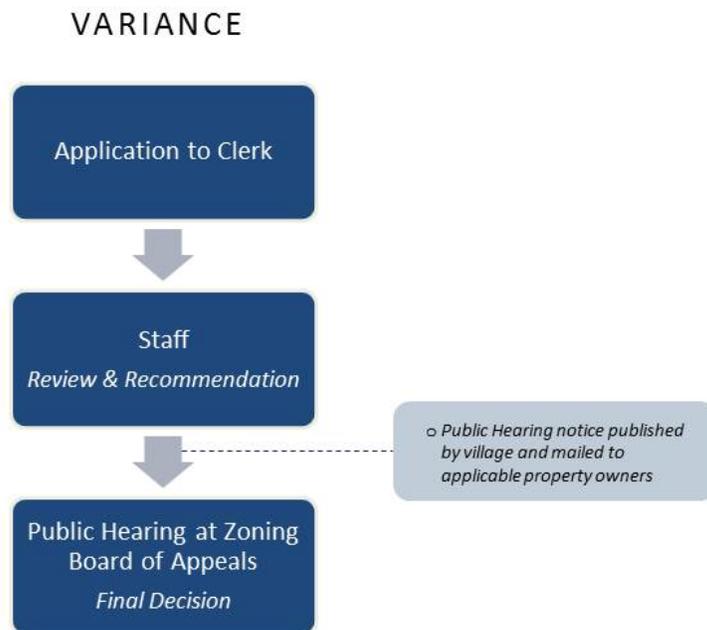
2) Major revisions

All revisions that are not minor shall require an amendment or repeal of the original PUD and approval of a revised development plan, in accordance with this section.

17-2-700 BOARD OF ZONING APPEALS

(A) Authority

1) Variance



a) Authority

The board of zoning appeals shall have the power to hear and grant appeals for variances as will not be contrary to the public interest when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit and purpose of this chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.

b) Application

An application or petition for variance shall be filed in writing with the village clerk on such forms as shall be provided by the village and shall be accompanied by a nonrefundable application fee. The application shall contain such information as the village board of zoning appeals may by rule require. No variance petition, which is identical or substantially similar to a previous application, shall be heard or acted upon within six (6) months of village board of zoning appeals action on such previous petition.

c) Written statement required

The applicant shall present a statement and adequate evidence in such form as the board of zoning appeals may require, showing that and the board of zoning appeals shall not grant a variance unless it finds that:

1. *Unnecessary hardship.* The applicant must show that the difficulty or hardship faced has been created by this chapter and is not self-imposed and that, in the absence of a variance, no feasible use of the property can be made. The difficulty or hardship must be unique to the parcel in question and not one which affects all parcels in the area similarly. Potential loss of profit or desire for financial gain is not, in and of itself, grounds for a variance. Additionally, violations by or variances granted to neighboring property owners does not justify the granting of a variance.
2. *Unique property limitation.* The applicant must show that unique physical characteristics of the property itself, not his own personal desires or preferences, prevent him from building or developing in compliance with the provisions of this chapter. These characteristics may include topographical conditions, parcel shape, physical surroundings, wetland areas or soil types which limit the reasonable use of the property.
3. *Protection of the public interest.* The applicant must show that the granting of a variance will not harm the public interest, including the interests of the public at large, not just those of nearby property owners. The granting of a variance must not result in an inadequate supply of light or air to adjacent property, a substantial increase in congestion of public streets, an increase in the danger of fire, endangerment of the public safety, or reduction or impairment of property values within the neighborhood. The lack of local opposition to a variance petition does not in itself mean that the variance will not harm the public interest.

d) Conditions and restrictions.

The village board of zoning appeals may impose such conditions or restrictions upon the premises benefited by a variance as may be necessary to protect adjoining property, preserve the general character of the neighborhood, comply with the standards established in this article, and achieve the objectives of this chapter.

2) Appeals from administrative officer's interpretations.

Appeals of any administrative determination of the Zoning Administrator or the Building Inspector concerning the literal enforcement of this chapter and chapter 14 of this Code may be made by any person aggrieved or by any officer, department or board of the Village. Such appeals shall be filed with the Secretary within 30 days after receiving actual or constructive notice of the administrative decision or order or the granting of a permit by the Zoning Administrator or Building Inspector. Such appeals and applications shall include the following:

- a) Name and address of the applicant.
- b) What administrative determination is being appealed and the basis for the appeal.

(B) Procedure

1) Public Hearing

The village board of zoning appeals shall hold a public hearing on each appeal at such time and place as shall be established by the village board of zoning appeals.

The public hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the village board of zoning appeals shall by rule prescribe from time to time. A notice of public hearing shall be published at least twice in the official village newspaper and mailed directly to interested parties, such publication and mailing to be made at least ten days prior to the date of the public hearing. The village board of zoning appeals shall thereafter render its decision within 30 days from the date of the hearing.

Rulings.

The village board of zoning appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

REVIEW BY COURT OF RECORD. Any person aggrieved by any decision of the village board of zoning 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 30 days after the filing of the decision in the office of the village board of zoning appeals.

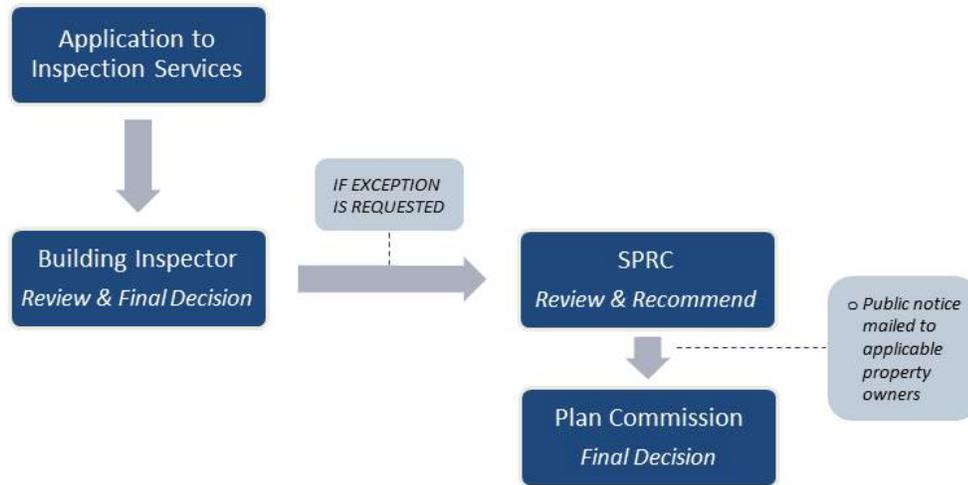
2) Vote required

The concurring vote of four members of the board of zoning appeals shall be necessary to approve any application for a use permit or for a variance in the regulations. The board of zoning appeals may provide conditions required for the variance.

(C) Expiration of Approval

An approved variance for the occupancy of land or construction, reconstruction or occupancy of buildings approved by the board of zoning appeals shall be void after twelve (12) months from the date of such approval unless, in cases of new construction, work shall have been done above the foundation walls and in cases of occupancy of land or reconstruction or occupancy of buildings, the operations called for by such permit shall be well underway at the end of such twelve (12) month period.

SIGN PERMIT



(A) Application required

No person shall erect, alter or relocate any sign or other advertising structure as defined in this section, except those signs pertaining to village signs exceptions, without first obtaining a sign permit from the department of inspection services and making payment of the fees required. Sign and electrical permits are required for all electrical signs regardless of size or location. Application, submittal, and procedure requirements are found within the sign ordinance, Chapter 17, Article 6: Development and Design Standards, 17-6-200(C) and 17-6-200(D).

ARTICLE 3: DEFINITIONS, RULES FOR INTERPRETATION & ZONE DISTRICTS

17-3-100 RULES FOR INTERPRETATION

(A) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance or any rule, regulation or permit previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or land or relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement, nor is it intended by this chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties provided, however, that whenever this chapter imposes greater restrictions upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any building or of land in any of the districts established by this chapter than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, then the provisions of this chapter shall control.

- (B) Uses shall be permitted only in those districts where the use is listed as permitted. A use not listed as permitted is prohibited. The listing of certain uses as prohibited does not imply that other uses are permitted.
- (C) In determining the definition of the various uses not listed in Article 3, reference shall be made to the Standard Industrial Classifications Manual as published and amended by the U.S. Department of Commerce.

17-3-200 DEFINITIONS

For the purposes of this chapter, certain terms used herein are defined as follows. As used in this chapter, all words in the present tense include the future tense; all words in the singular number include the plural and all words in the plural number include the singular number. Unless the natural construction of the wording indicates otherwise, the term "shall" is mandatory. The term "used" includes the terms "designated or intended to be used." All distances shall be measured horizontally unless otherwise specified. The term "village" shall mean the Village of Ashwaubenon.

ACCESSORY DWELLING UNIT

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

ACCESSORY BUILDING

A building, the use of which clearly is subordinate to and incidental to the use of the main building on the same lot.

ACCESSORY USE

A use incidental and accessory to the principal use of a lot or a building and located on the same lot as the principal use.

ACTIVE RECREATION USES

Uses or structures intended for specific active recreational uses such as play grounds, ball fields, tennis courts, and other similar uses typically located in open space set-aside areas.

ADULT DAYCARE CENTER

A facility for adults eighteen (18) years or older which offers in a group setting a program of individual and group activities, experiences, and therapies, which is licensed or approved to operate by the State of Wisconsin, and which the hours of operation are limited to fourteen (14) hours per day.

AGRICULTURAL LAND USE

The use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock. Accessory uses may include offices, storage areas, and repair facilities related to agriculture uses.

AIRCRAFT PARTS, SALES, AND MAINTENANCE

The use of any land area for the display and sale of, or general repair, rebuilding, or reconditioning of any contrivance now known or hereafter invented for use in or designed for navigation of or flight in air.

AIRPORT

Any area of land or water designed and set aside for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of aircraft. The airport located within the Village of Ashwaubenon limits is the Austin Straubel International Airport.

ALCOHOL SALES ESTABLISHMENT

A place or establishment where packaged alcoholic beverages are sold for off-premise consumption.

ALLEY

See "Street, Alley".

ALTERNATIVE FINANCIAL SERVICES (AFS)

Includes the following businesses: check-cashing, money transmitting business and service, small loan lenders, industrial loan and thrifts; but would not include banks, savings and loan associations, trust companies, credit unions or any of their affiliates.

1. Currency exchange. An establishment, other than a bank, trust company, savings bank, savings and loan association, credit union, or other financial institution, that exchanges common currencies, sells money orders or cashier's checks, and cashes checks as its principal business activity. (See Wis. Stats. § 218.05)
2. Payday loan business. A payday loan business is any person licensed pursuant to Wis. Stats. § 218.05, or a person licensed pursuant to Wis. Stats. § 138.09, who accepts a check, holds the check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash or who refinances or consolidated such a transaction.
3. Title loan business. Any person licensed pursuant to Wis. Stats. § 138.09 and § 218.05, who makes a loan that is secured by an interest, other than a purchase money security interest, where the title of an automobile, motorcycle, any motor vehicle or titled vehicle is used as collateral.
4. Installment loan lenders. Any person licensed pursuant to Wis. Stats. § 138.09, who makes an unsecured installment loan.

AMPITHEATER

See "Arena."

ANIMAL GROOMING

Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged.

ANIMAL SHELTER

A facility used to house and care for stray, homeless, abandoned, or neglected animals, that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.

ANTENNA

A device used to transmit and/or receive radio or electromagnetic waves between land-based or orbiting uses.

APARTMENT HOTEL

A building designed for or containing both apartments and individual guestrooms or rental units, under resident supervision, and which maintains an inner lobby through which all tenants must pass to gain access to apartments, rooms, or units.

APARTMENT OR DWELLING UNIT

A room or suite of two or more rooms, which is designed for, intended for or occupied as a dwelling by one family with facilities for preparing food.

ARBORETUM

A place where trees, shrubs, or other woody plants are grown, exhibited, or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or its produce.

ARENA

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

ART GALLERY

An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

AUTOMOBILE

A road vehicle powered by an internal combustion or electric motor with a maximum gross vehicle weight of 10,000 lbs. intended primarily for the transporting of a person or persons (examples include but not limited to cars, passenger vans, pick-up trucks, etc.); excluding mopeds, motorcycles, and all-terrain vehicles.

AUTOMOBILE SPACE

A minimum area of 162 square feet within a parking area.

ASSISTED LIVING FACILITY

A building, section, or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management, to provide housing, meals, health

care assistance, and one (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or proprietor. Accessory uses may include dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.

AUDITORIUM

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings, all occurring inside a structure typically limited to a capacity of five hundred (500) or fewer seats.

AUTOMOBILE PAINTING/BODY SHOP

Repair of automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting service.

AUTOMOBILE PARTS SALES AND INSTALLATION

The onsite sale and subsequent installation of various automobile parts and accessories, including but not limited to batteries, audio systems, and lubricants such as engine oil. Such uses do not include the sale of gasoline or other fuels.

AUTOMOBILE RENTAL AND SALES

Premises on which new or used passenger automobiles, trailers, or light trucks in operating condition are displayed for sale, lease, or rental.

AUTOMOBILE REPAIR AND SERVICING

General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service.

AUTOMOTIVE REPAIR (as an Accessory Use)

Any activity related to the regular maintenance or repair of an automobile (except exterior washing) occurring outdoors.

AUTOMOTIVE WRECKER SERVICE

An establishment operated for the purpose of temporary storage onsite of no more than nine (9) wrecked or inoperable vehicles for a period of no longer than ninety (90) days. If an establishment has ten (10) or more inoperable vehicles onsite, stores inoperable vehicles for more than ninety (90) days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.

BAKERY

An establishment primarily engaged in the retail sale of baked goods for consumption on or off site. The baked products may be prepared either on or off site.

BANQUET FACILITY

A building, facility, room, or portion thereof, which is rented, leased, or otherwise made available to any person or group for a private event or function, such as hosting a party, banquet, or reception, that is not open to the general public, whether or not a fee is

charged. Food may be prepared onsite or brought in from offsite. Includes banquet facility, banquet hall, function hall, rental hall, reception or meeting hall. Not included in this definition are banquet facilities that are incidental and customary accessory uses, such as within houses of worship and hotels.

BED AND BREAKFAST

A private residence, generally a single-family residence, engaged in renting one (1) or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to breakfast for guests only.

BLOOD/TISSUE COLLECTION FACILITY

A facility where blood or related materials are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.

BOAT AND MARINE RENTAL AND SALES

Premises on which new or used boats and other marine vessels are displayed for sale, lease, or rental.

BOTANICAL GARDEN

A garden having documented collections of living plants for the purposes of scientific research, conservation, display, or education.

BUILDING

Any structure intended for the support, shelter or enclosure of any person, animal or property of any kind. For the purposes of this chapter, the term "building" shall include the term "structure."

BUSINESS OFFICE

An establishment characterized by employees carrying out the administrative, sales, or service functions of a business in an office setting, utilizing customary office equipment. No manufacturing or storage of products, except for incidental sales samples, is permitted as part of the operation. Visitors are limited to wholesale customers, vendors, clients, and business contacts, without a walk-in retail customer or client orientation. This use includes headquarters' offices, offsite sales offices, and call centers. A business office meeting this definition may operate in any permitted zone, regardless of the other aspects of the underlying business, which may not be permitted in that zone.

BUSINESS SERVICES ESTABLISHMENT

An establishment primarily engaged in the provision of business-related services to consumers and small businesses. Examples include general photographic studios, mailing and packing services, photocopy and blueprint services, tax and accounting services, brokerages, insurance offices, and collections offices.

CAMPGROUND

An outdoor facility designed for overnight accommodation of persons in tents, rustic cabins, and shelters for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

CAR WASH OR AUTO DETAILING

An establishment providing the exterior washing of vehicles, where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or onsite attendants. Automatic car wash establishments are further defined under the two (2) following categories:

1. *Full Service:* An establishment featuring a conveyor system to move vehicles through the wash cycle. This type of car wash may include sales of gasoline, oil, and other vehicle related merchandise. Onsite attendants are required. Building size is limited by lot size, parking requirements, building, and landscape setbacks, or other site characteristics.
2. *Self-Service:* An establishment featuring a car wash system where vehicles are manually driven through a wash cycle, or washed manually using a wand or other hose. Incidental interior cleaning and exterior drying are performed by the vehicle operator. This type of car wash does not have an onsite attendant, and there is no gasoline, oil, or other merchandise for sale.

CHECK CASHING ESTABLISHMENT

See "Alternative Financial Services."

CHILD CARE CENTER

A facility licensed by the State to provide daycare services for seven (7) or more children under the age of eighteen (18), other than members of the family. The term includes day nurseries or daycare services. Facilities primarily dedicated to the provision of educational and school preparation services are preschools or nursery schools.

CLIMATE-CONTROLLED SELF-SERVICE STORAGE

A structure that contains separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Individual units are accessed from interior hallways that lead to a central loading area.

COLD STORAGE PLANT

A building, structure, machinery, appurtenances, appliance, and apparatus occupied and used in the business of freezing food products or storing frozen food products.

COLLEGE OR UNIVERSITY

A public or private, nonprofit institution for post-secondary education offering courses in general or technical education, which operates on buildings or premises of any tract size owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and

faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. Trade or vocational schools are a different Use Type.

COMMERCIAL LAND USE

The use of land for the retail or wholesale sale of goods or services.

COMMERCIAL SITE EROSION CONTROL MEASURE

A control measure used to meet the requirements of Chapter 5, section 5-770.

COMMERCIAL RECREATION, INDOOR

A private indoor (entirely within enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include but are not limited to fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

COMMERCIAL RECREATION, OUTDOOR

A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include but are not limited to privately owned golf driving ranges, miniature golf facilities, outdoor commercial tourist attractions, and privately owned active sports facilities such as ball fields and basketball courts, racquet and tennis club facilities (outdoor), and drive-in theatres.

COMMUNITY CENTER

A public building to be used as a place of meeting, recreation, or social activity, and not operated for profit.

COMMUNITY GARDEN

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one (1) person.

CONFERENCE CENTER

A facility designed to accommodate less than five hundred (500) persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service of non-premise consumption.

CONSERVANCY

An area for the purpose of providing areas for the natural drainage of storm waters, to protect the general welfare of the people in the vicinity of such drainage ways and to improve the aesthetic qualities of such areas.

CONVENIENCE STORE

A retail establishment, the ground floor of which is four thousand (4,000) square feet or less, and which offers for sale, primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline and/or fast food may also be offered for sale but only as a secondary activity of a convenience store. If vehicular maintenance and service are provided, the establishment is not classified as a convenience store.

CONVENTION CENTER

A facility designed to accommodate five hundred (500) or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on premise consumption. Similar structures with a capacity of less than five hundred (500) people are auditorium or conference center uses.

CORNER LOT

A lot abutting on two or more streets at their intersection.

CORRECTIONAL FACILITY

Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. Such uses may include housing for a facility staff, outdoor storage and maintenance areas, agricultural facilities, and facilities for the production of goods or materials for sale.

CREMATORY

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

CULTURAL FACILITY

Establishments such as zoological gardens, conservatoires, planetariums, or other similar uses of an historic, educational, or cultural interest, which are not operated for profit.

CURRENCY EXCHANGE

See "Alternative Financial Services."

DEBT RELIEF COMPANY

Any establishment that advertises and/or promises to reduce unsecured debt through settlement and accepts any funds, payments, or fees in advance of said settlement. This also applies to any firm that offers debt management, consolidation, advice, assistance, elimination, financing, negotiation, payoff, relief, settlement, or other solution that requires discontinuation of legitimate debt payments. It does not apply to depository institutions or attorneys properly licensed by State of Wisconsin.

DINNER THEATRE

An eating establishment offering food to patrons while seated at tables or through a buffet line before, during, or after a performance by one (1) or more actors in a theatrical production.

DISTRIBUTOR SHOWROOM

An establishment which includes displays or products for selection by customers, usually for wholesale purchase by contractors or other businesses. Limited retail sales are permitted, but are clearly incidental to the wholesale function of the business.

DORMITORY

A building used principally to provide rooms for sleeping accommodations at an educational, public or religious institution. Common kitchen, sanitary, and social gathering rooms may also be provided.

DRUG STORE OR PHARMACY (WITH DRIVE THROUGH)

A freestanding establishment including one (1) or more drive through lanes for customer service that is engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

DRY-CLEANING ESTABLISHMENT

A retail establishment used primarily for the purposes of picking up or dropping off clothing by customers for dry-cleaning purposes, and in which only those clothes dropped off by the customers at such an establishment and no other are dry cleaned within the premises.

DRY-CLEANING PLANT

An establishment in which clothing dropped off by customers at the establishment, and from other establishments, is dry cleaned within the premises.

DWELLING, LIVE/WORK

A structure or portion of a structure combining a residential living space for one (1) or more persons with an integrated work space principally used by one (1) or more of the residents.

DWELLING, MANUFACTURED HOME

A structure building on an integral chassis designed to be used as a dwelling unit when connected to the required utilities, fabricated in an offsite manufacturing facility after June 15, 1976, in one (1) or more sections, which includes the plumbing, heating, air conditioning, and electrical systems contained therein, with each section bearing the HUD Code Seal certifying compliance with the Federal Manufactured Home Construction and Safety Standards Act, designed to be transported for installation or assembly at the building site. Also known as a "HUD-Code Home." This definition does not include recreational vehicle, mobile home dwelling, or modular home dwelling.

DWELLING, MOBILE HOME

A structure built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities, fabricated in an offsite manufacturing facility

before June 15, 1976, in one (1) or more sections, designed to be transported for installation or assembly at the building site. Sections do not carry the HUD Code Seal. This definition does not include recreational vehicle, manufactured home, or modular home.

DWELLING, MODULAR HOME

A dwelling unit constructed onsite in accordance with all state and local building code requirements, composed of components manufactured and substantially assembled in a separate location and transported to the building site for final assembly on a permanent foundation.

DWELLING, MULTIPLE-FAMILY

A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels and flats.

DWELLING, SINGLE-FAMILY, ATTACHED

A single dwelling unit located on a single lot attached to another dwelling unit by common wall(s). Not a Multi-Family Residence, but can be a Row House (multi-story), Townhouse (row house with a garage), Patio Home (one-story), duplex, quadruplex, or the like.

DWELLING, SINGLE-FAMILY, DETACHED

A detached residential dwelling unit designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY

A building located on a single lot designed for or occupied exclusively by two (2) families living independently of each other.

DWELLING, UPPER STORY

A dwelling unit located on the second floor or higher of a building with non-residential uses located on the ground or street level.

ELECTRIC MOTOR REPAIR

An establishment that repairs electric motors for compensation.

EQUINE STABLE

A use associated with the keeping of horses or ponies as domesticated animals or pets. Such uses include stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/ performance areas.

EROSION

The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

EROSION CONTROL MEASURE

A practice or combination of practices to control erosion and attendant pollution.

EROSION CONTROL PLAN

A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this chapter submitted by the applicant for review and approval by the street superintendent, village engineer or building inspector.

EXTRACTIVE INDUSTRY

A use involving onsite extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries; borrow pits; sand and gravel operations; mining; and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.

FAMILY

One or more persons (no more than three unrelated persons) occupying a premises and living as a single, nonprofit housekeeping unit.

FARM MARKET

An occasional or periodic market held in a structure or open area where farmers sell their produce or farm products.

FARM PRODUCE STAND

See "Produce Stand."

FINANCIAL INSTITUTION

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the onsite circulation of cash money, but shall not include check-cashing facilities or bail bond brokers. Financial institutions may also provide Automated Teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. Financial institutions may include drive-through facilities.

FLEA MARKET

A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmer's market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household or civic groups selling primarily donated items.

FOOD SALES (AS AN ACCESSORY USE)

The sale of prepared or processed food, snacks, baked goods, or other products intended for human consumption, either for or not for profit, whether prepared on or off site as an accessory subordinate activity to the principal use.

FRATERNITY/SORORITY HOUSE

A building used as group living quarters for students of a college, university, or seminary, who are members of a fraternity or sorority that has been officially recognized by the college, university, or seminary. Such use may or may not be located within the campus it is associated with. The fraternity or sorority house may include sleeping areas, cooking facilities, and areas for meeting and socializing.

FRONT YARD

The yard from the street to the setback.

FUNERAL HOME

An establishment that provides human funeral services, including embalming and memorial services. Crematories are not accessory uses to a funeral home.

GARAGE

An outbuilding or accessory structure for the purpose of parking vehicles.

GASOLINE FILLING STATION

Buildings and premises where gasoline, oils and greases, batteries, tires, and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities), and where in addition the following services may be rendered and sales made, and no other:

1. Sale and service of spark plugs, batteries, and distributors and distributor parts;
2. Tire servicing and repair, but not recapping or re-grooving;
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing and polishing, and sale of automotive washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Emergency wiring repairs;
10. Adjusting and repairing brakes;
11. Minor motor adjustments not involving removal of the head or crankcase, or racing the motor;
12. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
13. Provision of road maps and other informational material to customers; and
14. Provision of restroom facilities.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in

operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations.

GENERAL INDUSTRIAL SERVICE

Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services offsite. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage.

GOLF COURSE, PRIVATE OR PUBLIC

A tract of land laid out with at least nine (9) holes for playing the game of golf, and improved with tees, greens, fairways, and hazards. A golf course, public or private, may include a clubhouse, shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

GOLF DRIVING RANGE

A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concessions stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

GOVERNMENT MAINTENANCE, STORAGE, AND DISTRIBUTION FACILITY

A facility housing government shops, maintenance and repair centers, equipment, and outdoor storage yards.

GOVERNMENT OFFICE

An office of a governmental agency that provides administrative and/or direct services to the public, such as but not limited to employment offices, public assistance offices, or motor vehicle licensing and registration services.

GROCERY STORE

An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.

GROUP HOME

A facility for the sheltered care of juvenile persons which, in addition to providing food and shelter to persons unrelated to the proprietor, also provides personal care, assistance or services beyond food, shelter, and laundry on an ongoing basis. This is limited to those juveniles who are not in more restrictive custodial confinement but may be mentally and/or physically handicapped, abused, or other non-criminal situations. The definition does not include hospitals, rest homes, nursing homes, boarding homes, homes for orphans or aged, sub-acute care detoxification centers, or halfway house/mainstreaming facilities. There are two (2) types of group homes. A group home Type A is a facility for eight (8) or fewer persons. A group home Type B is a facility for more than eight (8) persons.

HAZARDOUS WASTE COLLECTION SITE

An establishment for the collection and/or transfer of hazardous waste.

HEIGHT OF BUILDING

The vertical distance to the highest point of the building measured from the elevation of the curb closest to the building or if there is no curb, from the crest of the road nearest to the building.

HEAVY EQUIPMENT SALES, RENTAL OR REPAIR

An establishment engaged in the display, sale, leasing, or rental of heavy equipment of twelve thousand (12,000) or more pounds gross vehicular weight (GVW).

HOME OCCUPATION

A business, profession, occupation, or trade which is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot, and which does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to offices, electronic and offsite retail, personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as automotive repair and the like; dentists or physician's offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs, and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

HOSPITAL

An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include inpatient medical or surgical care for the sick or injured, and related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

HOTEL OR MOTEL

Hotel and motel are to be considered synonymous uses. A hotel or motel means a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a rooming house. Such uses may include microwaves and refrigerators for each guest unit.

IMPERVIOUS SURFACE

Areas that have been paved or covered to inhibit the natural infiltration of water into the soil or cause water to run off such area. Such areas may include, but are not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts and pools.

INACTIVE

No construction activity taking place on the site.

INTERIOR LOT

A lot other than a corner lot.

IN-HOME DAYCARE HOME (UP TO SIX (6) PERSONS)

A dwelling in which a permanent occupant provides for the care of up to six (6) children or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage, and are not the legal wards or foster children of the attendant adults. Those receiving care and who are not dependents of the occupant do not reside on the site.

INSTALLMENT LOAN LENDERS

See "Alternative Financial Services."

KENNEL, INDOOR

A facility where more than four (4) and less than twenty-one (21) dogs, cats, or other animals over three (3) months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. The facility shall be entirely indoors.

KENNEL, OUTDOOR

A facility where more than four (4) and less than twenty-one (21) dogs, cats, or other animals over three (3) months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. Such a facility may have an indoor and outdoor component.

LAND DEVELOPMENT ACTIVITY

Construction of buildings, roads, parking lots, paved storage areas and similar facilities.

LAND DISTURBING CONSTRUCTION ACTIVITY

Any manmade change of the land surface, including removing vegetative cover, excavating, filling and grading, but not including agricultural land uses, such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.

LAND USER

Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his land.

LAND OWNER

Any person holding title to or having interest in land.

LAUNDROMAT

A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

LARGE RETAIL ESTABLISHMENT

A single business establishment engaged in retail sales activities and located in a stand-alone single tenant building larger than twenty thousand (20,000) square feet in size.

LAUNDRY, DRY CLEANING, AND CARPET CLEANING FACILITIES

A facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents.

LIBRARY

A public facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials.

LIQUOR STORE

An establishment licensed by the State exclusively for the retail sale of alcoholic beverages, excluding beer and wine, in original packages for consumption off the premises where sold.

LOT

Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this chapter and having frontage on a street.

MACHINE SHOP

An establishment where metal is cut and shaped by machine tools.

MAIN BUILDING

A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

MANUFACTURED/MOBILE HOME PARK

A parcel of land under single ownership or management which is operated as a business engaged in providing a place where manufactured or mobile homes are installed for non-transient living or sleeping purposes, and where sites or lots are set aside or offered for lease or rent for use by manufactured homes or mobile homes for living or sleeping purposes, including any land, building, structure, or facilities used by occupants of manufactured or mobile homes on such premises. Accessory uses to mobile home parks include caretaker quarters, laundry facilities, and facilities for parks and recreation.

MANUFACTURING, GENERAL

An establishment engaged in the manufacture of finished products or parts, predominantly from previously processed materials, including the processing,

fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing of raw materials and manufacturing activities for the sole purpose of retail sales on the premises.

MANUFACTURING, HEAVY

An establishment engaged in the processing of raw or partially processed materials, or manufacturing uses that involve the generation of noise, odor, vibration, or dust that may be noticeable off of the business site. Examples include but are not limited to: Manufacture or assembly of equipment, parts or products; the processing of food and related products; the assembly of wood and related products; and electric power generation plants.

MANUFACTURING, SPECIAL HEAVY

An establishment engaged in the processing of raw or partially processed materials, or manufacturing uses that involve the generation of noise, odor, vibration, or dust that may be noticeable off of the business site. Examples include but are not limited to: rendering, abattoirs, petroleum refining, asphalt/concrete plants, and the manufacturing of chemicals, fertilizers, explosives, paint, and turpentine

MANUFACTURING, LIMITED

An establishment engaged in the small-scale, low-impact processing, fabrication, assembly, and packaging of products predominantly from previously manufactured parts and materials, and utilizing processes that have no noise, odor, vibration, or other discernible impacts external to the building. Limited manufacturing uses are generally less than ten thousand (10,000) square feet in area, and operate during conventional business hours.

MARINA OR YACHT CLUB

A place for docking or storage of pleasure boats providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, or provisions of lodging, food, beverages and entertainment as accessory uses.

MEDICAL AND DENTAL CLINIC

An establishment where patients are admitted for examination and treatment by one (1) or more physicians, dentists, or psychologists, and where patients are not usually lodged overnight.

MEDICAL AND DENTAL LAB

Facilities and offices for performing diagnostic or therapeutic medical procedures of a non-surgical nature.

MEDICAL TREATMENT FACILITY

A small-scale facility which may or may not be located in a converted dwelling or residence for the short-term care and treatment of up to twenty (20) chronically or terminally ill patients on an overnight basis. Such facilities may include sleeping rooms for care workers and members of patient's families. Includes Drug and Alcohol Treatment Facilities, inpatient facility which provides care for persons with drug and/or

alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.

MINI-WAREHOUSE

A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time and where each individual unit has a door that opens to the outdoors at ground level. Units may or may not be climate controlled.

MOTOR VEHICLE

A road vehicle powered by an internal combustion or electric motor generally having a gross vehicle weight larger than 10,000 lbs. and intended for the transportation of persons, materials, and products for commercial purposes.

MUSEUM

A building having significance by reason of its architecture, or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products such as prepared food to the public.

NEIGHBORHOOD RECREATION CENTER

A facility providing recreation facilities and/or meeting rooms, that is typically oriented to addressing the recreational needs of the residents of a neighborhood or community area.

NONCONFORMING USE

Use of a building or of land that does not conform to the regulations for the district in which it is situated.

NURSERY, COMMERCIAL

The growing, storage, and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials for retail sale to members of the general public. Such uses may include greenhouses; outdoor storage of goods, materials, and equipment; irrigation systems; and caretaker's dwellings.

NURSERY, PRODUCTION

The growing, storage, and sale of garden plants, shrubs, trees, vines, groundcovers, and other similar plants for resale, typically occurring as wholesale or retail sales directly to landscaping professionals. Such uses may include limited incidental retail sales to members of the general public, conducted from within a building, of less than twenty percent (20%) of the combined wholesale and retail sales volume during any year. Such uses may include greenhouses; outdoor storage of goods, materials, and equipment; irrigation systems; and caretaker's dwellings.

NURSING HOME

Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two (2) or more non-related individuals, including facilities known by varying nomenclature or designation, such as rest homes, convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries. This does not include the home or residence of any individual who cares for or maintains only persons related to him or her by blood or marriage.

OCCUPATIONAL HEALTH CLINIC OR OFFICE

An establishment where patients are admitted for examination and treatment primarily related to employment including pre-employment and workplace sponsored physicals, on-the-job injury treatment and therapy, health, safety and wellness programs, employee assistance programs, drug testing, and similar services.

OFFICE, BUSINESS SERVICES

A room or group of rooms used for conducting the affairs of a general business establishment, other than financial services and professional services. Examples of business services office uses include offices for retail and wholesale establishments.

OFFICE, PROFESSIONAL SERVICES

A room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples of professional services offices include offices for lawyers, accountants, engineers, architects, doctors, dentists, and similar professions.

OFFICE, SALES

A room or group of rooms used for conducting the affairs of a business engaged in the buying and/or selling of real or personal property, services, or other products, such as real estate sales, artwork, artifacts, or other specialized services.

OUTDOOR DISPLAY AND SALES

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

OUTDOOR STORAGE

The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located or as an accessory use to another principal use.

PARK, PUBLIC AND PRIVATE

Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

PARKING AREA, OFF-STREET

Land used or to be used for storage of self-propelled vehicles outside of buildings and off public thoroughfares.

PASSENGER TERMINAL, SURFACE TRANSPORTATION

A facility that receives and discharges passengers, and at which facilities and equipment required for operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.

PAYDAY LOAN BUSINESS

See "Alternative Financial Services."

PAWN SHOP

A business or establishment which loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price. (See Wis. Stats. § 138.10.)

PERSONAL SERVICE ESTABLISHMENT

A business engaged in the provision of personal-related services to the general public.

PHARMACY, LIMITED

A business primarily engaged in the sale of prescription and over-the-counter medicines, pharmaceutical items, medical supplies, and medical equipment such as orthopedic or prosthetic devices and equipment for home health care.

PLANNED UNIT DEVELOPMENT (PUD)

A tract of land that is planned and developed as an integral unit in accordance with a Planned Unit Development (PUD) Plan and flexible development standards that illustrate and address land uses, circulation, utilities, parking, setbacks, housing densities, land coverage, landscaping and buffers, open space, and similar features of the project.

POST OFFICE

A facility designated or licensed by the federal government to sell U.S. postage stamps and U.S. Postal products, and accept mail and packages for delivery.

PRESCHOOL/NURSERY SCHOOL

A facility for children primarily between the ages of three (3) and five (5) that provides educational services in preparation for elementary school.

PRINTING AND PUBLISHING

An establishment primarily engaged in the production of books, magazines, newspapers, and other printed matter, as well as engraving and photoengraving, but

excluding photocopying, small scale offset printing, and blueprinting services offered to retail and small business customers.

PRIVATE CLUB OR LODGE

A building and related facilities owned or operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit, and where members meet certain prescribed qualifications for membership and pay dues.

PRIVATE GARAGE

Any accessory building or portion of the main building used for or capable of being used for the storage of self-propelled vehicles.

PRODUCE STAND

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home-processed food products such as jams, jellies, pickles, sauces, or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and offsite consumption.

PUBLIC GARAGE

Any premises, except those herein defined as a private garage, used for the storage or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair or kept for remuneration, hire or sale.

PSYCHIATRIC TREATMENT FACILITY

Inpatient facility which provides care for persons with psychiatric problems and which may include outpatient follow-up care to the facility's patients.

RADIO AND TELEVISION BROADCASTING STUDIO

A facility for the staging and recording of audio or television productions.

REAR YARD

The yard extending across the full width of the lot and lying between the rear line of the lot and a line parallel to the rear lot line through the nearest point of the building.

RECREATIONAL VEHICLE RENTAL AND SALES

The display and sales or rental of recreational vehicles, travel trailers, and other similar products.

RELIGIOUS INSTITUTION

A structure or place in which workshop, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of

a religious group. Religious institutions include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents.

REPAIR ESTABLISHMENT

An establishment primarily engaged in the provision of repair services for TV's, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment; including tailor, locksmith, and upholsterer.

REPAIR OF SCIENTIFIC OR PROFESSIONAL INSTRUMENTS

An establishment primarily engaged in the provision of repair services for scientific or professional instruments for businesses.

RESEARCH AND DEVELOPMENT

A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multimedia, and video technology. Development construction of prototypes may be associated with this use.

RESTAURANT, INDOOR SEATING ONLY

An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on the premises with indoor seating only.

RESTAURANT, WITH INDOOR AND OUTDOOR SEATING ONLY

An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on the premises. Such facilities may include indoor and outdoor seating, but no drive-through service.

RESTAURANT, WITH INDOOR AND OUTDOOR SEATING, DRIVE-IN, OR WALK-UP SERVICE

An establishment where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages to persons seated inside, outside, in automobiles, and/or in other than a completely enclosed building on the premises.

RETAIL SALES ESTABLISHMENT

Commercial enterprises that provide goods and/or services directly to the consumer where such goods are available for immediate purchase and removal from the premises by the purchaser. Display of merchandise is principally indoors, although some outdoor display may be permitted in accordance with the Accessory Use Standards for Outdoor Displays and Sales. Examples include stores selling, leasing, or renting consumer, home, and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries and food sales, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos.

RETAIL SALES ESTABLISHMENT, OUTDOOR

The display and sale of products and services primarily outside of a building or structure. These establishments deal with items that are of a size or nature that

makes indoor display impractical. Examples include the sale of storage buildings, gazebos, burial monuments, and bulk landscape materials directly to the consumer on a retail basis.

RIGHT-OF-WAY

See section 20-20.

RUNOFF

The rainfall, snow melt or irrigation water flowing over the ground surface.

SALVAGE AND JUNK YARD

An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are brought, sold, exchanged, baled, packed, disassembled, store, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale, or handling of salvaged house wrecking or structural steel materials. This definition shall not include automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage or secondhand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

SATELLITE DISH ANTENNAS

A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals. Satellite dishes with a diameter up to thirty-nine (39) inches are considered as "small" satellite dish antennae, while any such use with a diameter of more than thirty-nine (39) inches is considered as a "large" satellite dish antenna.

SETBACK

The minimum distance between a property line and a building or any projection thereof.

SCHOOL

A public, private, or parochial school offering general, technical, or alternative instruction at the preschool, elementary, middle, and/or secondary school levels which operates in buildings or on premises of any tract size leased or owned by the educational institution for administrative purposes, classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities which further the education mission of the institution.

SECONDHAND ARTICLE ESTABLISHMENT

A business or establishment which engages in the business of purchasing or selling secondhand articles (See Wis. Stats. 134.71)

SENIOR CENTER

A facility typically for use by citizens of sixty-two (62) years of age or older dedicated to the provision of services, activities, or facilitation of interaction between older citizens and the community at large. Such centers may be publicly or privately owned, but are not operated for a profit.

SIDE YARD

The yard between the side line of the lot and the nearest line of the building and extending from the front lot line to the rear lot line.

SITE

The entire area included in the legal description of the land on which the land disturbing construction activity or land development activity is proposed in the permit application.

SORORITY HOUSE

See "Fraternity/Sorority House."

SPECIALTY EATING ESTABLISHMENT

Establishments selling specialty food items that normally do not constitute a full meal, including but not limited to ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and bakeries.

STADIUM

See "Arena."

STORAGE GARAGE

Any premises, except those herein defined as a private garage used for the storage of self-propelled vehicles.

STORY

That portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is over three feet above the level from which the height of the building is measured.

STREET

A thoroughfare dedicated to the public or privately owned before the passage of this chapter or privately owned hereafter and approved by the village board.

STRUCTURAL ALTERATIONS

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

TATTOO STUDIO

An establishment where the principal business activity, either in terms of operation or as held out to the public, is the practice of one (1) or more of the following: Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

THEATRE

A building, or part thereof, which contains an assembly hall with or without stage which may be equipped with curtains and permanent state scenery or mechanical equipment adaptable to the showing of plays, operas, motion pictures, performances, spectacles, and similar forms of entertainment.

TITLE LOAN BUSINESS

See "Alternative Financial Services."

TOOL REPAIR

An establishment that repairs tools for compensation.

TRANSIENT RESIDENTIAL FACILITY (TRF)

A dwelling unit located within a residentially zoned district where paying guests are entitled to lease or rent the unit for less than 28 days.

TRANSITIONAL FACILITY

A premises, other than a community living arrangement or community-based residential facility, for the temporary placement of persons on parole, extended supervision, or probation in a controlled environment, including supervision or monitoring.

TRUCK OR FREIGHT TERMINAL

A use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

TRUCK OR TRACTOR RENTAL AND SALES

An establishment where new or used trucks are displayed for sale, lease, or rental.

TRUCK STOP

A facility providing services to the trucking industry, including but not limited to the dispensing of fuel, repair shops, automated washes, restaurants, restrooms, scales, and overnight parking facilities.

UNIVERSITY

See "College or University."

USE

The purpose for which land or a building thereon is designed, arranged, or intended; or for which it is or may be occupied, maintained, or used.

UTILITY, MAJOR

Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures.

UTILITY, MINOR

Infrastructure services that need to be located in or near the neighborhood or Use Type where the service is provided.

VEHICLE/PROPERTY MAINTENANCE FACILITY

Accessory buildings or other structures used for storage of materials or equipment necessary for the day-to-day operations of a principal use. Such facilities may also include a limited area for actual maintenance activities such as cleaning, repair, or assembly.

VETERINARY CLINIC

A facility for the care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.

VOCATIONAL OR TRADE SCHOOL

A specialized instructional school operating for or not for profit that provides onsite training of business, commercial, and/or trade skills, such as accounting, data processing, and computer repair.

WATER QUALITY

Those characteristics of storm water runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.

WEAPON

A handgun, an electronic weapon as defined at Wis. Stats. § 941.295, a knife other than a switchblade under Wis. Stats. § 941.24, or a billy club.

WEAPON SALES

A place or establishment where weapons are sold.

WHOLESALE AND WAREHOUSING, GENERAL

An establishment that is primarily engaged in storage, or the sale and distribution of goods to other locations for ultimate use or sale, as well as activities involving high

turnover movement, or large scale storage of products or equipment. Uses include truck terminals or bus servicing facilities, mail distribution centers, frozen food lockers, motor freight terminals, moving and storage firms, and large scale distribution, warehousing, and storage facilities. Such uses may include distributor showrooms occupying no more than twenty percent (20%) of the building area designed to display products for selection by customers. While retail sales are a permitted accessory use, sales are predominantly to businesses, contractors, and other wholesale customers.

WHOLESALE AND WAREHOUSING, LIMITED

An establishment that is engaged in the small scale storage, distribution, and sale of goods to other businesses for resale or use, excluding major distribution centers, motor freight terminals, moving and storage firms, and similar high volume or high turnover facilities. Limited wholesale and warehouse uses are generally less than fifty thousand (50,000) square feet in area and generally operate for less than sixteen (16) hours per day. Such uses may include distributor showrooms designed to display products for selection by customers. While retail sales are a permitted accessory use, sales are predominantly to businesses, contractors, and other wholesale customers.

WIRELESS COMMUNICATION ANTENNA, COLLOCATION

Collocation is a situation in which two (2) or more different wireless communication service providers place wireless communication antenna(s) and/or other wireless communications equipment on a common antenna-supporting structure (building, tower, or other stationary device).

WIRELESS COMMUNICATION ANTENNA, PLACEMENT ON EXISTING STRUCTURE

The placement of a wireless telecommunication antenna on an existing business use or multi-family building with eight (8) or more dwelling units.

WIRELESS COMMUNICATION TOWER AND/OR ANTENNA, FREESTANDING

A structure erected on the ground and used primarily for the support of antennas for wireless telephone and similar communication purposes, and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

YARD

An open space other than a court on the same lot with a building unoccupied except as otherwise herein provided.

YOUTH CLUB FACILITY

A boys' club, a girls' club, or any other non-profit facility that is not a school but which provides entertainment, recreation, crafts, tutorials or other quality of life enhancements for minors.

ZERO LOT LINE

A side lot line along which no side yard is required (i.e., the boundary between two lots upon which a zero lot line duplex is or may be located).

ZERO LOT LINE DUPLEX

A two-family dwelling with the two living units located on separate lots.

17-3-300 GENERAL PROVISIONS

(A) Districts Established

The following districts are established, per Table 17-3-300 (A).

TABLE 17-3-300 (A): ZONE DISTRICTS ESTABLISHED	
ABBREVIATION	DISTRICT NAME
RESIDENTIAL DISTRICTS	
R-1	One-family Residence
R-2	Two-family Residence
RE	Rural Estate
R-3	Multiple-family Residence
BUSINESS DISTRICTS	
B-1	Local Business
B-2	General Business
B-3	Community Business
VC	Village Center
SE	Sports & Entertainment
SB	Special Business
I-1	Light Industry
I-2	Heavy Industry
IP	Industrial Park
BP	Business Park
SI	Special Industry
P	Public

17-3-400 RESIDENTIAL DISTRICTS

(A) Purpose
Reserved

(B) List of Residential Districts
Reserved

17-3-500 BUSINESS DISTRICTS

(A) Purpose
Reserved

(B) List of Business Districts
1) Special Business District (SB)
a) Future sites

The only special business districts set up at this time are areas previously zoned for gasoline service stations. All future sites for permitted purposes hereunder must be rezoned requests. Any site zoned for this purpose will automatically be rezoned to adjacent zoning classification if it is not utilized for a use permitted in special business districts within three years from either the adoption of this chapter or from the date of approval of a rezoning petition for this purpose.

2) Sports & Entertainment District (SE)
a) Purpose

The sports and entertainment district is intended to implement the redevelopment strategy identified in the adopted Village of Ashwaubenon Boulevard Project Plan as recommended and approved by the Ashwaubenon Boulevard Management Team and the Village of Ashwaubenon Plan Board for the area between Oneida Street and Holmgren Way, north of Morris Avenue. The plan provides a blueprint and design guide for an urban entertainment district and village center that celebrates the community's connection to the Green Bay Packers and the outdoor sporting traditions of the great Northwoods while incorporating the best practices of "Winter City" design. Critical to making this happen is to connect several key venues including Lambeau Field, the Resch Center, the Hutson Center, the Bay Park Square Mall, and the Village Hall into a recognizable and cohesive urban district where complementary and supporting activities will locate, and their collective economic impact strengthened. Active and well-appointed public spaces and public art are essential elements of the vision. The district is intended to support the needs of local residents as well as cater to tourists.

The planning model for the sport and entertainment district is an athlete's village (akin to an Olympic village) where players and fans can interact in close proximity to the major practice and performance venues. Ancillary uses include:

lodging (including extended stay facilities for prospective players and their families), specialty niched entertainment and sports related retail, restaurants and pubs, upper-story housing, a media center, sports medicine clinic, major health club, animated public art with an emphasis on Packer history (potentially a walk or wall of fame), a public outdoor skating rink, and an improved spectator environment surrounding the Packer's main outdoor practice facilities. Public transit and an assortment of active public spaces are additional components or the overall design program.

3) Village Center District (VC)

a) Purpose

The village center district is intended to implement the redevelopment strategy identified in the adopted Village of Ashwaubenon Boulevard Project Plan as recommended and approved by the Ashwaubenon Boulevard Management Team and the village of Ashwaubenon Plan Board for the area between Oneida Street and Hol-1gren Way, south of Morris Avenue connecting the sports and entertainment zoning district with the Bay Park Mall area. The plan provides a blueprint and design guide for an urban entertainment district and village center that celebrates the community's connection to the Green Bay Packers and the outdoor sporting traditions of the great Northwood's while incorporating the best practices of "Winter City" design. Critical to making this happen is to connect several key venues including Lambeau Field, the Resch Center, the Hutson Center, the Bay Park Square Mall and the Village Hall into a recognizable and cohesive urban district where complementary and supporting activities will locate, and their collective economic impact strengthened. Active and well-appointed public spaces and public art are essential elements of the vision. The district is intended to primarily serve local residents.

Redevelopment in the village center district is scaled toward civic, residential and employment uses, including a live-work neighborhood for a proposed nearby tech-park. The centerpiece of the district is a new Village Green that connects the Village Hall to a new public library/community center, fronting onto a new north-south Street that bi-sects the area. As detailed in the Village of Ashwaubenon Boulevard Project Plan, the village center district is divided into two subsections. The upper section (bounded by Morris Avenue on the north and Marvelle Lane on the south) contains the proposed new Village Green and public library surrounded by smaller-scale, mixed-use buildings and medium density multiple family housing, with neighborhood-scale commercial buildings on the east and west peripheries. The lower section of the district is intended for larger-format retail, a heavier concentration of commercial offices and midrise multiple-family housing as a transition to Bay Park Square Mall and the adjoining regional and community-scale commercial uses to the south.

For ease of understanding and administration, the zoning use and bulk standards for these two areas are the same and are contained in this village center zoning district. However, different urban design guidelines have been developed for each area and will be applied through the required site plan approval process.

4) Public District (P)

a) Future Sites

The only public use districts set up at this time are those which were in existence at the time this chapter was adopted. All future public use districts will be established by the village board.

5) Planned Unit Commercial Development (PUCD)

a) General

Any commercial development that does occur in the intensive business district area shall be done under a planned unit commercial development (PUCD). The intent of a PUCD is to promote flexibility in the design of the site which will facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities. The PUCD will allow for the creation of a buffer between the commercial and residential areas to smooth the transition of the two types of land use. The following includes a list of possible elements and requirements which could be included in the PUCD standards for: permitted land uses, building setbacks, building and sign design standards and landscaping/parking requirements.

b) Permitted land uses

The types of land uses which may be permitted within the designated PUCD area include but are not limited to any use listed in section 24.15 of the Austin-Straubel Airport Zoning Ordinance and Zoning Districts.

6) Planned Unit Development (PUD)

a) Intent

The planned unit development (PUD) district is established as a means to facilitate the development of land in an integrated and innovative fashion to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations. Approval of a planned unit development district shall result in the creation of an overlay to the base zoning district, with specific requirements and standards that are unique to the planned development.

b) Identified objectives

When reviewing requests for approval of a planned unit development, the village shall consider whether the objectives listed below will be served or achieved.

1. Promote integrated land uses allowing for industrial, commercial, and residential developments and public facilities along corridors and in transitional areas.
2. Innovation in land development techniques that may be more suitable for a specific parcel than conventional approaches.

3. Preservation and enhancement of important environmental features through careful and sensitive placement of structures and facilities.
4. Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.
5. Coordination of architectural styles and building forms to achieve greater compatibility with surrounding land uses.
6. Promote a variety of living environments with a mixture of housing types.
7. Creation of more efficient provisions of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.

c) Relationship to other applicable regulations

A planned unit development shall comply with all the standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development and to the site plan review standards in Article 6, policy for site plan review committee; and Article 2, building permits and site plan approval requirements, except as otherwise provided in this section.

1. Permitted uses. The planned unit development shall identify all proposed land uses, and those uses shall become permitted uses upon the approval of the planned unit development by the village board.
2. Placement of structures. More than one principal building may be constructed on a platted parcel within the planned unit development. The appearance and compatibility of buildings in relationship to on another, other site elements, and surrounding developments shall be considered during the review process. All residential units shall be placed so as to enhance privacy and natural light to all units.
3. Floor area and height. The planned unit development may provide for an increase in the maximum gross floor area, floor area ratio, and/or maximum building height allowed in the base zoning district for the purpose of promoting integration and additional site amenities.
4. Building setbacks. The planned unit development may provide for the reduction in or elimination of required setbacks with special attention given to public facilities and adjoining properties during the review process.
5. Lot requirements. The village board may authorize reductions in the area and width of individual parcels/lots within the planned unit development from that required for the base zoning district. The plan may increase the maximum density beyond that which is permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types, commercial uses and additional site amenities.
6. Environmental design/landscaping and open space. All planned unit developments shall maintain a minimum of 20 percent of the developed area be utilized of common use open space. Areas located within public street rights-of-way and land reserved for storm water management shall not be applied to this requirement. The care and maintenance of common use open space areas shall

be assured by either the establishment of an appropriate management association and/or documentation recorded with Brown County. The village board may authorize the reduction in percentage of green space and landscaping requirements from that identified in Article 6 and Article 2.

7. Accommodations for pedestrian movements. Sidewalks, bicycle paths, and other accommodations shall be provided where necessary for the safety and convenience of pedestrian and bicyclist traffic within the development and to other available public amenities. Special attention shall be given to connections accommodating pedestrian movement between dwelling units, common open space, recreation facilities, commercial establishments, and parking facilities or areas.
8. Street and utility layout. All improvements such as streets and water, sanitary sewer, and storm sewer utility improvements shall be designed and constructed to the standards and regulations required by the village's engineering department and such improvements shall be dedicated to the public unless approved otherwise by the village board. Proposed streets shall be designed as to connect to a minimum of one existing public street. The village board may authorize a reduction or exception to these requirements provided such reduction or exception is a result of physical limitations to the site.
9. Signage. The planned unit development may provide for an exception to the sign requirements in Article 6 with special attention given to impact on adjoining properties and public right-of-ways during the review process.
10. Other exceptions. As part of the planned unit development approval, the village board is authorized to approve other exceptions to the zoning controls applicable to the base zoning district. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in 17-3-500(B)5)b).

17-3-600 OVERLAY DISTRICTS

(A) Purpose and intent.

Lands in the Village may be classified one (1) of the base zone districts identified in Section 17-3-300 and also have an overlay district set forth in this section. Where land is classified into an overlay district as well as a base zone district, the regulations governing development in the overlay district shall apply in addition to those required by the base zone district. Overlay districts may also provide more flexible alternative to base zone district regulations in recognition of areas that are already established with its own district character. In the event of a conflict between the standards governing a base zone district and those governing an overly district, the standards governing the overlay district shall control.

(B) Districts.

- 1) Public Road Corridor Overlay District. The Public Road Corridor Overlay District is established to preserve and enhance the appearance of lands and operational characteristics of designated arterial and collector streets so as to ensure safe travel within the corridor that is part of the overlay district. This district includes parcels abutting the edge of the right-of-way as identified in Table 17-3-600(B): SETBACK OVERLAY FOR PRIMARY STRUCTURE. (Ord. No. O7-3-15, July 28, 2015)

ARTICLE 4: USE REGULATIONS

17-4-100(A) TABLE OF ALLOWABLE USES

The Table of Allowable Uses is subdivided into five broad classifications for ease of use: Residential; Public; Institutional; Commercial; and Industrial and Related Uses. These five classifications contain Use Categories and Use Types. The permitted and conditional uses for each zoning district are determined according to the specific Use Type. The Use Categories and Use Types are listed alphabetically within the table of allowable uses.

A “P” indicates that a use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulation of this chapter.

A “C” indicates that a use is allowed only if reviewed and approved as a conditional use in accordance with the conditional use review procedures Article 2. Conditional uses are subject to all other applicable regulations of this chapter.

A “U” indicates that a use is allowed by right in the respective zoning district as an upper floor use only. Upper floor uses permitted are subject to all other applicable regulation of this chapter.

A blank cell indicates that a use is not allowed in the respective zoning district.

The “Additional Requirements” column contains references to the applicable standards that apply to the listed use types. The Use Regulations are presented in Section 17-4-300.

RESIDENTIAL ZONING DISTRICTS

- R-1 ONE-FAMILY RESIDENCE DISTRICT
- RE RURAL ESTATE DISTRICT
- R-2 TWO-FAMILY RESIDENCE DISTRICT
- R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT

BUSINESS ZONING DISTRICTS

- B-1 LOCAL BUSINESS DISTRICT
- B-2 GENERAL BUSINESS DISTRICT
- B-3 COMMUNITY BUSINESS DISTRICT
- SB SPECIAL BUSINESS DISTRICT
- I-1 LIGHT INDUSTRY DISTRICT
- I-2 HEAVY INDUSTRY DISTRICT
- SM SPECIAL INDUSTRY DISTRICT
- IP INDUSTRIAL PARK DISTRICT
- BP BUSINESS PARK DISTRICT
- SE SPORTS & ENTERTAINMENT DISTRICT
- VC VILLAGE CENTER DISTRICT

PUBLIC ZONING DISTRICT

- P PUBLIC USE DISTRICT

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 Blank Cell = Prohibited
 Applicable Use Specific Standards Listed in Column on Far Right

USE CATEGORY	USE TYPE	ZONING DISTRICTS															ADDITIONAL REQUIREMENTS										
		RESIDENTIAL				BUSINESS								PUBLIC	Y/ N	SECTIONS											
		R-1	RE	R-2	R-3	B-1	B-2	SB	B-3	SE	VC	I-1	I-2	SM			IP	BP	P								
RESIDENTIAL USES																											
Household Living	Dwelling, single- family detached	P	P	P	P	P																					
	Dwelling, single- family attached			P	P	P				P	P															17-4-300(A)1)b	
	Dwelling, two-family			P	P	P					P																
	Dwelling, multiple family				P					P	P																
	Dwelling, live/work									P	P																17-4-300(A)1)a
	Upper story dwelling above a non-residential use					C	C		C	P	P																
Group Living	Group home (Type A)			P	P					C	P															17-4-300(A)1)c	
	Group home (Type B)				C					C	C																

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USE CATEGORY	USE TYPE	ZONING DISTRICTS														ADDITIONAL REQUIREMENTS			
		RESIDENTIAL				BUSINESS								PUBLIC	Y/ N	SECTIONS			
		R-1	RE	R-2	R-3	B-1	B-2	SB	B-3	SE	VC	H-1	H-2	SM			IP	BP	P
PUBLIC USES																			
Community Services	Community center, Senior center, youth club facility						P		P								P		17-4-300(B)1)
	Museums, art galleries, art centers, and cultural facilities								P	P	P						P		17-4-300(B)1)
	Library	C	C	C	P	P	P	P			C						P		17-4-300(B)1)
Government Facilities	Emergency services station (fire, EMS, police)																P		
	Government maintenance, storage, and distribution facility											P				P	P		
	Government leased facilities or leased lands																C		
	Government office						P		P	U	P						P	P	
	Post office								P	P	P						P		
Parks and Open Areas	Arboretum or botanical garden	C	C	C							P						C		
	Cemetery, columbaria, mausoleum																C		17-4-300(B)2)
	Community garden	C															C		
	Park, public									P	P						P		
	Public square									P	P						P		
	Conservancy																P		
Transportation	Airport																P		17-4-300(B)3)a)
	Passenger terminal, surface transportation						C		P	P	P	P				P			17-4-300(B)3)b)

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USE CATEGORY	USE TYPE	ZONING DISTRICTS														ADDITIONAL REQUIREMENTS		
		RESIDENTIAL				BUSINESS								PUBLIC		Y/N	SECTIONS	
		R-1	RE	R-2	R-3	B-1	B-2	SB	B-3	SE	VC	I-1	I-2	SM	IP			BP
INSTITUTIONAL USES																		
Day Care	Adult day care center				C	P	P		P		P							
	Child day care center (7 or more persons)				P	P	P		P		P					P	P	17-4-300(C)1)a)
	In home day care (up to 6 persons)	C	C	C														17-4-300(C)1)a)
Educational Facilities	Arenas (enclosed) and auditoriums related to college or university								P									17-4-300(C)2)c)
	College or university				C		P		P	U	U	P				P		17-4-300(C)2)a), 17-4-300(C)2)c)
	Preschool	C	C	C	C	P	P		P						P	P		
	Research facilities related to college or university						P		P			P	P		P	P		
	School, elementary	C	C	C	C				P								P	17-4-300(C)2)b), 17-4-300(C)2)c)
	School, middle or junior high	C	C	C	C				P								P	17-4-300(C)2)b), 17-4-300(C)2)c)
	School, senior high	C	C	C	C				P								P	17-4-300(C)2)b), 17-4-300(C)2)b)
Vocational or trade school				C		P		P	U	C/U	P	P		P	P			
Health Care Facilities	Hospital								C	C						C		17-4-300(C)3)a)
	Medical and dental clinic						P		P	C/U	C	P	P		P	P		17-4-300(C)3)b)
	Medical treatment facility (20 or fewer beds)								C	C						C		
Institutions	Assisted living facility			P	P	P	P		P		P							17-4-300(C)4)a)
	Convention center								P									17-4-300(C)4)b)
	Transitional facility				C						C	C						
	Skilled nursing facility				C				P		P							
	Religious institution, with seating capacity less than 300 in sanctuary or main activity area			C	C		P		P	P	P	P	P		P	P	P	17-4-300(C)4)c)
	Religious institution, with seating capacity of 300 or greater in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, or recreational facilities									P	P	P	P		P	P	P	17-4-300(C)4)c)
Utilities	Wireless communication tower and/or antenna, freestanding	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Wireless communication antenna, collocation on existing tower or similar structure	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Wireless Communication antenna, placement on existing structure	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Utility, major												P		P		C	
	Utility, minor																C	

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		RESIDENTIAL				BUSINESS										PUBLIC	Y/ N	SECTIONS
		R-1	RE	R-2	R-3	B-1	B-2	SB	B-3	SE	VC	I-1	I-2	SM	IP	BP		
COMMERCIAL USES																		
Agriculture	Crops	C	P				C	C			C	C		C	C		P	
	Animals	P	P															17-4-300(C)1
Agricultural Support and Services	Nursery, commercial										C	C		C		P		
Animal Care	Animal shelter										C	C		C				
	Animal grooming					P	P		P		P	P					17-4-300(D)2)a	
	Kennel, indoor		P								C	C		C			17-4-300(D)2)b	
	Kennel, outdoor		C								C	C		C			17-4-300(D)2)c	
	Equine stable		P														17-4-300(D)2)d	
	Veterinary clinic without boarding						P	P		P	P	P		P	P		17-4-300(D)2)e	
	Veterinary clinic with boarding											C	C		C			
Eating Establishments	Banquet facilities, dinner theatres								P	P	P	C	P		P	C		
	Restaurant					P	P		P	P	P	P		P	P		17-4-300(D)3	
	Restaurant, extended hours serving alcohol (until 2AM)						C		P	P	P	P		P	P			
	Restaurant with drive-through or drive-in service								P		C	P	P		P	C		
	Specialty eating establishment					P	P		P	P	P	P		P	P			
Conference and Training Centers	Conference center								P	P	P	P		P		17-4-300(D)4		
Offices	Business office					P	P		P	U	P	P			P		17-4-300(D)5	
	Professional services, including medical and dental					P	P		P	U	P	C			C			
	Radio and television broadcasting studio						C		C	C		C	C		C	C		
Parking, Commercial	Parking lot								C	C	C	C				C	17-4-300(D)6)a	
	Parking structure								C	C	C	C				C	17-4-300-(D)6)b	
Recreation/ Entertainment, Indoor	Auditorium								P	P	P					C	17-4-300(D)7)a	
	Commercial recreation, indoor					P	P		P	P	P	C				P	17-4-300(D)7)b	
	Private club or lodge with seating capacity of less than 300 in main activity area						P		P	U	P	P		P				
	Private club or lodge, with seating capacity of 300 or greater in main activity area.								C	C	C	C	C		C			
	Theater (less than 500 seats)						P		P	P	P	C			C			
	Theater (500 seats or more)								P	P	P	C			C			
	Indoor firing range											C	C		C			
Recreation/ Entertainment, Outdoor	Arena, amphitheater, or stadium									C	C	C	C		C	C	17-4-300(D)8	
	Commercial recreation, outdoor (less than 10,000 sf)								P	P	P	C	C		C	C		
	Commercial recreation, outdoor (10,000 sf or more)								P	C		C	C		C	C		
	Golf course or driving range, private or public	C																
	Marina or yacht club								C			C	C			C		

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		RESIDENTIAL				BUSINESS								PUBLIC	Y/ N	SECTIONS		
		R-1	RE	R-2	R-3	B-1	B-2	SB	B-3	SE	VC	I-1	I-2	SM			IP	BP
COMMERCIAL USES, CONTINUED																		
Retail Sales & Services	Alcohol sales establishment						P		P	P	P					P		17-4-300(D)9)b)
	Alternative Financial Services								C									17-4-300(D)9)c)
	Bar, nightclub, or cocktail lounge								P	P	P	C	C					17-4-300(D)9)d)
	Business services						P		P	U	C	P	P			P		17-4-300(D)9)e)
	Convenience store (without gasoline sales or fast food sales)						P	P		P	P	P	C					17-4-300(D)9)f)
	Convenience store (with gasoline and/or fast food sales)							C	P	C			C	C		C	C	
	Crematory												C	C		C		17-4-300(D)9)g)
	Financial institution (bank and credit union)							P		P	P	P	C				C	17-4-300(D)9)h)
	Funeral home									P		C	C					
	Laundromat							P	P		P	P	P	C				
	Secondhand article establishment							P	P		P	P	P	C				
	Pawn shop										C							17-4-300(D)9)i)
	Personal services establishment							P	P		P	P	P	C			P	17-4-300(D)9)j)
	Pharmacy, limited							P	P		P	P	P				P	17-4-300(D)9)k)
	Repair establishment							P	P		P	P	P	P				17-4-300(D)9)l)
Retail sales establishment, indoor							P	P		P	P	P	C					
Retail sales establishment, outdoor												P	C		P		17-4-300(d)9)m)	
Weapon sales										C	C	P						
Vehicle Sales and Services	Aircraft parts, sales, and maintenance												P		P			
	Automobile painting/body shop											C	P		P		17-4-300(D)10)a)	
	Automobile parts sales and installation							C		P	C		P	C		P	17-4-300(D)10)b)	
	Automobile rental and sales								C	C	C	C	C				17-4-300(D)10)c)	
	Automobile repair and servicing (without painting/ bodywork) or small engine repair								P	C		C	P	P		P	17-4-300(D)10)d)	
	Automotive wrecker service											C	P		P		17-4-300(D)10)e)	
	Boat and marine rental and sales									C		P	P		P		17-4-300(D)10)f)	
	Car wash or auto detailing (full and self service)									P	C		C	P		P	17-4-300(D)10)g)	
	Gasoline filling station								C	P	C			C	C		C	17-4-300(D)10)h)
	Recreational vehicle/travel trailer rental and sales												C	C				17-4-300(D)10)c)
	Taxicab service												C		C			
	Truck or tractor rental, sales or repair												C	C		C	C	17-4-300(D)10)c)
Truck stop									P								17-4-300(D)10)i)	
Visitor Accommodation	Bed and breakfast	C	C	C							C	C					17-4-300(D)11)a)	
	Campground															C	17-4-300(D)11)b)	

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		RESIDENTIAL				BUSINESS								PUBLIC		Y/ N	SECTIONS				
		R-1	RE	R-2	R-3	B-1	B-2	SB	B-3	SE	VC	I-1	I-2	SM	IP			BP	P		
	Hotel or motel								P	P	P	P									17-4-300(D)11)d)
	Transient Residential Facility	C		C	C																17-4-300(D)11)e)
INDUSTRIAL AND RELATED USES																					
Extractive Industry	All uses																		C		17-4-300(E)1)
Industrial Services	Building, heating, plumbing, or electrical contractor											P	P			P					17-4-300(E)2)a)
	Electric motor repair											P	P			P					17-4-300(E)2)b)
	Fuel oil/bottled gas distributor												P			P					
	General industrial service											P	P			P	P				
	Heavy equipment sales, rental, or repair								C				C	P		P					17-4-300(E)2)c)
	Dry cleaning plants and carpet cleaning facilities												P	P		P					17-4-300(E)2)d)
	Machine shop												P	P		P					17-4-300(E)2)b)
	Repair of scientific or professional instruments									C				P	P		P	P			
	Research and development facilities									C					P	P		P	P		
Tool repair														P	P		P			17-4-300(E)2)b)	
Manufacturing and Production	Manufacturing, heavy												P		P	C				17-4-300(E)3)a)	
	Manufacturing, general												P	P		P	C				
	Manufacturing, limited						C		C				P	P		P	P			17-4-300(E)3)b)	
	Printing and publishing								P	P	P		P	P		P	P				
	Manufacturing, Special Heavy													C		C				17-4-300(E)3)c)	
Self-Service Storage	Mini-warehouse												C		C					17-4-300(E)4)	
	Climate-controlled self-service storage													C		C				17-4-300(E)4)	
Wholesaling, Warehouse and Freight Movement	Cold storage plant												P	C		C					
	Parcel services												P	P		P				17-4-300(E)5)a)	
	Truck or freight terminal												P	P		P				17-4-300(E)5)a)	
	Wholesale and warehouse, general												P	P		P				17-4-300(E)5)a)	
	Wholesale and warehouse, limited													C	P		P			17-4-300(E)5)c)	
	Outdoor storage (as a principal use)														C		C			17-4-300(E)5)b)	
Waste-Related Services	Energy recovery plant													C		C				17-4-300(E)6)a)	
	Hazardous waste collection sites														C		C	C		17-4-300(E)6)a)	
	Recycling drop-off center																	C		17-4-300(E)6)b)	
	Recycling and salvage center														C		C			17-4-300(E)6)c)	

17-4-200 USE CLASSIFICATIONS, USE CATEGORIES, AND USE TYPES

The Use Categories and Use Types are described below.

(A) RESIDENTIAL USE CLASSIFICATION

1) *Household Living*

Characteristics

The Household Living Use Category is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations (see Section 17-4-400 Accessory Uses).

Use Types

Include single-family detached dwellings, single-family attached dwellings, two- (2) family dwellings, townhouses, multiple-family dwellings, live/work dwellings, upper story dwellings above a non-residential use, and other structures with self-contained dwelling units.

Exceptions

Lodging in a dwelling unit or where units are rented on a less than monthly basis is classified Visitor Accommodations.

2) *Group Living*

Characteristics

The Group Living Use Category is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of "household." The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment. Common accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.

Examples

Example Use Types include group homes (Type A and B).

Exceptions

- a) Lodging where tenancy may be arranged for periods of less than thirty (30) days is classified as Visitor Accommodations.
- b) Lodging where residents meet the definition of "household" and where tenancy is arranged on a month-to-month basis or for a longer period is classified as Household Living.
- c) Most group living facilities are classified as Group Living. However, Group Living facilities where individual units meet the definition of a "dwelling unit" are classified as Household Living.

(B) PUBLIC USE CLASSIFICATION

1) *Community Services*

Characteristics

The Community Services Use Category is characterized by Use Types of a public, nonprofit, or charitable nature providing a local service to people of the community. Generally, these provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions that are open to the general public to join at any time (for instance, any senior citizen could join a senior center) are included in the Community Services Use category. The Use Type may provide special counseling, education, or training or a public, nonprofit, or charitable nature. Accessory uses may include offices, meeting, food preparation, parking, health, and therapy areas; and athletic facilities.

Use Types

Include community centers, cultural facilities, libraries, museums, senior centers, and youth club facilities.

Exceptions

Parks are classified as Parks and Open Areas. Youth club facilities for-profit and private clubs are classified as Indoor Recreation/Entertainment.

2) *Government Facilities*

Characteristics

The Government Facilities Use Category is characterized by Use Types that include post offices; government maintenance, storage, and distribution facilities; and other offices and facilities for the operation of local, state, or federal government including fire and EMS facilities, police stations, and substations for fire and police. Accessory uses include maintenance, storage (indoor and outdoor), fueling facilities, satellite offices, and parking areas. Accessory uses for public safety include offices, teaching facilities, meeting areas, lunch rooms and cafeterias, sleeping quarters, storage, parking, and maintenance facilities.

Use Types

Includes post offices, government offices, and government maintenance, storage, and distribution facilities. In addition, includes U.S. Armed Forces installations and government arsenals.

Exceptions

- a) Passenger terminals for airports and surface transportation are classified as Transportation.
- b) City, county, or state parks are classified as Parks and Open Space.
- c) Water, wastewater, gas, electric, and other infrastructure services, whether public or private, are classified as Utilities.
- d) Waste and recycling services are classified as Waste-Related Services.

3) *Parks and Open Areas*

Characteristics

The Parks and Open Areas Use Category is characterized by Use Types that focus natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, parks, public squares, and cemetery uses. Lands tend to have few structures. Accessory uses may include club houses, recreational structures, statuary, fountains, maintenance facilities, concessions, restrooms, and parking.

Use Types

Includes arboretums or botanical gardens; cemeteries, columbaria, and mausoleums; community gardens; publicly-owned golf courses; public parks, squares, and plazas; and conservancy areas.

Exceptions

Privately-owned golf courses are classified as Outdoor Recreation/Entertainment.

4) *Transportation*

Characteristics

The Transportation Use Category is characterized by Use Types that include facilities for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. Aviation facilities may be improved or unimproved. This Use Category also includes passenger terminals for surface transportation. Accessory uses include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.

Use Types

Includes airports; helicopter landing facilities; and surface (bus and train) passenger terminals.

Exceptions

Private helicopter landing facilities that are accessory to another use may be considered accessory uses to that use, subject to all the use specific standards for helicopter landing facilities.

(C) INSTITUTIONAL USE CLASSIFICATION

1) *Day Care*

Characteristics

The Day Care Use Category is characterized by Use Types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence typically for less than twenty-four (24) hours per day. Care can be provided during daytime or nighttime hours. Accessory uses include offices, recreation areas, and parking.

Use Types

Includes adult day care centers, child day care centers, in-home day care (up to six (6) children).

Exceptions

Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center, religious institution, or other principal use where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Preschools are intended to provide limited educational or training services while other child day care uses are not; preschools are classified as Educational Facilities Pre-school.

2) *Educational Facilities*

Characteristics

The Educational Facilities Use Category is characterized by Use Types that include public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education or a comparable equivalent. This Use Category also includes colleges, universities, and other institutions of higher learning

that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings or on multiples blocks. This Use Category also includes vocational and trade schools. Accessory uses at schools include offices, play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities include offices, dormitories, food service, laboratories, health and sports facilities, theaters, meeting areas, athletic fields, parking, maintenance facilities, and supporting commercial.

Use Types

Includes public and private secondary schools that provide state-mandated basic education; preschools; colleges or universities; vocational or trade schools; and uses specific to these educational facilities: arenas, auditoriums, research, and retail.

3) *Health Care Facilities*

Characteristics

The Health Care Facilities Use Category is characterized by Use Types that include uses providing medical or surgical care and treatment to patients. Hospitals and medical treatment facilities offer overnight care while clinics provide outpatient care only. Labs serve all health care facilities and are not typically intended for walk-in use by members of the general public. Accessory uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.

Use Types

Include hospitals, medical and dental clinics, medical treatment facilities with fewer than twenty (20) beds, hospice houses, short term critical-care houses, outpatient facilities.

Exceptions

Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents and participants in a program, are classified as Institutions. Dental offices and medical offices providing routine care (without surgery or procedures) are classified as Offices, Professional Services.

4) *Institutions*

Characteristics

The Institutions Use Category is characterized by Use Types that provide a variety of facilities, including buildings that provide meeting areas for religious activities, convention centers or auditoriums, housing and care for the elderly or disabled, and housing related to treatment programs. Accessory uses include school facilities, limited medical treatment facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, parking, and staff residences.

Use Types

Includes assisted living facilities, convention centers, halfway houses (Type A and Type B), Transitional facilities, skilled nursing care facilities, and religious institutions.

Exceptions

Group home facilities or residential programs where individual units that meet the definition of a dwelling unit in Article 3: Definitions, Rules for Interpretation & Zone Districts, are classified as Group Living. Cemetery, columbaria, and mausoleum are classified as Parks and Open Areas.

5) *Utilities*

Characteristics

The Utilities Use Category includes both Major Utilities, which are infrastructure services providing regional or community-wide service, and Minor Utilities, which are infrastructure services that need to be located in or near the neighborhood or Use Type where the service is provided. Wireless communication towers are also a type of utility. Services may be publicly or privately provided. Accessory uses may include parking and control, offices, monitoring, storage areas, or data transmission equipment.

Use Types

Include wireless communication towers and/or antenna (freestanding, collocated, or placed on an existing structure), water towers, electrical substations, storm water retention and detention facilities, telephone exchanges, ground-based electrical/telephone/cable vaults, and surface transportation stops. Examples of wireless communication towers include facilities for transmitting wireless phones and pager services, and television and radio broadcasting equipment.

Exceptions

Recycling drop-off centers, hazardous waste collection sites, and recycling and salvage centers are classified as Waste-Related Services.

(D) COMMERCIAL USE CLASSIFICATION

1) *Agricultural*

Characteristics

The Agriculture Use Category is characterized by general agricultural activities, including agronomy (the science of soil management), aquaculture (cultivation of aquatic animals and plants), horticulture (the commercial and non-commercial production of crops), honey production, silviculture (including the harvesting of timber), and similar uses. Accessory uses may include offices, storage areas, barns, stables, irrigation systems, and repair facilities related to agriculture uses.

Use Types

Includes the growing of crops (agronomy, aquaculture, horticulture, silviculture, and similar uses) and raising of animals and livestock.

Exceptions

Produce standards on-site are treated as accessory uses. Animal shelters, grooming establishments, kennels, and stables housing horses or ponies of owners who do not reside on-site are Animal Care uses.

2) *Agricultural Support and Services*

Characteristics

The Agricultural Support and Services Use Category include Use Types that provide support and services to agricultural activities, whether located on or off-site where the agricultural activities take place.

Use Types

Includes plan nurseries (commercial and production).

3) *Animal Care*

Characteristics

The Animal Care Use Category is characterized by uses related to the provision of medical services, general care, and boarding services for domestic animals.

Use Types

Includes animal shelters, animal grooming, kennels (outdoor and indoor), equine stables, and veterinary clinics (with or without boarding).

Exceptions

The breeding and resale of domesticated animals on a commercial basis is a Retail Sales Establishment Use Type. The boarding of horses or ponies owned by persons living in a dwelling located on the same lot or site is an accessory use.

4) *Eating Establishments*

Characteristics

The Eating Establishment Use Category is characterized by establishments that sell food for on- or off-premise consumption. Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities. Any accessory uses (i.e. billiards, dancing, etc.) must be clearly subordinate to the restaurant use.

Use Types

Includes restaurants, bakeries, dinner theatres, or other establishments that sell food, and specialty eating establishments.

Exceptions

Bars, nightclubs, or cocktail lounges as a principal use are classified as a Retail Sales and Services.

5) *Conference and Training Centers*

Characteristics

The Conference and Training Center Use Category is characterized by facilities used for business or professional conferences, seminars, and training programs.

Use Types

Includes conference centers.

Exceptions

Convention centers are classified as Institutional.

6) *Offices*

Characteristics

The Office Use Category includes activities that are conducted in an office setting and that generally focus on business, professional, or financial services. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, and supporting commercial or other amenities primarily for the use of employees in the firm or building.

Use Types

Includes business services; professional services such as lawyers, accountants, engineers, or architects; financial services such as lenders, brokerage houses, or real estate agents; medical offices, such as doctors and dentist offices; and sales.

Exceptions

- a) Offices that are part of and located with a principal use in another Use Category are considered accessory to the establishment's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another Use Category, are considered part of the other Use Category.
- b) Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored outside, and fabrication, services, or similar work is not carried on at the site.
- c) Government offices are classified as Government Facilities.
- d) Medical and dental clinics (where surgeries or procedures are performed), medical and dental labs, and blood collection facilities are classified as Health Care Facilities.
- e) Financial institutions (banks) which offer drive-through or walk-up service to patrons are classified as Retail Sales and Services.

7) *Parking, Commercial*

Characteristics

The Commercial Parking Use Category is characterized by parking that is not accessory to a specific principal use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility. Accessory uses may include small structures intended to shield parking attendants from the weather.

Use Types

Includes short- and long-term parking facilities (both lots and structures) and mixed parking facilities (partially accessory to a specific use, partially for rent to others).

Exceptions

- a) Charge for Parking for Occasional Events: Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking uses.
- b) Leasing Parking Facility to Principal Use Not Relevant: Parking facilities that are accessory to a principal use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
- c) Park-and-Ride Facilities: Park-and-Ride facilities are classified as Utilities.
- d) Sales or Servicing of Vehicles: Sales or servicing of vehicles is classified as Vehicle Sales and Services.

8) *Recreation/Entertainment, Indoor*

Characteristics

The Indoor Recreation/Entertainment Use Category includes privately owned uses that provide recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, parking, and maintenance facilities.

Use Types

Includes auditoriums, commercial indoor recreation (bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, racquetball, squash, and indoor tennis club facilities, private clubs, theaters (cinemas, screening rooms, and stages), and indoor firing ranges.

9) *Recreation/Entertainment, Outdoor*

Characteristics

The Outdoor Recreation/Entertainment Use Category includes large, generally commercial uses that provide continuous recreation or entertainment-oriented activities that primarily take place outdoors. These may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, parking, and maintenance facilities.

Use Types

Includes privately-owned arenas, amphitheaters, and stadiums; commercial outdoor recreation (motor vehicle racing; drive-in movies; privately-owned outdoor commercial tourist attractions, water, and amusement parks; swimming pools; and privately-owned active sports facilities such as ball fields, courts, and archery ranges); privately-owned golf driving ranges and courses; privately-owned miniature golf facilities; and marina or yacht clubs.

Exceptions

Banquet halls that are part of hotels or restaurants are accessory to those uses which are included in the Visitor Accommodations or Eating Establishment categories, respectively. Publicly-owned golf courses, tennis courts, swimming pools, basketball courts, and other similar outdoor recreational facilities are classified as Parks and Open Areas. Indoor continuous entertainment activities such as theatres or bowling alleys are classified as Indoor Recreation/Entertainment.

10) *Retail Sales and Services*

Characteristics

The Retail Sales and Services Use Category is characterized by Use Types involved in the sale, lease, or rent of new or used products to the general public. These may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, and parking.

Use Types

Includes the following Use Types: alcohol sales establishment ; Alternative Financial Services; bar, nightclub, or cocktail lounge; convenience stores (with or without gasoline and food sales); crematory; financial institution (bank); flea market; funeral home; laundromat; pharmacy; tattoo studios; and weapon sales. Additional clarification is given to the Use Types listed below.

- Business Services Establishments: businesses engaged in the provision of business-related services to consumers and small businesses. Examples include general photographic studios, mailing and packing services, photocopy and blueprint services, tax and accounting services, brokerages, insurance offices, and collections offices.
- Retail Sales Establishments: stores selling, leasing, or renting consumer, home and business goods, whether new or used, including art, art supplies, bakeries, bicycles, books, clothing, dry goods, electronic equipment, fabric, furniture, flowers, gifts,

grocers and food sales, hardware, home improvements, household products, jewelry, recorded music, pets, pet food, pharmaceuticals, printer material, stationery, and videos.

- Personal Service Establishments: dry-cleaning establishments; photographic studios; mailing or packing services; photocopy and blueprint services; hair, tanning, and nail salons; personal care services; massage therapy and day spas; psychics and mediums; martial arts schools; dance or music classes; taxidermists; and fitness centers.
- Repair Establishments: repair of TV's, bicycles, clocks, watches, shoes, guns, canvas products, appliances and office equipment; tailoring and shoe repair; locksmith; and upholsterer.

Exceptions

- a) Laundry, dry-cleaning, and carpet cleaning plants are classified as Industrial Services.
- b) Building trade contractors with on-site storage that sell primarily to contractors and do not have a retail orientation are classified as Wholesaling, Warehouse and Freight Movement.
- c) Repair and service of vehicles, motorcycles, and light and medium trucks is classified as Vehicle Sales and Service.
- d) Bakeries primarily engaged in the sale of food or food products for on-site consumption are classified as Eating Establishments.
- e) Theatres, cinemas, and stages are Indoor Recreation/Entertainment uses.
- f) Uses offering financial, professional, or business services by appointment or with only limited contact with members of the general public are Office uses.
- g) A crematory is not an accessory use to a funeral home; it is classified separately as Crematory within the Retail Sales and Services category.

11) *Vehicle Sales and Services*

Characteristics

The Vehicle Sales and Services Use Category is characterized by the direct sales of and services of passenger vehicles, light and medium trucks, motorcycles, and other consumer motor vehicles intended for transport of goods or persons over land, water, or in the air; whether for recreation, commerce, or personal transport, as well as small engine repair. Accessory uses may include offices, sales of parts, maintenance facilities, parking, outdoor display and sales, and vehicle storage.

Use Types

Includes aircraft parts, sales, and maintenance; automobile painting/bod shop; automobile parts sales and installation (transmission or muffler shops, towing service, tire sales and mounting); automobile rental and sales; automobile repair and servicing (without painting/bodywork) or small engine repair; automotive wrecker service; boat and marine rental and sales; car wash or auto detailing (full and self-service); gasoline filling station; recreational vehicle (boats, motorcycles, off-road vehicles, aircraft, and travel trailer) rental and sales; taxicab service; truck or tractor rental, sales or repair; and truck stop.

Exceptions

Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if these are located on the site of the principal use. Sales, rental, or repair of vehicles or heavy equipment of twelve thousand (12,000) or more pounds gross vehicular weight (GVW) is classified as Industrial Services, Heavy Equipment sales, rental, or repair.

12) *Visitor Accommodation*

Characteristics

The Visitor Accommodation Use Category includes dwelling units arranged for short-term stays of less than twenty-eight (28) days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, supporting commercial, bars, meeting facilities, and offices.

Use Types

Includes bed and breakfasts, campgrounds, hotels or motels, apartment hotels, and transient residential facilities (including, but not limited to, structures commonly referred to as "party houses.")

(E) INDUSTRIAL AND RELATED USE CLASSIFICATION

1) *Extractive Industry*

Characteristics

The Extractive Industry Use Category is characterized by businesses that are engaged in the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, mining, or other procedures typically done at an extraction site. Accessory uses include offices, limited wholesale sales, security or caretakers' quarters, outdoor storage, and maintenance facilities.

Use Types

Typical uses include quarries, borrow pits, sand, and gravel operations.

2) *Industrial Services*

Characteristics

The Industrial Services Use Category is characterized by businesses that are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.

Use Types

Includes building heating, plumbing, or electrical contractor; electric motor repair; fuel oil/bottled gas distributor; general industrial service; heavy equipment sales, rental, or repair; dry cleaning plants and carpet cleaning facilities; machine shops; repair of scientific or professional instruments; research and development facilities; and tool repair.

Exceptions

Contractors and other who perform services off-site are included in the Offices Use Category if major equipment and materials are not stored on-site and fabrication or similar works is not carried out on-site.

3) *Manufacturing and Production*

Characteristics

The Manufacturing and Production Use Category is characterized by firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is

included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, these are a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretakers' quarters.

Use Types

Includes heavy manufacturing, general manufacturing, limited manufacturing, printing and publishing, and special heavy manufacturing uses. Additional clarification is given to several of the Use Types below.

- Heavy Manufacturing is the manufacture or compounding process of raw or partially processed materials. These activities may involve noise, odor, dust, or vibration that is noticeable off of the business site. These manufacturing operations are primarily performed indoors.

Example Use Types of Heavy Manufacturing include, but are not limited to manufacture or assembly of textiles, machinery, equipment, lumber and wood products, basic food processing, vehicles and appliances.

- Special Heavy Manufacturing is the mechanical transformation of predominantly prepared materials into new products for sale to the wholesale or retail markets, or directly to customers. Such uses involve outdoor operations as part of the manufacturing process that may include processing of hazardous gases and chemicals, the emission of noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration that may be discernible off the business site.

Example Use types of Special Heavy Manufacturing include rendering, abattoirs, petroleum refining, asphalt/concrete plants, and the manufacturing of chemicals, fertilizers, explosives, paint, and turpentine, and other similar activities.

- General Manufacturing is the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets, or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration that are discernible off of the business site. Examples Use Types of General Manufacturing include production or repair of small machines or electronic parts and equipment; sewing or assembly of textiles into consumer products; woodworking and cabinet building; publishing and lithography; computer design and development; communications equipment, precision items, and other electrical items; research, development, and testing facilities and laboratories; sign making, assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.
- Limited Manufacturing is the small-scale, low-impact processing, fabrication, assembly, and packaging of products predominantly from previously manufactured parts and materials. Limited Manufacturing uses are generally less than ten thousand (10,000) square feet in area, operate during conventional business hours, and utilize processes that generally do not have impacts that are discernible outside of the building. Example

Use Types include, but are not limited to assembly of consumer products, production or repair of electronics parts and equipment, production and assembly of specialized medical products, production or assembly of specialized food products, production and assembly of specialized building products, and other similar activities meeting the performance standards for this use.

Exceptions

- a) Goods Sold On-Site: Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Services if the manufacturing area does not exceed thirty-five percent (35%) of the floor area of the development.
- b) Goods from Salvage Materials: Manufacturing and production of goods from salvage materials is classified as Waste-Related Services.
- c) Goods from Composting Organic Materials: Manufacturing and production of goods from composting organic material is classified as Waste-Related Services.
- d) Goods Made by Crafts Persons: Customer manufacturing of goods by tailors, dressmakers, cobblers, upholsterers, or similar crafts, utilizing equipment of the type and scale customarily found in repair establishments or crafts shops. These would be classified according to the specific use, but would generally be found classified as a Commercial Use.

4) *Self-Service Storage*

Characteristics

The Self-Service Storage Use Category is characterized by uses that provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses may include living quarters for a resident manager, security and leasing offices, and outside storage of boats and campers. Use of the storage areas for sales, service, repair, or manufacturing operations is prohibited and not considered accessory to the use. The rental of trucks or equipment is also not considered accessory to the use.

Use Types

Includes facilities that provide individual storage areas for rent. These are also called "mini-warehouses."

Exceptions

A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Wholesaling, Warehouse and Freight Movement Use Category.

5) *Wholesaling, Warehouse and Freight Movement*

Characteristics

The Wholesaling, Warehouse and Freight Movement Use Category include establishments that are involved in the storage or movement of goods for itself or sale to or distribution by other firms or businesses; including facility for fleet vehicle storage. Accessory uses include offices, product repair, minor fabrication and repackaging of products, truck fleet parking, outdoor storage, and maintenance areas.

Use Types

Includes cold storage plants (including frozen food lockers), parcel services, truck or freight terminals, general and limited wholesale and warehousing, and outdoor storage (as a principal use). Warehousing and distribution facilities could include separate warehouses used for storage by retail stores such as furniture and appliance stores;

warehouses used for distribution by trucking companies; and household moving and general freight storage. Additional clarification is given to two of the Use Types below.

- Wholesale and Warehousing, General: Firms involved in storage, or the sale and distribution of goods to other locations for ultimate use or sale, as well as similar uses involving high turnover or large scale storage of goods and equipment. The uses may include on-site sales or taking of orders and display areas or showrooms of up to twenty percent (20%) of the building area. Businesses may or may not be open to the general public. While retail sales are a permitted accessory use, sales are predominantly to businesses, contractors, and other wholesale customers. Products are generally delivered to the customer with limited will-call pick-up on site.
- Wholesale and Warehousing, Limited: Firms involved in smaller scale storage or the sale and distribution of goods to other locations for ultimate use or sale. Limited wholesale and warehouse uses are generally less than fifty thousand (50,000) square feet in area, and generally operate less than sixteen (16) hours a day. Such uses may include distributor showrooms designed to display products for selection by customers. While retail sales are a permitted accessory use, sales are predominantly to businesses, contractors, and other wholesale customers. Products are generally delivered to the customer, although there are provisions for customer pick-up.

Exceptions

Contractor's offices that do not include storage yards are classified as Offices. Use Types that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related Services.

6) *Waste-Related Services*

Characteristics

The Waste-Related Services Use Category includes Use Types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; uses that collect sanitary wastes; uses that manufacture or produce goods or energy from the composting of organic material; or processing of scrap or waste material. This Use Category also includes Use Types that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, outdoor storage, and repackaging and trans-shipment of by-products.

Use Types

Includes energy recovery plants, hazardous waste collection sites, recycling drop-off centers, recycling and salvage centers.

17-4-300 USE-SPECIFIC STANDARDS

(A) RESIDENTIAL USE CLASSIFICATION

1) Household Living

a) *Live/Work Units*

Live/Work Units in the SE and VB zones shall be part of a specifically designed complex of live/work units addressing the privacy and livability needs of the residential component of the development and utilizing on-site buffering or screening as necessary to mitigate the impacts of adjacent permitted uses within the district.

b) *Single Family Attached*

Single-Family Attached uses in the R-2, R-3 and B-1 districts are limited to a maximum of four (4) units attached, and in the SE and VB districts are limited to a maximum of ten (10) units attached.

c) *Group Home*

1. *General* Group homes uses shall:

- a. Be safe and sanitary;
- b. Not be occupied by a person who would constitute a direct threat to the health and safety of other persons;
- c. Not locate an off-street parking area closer than twenty-five (25) feet to the property line; and
- d. Comply with all other relevant local laws, state laws, and other regulations.

2. *Spacing between Group Homes*

- a. Group Home (Type A) uses shall not be located within a radius of three thousand (3,000) feet of another Group Home (Type A) use (measured from the nearest point of the existing home to the nearest point of the proposed home);
- b. Group Home (Type B) uses shall not be located within a radius of three thousand (3,000) feet of another group home use (measured from the nearest point of the existing home to the nearest point of the proposed home).

3. *Description of Services*

The application for a group home (Type A or B) shall include the following:

- a. A description of the services to be provided and relevant licensing requirements;
- b. A description of the administrative support to be provided, including office space, equipment, qualified staff to perform the specific activities proposed, and staff supervision;
- c. A description of the number and qualifications of staff operating the use;
- d. A description of how volunteers may be used in the provision of services, and the training and supervision volunteers will receive;
- e. A description of how service records for each client using the facility will be maintained and kept current; and
- f. A description of how public awareness and education will be promoted on a neighborhood level.

(B) PUBLIC USE CLASSIFICATIONS

- 1) Community Services
Library, Youth Club Facility, Art Gallery, Cultural Facility
Facilities with outdoor seating located within two hundred (200) feet of single-family attached, detached, townhouse or two- (2) to four- (4) family dwellings shall not operate the outdoor portions of the use after 10:00 PM. This restriction shall not apply when the residential units are within the SE and VC districts where mixed uses have been specifically anticipated.
- 2) Parks and Open Space
Cemetery, Columbaria, Mausoleum
Columbaria, mausoleums, or other buildings for the purposes of interment located within one hundred (100) feet of vacant land classified as R-1, RE, R-2, or lands on which single-family detached development is located, shall not exceed twenty (20) feet in height. Any building used as a chapel that also contains a mausoleum, the mausoleum shall be considered an accessory use so long as the mausoleum is accessed solely from the inside of the building.
- 3) Transportation
 - a) *Airport*
Uses and accessory uses associated with Austin Straubel International Airport and the associated airport development area shall comply with the requirements and standards in the *Village of Ashwaubenon Comprehensive Plan*.
 - b) *Passenger Terminal, Surface Transportation*
Shall be located on an arterial or collector street.

(C) INSTITUTIONAL USE CLASSIFICATIONS

- 1) Day Care
 - a) *Child Day Care Center; Preschool*
Child day care centers and preschools shall comply with the following standards:
 1. *Location*
If not located in a stand-alone building:
 - a. be located on the first floor of a principal structure; and
 - b. be segregated (including the restrooms) from the remaining portion of the building in which it is located.
 2. *Size*
Not be less than two hundred eighty (280) square feet in size, plus an additional forty (40) square feet in area per child permitted.
 3. *Outdoor Play Areas*
Outdoor play areas shall:
 - a. Be a minimum of five hundred twenty-five (525) square feet in size, plus an additional seventy-five (75) square feet per child on the site;

- b. Include a fence at least four (4) feet in height that completely encloses the play area, and is designed so all persons entering the play area are within direct line of sight from the classroom areas;
 - c. Not locate play equipment within the required front yard or setback of any district;
 - d. Be safely segregated from parking, loading, or service areas; and e. Not conduct outdoor play activities after 8:00 PM.
4. *Parking Area, Vehicular Circulation, and Drop-Off and Pick-Up*
Design parking areas and vehicular circulation patterns to:
- a. Enhance the safety of children as they arrive at and leave the facility; and
 - b. Include a designated pick-up and delivery area, providing at a minimum one (1) parking space per twenty (20) children, that is located adjacent to the child care structure in such a way that children do not have to cross vehicular travel ways to enter or exit the center.
5. *Located on Site of Religious Institution*
If located on the site of a religious institution, be allowed as an accessory use only if designed and located to be compatible with adjacent land uses in terms of hours of operation, noise, lighting, parking, and similar considerations, and not cause significant traffic impacts.
6. *Accessory Uses*
If allowed as an accessory use to a Retail Sales and Service or floor area of the principal use.
- a. *In-Home Day Care*
In-home day care uses shall comply with the following standards:
 - 1. *Obtain Site Plan Approval*
Obtain approval of a Site Plan (Article 2) that depicts compliance with the standards in this subsection;
 - 2. *Maximum Size*
Be limited to a maximum of six (6) person receiving care;

3. *Outdoor Play Area*
If an outdoor play area is provided, it shall be fenced with an opaque fence at least four (4) feet high;
4. *Ashwaubenon Building Code*
In-home day care uses with five (5) or more persons shall comply with the standards for such uses identified in the commercial codes currently adopted by the Village; and
5. *Comply with Off-Street Parking Standards*
Comply with all applicable standards in Article 6.

2) Educational Facilities

a) *Colleges and Universities*

Uses associated with a college or university shall:

1. Only be permitted in conjunction with and on the same site as a college or university use; and
2. Meet the parking requirements for the corresponding Use Type in Article 6.

b) *School, Elementary, Middle, or Senior High*

Any elementary, junior, or high school proposed within R-1, RE, or R-2 residential districts shall:

1. *Front Arterial or Collector Street*
Be located on a parcel or site which fronts an arterial or collector street that has adequate capacity for the ultimate size of the campus; and
2. *Temporary Structures*
If temporary structures are needed for expansion space, such structures shall:
 - a. Not be located between the principal building and any abutting right-of-way (an exception to this standard shall be considered where there is no other practical alternative due to topography, presence of utilities or easements, existence of undisturbed open space and buffers, or other site features that area beyond the landowners' control); and

c) *Athletic Facilities*

Athletic facilities shall be located and designed to minimize impacts, especially noise and light, on any surrounding residential property.

3) Health Care Facilities

a) *Hospital*

A hospital shall comply with the following standards:

1. *Area*
Be located on a site or parcel a minimum of five (5) acres in area;
 2. *Location on Arterial or Collector Street*
Be located on an arterial or collector street; and
 3. *Public Water and Wastewater*
Be served by a public water and wastewater system.
- b) *Medical and Dental Clinic*
A medical or dental clinic in the I-2, I-1, and IP districts shall be limited to occupational health practice.
- c) *Drug and Alcohol Treatment Facility*
Drug and alcohol treatment facilities shall comply with the standards for group home uses in Section 17-4-300(A)1)c), *Group Home (Type A and B)*, regardless of the number of patients.
- 4) *Institutions*
- a) *Assisted Living Facility; Nursing Home; Psychiatric Treatment Facility*
1. *Retail Sales and Services*
Any supporting retail sales and services uses accessory to the principal use shall be enclosed within the principal structure, shall not exceed twenty percent (20%) of the conditioned floor area of the principal structure, and shall only be accessed through the principal structure.
 2. *Front Arterial or Collector Street in R-2*
Any Assisted Living Facility in the R-2 district shall be located on a parcel or site that fronts an arterial or collector street.
- b) *Convention Center*
1. *Front Arterial or Collector Street*
Any Convention Center shall be located on a parcel or site that fronts an arterial or collector street.
- c) *Religious Institution*
1. *Front Arterial or Collector Street*
Any religious institution with seating capacity of 300 or greater in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, or recreational facilities shall be located on a parcel or site that fronts an arterial or collector street; and
 2. *Child Day Care Center*
Design any accessory child day care center or overnight child care center associated with the religious institution to comply with the standards of Section 17-4-300(C), *Child Day Care Center; Preschool*.
 3. *Modifications of Standards*
The Zoning Administrator/SPRC shall have the authority to grant modifications to any of the standards listed in this section in order to

eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S. Code Sec. 2000), as amended. In granting such a modification, the Zoning Administrator/SPRC may require conditions consistent with the federal act that will secure substantially the objectives of the modified standards and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

(D) COMMERCIAL USE CLASSIFICATION

- 1) Agriculture
 - a) *Animals*

Any animals raised within the R-1 or R-2 districts are allowed only per Chapter 4 Article I.

- 2) Animal Care
 - a) *Animal Grooming*

An animal grooming establishment in commercial districts B-1, B-2, and B-3 shall have no more than one hundred (100) square feet of open run area, and shall be fully enclosed with an opaque fence minimum of six (6) feet high.

 - b) *Kennel, Indoor:*
 1. *Maximum Number of Animals*

Not board more than twenty (20) animals (not including fish, small reptiles, and rodents kept as domesticated pets) at any given time;

 2. *No Unreasonable Noise or Odor*

Be sufficiently insulated so no unreasonable noise or odor can be detected off-premises; and

 3. *Accessory Uses*

Allow retail sales and grooming services as accessory uses, as long as these do not include more than twenty-five percent (25%) of the total gross floor area of the principal use.

 - c) *Kennel, Outdoor:*
 1. *Maximum Number of Animals*

Not board more than twenty (20) animals at any given time;

 2. *Buildings and Open Runs*

Not locate open runs or buildings used for housing of animals within seventy-five (75) feet of any lot line; and

 3. *Accessory Uses*

Allow retail sales and grooming services as accessory uses, as long as these do not include more than twenty-five percent (25%) of the total gross floor area of the principal use.

d) *Equine Stable*

No equine stable operated as a principal use shall be within three hundred (300) feet of an existing single-family detached dwelling on a different lot, and shall be for personal use only.

e) *Veterinary Clinic:*

1. *Maximum Number of Animals Boarded*

Not more than twenty (20) animals (not including fish, small reptiles, and rodents kept as domesticated pets) at any given time;

2. *Kennels*

Maintain no kennels outside the principal building;

3. *No Unreasonable Noise or Odor*

Be sufficiently insulated so no unreasonable noise or odor can be detected off-premises.

3) *Eating Establishments*

Eating establishments with more than one use (e.g. restaurant serving alcohol and restaurant with drive-through facilities) must comply with all of the relevant requirements for all of the uses present.

a) *Restaurants with Outdoor Seating*

Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

1. *Setback from Residential District*

The outdoor seating area shall be located no closer than one hundred (100) feet from any single-family attached, detached, townhouse, or two- (2) to four- (4) family dwelling. This restriction shall not apply when the residential units are within the SE and VC districts where mixed uses have been specifically anticipated.

2. *Hours of Operation*

Restaurants with outdoor seating located within two hundred (200) feet of single-family attached, detached, townhouse or two- (2) to four- (4) family dwellings shall not operate the outdoor portions of the use after 10:00 PM. This restriction shall not apply when the residential units are within the SE and VC districts where mixed uses have been specifically anticipated.

3. *No Obstruction of Pedestrian Movement*

The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks to and through areas intended for public use.

4. *Service of Food and Beverages*

Employees of the establishment shall serve food and beverages in the outdoor seating area.

5. *Compatibility and Compliance with Building Codes and State Regulations*

In approving the use, the Village may impose conditions relating to the location, configuration, and operational aspects of such outdoor seating area to ensure its compatibility with surrounding uses, its architectural consistency with the restaurant, and its compliance with the Village's building codes and all relevant state laws and regulations.

b) Restaurants with Drive-Through Facilities:

1. *Proximity to Residential Districts*

The order box and/or pickup window shall be located no closer than seventy-five (75) feet from any residential district, shall have appropriate screening for noise and light upon residential lots, and shall be limited in hours of operation if within one hundred fifty (150) feet of a residential district;

2. *Not Obstruct Pedestrian Movement*

Design and locate the drive-up window or outdoor area so as not to obstruct the movement of pedestrians along sidewalks or through areas intended for public use; and

3. *Compatibility and Compliance Village Conditions*

Be subject to Village-imposed conditions relating to the location, configuration, and operational aspects of the drive-through window to ensure its compatibility with surrounding uses, its architectural consistency with the principal use, and its compliance with the Village's building codes and all relevant state laws and regulations.

c) Restaurants in I-1, I-2, IP, or BP Districts:

1. *Location*

Restaurants shall be located along arterial or collector roads, or in designated or clustered retail service areas at entrances to or locations central to major employment areas.

2. *Compatibility with Surrounding Uses*

Restaurants shall be designed and located such that customer traffic, cooking smells, or other impacts do not adversely affect nearby businesses, or otherwise change the business and industrial character of the district.

4) Conference centers:

a) *Limited Occupancy*

Such facilities shall be limited to a maximum capacity of five hundred (500) persons.

b) *Accessory Uses*

Dining and banquet facilities may be provided for employees, trainees, and conferees. The banquet and dining facilities shall not exceed twenty percent (20%) of the total area of the principal permitted structure.

c) *No Products Sold On-Site*

No products shall be sold on-site except those that are clearly incidental and integral to the training programs and seminars.

d) *On-Site Recreation Facilities*
On-site recreation facilities may be used solely by employees, trainees, or conferees.

e) *Access*
There shall be no more than two (2) points of access to a public road, unless deemed appropriate by SPRC. This requirement shall not preclude an additional access for emergency vehicles only.

5) *Offices*

Office uses in B-1 shall not exceed ten thousand (10,000) square feet.

6) *Parking, Commercial*

a) *Parking Lot:*

1. *Obtain Site Plan Approval*

Obtain approval of a Site Plan (Article 2), that depicts compliance with the standards in this subsection;

2. *Principal Use*

Be the principal use. Parking spaces may be rented for parking. No other business or any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods;

3. *Location*

Not be contiguous to lands in the single-family residential districts (R-1, RE, R-2, R-3) or existing single-family detached development;

4. *Frontage Limited*

Limit street frontage in the VC and SE districts to one hundred twenty (120) feet; and

5. *Comply with Off-Street Parking Standards*

Comply with all applicable off-street parking standards Article 6.

b) *Parking Structure:*

1. *General*

Be the principal use. Parking spaces may be rented for parking. Retail sales and service uses and office uses are allowed to be developed on the first floor.

2. *Not Located Contiguous to Single-Family Districts*

Not be located contiguous to R-1, RE or R-2 districts or existing single-family detached development.

3. *Parking Structure in the VC and SE District*

If in the VC and SE district, have retail or office uses on the bottom floor across the entire width of street frontage on arterial and

collector streets, except for required entrances and the attendant station.

7) Recreation/Entertainment, Indoor

a) *Auditorium*

Auditoriums shall meet the use specific standards for convention centers (Section 17-4-300(C)4)b), *Convention Center*).

b) *Commercial Recreation, Indoor*

Indoor commercial recreation uses in the I-1, I-2, IP, and BP districts shall comply with the following:

1. *Specialized Buildings*

Uses are limited to facilities specifically requiring specialized buildings such as gymnastics schools, indoor rock climbing facilities, indoor sports fields, and the like. Applicants must provide information about the nature of the proposed activity and the need for an industrial-scale building (i.e., specialized equipment needs, noise impacts, high ceiling height, etc.).

2. *Vehicular Access, Parking, and Circulation*

All vehicular access, parking, and circulation must be designed to minimize conflicts with the access, parking, and circulation for industrial uses in the vicinity.

3. *Pedestrian Circulation*

Pedestrian circulation routes must be provided between parking areas and entrances to recreation uses so as not to conflict with vehicular traffic, particularly truck traffic, associated with nearby industrial uses.

4. *Safety*

Applicant must provide a site plan that is designed to minimize land use conflicts and protect public safety. Areas used for customer parking or circulation may require additional lighting depending on existing conditions.

5. *Compatibility*

Applicant must prove to the satisfaction of the SPRC that all aspects of the recreation use will be compatible with all adjacent existing and permitted future uses.

Indoor commercial recreation uses in the B-1 district shall comply with the following:

1. Size of indoor commercial recreation uses is limited to a maximum of ten thousand (10,000) square feet.

8) Recreation/Entertainment, Outdoor

a) *Arena, Stadium*

All arenas, amphitheaters, or stadiums shall:

1. *Minimum Separation*

Be located at least five hundred (500) feet from Household Living uses, or vacant land classified in the R-1, R-2 or RE zone districts;

2. *Lot Area*

Be at least five (5) acres in area;

3. *Frontage*

Have a minimum of four hundred (400) feet of frontage on an arterial or major collector street, at the primary point of access;

4. *Vehicular Access*

Locate access points to minimize vehicular traffic to and through local streets in residential neighborhoods; and

5. *Safety Fences*

Provide safety fences up to a height of eight (8) feet, if necessary, to protect the general health, safety, and welfare in accordance with Chapter 5 Article IX.

9) Retail Sales and Services

a) *Large Retail Development*

[Reserved]

b) *Alcohol Sales*

[Reserved] (Ord. No. 07-5-15, 07-28-15)

c) *Alternative Financial Services:*

1. Not be located any nearer than five thousand (5,000) feet to any other alternative financial services establishment or pawn shops.
2. Not be located any nearer than five hundred (500) feet to any residential zoning district, schools, religious institutions, parks, or childcare facilities.
3. Limit hours of operation to 8:00 a.m. to 8:00 p.m.
4. Drive-thru transaction stations are prohibited.
5. Require unobstructed view of the business from a public street, a security plan (window bars, chains, etc. are prohibited), and other approved operating and development standards.
6. Have at least 30 percent of a first floor facade that faces a public street shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level. The business window shall not be obscured in any way, including by temporary or painted window signs. Neon signs are prohibited. The petitioner is to implement the recommendations made by the village board regarding site security.
7. Have all receipt, sorting or processing of goods occurring within a completely enclosed building.

8. Have building lighting to provide illumination for security and safety of parking and access areas.

Note: Other retail establishments where less than ten percent of usable floor space is dedicated for AFS services are not subject to items 1 thru 5 above.

d) *Bar, Nightclub, or Cocktail Lounge:*

1. *Minimum Separation*

Be located at least three hundred (300) feet from any residential zone district or portion of a Planned Unit Development (PUD) designated for residential use, religious institutional use, day care use, or a school, with the exception of the VC and SE districts.

2. *Management of Impacts*

Provide a written plan to manage potential impacts on the surrounding neighborhoods and businesses, including:

- a. Acknowledgement of the Village noise ordinance standards and monitoring noise created by the establishment and its patrons.
- b. Provision of lighting to secure parking lots and other outside areas while complying with Zoning Ordinance lighting standards.
- c. Provision of appropriate security to control crowds based on size and type of activity, including the discouragement of parking lot loitering.
- d. Advising patrons to park only in appropriate locations on the establishment's property or neighboring properties where written permission has been granted.

3. *Outdoor Activities (as approved by the Village):*

- a. Only allow employees of the establishment to serve food and beverages in the outdoor area;
- b. Any establishment with outdoor seating or outdoor live entertainment must comply with the standards in Section 17-4-300(D)3)a), *Restaurants with Outdoor Seating*; and
- c. Be subject to Village-imposed conditions relating to the location, configuration, and operational aspects of outdoor area to ensure its compatibility with surrounding uses, its architectural consistency with the principal use, and its compliance with the Village's building codes and all relevant state laws and regulations.

e) *Business Service Establishment*

1. Business service establishments in the neighborhood B-1 districts shall:
 - a. Floor Area
Have floor areas of an individual establishment that do not exceed ten thousand (10,000) square feet in area.
 - b. Enclosed Building
Conduct business activities of the establishment within an enclosed building, with no more than twenty percent (20%) of the gross floor area devoted to storage;
 - c. Retail Sales Only
Only sell products and services at retail; and
 - d. Hours of Operation
Limit the hours of operation to between 6:00 AM and 10:00 PM.
2. Business services establishments in the BP or IP districts shall comply with the following standards:
 - a. Location
Business services establishments located along arterial or collector roads, or in designated or clustered retail service areas at entrances to or locations central to major employment areas.
 - b. Compatibility with Surrounding Uses
Business services establishments shall be designed and located such that customer traffic or other impacts do not adversely affect nearby businesses, or otherwise change the business and industrial character of the district.

f) *Convenience Store*

1. A convenience store with gasoline sales shall comply with the standards for automobile service stations in Section 17-4-300(D)10h), *Gasoline Filling Station*.
2. Convenience stores in the BP or IP districts shall comply with the following standards:
 - a. Location
Convenience stores shall be located in designated or clustered retail service areas at entrances to or locations central to major employment areas.
 - b. Compatibility with Surrounding Uses
Convenience stores shall be designed and located such that customer traffic or other impacts do not adversely affect nearby businesses, or otherwise change the business and industrial character of the district.

g) *Crematory*

Be located at least one thousand (1,000) feet from any residential district or any lot containing a residential use.

h) *Financial Institution*

Drive-through facilities associated with a financial institution shall:

1. *Canopies*

Have a substantial roof structure in keeping with the style, scale, and materials of the primary building;

2. *Drive-Through Locations*

Be situated to the side and preferably to the rear of the primary building.

i) *Pawn Shop*

Pawn shops, subject to the following conditions:

1. Cannot be located any nearer than 5,000 feet to any other pawn shops or alternative financial services establishment.
2. Cannot be located any nearer than 500 feet to any residential zoning district, schools, religious institutions, parks, childcare facilities, firearm dealers or businesses selling alcohol.
3. Hours of operation are limited to 8:00 a.m. to 8:00 p.m.
4. Requires unobstructed view of the business from a public street, a security plan (window bars, chains, etc. are prohibited), and other approved operating and development standards.
5. At least 30 percent of a first floor facade (primary façade that contains the primary public entrance) and/or that faces a public street shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level. The business window shall not be obscured in any way, including by temporary or painted window signs. Neon signs are prohibited. The petitioner is to implement the recommendations made by the village board regarding site security.
6. All receipt, sorting or processing of goods shall occur within a completely enclosed building.
7. The building shall have lighting to provide illumination for security and safety of parking and access areas.
8. All establishments to comply with Chapter 6, Article XIII, sections 6-450 to 6-455 of the Municipal Code.

j) *Personal Service Establishment*

1. Personal service establishments in the B-1 neighborhood district shall:

- a. **Floor Area**
Have floor areas of an individual establishment that do not exceed ten thousand (10,000) square feet in area;
- b. **Enclosed Building**
Conduct the business activities of the establishment within an enclosed building, with no more than twenty percent (20%) of the gross floor area devoted to storage;
- c. **Retail Sales Only**
Only sell products at retail; and
- d. **Hours of Operation**
Limit the hours of operation to between 6:00 AM and 10:00 PM.

2. Personal service establishments in the BP or IP districts shall:

- a. **Location**
Personal services establishments shall be located in designated or clustered retail service areas at entrances to or locations central to major employment areas.
- b. **Compatibility with Surrounding Uses**
Personal services establishments shall be designed and located such that customer traffic or other impacts do not adversely affect nearby businesses, or otherwise change the business and industrial character of the district.

k) *Pharmacy, Limited*

Limited pharmacies shall have a maximum floor area of four thousand (4,000) square feet. Any pharmacy larger than four thousand (4,000) square feet shall be classified under the "Retail Sales Establishment, Indoor" category.

l) *Repair Establishment*

Repair establishments in B-1 shall have a maximum floor area of five thousand (5,000) square feet. No outdoor storage is permitted.

m) *Retail Sales Establishment, Outdoor:*

- 1. **Display Area Surfacing**
Display merchandise on a paved surface.
- 2. **Display Area Location**
All merchandise/materials must be displayed outside of required front, side, and rear yards as per Municipal Ordinance. Display areas may not intrude into required parking areas, buffers, or other required landscaping.

3. *Merchandise Separation*

Structures that are displayed as merchandise (i.e., storage buildings, car ports, play sets, gazebos, etc.) must maintain a five (5) foot separation between structures.

4. *Bulk Materials*

Any bulk materials sold onsite must be less than thirty-six (36) inches in height or must be completely screened from view from public rights-of-way and/or public areas of adjoining sites by an opaque fence no more than six (6) feet high or a solid landscape screen. Bulk materials shall not exceed the height of the screening fence or landscape material.

n) *Tattoo Studio*

1. Cannot be located any nearer than 5,000 feet to any other tattoo studio facility.
2. Hours of operation are limited to 8:00 a.m. to 10:00 p.m.
3. At least 30 percent of a first floor façade (primary façade that contains the primary public entrance) and/or that faces a public street shall be windows or doors of clear or lightly tinted glass that allows views into the building at eye level and shall not be obscured in any way. Neon signs are prohibited.
4. Cannot display signage visible from the outside of the premises that are illustrative of the services or merchandise offered on the premises.

10) *Vehicle Sales and Services*

a) *Automobile Painting/Body Shop:*

1. *Minimum Separation*

Be located at least two hundred fifty (250) feet from any residential district;

2. *Parked Vehicles*

Not park or store a vehicle as a source of parts, or park or store a vehicle for the purpose of sale or lease/rent;

3. *Lighting*

Design and arrange all lights and lighting so no source of light shall have a direct glare from any residential district;

4. *Enclosure*

Repair and store all vehicles within an enclosed building. Temporary vehicle storage may be allowed in an outdoor storage area that shall be no larger than twenty-five percent (25%) of the total lot area. Such areas shall be located to the rear of the principal structure and be screened with a fence or masonry wall in accordance with Chapter 5 Article IX and approved by the SPRC. The height of materials and equipment stored shall not exceed the height of the screening fence or wall; and

5. *Vehicle Storage*

Not store or park a vehicle that has been repaired and is awaiting removal for more than thirty (30) consecutive days. In cases where a vehicle has been abandoned by its lawful owner prior to or during the repair process, the vehicle may remain on site as long as is necessary after the thirty (30) day period, provided the owner or operator of the establishment can demonstrate steps have been taken to remove the vehicle from the premises using the appropriate legal means. Storage of inoperable vehicles or parts shall not exceed twenty-one (21) days.

b) *Automobile Parts Sales and Installation:*

1. *Enclosure*

Repair and store all vehicles within an enclosed building. Temporary vehicle storage may be allowed in an outdoor storage area that shall be no larger than twenty-five (25%) of the total lot area. Such areas shall be located to the rear of the principal structure and be screened with a fence or masonry wall in accordance with Chapter 5 Article IX and approved by the SPRC. The height of materials and equipment stored shall not exceed the height of the screening fence or wall;

2. *Public Address Systems*

Have no outdoor speaker or public address system that is audible off-site;

3. *Trash Storage*

Provide adequate, enclosed trash storage facilities on the site; and

4. *Test Drives*

Not test drive vehicles on residential streets.

5. *Automobile Parts, Sales and Installation in BP District*

Be restricted to the sales and installation of non-mechanical specialty items, except where located on an arterial or collector road. Such items include electronics, security systems, interior and exterior specialty accessories, and similar items that can be installed with little or no noise or other external impacts. No outside equipment or vehicle storage shall be permitted with such uses in the BP district.

c) *Automobile Rental and Sales; Recreational Vehicle/Travel Trailer Rental and Sales; Truck or Tractor Rental or Sales:*

1. *Vehicle Display Pad*

- a. Not have more than one (1) vehicle display pad for every one hundred (100) feet of street frontage. The vehicle display pad may be elevated up to two (2) feet above adjacent displays or grade level;

b. Have no racks that tilt vehicles in any way to show the underside, unless located inside a showroom;

2. *Not Display on Top of Building*

Not display vehicles or other similar items on top of a building;

3. *Public Address Systems*

Have no outdoor speaker or public address system that is audible off-site;

4. *Other Materials for Sale*

Display no other materials for sale between the principal structure and the street; and

5. *Test Drives*

Not test drive vehicles on residential streets.

6. *Automobile Rental and Sales in BP District*

Be restricted to automobile rental, or the sale of specialty vehicles in the BP district, except where located on an arterial or collector road. Such vehicles include collector vehicles, racing vehicles, vehicles modified for the disabled, or other vehicles that have a similar limited market. All vehicles must be stored inside the building or in lots to the rear of the building.

d) *Automobile Repair and Servicing (without Painting/Bodywork):*

1. *On-Site Circulation*

Be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements;

2. *Enclosure*

Repair and store all vehicles within an enclosed building. Temporary vehicle storage may be allowed in an outdoor storage area that shall be no larger than twenty-five percent (25%) of the total lot area. Such areas shall be located to the rear of the principal structure and be screened with a wooden fence or masonry wall in accordance with Chapter 5 Article IX and approved by the SPRC. The height of materials and equipment stored shall not exceed the height of the screening fence or wall;

3. *Public Address Systems*

Have no outdoor speaker or public address system which is audible off-site;

4. *Trash Storage*

Provide adequate, enclosed trash storage facilities on the site;

5. *Test Drives*

Not test drive vehicles on residential streets;

6. *Gasoline Sales*
Comply with the standards for a gasoline filling station (Section 4-300(C)(10)(h), *Gasoline Filling Station*) if gasoline is sold on-site;
7. *Parked Vehicles*
Not park or store a vehicle as a source of parts, or park or store a vehicle for the purpose of sale or lease/rent; and
8. *Vehicle Storage*
Not store or park a vehicle that has been repaired and is awaiting removal for more than thirty (30) consecutive days. In cases where a vehicle has been abandoned by its lawful owner prior to or during the repair process, the vehicle may remain on site as long as is necessary after the thirty (30) day period, provided the owner or operator of the establishment can demonstrate steps have been taken to remove the vehicle from the premises using the appropriate legal means. Storage of inoperable vehicles or parts shall not exceed twenty-one (21) days.

e) *Automotive Wrecker Service:*

1. *Number of Vehicles*
Be limited to nine (9) vehicles or fewer;
2. *Duration*
Not store vehicles for more than ninety (90) days;
3. *Location*
Store vehicles to the rear of the principal structure behind a wooden fence or masonry wall in accordance with Chapter 5 Article IX and approved by the SPRC. The height of materials and equipment stored shall not exceed the height of the screening fence or wall;
4. *Minimum Separation*
Be located at least two hundred fifty (250) feet from any residential zone district, and
5. *Compliance with Landscaping Standards*
Comply with all landscaping in Article 6.

f) *Boat and Marine Rental and Sales:*

1. *Displays within Setbacks and Buffers*
Not locate boat and marine equipment displays within a required setback or perimeter buffer;
2. *Vehicle Display Pad*
Not have more than one (1) boat or marine display pad for every one hundred (100) feet of street frontage. The display pad may be elevated up to two (2) feet above adjacent displays or grade level;
3. *Public Address Systems*
Have no outdoor speaker or public address system which is audible off-site; and

4. *Other Materials for Sale*

Not display other materials for sale between the principal structure and the street.

g) *Car Wash or Auto Detailing:*

1. *Minimum Separation*

Be located at least two hundred fifty (250) feet from any residential district, unless all of the following conditions are met;

- a. An attendant must be onsite at all times that the establishment is open for business; and
- b. All washing, waxing, and machine drying must be conducted inside the building (vacuuming, hand drying, and hand waxing of vehicles may take place outside); and
- c. Building openings for vehicle entry shall not face any adjacent residential property line (minimum sixty (60) degree offset required); and
- d. All vacuums and air compressors located outside must be designed such that noise does not exceed sixty (60) decibels at or beyond any property line; and
- e. A solid six (6) foot high fence or wall must be provided along any property line that adjoins a residential district, existing residential use, religious institution use, community service use, daycare use, school (elementary, middle, or senior high), or public park.

2. *On-Site Circulation*

Be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements;

3. *Trash Storage*

Provide adequate, enclosed trash storage facilities on the site.

4. *Automatic Car Wash with Automotive Service Station*

If an automatic car wash is an accessory use to a gasoline filling station, it shall be governed by the use and dimensional standards applicable to the gas sales use.

h) *Gasoline Filling Station:*

1. *Separation*

Be located at least two hundred fifty (250) feet from any residential district;

2. *Design*

- a. Primary gasoline filling station buildings shall be designed like traditional commercial structures, to include wooden or

vinyl siding, stone, brick, or stucco-type exterior and a sloped roof or a flat roof that is screened with a parapet façade;

b. Gasoline pump canopies shall mimic rooflines and surface materials of the roof of the principal structure;

3. *Gasoline Pump Location*

Gasoline pumps shall be located to the side or rear of buildings to allow for direct pedestrian connection from the building to the primary street. Layouts with pumps between the street and building may be approved SPRC for highway oriented locations where auto serving land uses predominate and pedestrian activity is limited.

i) *Truck Stops*

A truck stop shall meet the standards for a gasoline filling station (Section 17-4-300(D)10h), *Gasoline Filling Station*).

11) Visitor Accommodations

a) *Bed and Breakfast:*

1. *Owner-Occupied*

Be owner-occupied with the owner-operator residing on the premises;

2. *Permitted Use*

Be located within a structure that is permitted within the district in which it is located;

3. *Cooking*

Not have cooking implements, including but not limited to, stoves, grills, or ovens in individual guest rooms;

4. *Meals*

Not serve meals other than breakfast to paying guests;

5. *Alterations*

Limit exterior alterations to those necessary to assure safety of the structure or enhance the compatibility of the bed and breakfast with the surrounding neighborhood; and

6. *Advertising*

Limit advertising to one (1) on-site sign per Municipal Code sign ordinance in Article 6.

b) *Campground:*

1. *Intensity/Character*

a. *Minimum Area*

Have a minimum lot area of ten (10) acres;

- b. Not Permanent Residence
Not be used as permanent residences, except for the owner or manager and permanent maintenance personnel who shall reside in caretaker quarters;
- c. Camping Sites
Provide camping sites a minimum of one thousand two hundred (1,200) square feet in size and at least twenty-five (25) feet in width;
- d. Recreational Area
Provide a recreational area consisting of one hundred (100) square feet per campsite;
- e. Public Telephone
Provide at least one (1) publicly available telephone;
- f. Streets and Walks Lighted
Light streets and walks;
- g. Service Buildings
Provide service buildings with restrooms and related facilities;
- h. Groundcover
Provide sufficient groundcover to prevent erosion; and

2. *Setbacks*

Be set back one hundred (100) feet from the front yard lot line and fifty (50) feet from the side and rear lot lines.

c) *Extended Stay Hotel*
[Reserved]

d) *Hotel or Motel*

Hotels or motels shall comply with the following standards:

1. *Area Devoted to Non-Living Quarters*

Up to fifteen percent (15%) of the gross floor area of a hotel or motel may be in non-living quarter incidental uses (accessory uses), including management/employee offices, meeting rooms, banquet halls, retail services such as newsstands and gift shops, and similar uses provided any incidental business is conducted primarily to serve guests and there is not entrance to such places of business except from the inside of the building.

2. *Eating Establishments*

Up to twenty percent (20%) of the gross floor area of a hotel or motel may be devoted to eating establishments as an accessory use. The eating establishments may have an entrance from outside the principal building.

3. *Maximum Length of Stay*

The total length of stay for a patron shall not exceed thirty (30) consecutive days during any single visit.

e) *Transient Residential Facility*

Transient Residential Facility shall comply with the following:

1. No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
2. There shall not be excessive noise, fumes, glare, vibrations generated during the use.
3. Name plates or other signage shall not exceed one square foot. No other advertising of the available use as a transient residential facility is permitted on site.
4. There shall be one parking stall available per 3 paying guests.
5. The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and village housing regulations based upon the number of bedrooms in each unit.
6. A conditional use permit shall terminate when the permit holder sells or transfers the property except when change of ownership occurs as a result of survivorship or transfers on owner's death. A subsequent purchaser may apply for renewal of the conditional use permit.
7. No recreational vehicles (RVs), camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
8. Any outdoor event held at the transient residential facility shall last no longer than one day occurring between the hours of 8:00 a.m. and 10:00 p.m. Any activities shall be in compliance with other noise regulations of the village.
9. All rentals of the facility shall be subject to payment of the Brown County room tax at the current applicable rate. Permit holders are responsible for complying with all regulations of the room tax.
10. Failure to make payment on taxes or debt owed to the Village is a basis for revocation of the permit.

(E) INDUSTRIAL AND RELATED USES CLASSIFICATION

1) Extractive Industry

Extractive Industry uses shall:

a) *Minimum Separation*

Be located at least one thousand (1,000) feet from any residential district, existing residential use, religious institution use, community service use, day care use, school (elementary, middle, or senior high), or public park; and

b) *Fencing Required*

Be surrounded by an opaque fence that is at least eight (8) feet high, located no less than one hundred (100) feet from any public right-of-way, and located no less than fifty (50) feet from any adjacent property.

2) Industrial Services

a) *Building, Heating, Plumbing, or Electrical Contractor*

Contractor facilities in the BP district shall not include the outside storage of heavy equipment or bulk storage of raw materials.

b) *Electric Motor Repair; Machine Shop; Tool Repair*

Electric motor repair, machine shops, and tool repair uses shall:

Repair and store all machines within an enclosed building. Temporary storage may be allowed in an outdoor storage area that shall be no larger than twenty-five percent (25%) of the total lot area. Such areas shall be located to the rear of the principal structure and be screened with a wooden fence or masonry wall in accordance with Chapter 5 Article IX and approved by SPRC. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

c) *Heavy Equipment Sales, Rental, or Repair:*

1. *Displays within Setbacks and Buffers*

Not locate heavy equipment displays within a required setback or perimeter buffer;

2. *Vehicle Display Pad*

Not have more than one (1) heavy equipment display area for every one hundred (100) feet of street frontage;

3. *Not Display on Top of Building*

Not place heavy equipment or other display on top of a building; and

4. *Public Address Systems*

Have no outdoor speaker or public address system which is audible off-site.

d) *Laundry, Dry Cleaning, and Carpet Cleaning Facilities:*

1. *Enclosure*

Be within an enclosed building; and

2. *Nonflammable Enclosure*

Use nonflammable liquids in the cleaning processes that emit no odor, fumes, or steam detectable to normal senses from off the premises.

3) Manufacturing and Production

a) *Manufacturing, Heavy:*

Heavy Manufacturing uses shall:

1. *Minimum Separation*

Be located at least five hundred (500) feet from any residential district, existing residential use, religious institution use, community service use, day care use, school (elementary, middle, or senior high), or public park;

2. *Screen Outdoor Storage Areas*

Outdoor storage areas shall be located to the rear of the principal structure and be screened with a fence or masonry wall no less than eight (8) feet in height in accordance with Chapter 5 Article IX and approved by SPRC. The height of materials and equipment shall not exceed the height of the screening fence or wall;

3. *On-Site Circulation*

Be designed to ensure proper functioning of the on-site transportation circulation system; and

4. *Access*

Have direct access onto an arterial or major collector street, or vial local roads that only traverse in I-2 district.

b) *Limited Manufacturing:*

1. *On-Site Deliveries*

Be located on a site that can accommodate all loading and unloading activities and can provide access for anticipated truck traffic without requiring backing off of public streets or other impacts to traffic flow;

2. *Truck Traffic Generated*

Be limited to uses that average less than ten (10) tractor trailer trips per week, and no more than three (3) on any day;

3. *Present a Business Presence to the Street*

Be designed to present a finished business appearance to the street, including the use of appropriate professionally designed signage, using window displays or otherwise maintaining visual access through existing building storefronts, and rehabilitating and maintaining established landscape areas, parking areas, sidewalks, and other building façade and entry features;

4. *Limited Outdoor Storage*

Be designed with only limited outdoor storage which is fully screened by a solid fence or wall of a maximum six (6) feet in height. The building material for the screening shall be determined at the time of special exception approval, but shall generally be a masonry wall or other appropriate higher quality design when facing a street, but may be a wooden fence when facing non-public or service areas on adjoining properties.

5. *Transitional Use in the VC and SE Districts*

Limited Manufacturing in the VC and SE Districts is intended to be a transitional use in existing industrial/warehouse buildings in areas that have not redeveloped to the mix of dense uses reflected in the purpose statement and permitted uses of the district.

c) *Special Heavy Manufacturing*

Demonstrate that all external impacts have been mitigated to protect surrounding uses to the greatest extent practicable through the use of noise mitigating construction and emission scrubbing technology, as well as oversized buffers and/or screening to mitigate impacts that could affect the marketability of surrounding properties.

1. *Minimum Separation*

Be located at least five hundred (500) feet from any residential district, existing residential use, religious institution use, community service use, day care use, school (elementary, middle, or senior high), or public park;

2. *On-Site Circulation*

Be designed to ensure proper functioning of the on-site transportation circulation system; and

3. *Access*

Have direct access onto an arterial or major collector street, or vial local roads that only traverse in I-2 district.

4) *Self-Service Storage*

All Self-Service Storage uses shall comply with the following standards (see Sections j) – m) for additional standards for mini-warehouses and Sections n) – p) for additional standards for climate-controlled self-service storage):

a) *Commercial Uses Permitted On-Site*

The only commercial uses permitted on-site shall be the rental of storage bays, the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment, or conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site.

b) *Security of Caretaker Quarters*

No more than one (1) security or caretaker quarters may be developed on the site.

c) *Not Legal Address*

Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

d) *Enclosed Buildings*

Except as provided in this subsection, all property stored on the site shall be entirely within enclosed buildings

- e) *Open Storage of Recreational Vehicles and Dry Storage of Boats*
Open storage of recreational vehicles and travel trailers, and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-storage facility use, provided that the following standards are met:
1. *Designated Area*
The storage shall occur only within a designated area, which shall be clearly delineated;
 2. *Storage Area Size*
The storage area shall not exceed twenty-five percent (25%) of the buildable area of the site;
 3. *Screening*
Outdoor storage areas shall be located to the rear of the principal structure and be screened with a fence or masonry wall no less than eight (8) feet in height in accordance with Chapter 5 Article IX and approved by SPRC;
 4. *No Storage within Setbacks*
Storage shall not occur within the area set aside for minimum building setbacks;
 5. *No Dry Stacking of Boats*
No dry stacking of boats shall be permitted on site; and
 6. *No Vehicle Maintenance, Washing or Repair*
No vehicle maintenance, washing, or repair shall be permitted.
- f) *Lot Area*
The minimum lot area shall be three (3) acres.
- g) *Minimum Separation between Buildings*
If separate buildings are constructed, there shall be a minimum separation of ten (10) feet between buildings.
- h) *Lighting*
Outdoor lighting shall be the minimum necessary to discourage vandalism and theft.
- i) *Hours of Operation*
Hours of public access to a self-storage use adjacent to existing residential development or a residential zone district shall be restricted to between 6:00 AM to 10:00 PM.

Mini-warehouse uses must comply with the following additional standards:

- j) *Height*
With the exception of a structure used as security or caretaker quarters, the maximum height of a self-storage facility shall be twenty (20) feet. In addition, a parapet wall shall be constructed to screen roof-mounted heating and air conditioning and other equipment, if any. The combined height of the building and the parapet wall shall not exceed twenty-five (25) feet.

k) *On-Site Circulation*

1. *Interior Parking*

Interior parking shall be provided in the form of aisle ways adjacent to the storage bays. These aisle ways shall be used both for circulation and temporary customer parking while using the storage bays. The minimum width of these aisle ways shall be twenty-one (21) feet if only one- (1) way traffic is permitted, and thirty (30) feet if two- (2) way traffic is permitted;

2. *Mark Traffic Flow Patterns*

The one- (1) or two- (2) way traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist at a minimum of use of standard directional signage and painted lane markings with arrows; and

3. *Circulation of Vehicles and Emergency Equipment*

Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisle ways.

l) *Storage Bay Doors*

Storage bay doors shall not face any abutting property located in a residential district nor be visible from any public street.

m) *Architectural Uniformity*

The exterior façades of all structures shall receive uniform architectural treatment, including masonry, stucco, and painting of surfaces. The colors selected shall be compatible with the character of the neighborhood.

Climate-controlled self-service storage must comply with the following additional standards:

n) *Building Design*

The building must comply with design standards of Article 6 and as approved by SPRC.

o) *Central Entrance*

All units shall be accessed through a main or central entrance. This entrance may be separate from the office entrance. Access may also be provided from the office when it is open.

p) *Loading Area*

The loading area, including adequate turnaround space for emergency vehicles, must be located to the side or rear of proposed structure and, if necessary, screened by a permanent architectural or landscape feature from view from public rights-of-way and public areas of adjoining sites.

5) *Wholesaling, Warehouse, and Freight Movement*

a) *Parcel Services; Truck or Freight Terminal; Wholesale and Warehouse, General (Distribution or Storage):*

1. *Minimum Separation*
Be located at least two hundred fifty (250) feet from any residential district, existing residential use, religious institution use, community service use, day care use, school (elementary, middle, or senior high), or public park;
2. *Displays Outside Setbacks and Buffers*
Not locate storage areas within a required setback or perimeter buffer;
3. *Screening*
Locate outdoor storage areas to the rear of the principal structure and be screened with a fence or masonry wall not less than eight (8) feet in height in accordance with Chapter 5 Article IX and approved by SPRC;
4. *Public Address Systems*
Have no outdoor speaker or public address system which is audible offsite;
5. *On-Site Circulation*
Be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements; and
6. *Access*
Have direct access onto an arterial or major collector street.

b) *Outdoor Storage (as a Principal Use):*

1. *Obtain Site Plan Approval*
Obtain approval of a Site Plan (Article 2) that depicts compliance with the standards in this subsection;
2. *Screened from View*
Be screened with a wooden fence or masonry wall no less than eight (8) feet in height in accordance with Chapter 5 Article IX and approved by SPRC. The height of materials and equipment stored shall not exceed the height of the screening fence or wall;
3. *No Customer or Vehicular Circulation*
Not allow customer or vehicular circulation to occur through the area used for outdoor storage; and
4. *Comply with Article 6*
Comply with the standards in Article 6.

c) *Limited Wholesale and Warehousing the VC and SE Districts*

Limited wholesale and warehousing uses in the VC and SE Districts shall:

1. *On-Site Deliveries*
Be located on a site that can accommodate all loading and unloading activities and can provide access for anticipated truck traffic without requiring backing off of public streets or other impacts to traffic flow;

2. *Truck Traffic Generated*

Be limited to uses that average less than ten (10) tractor trailer trips per week, and no more than three (3) on any day;

3. *Present a Business Presence to the Street*

Be designed to present a finished business appearance to the street, including the use of appropriate professionally designed signage, using window displays or otherwise maintaining visual access through existing building storefronts, and rehabilitating and maintaining established landscape areas, parking areas, sidewalks, and other building façade and entry features;

4. *Limited Outdoor Storage*

Be designed with only limited outdoor storage which is fully screened by a solid fence or wall of a maximum six (6) feet in height. The building material for the screening shall be determined at the time of special exception approval, but shall generally be a masonry wall or other appropriate higher quality design when facing a street, but may be a wooden fence when facing non-public or service areas on adjoining properties.

5. *Transitional Use*

Limited Wholesale and Warehousing in the VC and SE Districts is intended to be a transitional use in existing industrial/warehouse buildings in areas that have not redeveloped to the mix of dense uses reflected in the purpose statement and permitted uses of the district.

6) Waste-Related Services

a) *Energy Recovery Plant; Hazardous Waste Collection Site:*

1. *Obtain Site Plan Approval*

Obtain approval of a Site Plan (Article 2) that depicts compliance with the standards in this subsection;

2. *Minimum Separation*

Be located at least one thousand (1,000) feet from any residential district, existing residential use, religious institution use, community service use, day care use, school (elementary, middle, or senior high), or public park;

3. *Fencing Required*

Be surrounded by a solid fence that is at least eight (8) feet high, located no less than one hundred (100) feet from any public right-of-way, and located no less than fifty (50) feet from any adjacent property.

b) *Recycling Drop-Off Center*

A recycling drop-off center shall comply with the following standards:

1. *Mobility of Collection Bin*

The mobility of the collection bin shall be retained.

2. *Location of Collection Bin*

The collection bin shall be located in or adjacent to an off-street parking area, and shall not occupy more than five percent (5%) of the total on-site parking spaces.

3. *Appearance*

The bin and adjacent area shall be maintained in good appearance and free from trash.

c) *Recycling and Salvage Center:*

1. *Minimum Separation*

Be located at least two hundred fifty (250) feet from any residential district, existing residential use, religious institution use, community service use, day care use, school (elementary, middle, or senior high), or public park;

2. *Minimum Lot Area*

Be a minimum of five (5) acres in size;

3. *Configuration*

Not be located within fifty (50) feet of any property line (except for a freestanding office);

4. *Storage Areas*

Effectively screen storage areas from view by walls, fences, or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from rights-of-way or adjacent lots. In no case shall the height of a recyclable or recovered materials or non-recyclable residue stored in outdoor areas exceed twenty (20) feet or the height of the principal building on the lot, whichever is greater;

5. *Fencing Required*

Be surrounded by a solid fence that is at least eight (8) feet high, located no less than one hundred (100) feet from any public right-of-way, and located no less than fifty (50) feet from any adjacent property;

6. *Public Address Systems*

Have no outdoor speaker or public address system which is audible off-site;

7. *Recyclable Materials*

Contain recyclable materials within a leak-proof bin or trailer, and not store materials on the ground;

8. *Limited Sorting and Separation*

Include only limited sorting, separation, or other processing of deposited materials; and

9. *No Collection or Storage of Hazardous or Biodegradable Wastes*

Prohibit storage of hazardous or biodegradable wastes on the site.

17-4-400 ACCESSORY USES

(A) General Provisions

- 1) General
Accessory uses are allowed in any district as may be specified in the appropriate district regulations or in this section.
- 2) Permit Required
All accessory buildings shall require the issuance of a building permit.
- 3) Conditions
Accessory uses are allowed only after the principal structure is present or under construction. Construction of an accessory use on a property without a principal structure is subject to Plan Commission review.
- 4) Modifications Permitted
The use and/or location requirement stipulated elsewhere in this section may be modified subject to Plan Commission review.

(B) Accessory Uses Prohibited

- 1) Accessory Uses Prohibited in Residential Zone Districts:
 - a) Automotive or light truck repair
 - b) Automotive or light truck sales
 - c) Welding or metal working shops
 - d) Machine, tool and die, or similar type shops
 - e) Heating, ventilation, air conditioning or similar businesses
 - f) Any and all businesses that would store or park heavy equipment on residential property. The term "heavy equipment" may be defined as backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes, forklifts or similar like equipment
 - g) Restaurants
 - h) Antique shops
 - i) Households holding rummage sales more than four (4) times per year
 - j) Any other uses or occupation that would have negative impact on the neighborhood and property values, or affects the health, safety and welfare of adjacent residents.

(C) Accessory Uses and Structures Allowed

- 1) Home Occupation
 - a) *Zoning Requirement*
Home occupation shall only be conducted in the single-family zoning district or home occupation in duplex or multi-family zoned districts shall be considered a conditional use with the owner/landlord's written approval or authorization and/or as a condition of the lease/contract. See Conditional Use Permit (CUP).
 - b) *Permit Required*
No one shall conduct a home occupation without first obtaining a permit from the building inspector. The cost of such permit shall be on file in the village clerk's office. If found operating a home occupation without a permit, the fee shall be quadrupled.

- c) *Compliance with All Federal, State and Local Laws*
All home occupations shall comply with applicable state and federal laws, rules and regulations. Prior to the issuance of a home occupation permit, the applicant shall furnish proof of compliance.
- d) *Size/Area*
The use of the dwelling unit for the home occupation shall be incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Day care and home care are exempt from the twenty-five (25) percent gross floor area requirement.
- e) *Accessory Buildings*
No home occupation shall be conducted in accessory buildings.
- f) *Employees and Residency*
Only occupants of the home or no more than one non-occupant fulltime employee (FTE) as a conditional use (CUP). See conditional use permit (CUP).
- g) *Neighborhood Compatibility*
1. No change in external appearance
 - a. There shall be no external evidence of the home occupation, with the exception of signage.
 - b. Name plates not to exceed one square foot.
 2. Use of vehicles and vehicular traffic
 - a. No vehicular traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood
 - b. No home occupation may have deliveries to or from the dwelling more than once in any one month or four times in a 12-month period by truck tractor trailer having a combined maximum vehicle and load weight limit in excess of 10,000 pounds or trailers requiring a license to be operated on highways in the state. This delivery restriction does not apply to step vans vehicles such as United Parcel Service or Federal Express vehicles.
 3. Off-street parking
Only one (1) vehicle whose primary use is associated with the home occupation may be visible. The term "visible" shall be defined as parked on the driveway or on the street.
 4. Storage
 - a. No combustibles, oxidizers or other potentially dangerous supplies or equipment shall be stored on the premises, unless locked in a metal locker, designed for storage of the same.

b. The property shall contain no outdoor display or storage of goods or services that are associated with the home occupation.

5. Sales Related to Services Provided

All sales in connection with such home occupation shall be clearly related to the service provided.

6. No Adverse Impacts

a. No equipment/process that creates visual/audio electrical interference.

b. There shall be no noise, fumes, glare and vibrations generated by the home occupation.

c. There shall be no visual display of products on the premises or there shall be no external visual display of products on the premises.

h) Acceptable Home Occupations

When within the above requirements, a home occupation includes, but is not limited to, the following:

1. Childcare operation
2. Computer sales and consultation
3. Computerized sign making
4. Daycare/home care operations
5. Draperies, tailors and the like
6. Home offices
7. Insurance office
8. Licensed gunsmith
9. Real estate agent offices
10. Telecommunications office
11. Telemarketing office

i) Conditional Use Required

The following may be permitted uses providing annual inspections are made of the premises to determine and evaluate health and safety, public welfare and neighborhood property considerations (determine, review and evaluate). These conditional use permits (CUPs) shall be brought to the village board on an annual basis at the last village board meeting in December, with neighbors within two hundred (200) feet being notified of this meeting. All conditional use permits issued to home occupation uses shall be subject to an annual review fee. The cost of such renewal shall be on file in the village clerk's office.

1. Dog grooming
2. Printing
3. Cabinet making
4. Picture framing
5. Barbering/hair styling/home beauty salon
6. Non-licensed day care/home care/child care
7. Any home occupation with a non-occupant fulltime employee (FTE)
8. Any home occupation in a duplex or multifamily zoned district

2) Garage

Every single-family and two-family dwelling shall have a private garage, detached or attached, with the minimum size being twelve (12) feet by twenty-two (22) feet. An attached garage shall be considered as part of the main building. Detached private garages shall be considered accessory buildings.

3) Accessory Structures in R-1 and R-2 Districts

a) Accessory buildings allowed, provided that:

1. On lots with less than 15,000 square feet with an attached one- or two-car garage, the total square footage of accessory buildings may not exceed 576 square feet.
2. On lots greater than 15,000 square feet but less than 25,000 square feet with an attached one- or two-car garage, the total square footage of accessory buildings may not exceed 768 square feet.
3. On lots greater than 25,000 square feet, the total square footage of accessory buildings may not exceed 936 square feet.
4. The maximum height of accessory buildings shall not exceed 15 feet.
5. All accessory buildings over 576 square feet shall be brought the site plan review committee for review.
6. Architectural plans drawn to a scale of one-fourth inch to a foot must be submitted to the village building inspector and the site plan review committee showing the design, grade and building materials prior to the scheduling of the site plan review committee.
7. Every accessory building on a lot containing a two-car attached garage shall have a rear yard of at least six feet and a side yard of at least six feet.
8. Every accessory building on a lot without a two-car attached garage shall have a rear yard setback of at least six feet and a side yard of at least four feet.
9. An accessory building may be replaced in the same location, provided that in the opinion of the building inspector, such setbacks conform with those established in that particular neighborhood.
10. No one may construct an accessory building in a utility easement.

4) Accessory Structures in RE District

a) *Maximum Size and Number*

The maximum size and number of accessory buildings permitted on parcels zoned RE shall vary depending on parcel size as per Table 17-4-400(1).

b) *Design and Appearance*

Accessory buildings shall be constructed of materials which are substantially similar to those used in the main building with respect to texture, color and general appearance.

c) *Height Limits*

1. Side walls shall not exceed ten (10) feet in height.
2. No door shall exceed ten (10) feet in height.
3. See Article 5 for additional height regulations.

d) *Location*

Accessory building must be located in the rear yard and shall occupy not more than thirty-five (35) percent of said yard, except for required private garage, which may be located in the side yard

TABLE 17-4-400 (1): ACCESSORY STRUCTURES PERMITTED IN RE DISTRICT		
PARCEL SIZE (ACRES)	MAXIMUM TOTAL SQ FT ALLOWED PER PARCEL	MAXIMUM NUMBER OF ACCESSORY BUILDINGS PERMITTED PER PARCEL
1.2 TO 2.99	1,000	1
3.0 TO 4.99	1,500	2
5.0 OR MORE	2,000	2

ARTICLE 5: DENSITY, INTENSITY, & DIMENSIONAL STANDARDS

17-5-100 GENERAL PROVISIONS

(A) Purpose and Intent

The purpose of this section is to present the density and dimensional standards for all principal and accessory uses allowed in this Ordinance. These standards may be further modified by other applicable sections of this Ordinance.

(B) Dimensional Standards Tables

1) Dimensional Standards in Residential Districts

a) *General*

All principal and accessory structures in the residential zone districts are subject to the dimensional standards set forth in Table 17-5-100(A) Table of Dimensional Standards in the Residential Districts.

b) *Rules of Measurements and Exceptions*

Rules of measurement and permitted exceptions are set forth in Section 17-5-200(B) Lots; Section 17-5-200(C) Required Yards; Section 17-5-200(D) Height; and Section 17-5-200(E) Bulk.

2) Dimensional Standards in Business Districts

a) *General*

All principal and accessory structures in the business zone districts are subject to the dimensional standards set forth in Table 17-5-100(B) Table of Dimensional Standards in the Business Districts.

b) *Rules of Measurements and Exceptions*

Rules of measurement and permitted exceptions are set forth in Section 17-5-200(B) Lots; Section 17-5-200(C) Required Yards; Section 17-5-200(D) Height; and Section 17-5-200(E) Bulk.

TABLE 17-5-100(A): TABLE OF DIMENSIONAL STANDARDS IN THE RESIDENTIAL ZONE DISTRICTS									
DISTRICT AND USE	MIN. LOT AREA (SQ FT)[3]	MIN. LOT WIDTH (FT)[1]	REQUIRED YARDS [4], [5]				MAX. BUILDING COVER-AGE	MAX. HEIGHT (FT) [2]	MAX. LOT COVER-AGE
			FRONT YARD (FT)	SIDE YARD (FT)	REAR YARD (FT)	SIDE/REAR YARD (FT) (Accessory Structures)			
R-1 DISTRICT									
Single-family detached dwellings	12,000	100	25 on minor street; 35 on arterial or collector street	8 for one-story buildings; 10 for higher than one story; lots less than 80' wide 1/10 width of lot but not less than 4' min.	25 or height of building whichever is greater	6 side; 6 rear for dwellings w/ 2-stall attached garage. 4 side; 6 rear for dwellings without attached garage.	35%; 40% of a corner lot	36	See Table 17-5 200(3)
All other uses									
R-2 DISTRICT									
Single-family detached dwellings	12,000	100	25 on minor street; 35 on arterial or collector street	8 for one-story buildings; 10 for higher than one story; lots less than 80' wide 1/10 width of lot but not less than 4' min.	25 or height of building whichever is greater	6 side; 6 rear for dwellings w/ 2-stall attached garage. 4 side; 6 rear for dwellings without attached garage.	50%; 60% of a corner lot	36	See Table 17-5 200(3)
Duplexes	10,000	90	25 on minor street; 35 on arterial or collector street	8 for one-story buildings; 10 for higher than one story; lots less than 80' wide 1/10 width of lot but not less than 4' min.	25 or height of building whichever is greater	6 side; 6 rear for dwellings w/ 2-stall attached garage. 4 side; 6 rear for dwellings without attached garage.	50%; 60% of a corner lot	36	See Table 17-5 200(3)

TABLE 17-5-100(A): TABLE OF DIMENSIONAL STANDARDS IN THE RESIDENTIAL ZONE DISTRICTS

DISTRICT AND USE	MIN. LOT AREA (SQ FT)[3]	MIN. LOT WIDTH (FT)[1]	REQUIRED YARDS [4], [5]				MAX. BUILDING COVER-AGE	MAX. HEIGHT (FT) [2]	MAX. LOT COVER-AGE
			FRONT YARD (FT)	SIDE YARD (FT)	REAR YARD (FT)	SIDE/REAR YARD (FT) (Accessory Structures)			
Zero lot line duplexes	5,000 per dwelling	Interior lot 45; corner lot 50	25 on minor street; 35 on arterial or collector street	0 on one side; other side 8 for one-story building, 10 for higher than one story	25 or height of building whichever is greater	6 side; 6 rear for dwellings w/ 2-stall attached garage. 4 side; 6 rear for dwellings without attached garage.	50%; 60% of a corner lot	36	See Table 17-5 200(3)
RE DISTRICT									
Single-family detached dwellings	52,272	150	25 on minor street; 35 on arterial or collector street	8 for one-story buildings; 10 for higher than one story	25 or height of building whichever is greater	10	35%; 40% of a corner lot	36	See Table 17-5 200(3)
All other residential uses									
Agriculture buildings (accessory structures)	N/A	N/A	75	50	50	10	35% of rear yard	25 or height of dwelling	See Table 17-5 200(3)
All other uses			25						
R-3 DISTRICT									
Single-family detached dwellings	14000	100	25 on minor street; 35 on arterial or collector street	10 for one-story building, plus 2 for each additional story	10 for one-story building, plus 2 for each additional story	10	35%; 40% of a corner lot	Per Article 5	See Table 17-5 200(4)
All other residential uses	14,000 for a 3- dwelling unit building; plus 1,500 for each additional dwelling unit	100	25 on minor street; 35 on arterial or collector street	10 for one-story building, plus 2 for each additional story	10 for one-story building, plus 2 for each additional story	10	2,700 sf for 3 units plus 425 sf for each additional unit	Per Article 5	See Table 17-5 200(4)
All other uses			25						

NOTES FOR RESIDENTIAL:

[1] Minimum lot width shall be measured at the setback line, not the public right-of-way edge or the edge of pavement for private drives. In cases where a lot is bounded by two (2) or more streets, the minimum lot width is only required at the setback line for the front yard. For individual townhouses the minimum width does not apply.

TABLE 17-5-100(A): TABLE OF DIMENSIONAL STANDARDS IN THE RESIDENTIAL ZONE DISTRICTS

DISTRICT AND USE	MIN. LOT AREA (SQ FT)[3]	MIN. LOT WIDTH (FT)[1]	REQUIRED YARDS [4], [5]				MAX. BUILDING COVER-AGE	MAX. HEIGHT (FT) [2]	MAX. LOT COVER-AGE
			FRONT YARD (FT)	SIDE YARD (FT)	REAR YARD (FT)	SIDE/REAR YARD (FT) (Accessory Structures)			

[2] Accessory uses shall have a maximum height of 15 feet in R-1 and R-2 districts; and a maximum height of 25 feet nor height of primary building in RE district. See 4-400 for more information on accessory uses

[3] New land divisions within existing developed areas where such land division shall be consistent with prior platted lots in respect to lot area and width are permitted;

[4] If building wall is within three (3) feet of side or rear property line, foundation wall shall extend to a depth of not less than ten (10) feet below grade.

[5] If the lot abuts a lot zones R-1, R-2, R-3, or RE and building structure shall maintain the same side and rear yard setbacks as required by the abutting zone.

TABLE 17-5-100(B): TABLE OF DIMENSIONAL STANDARDS IN THE COMMERCIAL ZONE DISTRICTS

DISTRICT AND USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT) [1]	REQUIRED YARDS [3], [4]				MAX. BUILDING COVER-AGE	MAX. HEIGHT (FT) [2]	MAX. LOT COVER-AGE
			FRONT YARD (FT)	SIDE YARD (FT)	REAR YARD (FT)	SIDE/REAR YARD (FT) (Accessory Structures)			
VC DISTRICT									
Residential Uses	None	None	Per Urban Design Guidelines Sec. 17-6-700(U)	0; if not abutting walls at property line, then not less than 10	0; if not abutting walls at property line, then not less than 20	Same as primary building	N/A	Per Article 5	See Table 17-5-200(4)
Non-residential uses	None	None	Per Urban Design Guidelines Sec. 17-6-700(U)	0; if not abutting walls at property line, then not less than 10	0; if not abutting walls at property line, then not less than 20	Same as primary building	N/A	Per Article 5	See Table 17-5-200(4)
SE DISTRICT									

TABLE 17-5-100(B): TABLE OF DIMENSIONAL STANDARDS IN THE COMMERCIAL ZONE DISTRICTS

DISTRICT AND USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT) [1]	REQUIRED YARDS [3], [4]				MAX. BUILDING COVERAGE	MAX. HEIGHT (FT) [2]	MAX. LOT COVERAGE
			FRONT YARD (FT)	SIDE YARD (FT)	REAR YARD (FT)	SIDE/REAR YARD (FT) (Accessory Structures)			
Residential Uses	None	None	Per Urban Design Guidelines Sec. 17-6-700(U)	0; if not abutting walls at property line, then not less than 10	0; if not abutting walls at property line, then not less than 20	Same as primary building	N/A	Per Article 5	See Table 17-5-200(4)
Non-residential uses	None	None	Per Urban Design Guidelines Sec. 17-6-700(U)	0; if not abutting walls at property line, then not less than 10	0; if not abutting walls at property line, then not less than 20	Same as primary building	N/A	Per Article 5	See Table 17-5-200(4)
B-1 DISTRICT									
Single-family detached dwellings	12,000	100	25 on minor street; 35 on arterial or collector street	8 for one-story buildings; 10 for higher than one story; lots less than 80' wide 1/10 width of lot but not less than 4' min.	25 or height of building whichever is greater		50%; 60% of a corner lot	36	See Table 17-5-200(4)
Duplexes	10,000	90	25 on minor street; 35 on arterial or collector street	8 for one-story buildings; 10 for higher than one story; lots less than 80' wide 1/10 width of lot but not less than 4' min.	25 or height of building whichever is greater		50%; 60% of a corner lot	36	See Table 17-5-200(4)

TABLE 17-5-100(B): TABLE OF DIMENSIONAL STANDARDS IN THE COMMERCIAL ZONE DISTRICTS

DISTRICT AND USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT) [1]	REQUIRED YARDS [3], [4]				MAX. BUILDING COVERAGE	MAX. HEIGHT (FT) [2]	MAX. LOT COVERAGE
			FRONT YARD (FT)	SIDE YARD (FT)	REAR YARD (FT)	SIDE/REAR YARD (FT) (Accessory Structures)			
Zero lot line duplexes	5,000 per dwelling	Interior lot 45; corner lot 50	25 on minor street; 35 on arterial or collector street	0 on one side; other side 8 for one-story building, 10 for higher than one story	25 or height of building whichever is greater		50%; 60% of a corner lot	36	See Table 17-5-200(4)
Non-residential uses	None		25 on minor street; 35 on arterial or collector street	0 [A, B]	0 [A, B]	Same as primary building	N/A	Per Article 5	None
B-2 DISTRICT									
All Uses	None	150	25 on minor street; 35 on arterial or collector street	0	0	Same as primary building	N/A	Per Article 5	See Table 17-5-200(4)
B-3 DISTRICT									
All Uses	None	150 throughout lot to rear property line	25 on minor street; 35 on arterial or collector street	0	0	Same as primary building	N/A	Per Article 5	See Table 17-5-200(4)
SB DISTRICT									

TABLE 17-5-100(B): TABLE OF DIMENSIONAL STANDARDS IN THE COMMERCIAL ZONE DISTRICTS

DISTRICT AND USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT) [1]	REQUIRED YARDS [3], [4]				MAX. BUILDING COVER-AGE	MAX. HEIGHT (FT) [2]	MAX. LOT COVER-AGE
			FRONT YARD (FT)	SIDE YARD (FT)	REAR YARD (FT)	SIDE/REAR YARD (FT) (Accessory Structures)			
All Uses	None	150	25 on minor street; 35 on arterial or collector street	0	0	Same as primary building	N/A	Per Article 5	See Table 17-5-200(4)
I-1 DISTRICT									
All Uses	None	150	25 on minor street; 35 on arterial or collector street	0	0	Same as primary building	N/A	Per Article 5	See Table 17-5-200(4)
I-2 DISTRICT									
All Uses	None	150	25 on minor street; 35 on arterial or collector street	0	0	Same as primary building	N/A	Per Article 5	See Table 17-5-200(4)
SM DISTRICT									
All Uses	None	150	25 on minor street; 35 on arterial or collector street	0	0	Same as primary building	N/A	Per Article 5	See Table 17-5-200(4)
IP DISTRICT									
All Uses	None	150	35	Min. of 10 with combination of both totaling 30	17	Same as primary building	N/A	Per Article 5	See Table 17-5-200(4)
BP DISTRICT									

TABLE 17-5-100(B): TABLE OF DIMENSIONAL STANDARDS IN THE COMMERCIAL ZONE DISTRICTS

DISTRICT AND USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT) [1]	REQUIRED YARDS [3], [4]				MAX. BUILDING COVER-AGE	MAX. HEIGHT (FT) [2]	MAX. LOT COVER-AGE
			FRONT YARD (FT)	SIDE YARD (FT)	REAR YARD (FT)	SIDE/REAR YARD (FT) (Accessory Structures)			
All Uses	130,680 (or 3 acres)	200	50	EO: 10 per story; I-1: 30 [5]	EO: 25; I-1: 30 [5]	Same as primary building	35%	Per Article 5	See Table 17-5-200(4)
P DISTRICT									
All Uses	None	None	See Sec 20-21(d)(3)	None; except adjoining a residential zone min. 25	None; except adjoining a residential zone min. 25	N/A		Per Article 5	See Table 17-5-200(4)

NOTES FOR COMMERCIAL:

[1] Minimum lot width shall be measured at the setback line, not the public right-of-way edge or the edge of pavement for private drives. In cases where a lot is bounded by two (2) or more streets, the minimum lot width is only required at the setback line for the front yard. For individual townhouses the minimum width does not apply.

[2] Accessory uses shall be subject to the maximum height standards for principal uses. See 4-400 for more information on accessory uses.

[3] If building wall is within three (3) feet of side or rear property line, foundation wall shall extend to a depth of not less than ten (10) feet below grade.

[4] If the lot abuts a lot zones R-1, R-2, R-3, or RE any building structure shall maintain the same side and rear yard setbacks as required by the abutting zone.

[5] EO is Exclusive Office and I-1 is Light Manufacturing

17-5-200 MEASUREMENTS AND EXCEPTIONS

(A) Purpose

The purpose for this section is to clarify the rules of measurement and exemptions to the rules of measurement for all principal and accessory uses allowed in this Ordinance. These standards may be further modified by other applicable sections of this Ordinance.

(B) Lots

1) Definitions/Measurement

a) *Lot Area*

The area obtained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of-way but including the area of any easement.

b) *Lot Depth*

Lot depth means the horizontal distance between the midpoints of straight lines connecting the front lot line and the rear lot line.

c) *Lot Frontage*

The length of the front property line of the lot, lots or tract of land abutting a public street, road, highway or rural right-of-way.

d) *Lot Line*

The lines bounding a lot as established by ownership.

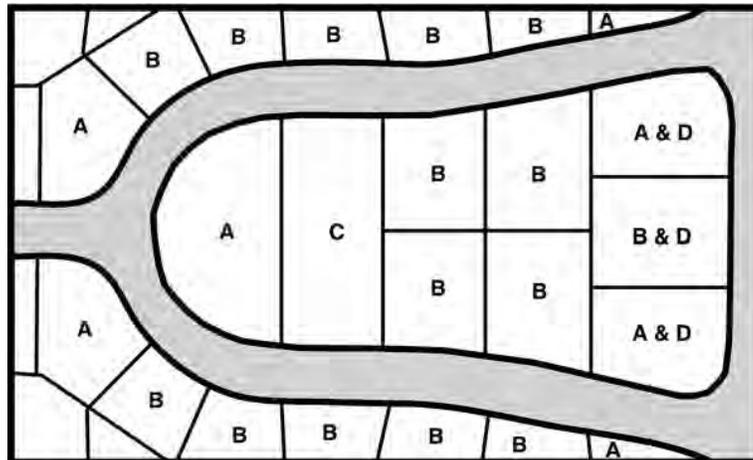
e) *Lot Width*

The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front building setback line. Except for lots fronting the turning circle of a cul-de-sac street, see section 5-200(B)(2)(b).

f) *Lot Types*

Lot types mean corner lots, interior lots, through lots, and reversed frontage lots, as depicted in Figure 17-5-200(A) Lot Types. Lots can have multiple designations.

FIGURE 17-5-200(A) LOT TYPES



1. Corner Lot: A lot located at the intersection of two (2) or more streets, other than an alley, regardless of whether or not such streets intersect at right angles. See lots marked "A" in Figure 17-5-200(A).

2. Interior Lot: A lot other than a Corner Lot with only one (1) frontage on a street other than an alley. See lots marked "B" in Figure 17-5-200(A).
3. Through Lot: A lot other than a Corner lot with frontage on more than one (1) street other than an alley. See lots marked "C" in Figure 17-5-200(A).
4. Reversed Frontage Lot: A lot that has lot frontage and depth characteristics diametrically opposed to the prevailing pattern of lots on the same block face. A reversed frontage lot may also be a corner lot or a through lot. See lots marked "D" in Figure 17-5-200(A).

g) *Rear Lot Line*

The rear lot line is the line connecting the two (2) side lot lines along the edge of the lot opposite from the frontage line.

h) *Side Lot Line*

The side lot line is the lot line connecting the front and rear lot lines, regardless of whether it abuts a right-of-way or another lot line.

2) General Lot Requirements

a) *Minimum Lot Dimensions*

Any lot that is developed should meet the minimum lot area, width, and coverage standards established in Table 17-5-100(A) and Table 17-5-100(B).

b) *Exceptions*

Cul-de-sac lots: Any lot fronting on a cul-de-sac shall determine the minimum lot width as measured at the building setback line.

(C) Required Yards

1) Definitions/Measurement

a) *Front Yards in Residential Districts*

When a lot is bounded on more than one (1) side by a public right-of-way, the minimum yard requirement between all structures and all right-of-way edges shall be in accordance with the standards in Table 17-5-100(A), Required Front Yard.

b) *Side Yards in Commercial and Public Districts*

1. If the lot abuts a R-1, R-2, or R-3 zone, it must maintain the same side yard requirements on that side as required in the abutting zone.
2. If the building sidewalls are on or within three (3) feet of the side lot lines, these foundation walls shall be extended to a depth of not less than ten (10) feet below grade.
3. SE and VC Districts: No side yard is required provided that

buildings on adjoining lots have abutting walls or a minimum separation of ten (10) feet. See the urban design guidelines contained in 6-600(U) Urban Design Guidelines for SE and VC Districts.

c) *Rear Yards in Residential Districts*

In the case of corner lots in R-1 and R-2, a rear yard of the same depth as a side yard shall be required.

d) *Rear Yards in Commercial Districts*

1. Except as provided in 17-5-200(C)1)b)2, no rear yard is required for buildings used for other than dwelling purposes if provisions are made for off-street loading space for the use of commercial vehicles serving such buildings and the storage and disposal of ashes, garbage and wastes and housing of utility meters and devices all within the confines of the building on a floor at alley or street grade.

a. SE and VC Districts: No rear yard is required provided that buildings on adjoining lots have abutting walls or a minimum separation of twenty (20) feet. See the urban design guidelines contained in 17-6-700(U) Urban Design Guidelines for SE and VC Districts.

b. I-1, I-2, and IP Districts: If the lot abuts a residential zone, the minimum rear yard shall be twenty-five (25) feet.

2. If the lot abuts a R-1, R-2 or R-3 zone at any point along the rear lot line, it must maintain the same rear yard as required in that abutting zone.

3. If the building sidewalls are on or within three (3) feet of the side lot lines, these foundation walls shall be extended to a depth of not less than ten (10) feet below grade.

e) *Allowable Yard Encroachment*

Every part of every required yard shall be open and unobstructed from the ground to the sky except as provided below:

1. Roof overhangs of twenty-four (24) inches or less.

2. Stairways and balconies (unenclosed) shall not project more than five (5) feet into a required yard, or more than three (3) feet into a required yard for a multiple-family dwelling or hotel.

3. Accessible ramps for temporary use.

4. Municipal bus shelters.

5. Front yard only: uncovered porches, decks, or entrance canopy not exceeding fifty (50) square feet and not projecting more than five (5) feet into the required front yard setback.

f) *Swimming Pools*

- g) Permanent swimming pools in R-1, R-2, RE and R-3:
 - a. Side yard required: ten (10) feet
 - b. Rear yard required: ten (10) feet

2) Requirements for Zero Lot Line Duplexes

a) *Conditions*

The side yard setback on a building lot zoned for second residential purposes may be zero on one side, provided that:

1. The lot adjacent to that side yard is held under the same ownership at the time of initial construction.
2. The adjoining side yard setback of the lot adjacent to the zero side yard setback is also zero.
3. The opposite side yard shall be the same as for other one-family residences.

b) *Lot and Structure Requirements*

Lots upon which zero lot line duplexes are allowed and the construction of such duplexes shall meet the following requirements:

1. There shall be a continuous wall separating the two living units constructed as follows:
 - a. From the bottom of the basement to the underside of the floor structure above, poured concrete or concrete block with a minimum thickness of eight inches.
 - b. From the top of the foundation wall to the underside of the roof deck, a fire separation constructed in accordance with current building codes.
2. There shall be a garage for each unit which shall have a minimum of 264 square feet.
3. The exterior materials and roof material on each unit shall be of the same color and consistency.
4. Interior lots shall have a minimum of 45 feet of frontage and corner lots shall have a minimum of 50 feet of frontage and all lots shall have 5,000 square feet of area for each dwelling unit or a minimum of 10,000 feet per duplex and all units must front on a street.

c) *No Alteration to Existing Structures Permitted*

Structures shall not be allowed to be altered to meet the provisions of the zero lot line zoning ordinance.

d) *Private Covenants and Deed Restrictions Required*

When attached dwelling units are created, matters of mutual concern to adjacent property owners due to construction, catastrophe and maintenance shall be guarded against by private covenants and deed restrictions and the village shall not be held responsible for the same.

e) *Utility Easements*

Easements shall be provided across zero lot lines where necessary for water, sewer and utility services.

f) *Certified Survey Maps*

A covenant shall be placed on the face of all certified survey maps and subdivision plats creating lots of less than 90 feet in width stating, "Building permits are limited to the development of zero lot line duplexes." No odd number of lots may be subdivided nor may construction skip an odd number of lots. A note shall also be placed on the face of all certified survey maps and subdivision plats creating zero lot line lots which states: When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and maintenance, shall be guarded against by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same.

g) *Separate Utility Services Required*

When attached dwelling units are created, the plans, specifications and construction of such buildings shall require the installation and construction of separate sewer, water and other utility services to each dwelling unit.

(D) Height

1) Definitions/Measurement

a) *Established Grade in Residential Districts*

Established grade is the finished grade following grading, excavation, or other land disturbing activity.

b) *Grade in Residential Districts*

When determining house grades, the elevation shall be measured from the highest point of the curb for the lot under construction. If there is no curb, the height is measured from the centerline of the road nearest to the building. For corner lots, the highest point of both curbs shall be used.

1. Where the rear lot line elevation is lower than or not more than six (6) inches above the street curb elevation, the elevation of the top of the house foundation wall shall be twenty-four (24) inches above the curb elevation.
2. Where the rear lot line elevation is six (6) inches to thirty-six (36) inches greater than the street curb elevation, the house foundation

wall shall be thirty-six (36) inches above curb elevation.

3. Where the difference of elevation between the curb height and the rear lot line exceeds thirty-six (36) inches, the top of the foundation wall elevation shall be approved by building inspector, street superintendent and village engineer.
4. Houses built with a setback greater than twenty-five (25) feet shall have a ratio of height to distance from the curb the same as described in subsections 17-5-200(D)1)b)1 and 17-5-200(D)1)b)2.

2) Restrictions and Exceptions

a) *Building Heights Restrictions, Exceptions and Districts Map*

1. A village map titled Building Heights Restrictions, Exceptions and Districts Map dated February 13, 2007, identifying the location and boundaries of districts A and B is attached hereto and made part of the ordinance from which this definition is derived. A list of the tax parcel numbers that are located in districts A and B are on file along with the map in the office of the village clerk and the zoning administrator/building inspector. The zoning administrator/building inspector shall compile and maintain a list of all buildings located in the village with legal nonconforming height as of the effective date of the ordinance from which this definition is derived.
2. Main buildings or parts thereof in the village shall not exceed thirty-six (36) feet in height except for those main buildings or parts thereof located within the following districts:
 - a. District A: Building heights not to exceed sixty (60) feet
 - b. District B: Building heights not to exceed one hundred twenty (120) feet
3. A conditional use permit is required for any main building or part thereof exceeding thirty-six (36) feet and the building height limits set forth in Districts A and B.
4. All building permit applications for construction of a main building in Districts A and B shall be reviewed and approved by SPRC.

b) *Municipal Expectations*

A village map titled Building Heights Restrictions, Exceptions and D
The height limitations of this chapter shall not apply to structures constructed by the village for municipal purposes.

3) Exclusions

a) *Exclusions from Height Limitations*

The height limitations included in Table 17-5-100(A) and Table 17-5-100(B) do not include the following: spires, belfries, cupolas, clerestories, sky lights, ventilators, chimneys, elevator shaft enclosures, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. No structure or appurtenance, including any of the exceptions listed herein, shall exceed the maximum allowable

heights per the Federal Aviation Administration (FAA).

1. Clerestories and sky lights may exceed height limitations with a maximum limit of fifteen (15%) percent of the building height or ten (10) feet, whichever is less.
2. Parapets may exceed height limitations with a maximum limit of thirty (30%) percent of the building height, or ten (10) feet, whichever is less.
3. All other heights of structures or appurtenances shall not exceed twice the height allowed for the primary structure.

(E) Bulk

1) Definitions/Measurement

a) *Floor Area*

Floor area means, except as may be otherwise indicated in relation to particular districts and uses, the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, excluding attic areas with a headroom of less than seven (7) feet; unenclosed stairs or fire escapes; elevator structures; cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment; parking structures; and basement space where the ceiling is not more than forty-eight (48) inches above the general finished and graded level of the adjacent part of the lot.

2) Area Regulations

a) *Allowable Area of Impervious Surface in Residential Districts*

The allowable impervious surface coverage permitted in any R-1, R-2, and RE zoning district shall not exceed the amounts identified in Table 17-5-200(3) with a maximum not to exceed eight thousand (8,000) square feet.

b) *Green Space Requirements*

For zoning districts other than regulated in 17-5-200(E)2)a), the location and dimensions of all proposed open space areas that are required shall meet the green space requirement as shown in Table 17-5-200(4).

c) *Exceptions*

1. *Authority and authorized exceptions*

The Plan Commission may determine and vary the regulations of this section in harmony with the general purpose and intent, to increase

by not more than five percent the allowable impervious surface in any R-1, R-2, and RE zoning district.

2. *Conditions and restrictions*

The Plan Commission may impose such conditions and restrictions upon the premises benefited by an exception as may be necessary to reduce or minimize the injurious effect of such exception upon other property in the neighborhood, and to better carry out the general intent of this section.

3) Limitations on Size of Architectural Elements

Turrets, cupolas, steeples, spires, widow walks, and other similar architectural features shall not exceed six hundred (600) feet in floor area.

TABLE 17-5-200 (3): ALLOWABLE IMPERVIOUS SURFACE	
RESIDENTIAL LOT SIZE (SQ FT)	ALLOWABLE IMPERVIOUS SURFACE
Up to 10,000	50%
10,001 to 12,000	40%
Over 12,000	30%

TABLE 17-5-200 (4): MINIMUM GREEN SPACE REQUIREMENT		
DWELLINGS ON LOTS PLATTED PRIOR TO JANUARY 13, 1967		
ZONING DISTRICT	GREEN SPACE REQUIREMENT	
	NEW DEVELOPMENT (PERCENT)	EXISTING (PERCENT)
RE	25	25
B-1	35-25	35-15
B-2	35-25	35-15
B-3	35-25	35-25
VC & SE	35-15	35-10
SB	35-25	35-25
I-1	35-15	35-10
I-2	35-15	35-10
IP	35-25	35-15
BP	35-25	35-25
P	35-25	35-25

4) Minimum House Size

Single family detached dwelling shall comply with the minimum size standards in Table 17-5-200(5) Minimum House Size.

TABLE 17-5-200 (5): MINIMUM HOUSE SIZE	
DWELLINGS ON LOTS PLATTED PRIOR TO JANUARY 13, 1967	
NUMBER OF BEDROOMS	MINIMUM AMOUNT OF FLOOR AREA (SQUARE FEET)[1][2]
1	574
2	750
3	975
4	1,200
5	1,300
5+	1,300 plus an additional 100 square feet per bedroom
DWELLINGS ON LOTS PLATTED JANUARY 13, 1967 OR LATER	
NUMBER OF BEDROOMS	MINIMUM AMOUNT OF FLOOR AREA (SQUARE FEET)[1][2]
1	900
2	1,000
3	1,200
4	1,500
5	1,800
5+	1,800 plus an additional 200 square feet per bedroom
NOTES:	
[1] The floor area requirement excludes porches and garages	
[2] These standards do not apply to accessory dwelling units	

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

17-6-100 HIGHWAY AND NOISE CONTROL

(A) Title

This section shall be referred to as the "Village Highway Noise Control Ordinance."

(B) Purpose

1) Use of Property

To regulate the use of property within 200 feet of either side of STH 41 and STH 172 rights-of-way within the village in zones R-1, R-2 and R-3.

2) Noise-Reduction Construction

To require the construction of homes, duplexes and apartments in a manner to reduce the noise level in the interior of such buildings.

3) Modifications Required

To require modification to the dwelling to achieve 5 decibel noise reduction.

4) Promote General Welfare

To promote the general welfare of residents of such area by reducing the noise levels from traffic among dwellings along such highway.

(C) Definitions

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1) LDN or level day/night average of noise measurement

The U.S. Department of Housing and Urban Development (HUD) has determined that exposure to noise levels of 65 LDN or greater is generally incompatible with normal residential activities.

2) Preexisting permitted use

Any use of land lawfully in existence at the time this section or amendment thereto becomes effective.

(D) Method of sound reduction

The method of sound reduction shall be accomplished by using the table which is hereby adopted by reference and made a part of this section as if fully set forth herein.

(E) Areas affected

The map which is hereby adopted by reference and made a part of this section delineates the areas affected by this section.

(F) Administration procedure

1) Increased insulation.

2) Limiting number of windows to exterior.

- 3) To require modification to the dwelling to achieve five decibel noise reduction.
- 4) To promote the general welfare of residents of such area by reducing the noise levels from traffic among dwellings along such highway.
- 5) Using thermopane or double-triple glazed glass in windows and storms.
- 6) Central air conditioning.

(G) Appeals

Any person aggrieved by any decision of the building inspector may appeal to the zoning board of appeals.

17-6-200 SIGNS

(A) Purpose

The purpose of this section is to regulate the type, construction, image, maintenance and placement of exterior signs as permitted by the zoning regulations of the village and is intended to promote public health, safety and general welfare of the Village of Ashwaubenon; to reduce threats to public safety from poorly constructed and maintained signs; to avoid depreciation of property values through indiscriminate location and design of signs; to protect against hazards to vehicular traffic movement through improper placement of signs and to preserve the townscape and attractiveness of the village.

(B) Definitions

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection. Words not listed herein shall have the meaning defined in Article 3 Definitions, Rules for Interpretation Zone Districts.

1) Awning

An awning is a roof-like cover consisting of a rigid frame covered with vinyl plastic or canvas, temporary in nature, which projects from the wall of a building.

2) Awning, internally illuminated

Awning consisting of a rigid frame covered with vinyl plastic or other translucent material which is internally illuminated.

3) Billboard sign, off-premises

Larger display signs on Hwy. 172 and Hwy. 41 that are governed and regulated by 17-6-200(G)6, *Development and Design Standards*.

4) Building setback line

A line established by ordinance beyond which no building may extend.

5) Grade

The finished surface of the ground around the sign that is consistent with the predominant grade for the site.

6) Far side

A location immediately across an intersection based upon the direction of travel of motorized vehicles in the adjoining traffic lane.

7) Multitenant building

Any office, commercial, mixed use, industrial, institutional use in which a principal building is devoted to two or more individual tenants, occupants or uses.

8) Municipal bus shelter

A roofed structure caused to be erected, maintained and managed by or on behalf of Green Bay Metro, or their successor, to provide temporary protection of people waiting to use or ride public transportation.

9) Near-side

A location upstream of an intersection based upon the direction of travel of motorized vehicles in the adjoining traffic lane.

10) Operational and directional sign

Signs designating entrances, exits, service areas, parking areas, restrooms or other such signs relating to functional operations of the building or premises.

11) Roofline

The highest point of the main roof structure or highest point on a parapet, but shall not include cupolas, pylons, projections, architectural ornamentation, flag poles or minor raised portions of the roof.

12) Setback

The minimum distance between a property line and a building or any projection thereof other than roof overhangs of 24 inches or less; steps; in the front yard only — uncovered porches, decks, or entrance canopies not exceeding 50 square feet, and not projecting more than five feet into the required front yard setback; accessible ramps for temporary use; or municipal bus shelters.

13) Sign area

Area limitations shall be applied separately to each sign, including in this measurement in the overall sign and frame area except that in signs consisting of individual letters and symbols affixed to a building, as an architectural element, only the smallest rectangles sufficient to enclose the individual items shall be measured. Uprights and supports shall be measured only where they become a part of the sign's message or image projecting function due to the shape, color or illumination of said

uprights and supports.

14) Sign height

The height of a sign shall be determined by the measurement between the grade at the base of the sign and the highest point of the sign and/or supporting structure.

15) Signage

The total sign area of all signs incorporated on the subject site.

16) Signs

Any structure or device displaying advertising, direction information or promotion in the form of lettering, pictures, symbols or other media and including any billboard, street clock, awning sign, temporary sign, barber pole, pole sign or projecting sign or other structure erected for the purpose of advertising or promotion.

a) Flag

A piece of cloth or synthetic material varying in size, color or design used as a symbol, standard, signal or emblem.

b) Freestanding sign

A sign that is not physically attached to a building, facility or structure. It may be a ground-mount, monument or pylon sign.

c) Electrical signs

Any sign which has electrical components.

d) Ground mount sign

A sign placed directly on the ground and not attached to any building or part of a building.

e) Illuminated signs

A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

f) LED/message center

A sign using LED technology or any type of signage where the message can be changed electronically or through automation.

g) Message board

A sign in which physical means is used to change the letters, characters and message.

h) Mobile sign

A sign mounted on wheels, trailer or other mobile nonpermanent structure.

i) Monument sign

A sign mounted on a base or platform. The base shall be proportionate to the sign, and be constructed out of a solid material such as stone, brick, poured

concrete or metal. The bottom of the sign shall be at or within six inches of the base.

- j) Legally nonconforming sign
A sign that did not meet code regulations when it was installed.
- k) Nonaccessory sign
A sign related to commercial or similar activities other than those actually engaged in on the site or lot on which the nonaccessory sign is located.
- l) Illegal nonconforming sign
A sign that exists at the time of the adoption of this Ordinance No. O6-1-13 which does not comply with the prior sign code.
- m) Projecting sign
A sign attached to a building and extending from the wall of said building more than eight inches beyond the building wall.
- n) Pylon sign or pole sign
A sign mounted on one or more poles.
- o) Roof sign
A sign on or over the roof of a canopy or a building and supported by uprights and braces anchored to the roof.
- p) Wall face
The width and height of any wall from grade.
- q) Wall sign
Sign attached flush with or painted on the wall of a building or structure, with the exposed face of the sign in a place approximately parallel to the plane of said wall, and such face shall not project greater than eight inches from the face of the building.
- r) Window sign
A sign attached to, placed upon or painted on the interior of a window or door of a building, which is intended for viewing from the exterior of such building.

17) Sign band

A horizontal area of the facade of a building typically located between the top of the windows and the roofline, providing a location for signage.

18) Temporary sign

A sign or banner erected for the purpose of designating a building, new tenant, development, subdivision promotion, announcement of a special event or similar informational purpose. Temporary signs are allowed for a limited period. Temporary signs shall not contain a message board. (See 17-6-200(G)7).

- a) Banner
A sign made of flexible material such as, but not limited to canvas, sailcloth, plastic or vinyl graphics.
- b) Inflatable sign
A freestanding or moored graphic which may be filled with air or gas causing it to expand and/or float above the ground.
- c) Pennant
A tapered or dove-tailed banner or flag.
- d) Sign board
A temporary sign, less than one-inch thick, constructed of a nonflammable material.
- e) Streamer
A series of flags, banners or other objects used to attract attention or create noise.

19) Townscape

The sum effect of experiencing the buildings, signs and landscape in a particular locale.

20) Unified lot sign

Any identification or multi-purpose sign located on a premises consisting of two or more contiguous lots that the owner(s) have agreed to treat as one lot for the limited purpose of providing shared signage. A unified lot must also have a common egress and ingress and/or shared parking.

(C) Sign review

1) General

The department of inspection services shall review all applicable signs and shall assess the three-dimensional configuration, design, colors and materials to be incorporated on a site. The sign review process shall establish a context for development and follow established guidelines.

2) Approval Permit Required

No sign under this section shall be erected or altered unless it has received an approval permit from the department of inspection services, except those signs as provided in subsection (4)(G)7)b) of this section, pertaining to temporary signs, and subsection (4)(G)9) of this section, pertaining to village signs exceptions.

3) Approval

Sign approval shall be granted only upon determining the following:

- a) Enhance character
The location, type of sign, appearance, color, texture and materials of the signs being used will preserve or enhance the character of the immediate neighborhood.
- b) Not detract from building or neighborhood
The appearance of the building signage shall not detract from the general harmony of, and is compatible with, the exterior of the building and other buildings already existing in the immediate neighborhood.

(D) Permits and procedures

1) Sign permit

No person shall erect, alter or relocate any sign or other advertising structure as defined in this section, except those signs pertaining to village signs exceptions, without first obtaining a sign permit from the department of inspection services and making payment of the fees required. Sign and electrical permits are required for all electrical signs regardless of size or location.

2) Application

a) Mandatory submittals required for a sign permit shall include:

1. *Site drawing.* Current drawing, showing lot lines, existing buildings, existing site features, existing signs, and proposed sign location. A survey may be required, at the department of inspection services discretion.
2. *Drawing.* A scaled drawing of the proposed sign showing all dimensions (height, width, depth, etc.).
3. *Materials.* Samples of materials and replications of the exact colors proposed to be used for all sign elements including structural supports.
4. *Context.* Photographs shall be submitted showing the existing buildings and existing sign. These photographs shall be enlarged to a size sufficient to show all details. A color rendering of proposed buildings and signs shall be submitted for new projects.
5. *Specifications.* Set of construction plans and specifications of the proposed sign. The department of inspection services may prescribe regulations consistent with the provisions of this section concerning the form and content of all applications for the various forms of permits herein required.
6. *Permit application fees.* The fee for a sign permit is an application fee and no refunds are allowed. The fee is on file in the village clerk's office.

3) Design review

The department of inspection services shall review all applications for new or altered signs within the village. In addition, review by the SPRC may be requested by the applicant if the proposed sign fails to meet the requirements of this section as determined by the department of inspection services.

(E) Penalties

1) Forfeiture

Any person who violates any provision of this section shall be subject to a penalty as provided in Chapter 1, section 1-13. Each day a violation exists constitutes a separate violation and is punishable as such.

2) Nuisances

Any sign erected, structurally altered, painted, moved or maintained in violation of this section is declared to be a nuisance per se, and the village may apply to any court of competent jurisdiction to restrain or abate such nuisance.

(F) Construction standards for permanent signs

1) Materials

a) Allowable materials for the construction of permanent signs:

1. Polycarbonate (Lexan) minimum 3/16 inch thickness (when used as part of a sign cabinet);
2. Acrylic (Plex) minimum 1/8 inch thickness (when used as part of a sign cabinet);
3. Flex face pylon only over eight feet of sign panel;
4. Plastic formed letters;
5. Aluminum minimum 0.080 thickness; or
6. Other materials equivalent in quality or strength, as approved by SPRC.

b) Allowable materials for the construction of temporary signs:

1. Corplast;
2. PVC;
3. Alumalite;
4. Signbond;
5. Lusterboard;
6. MDO or other wood materials;
7. Scrim vinyl; or
8. Other materials equivalent in quality or strength, as approved by SPRC.

2) Site sign support standards

Site sign support standards shall be constructed of metal or masonry materials capable of adequately supporting the proposed sign cabinet. When metal materials are used, they shall be covered by a "pole wrap" of materials similar to that of the sign and building. Any masonry material shall be decorative, such as brick, block or equivalent, but in no case shall exposed concrete be visible. Wooden members may be used for the sign support standards for temporary signs and permanent site signs of 32 square feet or less of sign area. Such wooden members shall be pressure treated or equivalent to resist premature deterioration whether in contact with the ground or not.

3) Sign fasteners, anchors, bolts, cables and attachments

All sign fasteners, anchors, bolts, cables and attachments shall be made of metal material and protected from corrosion to ensure permanent and safe construction and shall be maintained free from rust or other defects.

4) Installation

Every permanent sign and its support shall be capable of withstanding a wind pressure of 30 pounds to the square foot with a factor of safety of 1.6. All signs exceeding 150 square feet in area per side shall have a Professional Engineer Certification attached. If attached parallel to the building, shall be placed in close contact to the walls thereof; if offset from the building, the same shall be attached with an open space of not less than two inches between any portions of said building, in order to avoid the accumulation of combustible substances. Every permanent sign shall be installed so as to be rigid.

5) Electric signs

All electric signs shall be grounded and shall comply with the state electrical code. All electrical connections or wiring to, or within the sign are subject to the provisions of the National Electrical Code and the Wisconsin Administrative Code.

6) Attachments

No sign, structure or any part of such structure as contemplated in this section, as well as any anchor, brace, guide wire or guide rod, shall be attached, fastened or anchored to any fire escape, fire ladder or stand pipe. No such structure or any part of such structure, anchor brace, guide wire or guide rod shall be erected, put up or maintained so as to cover or obstruct any roof, required doorway, required window or other opening of any building so as to prevent or hinder ingress or egress through such required doorway, window, exit or other opening, or so as to prevent or hinder the raising or placing of ladders against such building by the department of public safety.

a) Attachment to landscape features or trees prohibited

No advertising or regulatory sign or its structure shall be attached in any way to a tree or landscape feature.

b) Lights allowed

Lights may be permitted on signs, in accordance with standards set forth in Article 6.

7) Setbacks and offsets

In all sign zoning districts, no part of any permanent freestanding sign or sign support structure shall be permitted closer than four feet to any property line. No permanent freestanding sign shall be located closer than 30 feet to an abutting residential zoned parcel. Temporary signs and the required support shall be maintained entirely on private property and shall not encroach upon any right-of-way. Placement of all signs may be subject to more stringent setback requirements where, according to traffic

engineering standards, required to preserve traffic sight lines, vision triangles and public safety. All signs shall conform to the regulations of the applicable sign zoning district contained in this chapter.

(G) General regulations

1) Restricted uses

No sign shall be permitted unless it conforms to the provisions of this section.

a) Historic area

No sign shall be permitted to obscure a historical monument, shrine or designated natural scenic view; except official signs providing noncommercial directions or information about such place or object.

b) LED/message center

LED message center or similar type signs over 32 square feet per face and visible from the street are not permitted except when used for time and temperature displays when approved by the village department of inspection services and the SPRC.

c) Lighting

Bare bulb fluorescent, running, blinking, flashing or other bare bulb signs are prohibited. Strobe lights are also prohibited.

d) Mobile signs

Mobile signs used for one day events, such as birthdays, anniversaries, graduations, etc., are allowed and not subject to temporary sign regulations. Other mobile signs shall be considered temporary in nature and shall conform to the requirements for temporary signs for promotional events, 17-6-200(G)7c).

e) Roof signs

No roof-mounted signs, its appurtenances or attachments shall extend above the peak of the roof line. For buildings with multiple types of roof styles (i.e., flat with parapet and gabled), the sign shall not extend above the portion of the roof the sign is attached to.

f) Traffic visibility area

No sign of any kind shall be permitted in the vision triangular area at intersections established by Chapter 5, section 5-761.

2) Maintenance

All such signs and premises surrounding them shall be maintained by the owner in a clean, sanitary and inoffensive condition according to the village building code.

3) Sign design regulations

a) General design regulations

The following items shall apply to all signs:

1. *Aesthetics.* Signage of properties should blend rather than contrast with the building in terms of coloring, location, font, size and number.
2. *Wall signs.*
 - a. *Area.* A wall sign shall not be larger than 20 percent of the building wall face or four square feet per linear foot on which it is mounted, whichever is less.
 - b. *Height.* Appurtenances, attachments, or any portion of a sign shall not extend above the roofline immediately adjacent to the sign location. Height shall be limited to a maximum of eight feet unless otherwise approved by the SPRC.
 - c. *Allowable area.* Wall signs may be allowed on three sides of a building with specific approval from the site plan review committee, taking into account the physical, spatial environment, traffic patterns and overall integration into the neighboring and surrounding development.
3. *Freestanding signs.*
 - a. *Area.* No freestanding face shall exceed the square footage as defined by the sign code zone district as illustrated.
 - b. *Height.* Signs, including all illuminations and embellishments, shall not extend above the maximum height as defined in the sign code zoning districts.
 - c. *Number of faces.* All parcels within the village shall be limited to the number of faces and signs as set forth in subsection (G)3)b) of this section, pertaining to number of faces and signs, with the exception of corner parcels which may have either two double face or one multiple-face freestanding sign as approved by the SPRC.
4. *Window sign area.* A sign permit approved by the village's department of inspection services and the site plan review committee is mandatory for any window sign exceeding 30 percent of the transparent area of the window.
 - a. Window signs shall not clutter the area they are displayed in, in the opinion of the site plan review committee.
 - b. The approval of window signs shall be considered an approval of a unique request, and shall not be construed as precedent for any other proposed window sign.
 - c. *Area.* Window signs consisting of individual letters and symbols affixed to a window shall be measured by the smallest rectangle sufficient to enclose the individual items.
 - d. In no event shall 50 percent or more of any window be obstructed by any sign not otherwise regulated by this chapter.

b) *Number of faces and signs*

Sign code designated areas. See Business Sign Zoning Map, which is on file in the office of the village clerk-treasurer.

1. Sign code zoning:

Designation is identified on approved Business Sign Zoning Map

2. Freeway; commercial:

Maximum of two freestanding signs: One (1) freeway, one (1) street face (street face signs shall comply with most stringent, limiting adjacent sign code designation)

a. Freestanding:

Freeway—pylon/ground-mount/monument:

Maximum height: forty-five (45) feet

Maximum square feet: two hundred (200)

Preexisting freeway—pylon/ground-mount/monument as of August 16, 2002:

Maximum height: sixty (60) feet

Maximum square feet: four hundred fifty (450) or per pylon/ground-mount sign inventory (08/16/02) with height and square foot dimensions, whichever height and/or square foot dimension is less

Location: Consideration shall be given relative to the proximity to existing off-premises signs taking into account safety, surrounding zoning, and impact on adjacent properties

b. Wall sign:

Building square footage:

Over 20,000 square feet—Ten (10) percent of wall face

Under 20,000 square feet—Twenty (20) percent of wall face

Number of faces allowed: Two (2)
(See Wall Signs, subsection (G)3)a)2 of this section.)

3. Major arterial business:

One (1) freestanding sign street face; maximum of two freestanding signs.

a. Freestanding:

Pylon:

Maximum height: thirty (30) feet

Maximum square feet: one hundred (150)

Ground-mount Monument:

Maximum height: ten (10) feet

Maximum square feet: one hundred (100)

b. Wall sign:

Building square footage:

Over 20,000 square feet—ten (10) percent of wall face

Under 20,000 square feet—twenty (20) percent of wall face

Number of faces allowed: two (2)

(See Wall Signs, subsection (G)3)a)2 of this section.)

4. Stadium/arena business:

One (1) freestanding ground-mount sign

a. Monument:

Maximum height: ten (10) feet

Maximum square feet: one hundred twenty (120)

b. Wall sign:

Building square footage:

Over 30,000 square feet—thirty (30) percent of wall face

Over 20,000 square feet—ten (10) percent of wall face

Under 20,000 square feet—twenty (20) percent of wall face

Number of faces allowed: two (2)

(See Wall Signs, subsection (G)3)a)2 of this section.)

5. Business—commercial:

One (1) freestanding sign per street face per entrance.

Number of faces allowed:

Three (3) street faces per street.

Single parcels without direct road access would be limited to one freestanding sign.

a. Freestanding—Monument:

Maximum height: twenty (20) feet

Maximum square feet: two hundred (200)

b. Wall sign:

Building square footage:

Over 20,000 square feet—ten (10) percent of wall face.

Under 20,000 square feet—twenty (20) percent of wall face.

Number of faces allowed: two (2)

(See Wall Signs, subsection (G)3)a)2 of this section.)

Example:

Building face: ten feet × 100 feet = 1,000 feet.

Allowable: 200 square feet of wall sign.

Building face: 15 feet × 200 feet = 3,000 feet.

Allowable: 600 square feet of wall sign

6. Centralized business district:

Maximum of one (1) sign.

a. Freestanding:

Pylon:

Maximum height: twenty (20) feet

Maximum square feet: one hundred (100)

Ground-mount Monument:

Maximum height: ten (10) feet

Maximum square feet: one hundred (100)

b. Wall sign:

Building square footage:

Over 20,000 square feet—ten percent of wall face

Under 20,000 square feet—20 percent of wall face

Number of faces allowed: two (2)

(See Wall Signs, subsection of (G)3)a)2 this section.)

7. Local business:

One (1) freestanding sign.

a. Monument:

Maximum height: eight (8) feet

Maximum square feet: sixty-four (64)

b. Wall sign:

Building square footage:

Over 20,000 square feet—ten (10) percent of wall face

Under 20,000 square feet—twenty (20) percent of wall face

Number of faces allowed: two (2)

(See Wall Signs, subsection (G)3)a)2 of this section.)

8. Business—corporate office:

One (1) freestanding sign.

Street face—Maximum of two (2) freestanding signs

a. Monument:

Maximum height: ten (10) feet

Maximum square feet: one hundred twenty (120)

b. Wall sign:

Building square footage:

Over 20,000 square feet—ten (10) percent of wall face

Under 20,000 square feet—twenty (20) percent of wall face

Number of faces allowed: two (2)

(See Wall Signs, subsection (G)3)a)2 of this section.)

9. Light manufacturing:

Maximum of one (1) freestanding sign.

a. Monument:

Maximum height: ten (10) feet

Maximum square feet: one hundred twenty (120)

b. Wall sign:

Building square footage:

Over 20,000 square feet—ten (10) percent of wall face

Under 20,000 square feet—twenty (20) percent of wall face

Number of faces allowed: two (2)

(See Wall Signs, subsection (G)3)a)2 of this section.)

10. Multifamily—condominium:

One (1) freestanding sign per street face entrance.

a. Monument:

Maximum height: eight (8) feet

Maximum square feet: thirty-two (32)

11. Public use—parks, etc.

One (1) freestanding sign per street face entrance

a. Monument:

Maximum height: ten (10) feet

Maximum square feet: one hundred twenty (120)

12. Brown County arena zone:

One (1) freestanding sign on lot.

Three (3) freestanding signs on corner lot.

a. Monument:

Maximum height: twenty (20) square feet.

Maximum pylon height: thirty (30) square feet.

Maximum square feet: five hundred (500)

b. Wall sign:

Building square footage:

Over 20,000 square feet—ten (10) percent of wall face.

Under 20,000 square feet—twenty (20) percent of wall face.

Number of faces allowed: two (2)

(See Wall Signs, subsection (G)3)a)2 of this section.)

c) Lighting

All signs in which electrical wiring and connections are to be used shall be subject to the applicable provision of the state and National Electrical Code.

1. No person may erect a sign with exposed electrical cords and wires.
2. The use of unshielded lighting, such as exposed incandescent light bulbs hung or strung on poles, wires or any other type of support intended to illuminate a sign or other advertising device is expressly prohibited.
3. On properties adjacent to residential areas, no sign shall be illuminated either internally or externally between the hours of 11:00 p.m. and sunrise unless the premises on which it is located is open for business during that time. Signs located in residential districts shall not be illuminated between the hours of 9:00 p.m. and sunrise.
4. All sign lighting shall be so designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways.

d) Specific sign design regulations.

1. *Awnings.* A sign on an awning may be designated a signable area as an alternate to one on the building facade. Soft weather treated canvas or similar materials, which allow for flexible or fixed installations shall be used. Signage applied to awnings shall be simple and durable.
 - a. *Area.* A sign attached to an awning shall not be larger than ten percent of the building facade on which it is mounted, up to a maximum of 60 square feet in area.
 - b. *Sign location.* A sign shall only be displayed on the vertical portion of the awning.

2. *Electronic Message Boards.*

Electronic message boards are allowed subject to the following standards:

- a. The electronic message board shall be part of a permanent site sign and shall not exceed 32 square feet on each face (maximum of 2 faces) unless approved otherwise by the Site Plan Review Committee taking into account safety, surrounding zoning, and the impact on adjacent properties. Signs of this nature shall be included when calculating the allowable square feet that is permitted in a sign code zone district.
- b. Electronic message boards are permitted to contain individual letters and/or graphic (such as snowflakes falling, clouds moving, flags waving, etc.) only. Animation such as video is prohibited.
- c. Any individual letter or graphic scrolling or otherwise displayed on an electronic message board shall remain illuminated and visible for a minimum of 2 seconds.
- d. The message shall not flash. Any message that remains visible for less than 2 seconds shall be considered as flashing.
- e. The message area of an electronic message board sign may be illuminated by incandescent lamps, LED (light emitting diodes) or magnetic discs, and shall also conform to subsection (7)(a)3. of this section. Whatever the light source, undue brightness is prohibited. For the purpose of enforcing this provision, "undue brightness" will be construed to mean illumination of a white portion of the sign in excess of the intensity levels specified below:

Monochrome units:

Day: 5,000 nits

Night: 500 nits

Full color units:

Day: 7,500 nits

Night: 750 nits

To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic message board sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and the intensity level is protected from the end-user manipulation by password protected software or other method as deemed appropriate by the Building Inspection Department.

- f. On premise electronic message boards may also be subject to additional state and federal regulations when located near a state or federal regulated roadway.

3. *Minor sign.* A minor sign is a sign that is permanent and not electrical, the dimensions of which are not more than six inches in height and two square feet in area on or over the door of a business establishment, announcing without display or elaboration only the name of the proprietor and/or the nature of the business. The dimensions of signs on a public building or institutional building shall not exceed ten square feet of display giving the name and nature of occupancy and information as to the conditions of use or admission.
4. *Multitenant buildings.* Uniform tenant signs shall complement the building and other tenant signs in terms of height, color, form, texture, materials and method of lighting.
 - a. *Tenant wall signs.* When separate business entities occupy the same commercial or industrial building, each entity shall be permitted to display one wall, canopy, awning or marquee sign not to exceed 60 square feet in area unless specifically authorized by the site plan review committee. Corner of building tenant spaces are permitted to have up to two wall, canopy, awning or marquee signs taking into account safety, surrounding zoning, location and the impact on adjacent properties.
 - b. *Tenant freestanding signs.* No individual store in a multitenant building shall have an individual freestanding sign. Multitenants may utilize the space available on one freestanding.
 - c. Unified-lot signs.
 - i. Unified-lot signs may be erected in nonresidential zoning districts and shall comply with all area, height, setback, spacing and composition restrictions applicable.
 - ii. One unified-lot sign per street front may be placed on a premises consisting of two or more contiguous lots where each lot owner has entered into a binding agreement to treat their separate lots as one lot for the limited purpose of signage. The agreement shall contain a legal description of the properties subject to the agreement; state that the parties, their heirs, and assigns forego any rights to additional freestanding street front signage on the premises covered by the agreement; state that the agreement is a covenant running with the land to be filed and made part of the Deed Records of Brown County, Wisconsin. The agreement shall not be amended without the consent of the department of inspection services.
 - iii. A unified-lot sign agreement shall not be effective until a true and correct copy of the approved agreement is filed in the Deed Records of the applicable county and a file-marked copy is filed with the department of inspection services. In the event the agreement is terminated, the department of inspection services shall be notified and the sign shall be removed.

iv. Individual lots that are part of a unified-lot sign agreement shall not be entitled to any other freestanding street front signage.

5. *Projecting signs.* No projecting sign shall extend more than 60 inches from the building and shall not extend over any public row, street or easement, or supporting member line. Projecting signs shall not be lower than ten feet above an area used by pedestrians.

4) Hazards or nuisances prohibited

Signs or other advertising media creating a hazard or dangerous distraction to vehicular traffic or a nuisance.

a) Hazards to vehicular traffic

Signs that obscure traffic intersections, or in other ways create hazards to the movement of vehicular traffic, shall be removed as provided in subsection (J) of this section.

b) Signs which can be confused with authorized traffic signs

No sign shall be permitted that by reason of its location, position, shape, color or wording may be confused with 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, mislead or confuse traffic.

5) Nonaccessory signs

a) Signs prohibited

Except as provided in subsection b) of this subsection 5), any sign or other advertising media not directly related to the use of the premises on which it is located is prohibited.

b) Directional Signs

Directional signs may be permitted, but only as provided in 17-6-200(G)11), pertaining to operational and directional signs.

6) Off-premises signs restricted

a) Not allowed

All off-premises signs are prohibited in the village regardless of the nature, size or location, except as provided in this section.

b) Application

Off-premises signs shall not be erected in the village in any location unless a permit is first obtained therefor from the building inspector. A permit shall not be issued unless an application is obtained from the building inspector and filed when applying for the permit.

c) Restrictions

In issuing permits for off-premises signs in the village, the building inspector shall see that the following restrictions are complied with:

1. All off-premises signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, or those of red, green or amber color at intersections are prohibited. Signs containing electronic message centers shall also conform to state and federal regulations. Lights from any illumination shall be shielded or directed so that the light intensity or brightness will be minimized to the surrounding areas. Such illumination shall be direct and the source of light shall not be exposed when facing a residential zone. There shall be no direct illumination upon a roadway and no glare or source of light shall be visible.
2. There shall be no off-premises signs in the village which are more than 60 feet in height above grade and are not to be greater than 700 square feet.
3. There shall be a spacing of at least a radius of 1,000 feet between any two off-premises signs. No off-premise sign shall be located within 1,000 feet of an on-premises freeway sign of a size larger than 200 square feet.
4. Any off-premises signs shall be permitted in industrial districts and business districts only adjacent to U.S. Highway 41 and WIS STH 172. There shall be no off-premises signs of any nature in the village located within a radius of 200 feet of a residential district.
5. No off-premises sign permitted by this section or any other code of the village shall, in any manner, project over the right-of-way of any highway or roadway in the village.
6. Any off-premises sign for advertising purposes in the village shall have at least ten (10) feet of ground clearance unless erected upon or against an existing building.
7. No off-premises signs in the village shall be allowed within two hundred (200) feet of the bank, bulkhead or floodway line of the Fox River or any other navigable stream.
8. No permit shall be issued unless the applicant provides such proof as the building inspector may require that any state permit required for such sign has been obtained.
9. No permit shall be issued unless the applicant provides such proof as the building inspector may require that the applicant owns the land or has a lease, easement or other interest permitting construction of the sign.

d) Time limit

Permits for off-premises signs shall be valid for one year. No such signs shall be erected unless construction of the sign starts during the one-year period during which the permit therefor is valid.

e) Inventory

The number of signs legally permitted or in existence as May 1, 2002, shall represent the maximum number of off-premises signs permitted within the village. For purposes of this subsection, the term "inventory" shall mean the number of off-premises signs authorized and in existence on May 1, 2002.

f) Signs removed

Any sign removed after May 1, 2002, which is not replaced in compliance with this section, shall be removed from the inventory and correspondingly reduce the number of signs permitted within the village.

g) Replacement sign

Any replacement sign pursuant to this section shall comply with all then existing applicable ordinances for the location and construction of such sign.

1. Prior to the removal of any off-premises outdoor advertising sign, the owner shall first obtain a wrecking permit from the village. No work shall be performed under such wrecking permit until the sign has been inspected and measured with respect to square footage of the panels of the signs. Such inspection and measurement shall be done by the village.
2. Any sign removed may be replaced by a sign that does not exceed the cumulative square footage of the panel faces it is replacing. No sign may be relocated without site plan review committee permission.
3. Any sign replaced pursuant to this subsection shall be reconstructed within one year after the issuance of the wrecking permit for the sign which it is replacing.

h) Application for a permit

1. The application for commercial and billboard sign permits shall contain all information, drawings and specifications necessary to fully advise the director of the type, size, shape, location, zone, construction and materials of the proposed sign and the building structure or premises upon which it is to be placed.
2. When applying for a billboard permit, the billboard operator shall, in addition to the above, furnish the following information at the time of the permit application:
 - a. The location of the proposed sign in relation to the property lines and any building, fence or other structure on the property.
 - b. The building setback lines and the location of any easements on the property.
 - c. The distance to the nearest billboard.
 - d. An affidavit from the property owner authorizing erection of the sign or an executed lease agreement.
 - e. The street address of the sign.
 - f. An engineer's certificate.
 - g. A state permit.
3. *Variances*

Only the village board may grant variances to this section.

7) Temporary signs

In addition to the permanent signs allowed under this section, signs for the purpose of announcing or promoting a new building, development, subdivision or special event shall be permitted for a limited periods of time in any district subject to the following:

a) *Temporary signs permits and deposits*

All temporary signage, other than those specifically identified in subsection (7)b) of this section shall receive a permit from the village's building inspection department. In addition, all temporary signage will require a

deposit to ensure timely removal. If such signs are not removed within the allowed timeframe, the temporary sign deposit shall be forfeited. If signage is removed within the allowable timeframe and confirmed by the village's building inspection department, the deposit will be returned to the applicant. The temporary sign deposit for all signage shall be as is on file in the village clerk's office. Additionally, if a sign is not removed as required, citations will be issued by the village.

- b) Temporary signs that do not require a permit or fee
1. *Real estate signs.* Signs shall not exceed eight (8) square feet in area for lease or sale of the property on which they are located.
 2. *Political and campaign signs.* Political and campaign signs on behalf of candidates for public office or measures on election ballots, provided that signs are subject to the following regulations:
 - a. Political and campaign signs may not be displayed until the election campaign period begins as defined in Wis. Stats. § 12.04. Such signs shall be removed within five (5) days following the general or special election by the candidate, entity or property owner responsible for the erection or distribution of any such sign.
 - b. Political campaign signs shall not be displayed on any buildings, properties or structures that are owned, operated or maintained by any public agency, or on any traffic control device, any pole, post or appurtenance owned or operated by any municipal government or a utility. Political campaign signs shall not be located in any public right-of-way.
 - c. No sign shall be placed upon a building, structure or a zoning lot that will create a traffic or safety hazard. The public safety department shall be primarily responsible for determining safety and traffic factors of such sign. If it is determined that any signage is a traffic and/or safety factor, the Village of Ashwaubenon shall have the authority to remove such signage.
 3. *Yard sale signs.* Yard sales signs located on premises may be in place one day before the event and shall be removed the last day of the event.
 4. *Construction signs.* One construction sign per street face per construction project not exceeding sixty-four (64) square feet, unless approved otherwise by the site plan review committee. Such signs may be erected no more than five days prior to construction, shall be confined to the construction site, and shall be removed no more than seven days after completion of construction. Permanently painted construction trailers are exempt from this requirement.
 5. *Sandwich boards.* Sandwich boards are permitted as temporary signage and not subject to any time limits with the exception that they shall be removed from public display at the conclusion of each business day. Signs of this nature shall not exceed six (6) square feet in size, nor be located in any village, county or state right-of-way, nor obstruct a designated public walk way or entrance/exit for any facility. This type of sign, as with all signage, shall be properly maintained in good physical

condition, be attractive in nature and not constitute a public hazard.

- c) Temporary signs for promotional events
1. *Area.* It is generally accepted and intended that no temporary sign exceed thirty-two (32) square feet. Requests for signage over thirty-two (32) square feet, but no larger than sixty-four (64) square feet may be permitted by the village's building inspector, taking into account site and environmental factors. Any requests over sixty-four (64) square feet may be reviewed and permitted by the site plan review committee, taking into account safety, surrounding zoning and the impact on adjacent properties and presentation of the townscape and attractiveness of the village.
 2. *Time period.* Temporary signs shall be issued for a specific timeframe not to exceed four weeks. A two (2) week extension may be granted by the building inspector. A property/business owner is limited to four promotional events per year using such signage.
 3. *Development "Grand Opening" signage package.* New development or redevelopment shall be allowed to put forth a "Grand Opening" signage package which will allow for the placement of "Opening/Coming Soon," "Grand Opening," "Now Hiring" and/or similar/like signage for a period not to exceed six (6) months. Extensions over six (6) months may be granted by the site plan review committee upon receipt of adequate reasoning/rationale. All such "Grand Opening" signage shall be removed within one (1) week of such development opening. Signage of sixty-four (64) square feet or under may be approved by the village's building inspector. Signage over sixty-four (64) square feet shall be reviewed by the site plan review committee.
- d) Temporary signs for the sale or leasing of real estate including residential developments and subdivisions. This does not include individual home sales.
1. *Number.* One (1) per street frontage.
 2. *Area.* In no event may any temporary sign exceed thirty-two (32) square feet in area and in no event may any nonaccessory temporary sign exceed the size limitations which would be applicable to an accessory sign erected at its site.
 3. *Time period.* Permits for temporary signs shall be issued for a specific time period, which shall not exceed one (1) year. An extension may be granted upon the applicant showing the continued necessity and compliance. Additional permits may be issued extending the time.
- e) Temporary signs for industrial, business and office developments and subdivisions.
1. *Number.* One (1) per street frontage.
 2. *Area.* In no event may any temporary sign exceed sixty-four (64) square feet in area and in no event may any nonaccessory temporary sign exceed the size limitations which would be applicable to an accessory sign erected at its site.
 3. *Time period.* Permits for temporary signs shall be issued for a specific time period, which shall not exceed one (1) year. An extension may be granted upon the applicant showing the continued necessity and compliance. Additional permits may be issued extending the time.

- f) Temporary signs that are prohibited.
 - 1. *Inflatable signs.* Inflatable signs are prohibited except for:
 - a. Balloons or inflatable figures used in a parade, festival or civic event.
 - b. Novelty balloons less than two feet in diameter and not less than three feet in any dimension which are tethered or moored, not to exceed twenty (20) feet.
 - c. Registered hot air balloons in use and or moored, but not being used as a sign.
 - d. Inflatable signs used in promotional events shall be reviewed and approved by the site plan review committee. Size, timeframe and manner of use shall be items to be discussed, reviewed and approved. Approval shall take into account public safety issues, surrounding zoning, use and impacts on surrounding properties.

- 2. *Promotional flags, pennants, streamers and banners.* No owner or occupant of any property shall install or display any promotional flag, pennant, streamer or banner in the village row except for the village which may place seasonal flags, pennants, streamers or banners.

Flags, pennants, streamers and banners on private property are allowed as approved by the department of inspection services as temporary signs and are subject to regulation as indicated in this section, temporary signs for promotional events.

- g) *Removal of temporary signs*

Temporary signs shall be removed promptly upon expiration of the term for which permitted. If temporary signs are not removed, the temporary sign deposit shall be forfeited and citations will be issued as provided in subsection (7)a) of this section.

- 8) National, state, local or corporate flags

- a) Distractions and hazards prohibited

Flags shall not be a distraction or hazard.

- b) Aerial flags

Aerial corporate flags, banners or pennants may be mounted to parking area light poles. Such flags, banners or pennants shall be attached with approved mounting apparatus and shall be classified as permanent signage on that parcel in which it is displayed. Only one flag, banner or pennant shall be attached to a light pole and such signage is allowed on one light pole for every ten parking spaces in a particular development. Such flags, banners or pennants shall be maintained in good physical condition, be attractive in nature and not create a public safety hazard.

- c) Size

Size of all flags, banners or pennants shall be subject to site plan approval.

- 9) *Public agency signs*

All provisions of this section shall apply equally to the signs erected by national, state, county or municipal governmental agencies, except for traffic and informational signs on national, state, county or municipal rights-of-way.

10) *Operational and directional signs*

Signs for the purpose of directing patrons or attendants to a building or part of a complex shall be located on premises and shall comply with all regulations of this section, including the following:

a) *Commercial*

Such signs shall be appropriate to the building or complex. The construction and appearance of the sign shall not constitute a safety hazard where erected.

1. Freestanding.

- a. Area: maximum six (6) square feet.
- b. Height: maximum four (4) feet.
- c.

2. Wall-mount.

- a. Area: maximum three (3) square feet.
- b. Height: maximum fifteen (15) feet.

11) *Operational and directional signs for institutions*

A sign for the purpose of directing patrons or attendees to a church, service club, school or other nonprofit organization. The sign shall be located within one mile of the location of the institution, and shall not be erected in any residential district. The sign shall be of such construction and appearance as not to constitute a safety hazard.

a) Number

Maximum number of signs: two (2)

b) Area

Maximum six (6) square feet

c) Height

Maximum eight (8) feet

(H) Specific regulations for residential zoning districts

The following conditions and regulations apply to zoning districts identified in this chapter:

1) *Residential*

All signs are prohibited in these districts except the following:

a) Signs that do not require a permit or fee

- 1. *Property identification.* A sign not in excess of two square feet in area identifying the property or nature of the owner or occupant.
- 2. *Warning signs.* Warning signs such as "No Hunting," "No Trespassing," "No Parking" or "No Loitering" are permitted.
- 3. *Real estate and lease signs.* Signs pertaining to the lease or sale of the property, not in excess of six square feet in area per sign. Each

property may have one sign per street frontage.

4. *Signs for historic or commemorative places and events.* Signs not in excess of two square feet which commemorate or identify a historic building, place, event, landscape, geologic or archaeological feature.

b) Signs that require a permit and fee

1. *Signs for charitable or religious institutions.* Signs for charitable or religious institutions applicable to Wis. Stats. ch. 70, located on premises, shall not exceed 64 square feet.

a. Identification sign.

Area: maximum 64 square feet.

Height: maximum eight feet.

Number: One per street face.

- b. Bulletin boards. Bulletin boards shall not exceed 64 square feet in area and may have a maximum of two faces.

2. *Development name signs.* Subdivision, condominium and apartment complex signs shall, in addition to the requirements of this section, comply with the following guidelines:

a. Area: maximum 15 square feet.

- b. Height: maximum six feet for freestanding signs and 15 feet for wall signs.

c. Materials: wood, stone, copper, stainless steel, stucco, brick or any other material approved on a case-by-case basis by the site plan review committee.

- d. Review: project name signs shall be designed to be integrated into an architectural or landscape feature. The landscape feature shall be approved by the site plan review committee.

(l) Legal nonconforming signs

Signs lawfully existing at the time of adoption or amendment of this section which do not conform to the provisions of this chapter shall be deemed nonconforming signs.

1) *Formal finding*

The requirements of this subsection reflect a formal finding of fact on the part of the village board of trustees. Specifically, that the removal of illegal nonconforming signs and combinations of signs within the village is appropriate. This action will further the compelling government interests and the village's economic redevelopment efforts by reducing visual clutter and additionally unifying the appearance of the village within a reasonable period of time.

2) *Legal nonconforming signs*

Legal nonconforming signs and combination of signs existing upon the effective date of the ordinance from which this section is derived, which do not comply with the standards of this chapter, shall be either removed or brought up to the requirements of this chapter within the parameters described in subsection (l)2)a of this section,

dating from the effective date of the ordinance from which this section is derived.

a) Conforming standards/parameters

Legal nonconforming signs shall be removed, remodeled and/or replaced by signs that are conforming when one of the following occurs:

1. The property is sold.
2. The business nature or use changes.
3. The sign or facility on the property is damaged to a point of over 50 percent of its value.
4. Remodeling or improvement occurs to a value of over 50 percent of the existing original facility/property.

b) Properties containing a legal nonconforming freestanding pole sign at the time of adoption of the ordinance from which this section is derived may modify a pole sign or erect a new pole sign with a maximum height of 15 feet when complying with all other requirements of this chapter. A new or modified freestanding pole sign will be considered a conforming sign as long as there is no change in the ownership of the business or property, no change in the occupancy of the property/lessee space. If the ownership, occupancy or use of the property changes, then the previously nonconforming sign must be removed or modified to conform to all sections of this chapter.

3) *Change in occupancy or ownership*

Any change in occupancy or use of premises shall necessitate all individual signage being brought into compliance with this chapter. A change of a tenant sign within a group sign is excluded from compliance with this clause; however, all other requirements of this section shall apply.

(J) Sign removal

1) Blighted signs

After inspection of the sign and it is determined to be blighted, the department of inspection services shall give written notice to the permittee thereof, if known, owner of the sign, if known, and the property owner on which it is located. If the sign and supporting structure are not removed or altered to comply with the standards set forth herein within 30 days after such notice, such sign and supporting structure may be removed at the expense of the owner of the property on which it is located.

2) Unsafe signs

After inspection of the sign, if the building inspector determines it to be unsafe, the department of inspection services shall have the authority to remove the sign without notice, at the expense of the owner of the property on which it is located. Any expense incurred by the village while removing the sign under this section may be assessed to the property owner as a special charge under Wis. Stats. § 66.0627.

3) Abandoned signs

After inspection of the sign and it is determined to be abandoned, the department of inspection services shall give written notice to the permittee thereof, if known, owner of the sign, if known, and the property owner on which it is located. It shall be the responsibility of the owner of record to remove all signs and supporting structures that are not currently appropriate for the building or property within 30 days of official notification.

4) Signs not approved by the department of inspection services or the site plan review committee on public property or rights-of-way

Any authorized village employee may summarily and without notice remove any illegal sign from public property or a right-of-way.

5) Nonconforming temporary signs

Any temporary sign existing upon the effective date of the ordinance from which this section is derived which does not comply with the standards of this chapter may be continued so long as well maintained, for a period not to exceed 60 days after the effective date of the ordinance from which this section is derived.

6) Temporary signs

In addition to the penalties provided for the violation of this chapter, if any temporary sign licensee or permittee fails to remove all such signs, the village may remove and dispose of all such signs without further notice to the licensee or permittee and may assess against the owner, sign owner, campaign committee, and/or organization, the actual and reasonable costs of removal and disposal.

(K) Liability

The acceptance of fees and issuance of permits as provided herein shall not be deemed an assumption of liability by the village. The owner of any building or structure upon which a sign is erected shall be liable for any damages and injuries that may be caused to persons and/or property caused by the sign.

(L) Appeals and exceptions

1) *Appeals*

Appeals to the plan commission may be taken by any person aggrieved by the decision of the site plan review committee. Such written appeals shall be filed with the department of inspection services within 30 days after the date of written notice and specify the reasons for such appeal. The department of inspection services shall forthwith transmit to the plan commission all papers constituting the record upon which the action appealed from was taken.

2) *Exceptions*

a) *Authority*

The plan commission may determine and vary the regulations of this section in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the commission makes a finding of fact based upon the standard hereinafter prescribed, that there are practical difficulties of unnecessary hardships in the way of carrying out the strict letter of the regulations of the section.

At least one week prior to any plan commission meeting for consideration of an appeal and exception, all property owners within 500 feet of the sign in question shall be notified of the meeting by first class U.S. mail.

b) *Standards for exceptions.*

1. *The plan commission shall not vary the regulations.* The plan commission shall not vary the regulations of this section as authorized hereinabove unless it shall make findings based upon the evidence presented to it in each specific case that all the following conditions are present:
 - a. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
 - b. The conditions upon which the application for an exception is based would not be applicable generally to other property within the same zoning classification.
 - c. The purpose of the exception is not based exclusively upon a desire for economic or other material gain by the application or owner.
 - d. The alleged difficulty or hardship is caused by this section and has not been created by any person presently having an interest in the property.
 - e. The granting of the exception will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - f. The proposed exception will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.
2. *The plan commission may impose conditions and restrictions.* The plan commission may impose such conditions and restriction upon the premises benefited by an exception as may be necessary to comply with the standards in this subsection (L)2)b) to reduce or minimize the injurious effect of such exception upon other property in the neighborhood, and to better carry out the general intent of this section.
3. *Authorized exceptions.* Exceptions shall be granted the plan commission only in accordance with the standards set forth hereinabove, and may be granted only in the following instances:
 - a. To permit less than required by the applicable regulations.

- b. To increase by not more than 50 percent the maximum area of any permitted sign.
- c. To increase by not more than 15 percent the maximum height of any permitted freestanding signs.
- 4. *Special exception.* To reduce the required landscaping at the base of a freestanding sign by not more than 50 percent when site constraints do not permit the required landscaping.

(M) Exempt signs

The following signs are permitted in any zoning district unless specifically limited to certain zoning districts in this section and are exempt from other provisions of this chapter, except the provisions for a clear sight area as noted in 17-6-200(F)7). The area of such signs shall not be included in the calculation of the area of signs permitted for any parcel or use.

1) Signs on municipal bus shelters

- a) In all zoning districts, one shall be permitted on the walls of a municipal bus shelter that is located within a public right-of-way or within 50 feet of a municipal bus stop.
- b) One sign, a maximum of ten and one-half square feet, with a maximum horizontal dimension of six feet and a maximum vertical dimension of one and three-quarters feet, subject to the following:
 - 1. Sign shall only be located in the following zoning districts: any commercial zoning district; any industrial zoning district; SE and VC zoning district; R-3 zoning district; or public use district.
 - 2. Sign shall not be located:
 - a. Within 200 feet from a R-1, RE, or R-2 dwelling district measured along the centerline of the adjoining public right-of-way, or
 - b. Within 200 feet from a lot improved with a legally-established single-family residence measured radially.
 - 3. Sign shall only be located on the wall of a municipal bus shelter that is located either:
 - a. At a far-side municipal bus stop, or
 - b. At a distance from the intersection determined by the public works department (measured from the centerline of the intersecting street).
 - 4. Sign shall not be less than 18 inches above the finished grade.
 - 5. Sign may be an advertising sign or display Green Bay Metro route or map information.
 - 6. Sign may be double-faced.
 - 7. Sign is subject to all requirements of any secondary zoning district that may apply.
 - 8. Sign shall not be considered as or subject to the regulations for off-premises (outdoor advertising) signs, as regulated in 17-6-200(G)6).
 - 9. Permit review required.

17-6-300 OUTDOOR LIGHTING

(A) Purpose and intent

This section regulates all outdoor lighting installed on residential site and commercial site property, both publicly and privately owned within the village with the exception of outdoor lighting on public streets, public bikeways and public walkways. The purpose of this section is to create site and residential site property, that prevent light trespass, direct glare and conserve energy yet maintain nighttime safety.

(B) Definitions

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Commercial site means a site that is zoned community, general, or special business.

Direct glare means the visual discomfort caused by improperly shielded or orientated light sources.

Driveway means every way or area used for vehicular travel back of the street right-of-way line.

Foot-candle means the illumination of a surface one foot distant from a source of light equivalent to one candle.

Illumination levels means measurements in terms of horizontal foot candle (HFC) or vertical foot-candle (VFC) to define the type of illumination levels and measurements. Illumination levels are not to exceed published IES specifications. These levels should be followed unless they are adequate design reasons not to do so.

Inspector means the building inspector/zoning administrator of the village.

Installation means the attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device.

Light trespass means stray light or spill light flowing onto adjacent property.

Lighting sources means any lamp or manufactured device emitting energy that is capable of exciting the retina and producing a visual sensation. The energy emitted shall fall within the electromagnetic spectrum to a length of between 380 and 770 nanometers. Such devices shall include, but are not limited to, incandescent, fluorescent, carbon arc, quartz-iodine, tungsten halogen, low pressure sodium, high pressure sodium, metal halide and mercury vapor lamps.

Nonshielded or noncutoff lighting fixtures means all types of outdoor lighting fixtures other than shielded or cutoff lighting fixtures and includes any lighting fixtures that employs an adjustable bracket, refractorizing glassware or lenses, a nonshielded lamp or light source and distributes light on any angle less than four degrees above horizontal.

Open parking facilities means a parking facility without an overhead covering and shall include the roof level of a multilevel parking structure or ramp.

Outdoor canopy means a freestanding roof structure without sidewalls which may or may not be attached to the roof of an adjacent building and which shall include but shall not be limited to canopies over gas station pumps or canopies at convenience stores.

Outdoor lighting fixtures means lighting sources which are electrically powered illuminating devices, lighted or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or for advertisement. Such devices shall include but are not limited to searchlights, spotlights, floodlights, streetlights, sign lights, security lights, wall lights, porch lights, area lights, parking area lights, sports lights and sign panels. Outdoor lighting fixtures does not include low voltage (12-24 volt) outdoor lighting or ornamental holiday lighting.

Outdoor merchandising area means car sales lots, equipment sales lots, retail gasoline stations, garden centers, and other similar areas where products are permanently displayed or dispensed outdoors.

Residential site means a single parcel in a residential zone containing a residential structure of one or more dwelling units with parking areas for more than three cars.

Shielded or full cutoff lighting fixtures means outdoor lighting fixtures that utilize flat, clear lenses with no refractorizing elements and which operate in a horizontal position with nonadjustable mounting hardware or brackets. Such fixtures distribute light by means of an internal reflector only. The light source is totally concealed by the fixture housing when the position of observation is at an angle less than 15 degrees above horizontal.

Uniformity ratio means the ratio between the average illumination and the minimum illumination as determined by measurements taken on a four-foot grid throughout the area to be lighted.

(C) General requirements

- 1) All outdoor lighting fixtures installed after the effective date of the ordinance from which this section is derived and thereafter maintained upon commercial property not abutting residential property, industrial and agricultural property shall comply with the following:
 - a) The maximum allowable light trespass shall be 0.2 horizontal foot-candles for residential properties and 0.5 for all other properties at the height of four feet above the ground. The point of measurement of this offending light shall be at any point at the outer wall of an adjacent building occupied for residential or public use, or at any point greater than ten feet from the adjacent lot line. This measurement shall not include any ambient, natural light.
 - b) Light sources shall be shielded or installed so that there is not a direct line of sight between the light source or its reflection and a point five feet or higher above the ground of adjacent property and public streets. The light source shall not be of such intensity so as to cause direct glare, discomfort or annoyance.
 - c) Any outdoor lighting fixture installed on a parking lot or parking structure shall

use either high pressure sodium, low pressure sodium or metal halide lamps. The lighting system shall be extinguished or reduced to 50 percent no later than 30 minutes after the close of business for the day or after the end of normal office hours for the majority of employees.

- d) All lamp types utilized for search lighting and/or spot lighting for advertising purposes shall not be operated past 12:00 midnight.
- 2) The ordinance from which this section is derived shall be effective upon adoption for all residential properties and commercial properties abutting residential properties. All outdoor lighting fixtures in other village commercial, industrial or agricultural zoning shall comply with the provisions of this section.
 - a) If any modifications, construction or changes to an existing outdoor lighting fixtures system is proposed to 50 percent or more of the total number of fixtures, then all fixtures shall comply with the provisions of this section.
- 3) All outdoor lighting fixtures shall be maintained according to approved plans.
- 4) Trees and shrubbery shall not be located where they significantly reduce or block parking lot or roadway lighting.
- 5) Outdoor lighting fixtures may be used to illuminate buildings and structures; recreational areas, sports fields and courts; parking lots; parking structures, garages, or ramps; landscape areas; product display areas; building overheads and open canopies. Outdoor lighting fixtures may be installed to provide building and parking lot security.

(D) Specific design requirements

- 1) A lighting system for parking facilities and outdoor merchandising areas in commercial, industrial, agricultural and recreational areas shall be designed to provide the lighting intensities and uniformity's described as follows:
 - a) *Open parking facilities.* The illumination requirements of an open parking facility depend on the amount of usage the facility receives. Three levels of activity shall be established as high, medium, and low, reflecting both traffic and pedestrian activity. The following examples are nonexclusive and include:
 - 1. *High activity:* facilities for major league athletic events or major cultural or civic events.
 - 2. *Medium activity:* shopping centers, retail parking areas, hospital and clinics parking areas, transportation parking (airports, commuter lots, etc.) cultural, civic or recreational events, and fast food facilities.
 - 3. *Low activity:* employee parking, educational facility parking, office parks and church parking.

b) Horizontal illumination for parking facilities

Open parking facilities. General Parking and Pedestrian Area	Vehicle Use Area (Driveway)					
Level of Activity	Minimum Foot-candles* On pavement	Maximum Uniformity Ratio (Avg:Min)	Maximum Watts*** - Sq. Ft. Lighting Load**	Minimum Foot-candles* on pavement	Maximum Average Foot-candles on pavement	Maximum Uniformity Ratio* (Avg:Min)
High	0.6 fc	5:1	0.12	0.67 fc	2.5 fc	5:1
Medium	0.4 fc	5:1	0.10	0.33 fc	1.5 fc	5:1
Low	0.2 fc	5:1	0.08	0.125 fc	1.0 fc	5:1

2. Covered parking facilities.

Areas	Minimum Foot-candles on Pavement	Minimum Foot-candles Average on Pavement	Maximum Average Foot-candles on Pavement	Maximum Uniformity Ratio (Avg:Min)	Maximum Watts *** Square Foot Lighting Load
General Parking and Pedestrian Areas	5 fc	1.25 fc	9 fc	4:1	0.2
Private Controlled Entry Parking	3 fc	0.75 fc	6 fc	4:1	0.2

*Not mandatory within four feet of the pavement edge.

**Not mandatory for driveways.

***Watts shall mean lamp wattage and ballast consumption.

1. An outdoor lighting system for illumination buildings and structures shall have a maximum connected lighting load of five watts per lineal foot. Watts shall mean lamp wattage and ballast consumption.
2. Outdoor light fixtures shall be designed and installed to minimize light trespass. In addition, the uniformity ratio between the average illumination and minimum illumination shall be no greater than 4:1.
3. For an outdoor merchandising area, the maximum level in 75 percent of the lot shall not exceed 20 foot-candles. A contiguous area not to exceed 25 percent of the lot may be illuminated to a level which shall not exceed 40 foot-candles.
4. The maximum illumination level under an outdoor canopy shall not exceed 50 foot-candles at any point.

(E) Approved procedures

- 1) Any person desiring to install outdoor lighting fixtures shall submit to the inspector for review the following materials:
 - a) A catalog page, cut sheet or photograph of the lighting fixtures, including the mounting method.
 - b) A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture.
 - c) A plot plan showing the location of all outdoor lighting fixtures proposed, the mounting or installation height, the overall illumination levels and uniformities and the point where 0.2 or 0.5 horizontal foot-candles occurs on the property or adjacent property. The 0.2 horizontal foot-candle illumination levels and uniformities shall apply to residential properties and all commercial, industrial and agricultural properties that abut residential properties at a distance four feet above the ground. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
 - d) A graphic depiction of the lighting fixture's lamp concealment and light cutoff angles.
- 2) Upon review of the material described above, the inspection unit may authorize the installation of outdoor lighting fixtures.

(F) Administrative exemption

- 1) Any person may submit a written request to the site plan review committee for an administrative exemption from the requirements of this section. The basis for an administrative exemption shall be any one or more of the following reasons: the provisions of the section do not fully apply; the application of the section may cause a manifest injustice to be done; the compliance time required for compliance with the section is unreasonable; or an alternate plan for outdoor lighting is equally good or better than standards set by the section. The request shall state fully the circumstances and conditions relied upon as the basis for administrative exemption and shall be accompanied by plans and legal description of the property involved. In addition, the request shall contain the following information:
 - a) Name, address, and telephone number of the applicant;
 - b) Location of the outdoor lighting fixtures for which the exemption is requested;
 - c) The nature of the circumstances which necessitate the exemption;
 - d) Use of the outdoor lighting fixture involved;
 - e) All description data as called for in subsection (5) of this section; and
 - f) Such other data and information as may be required by the board.
- 2) In considering whether to grant the request for an administrative exemption from the section, the site plan review committee may consider the following factors:
 - a) Special circumstances or conditions applying to the land, building or outdoor lighting fixture for which the exemption is sought;
 - b) Deprivation to the applicant of the reasonable use of the land, buildings or outdoor lighting fixtures that strict application of this section may cause; and/or
 - c) The effect of the granting of the exemption on the public welfare.

(G) Penalty

Any person who shall violate any provisions of this chapter or any regulation, rule or order may here under shall be subject to a penalty as provided in Chapter 17, Article 9 Enforcement.

17-6-400 PARKING AND STORAGE IN RESIDENTIAL AREAS

(A) General requirements

- 1) Motor vehicles, trailers and other wheeled vehicles may be parked in only one side yard between the front and rear of the main building/primary dwelling in a R-1 zone.
- 2) In R-2 and R-3 zones, motor vehicles, trailers and other wheeled vehicles may not be parked within eight feet of a side lot line between the front and rear of the main building/primary dwelling, except for a side lot line with a zero setback requirement under Article 3 Zone Districts.
- 3) No woodpiles, building supplies, or other material shall be stored within six feet of the side lot of a lot in or adjacent to a R-1, R-2, or R-3 zone for more than seven consecutive days.

- 4) No motor vehicles, trailers, or other wheeled vehicles may be parked on surfaces other than approved driveways in the front yard of R-1, R-2 or R-3 zoned areas meeting the following requirements, with the exception of special event days defined as Packer Game Day, Lambeau Field events, Brown County Complex events, (Resch Center, ShopKo Hall or Brown County Arena) or other events as approved by the village board.
 - a) Driveways shall be constructed of hard surface materials.
 - b) Hard surface materials shall consist of asphalt, concrete or brick.
 - c) Driveways shall consist of an area at a right angle to the street that conveys a vehicle to a garage or parking area in the most direct manner possible.
 - d) Driveways shall not exceed 40 percent of the total area of the residential front yard.
 1. Twindominiums or zero lot line duplexes: Driveways shall not exceed 50 percent of the total area of the residential front yard.
 2. Corner lots shall be considered as having two front yards (both sides facing a street). The total front yard area shall include both areas facing the street.
 - e) Driveways shall be a minimum of 16 feet or a maximum of 30 feet in width at the ROW line. Duplex driveways with a shared driveway shall not exceed 40 feet in width at the ROW line. Current existing driveways with widths of less than 16 feet are exempt from this requirement, as is their replacement.
 - f) Driveways shall be a minimum of one foot off of the property line. Driveways or hard surface areas in other than front yards shall be a minimum of two feet off of the property line.
 - g) Temporary parking on non-hard surfaced materials, of a motor vehicle/trailer or other wheeled vehicle, shall not exceed 12 hours on a one-time individual basis over a 60-day period.

- 5) Off-street parking in R-3. There shall be an off-street parking facility of at least four hundred (400) square feet per dwelling unit.

17-6-500 OFF-STREET PARKING

(A) General requirements

Use-specific standards may be found in subsection (1) and additional district-specific standards may be found in *6-600, District-Specific Site Design Standards*.

- 1) Use-specific off-street parking requirements shall be as follows.
 - a) Residential uses.
 1. Single-family dwellings (per Article 6-400).
 2. Two-family dwellings (per Article 6-400).
 3. Multifamily dwellings (per Article 6-400).
 4. Lodging houses and apartment hotels: one and one-half spaces per dwelling unit or lodging room plus one space per employee plus additional spaces as required for supplemental uses.
 5. Group homes and community living arrangements: one space for every four occupants plus one space per employee.

6. Family day care homes: two spaces, at least one of which shall be enclosed within a carport or private garage. Required parking spaces shall not be located in a front or corner side yard. Additional spaces, as determined by the site plan review committee, may be required if employees or staff persons do not reside on the premises or if the day care facility is located on an arterial street.
 7. Bed and breakfast establishments: one space per guest room or lodging room plus parking for the occupant.
- b) Educational and cultural uses.
1. Elementary and middle schools: one space per employee plus adequate visitor parking as determined by the site plan review committee.
 2. Senior high schools: one space for every five students, based on the maximum number of students attending classes on the premises at any one time during any 24-hour period, plus one space per employee.
 3. Colleges, universities and technical schools: one space for every six students, based on the maximum number of students attending classes on the premises at any one time during any 24-hour period, plus one space per employee.
 4. Auditoriums, gymnasiums, stadiums and grandstands (accessory to educational institutions): one space for every four seats.
 5. Public libraries, art galleries, museums and aquariums: one space for every two building occupants, based on the maximum capacity of the building in persons, plus one space for every two employees.
- c) Health and medical uses.
1. Hospitals: one space for every four hospital beds plus one space for every two employees and doctors.
 2. Medical and dental clinics: two spaces per treatment room, plus one space for every doctor and staff member.
 3. Nursing homes, rest homes, convalescent homes and sanitariums: one space for every four beds plus one space for every doctor and staff member/employee on shift of maximum employment.
- d) Religious uses.
1. Churches, chapels, temples and synagogues: one space for every three seats.
 2. Convents, seminaries, monasteries, rectories, parsonages, parish houses and religious retreats: Parking spaces shall be provided, as determined by the site plan review committee, in adequate number to serve persons employed or residing on the premises as well as the visiting public.
- e) Recreational uses.
1. Stadiums, ball parks and outdoor sports arenas: one space for every four permanent seats. Required parking spaces shall be located no further than 800 feet from the property on which such recreational use is located.
 2. Public theaters, indoor sports arenas, auditoriums and gymnasiums: one space for every three seats plus one space per employee.
 3. Bowling alleys: four spaces per alley plus additional spaces for affiliated or accessory uses as required by this section.
 4. Dance halls, skating rinks, lodge halls and exhibition halls (without fixed seats): one space for every 80 square feet of building floor area.

5. Amusement centers: one space for every 200 square feet of building floor area plus one space per employee.
 6. Shooting ranges and golf driving ranges: one space for every shooting station or driving tee.
 7. Miniature golf courses and putting greens: two spaces for every golf hole.
 8. Game and athletic courts: two spaces for every court.
 9. Golf courses: four spaces per hole, plus one space per employee, plus additional spaces for affiliated or accessory uses as required by this chapter.
 10. Public swimming pools (other than those accessory to residential and commercial uses): one space for every 100 square feet of pool area plus one space per employee. A patron pick-up and drop-off zone, located behind the front setback line, shall be provided on a directional driveway in such a manner as not to interfere with other required parking spaces.
 11. Marinas, harbors and launching ramps: one space for every boat berth or on-site storage space. In addition, if a launching ramp is available, double length car/trailer parking spaces shall be provided as determined by the site plan review committee.
- f) Commercial and retail uses.
1. Animal hospitals and kennels: two spaces per employee.
 2. Appliance and equipment repair shops: one space for every 200 square feet of building floor area plus one space per employee.
 3. Banks and financial institutions: five spaces for every 1,000 square feet of building floor area plus one space per employee. For banks and financial institutions with drive-up windows, a minimum of three stacking spaces shall be provided per window.
 4. Barbershops, beauty salons and personal service uses: two spaces for every operator station plus one space per employee.
 5. Bus and motor coach depots and stations: six spaces per bus at peak loading capacity plus one space per employee.
 6. Business, governmental and professional offices: four spaces per 1,000 gross floor area up to 20,000 square feet additional three spaces per 1,000 gross floor area thereafter.
 7. Car wash facilities: three stacked spaces for every wash bay or lane plus one space per employee.
 8. Drive-in and carry-out restaurants and confectioneries: one space for every 50 square feet of building floor area devoted to patron use (excluding restrooms) plus six stacked spaces for every drive-up window plus one space per employee.
 9. Dry cleaners and full-service laundries: one space for each 200 square feet of gross floor area used by the general public, plus one space per employee.
 10. Funeral homes and mortuaries: one space for every five seats plus one space per employee.
 11. Furniture and large appliance stores: two spaces per 1,000 square feet of retail floor area, plus one space per employee on maximum shift of employment.
 12. Hotels and motels: one space per lodging room plus one space per employee plus additional spaces for affiliated or accessory uses as required by this chapter.
 13. Motor vehicle fuel sales and vehicle wash businesses: three stacked spaces for every fueling or washing position plus one space per employee.

14. Motor vehicle and machinery sales businesses: one space for every 300 square feet of building sales floor area, plus one space per employee on maximum shift of employment.
15. Motor vehicle repair garages: two spaces for every service stall plus one space per employee.
16. Music, dance and business schools: one space for every three students plus one space per employee/instructor.
17. Nursery schools and group day care centers: one space for every six children plus one space per employee. This requirement may be reduced to one space for every eight children plus one space per employee if a patron pick-up and drop-off zone, located behind the front setback line, is provided on a directional driveway in such a manner as not to interfere with other required parking spaces.
18. Outdoor sales areas (automobiles, boats, trailers, building materials, nurseries, etc.): one space for every 1,000 square feet of open sales area plus one space per employee.
19. Radio and television stations: one space for every two employees.
20. Restaurants, taverns, supper clubs, cocktail lounges and night clubs: one space for every two building occupants, based on the maximum capacity of the building in persons, plus one space per employee.
21. Retail stores and super markets: five spaces for every 1,000 square feet of lease able floor area (excluding warehouse/stockroom) plus one space per employee on maximum shift of employment.
22. Self-service laundries (laundromats): one space for every two self-service units.
23. Auditoriums, convention centers, banquet halls, and similar occupancies, theaters (indoor): one space for every three seats, based on maximum occupancy of the building, plus one space per employee.
24. Shopping centers: five spaces per 1,000 square feet gross leasable floor area (excluding warehouse/stockroom) up to 250,000 square feet, above 250,000 square feet shall be reduced to 4.5 spaces per 1,000 square feet gross leasable floor area (excluding warehouse/stockroom).

g) *Industrial and warehouse uses*

One space for every 1,000 square feet of building floor area or for every two employees, whichever constitutes the greater number of spaces. Industries operating more than one shift shall provide additional spaces to accommodate personnel at times of shift change.

Notes:

1. Parking space dimension minimum nine feet by 18 feet.
2. The term "shopping center" is defined as a closed mall or strip mall with more than three tenant spaces.

2) *Loading and unloading requirements*

All department stores, retail stores, retail food markets, warehouses, supply houses, hotels, hospitals or other buildings where large amounts of goods are received or shipped shall provide loading and unloading space as follows: one permanently maintained truck loading and unloading space of not less than ten feet in width and 25 feet or more in length adjacent to the building to be erected. The minimum number of loading spaces shall be increased in accordance with the estimated volume and

frequency of the loading and unloading requirements of the proposed use of the building.

- 3) General conditions
 - a) Nothing in this section shall be interpreted to prevent the provision of parking space in excess of those amounts specified. The specified amounts shall be interpreted as minimum requirements.
 - b) Existing parking facilities shall not be eliminated or reduced to an amount less than that required for the new buildings.
 - c) Required off-street parking spaces as provided herein shall not be considered as supplying loading space as herein provided.
 - d) Whenever there is a change in the number of employees or in the lawful use of the premises or in any other unit of measurement specified in this section and whenever such change creates a need for an increase or a decrease of more than 15 percent of the number of automobile parking spaces as determined by the requirements of this section, off-street parking facilities shall be provided within a 60-day period on the basis of the adjusted needs as determined by this section.
 - e) In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses computed separately in accordance with this section.

- 4) Design standards.
 - a) All off-street parking facilities shall be designed with appropriate means of access to a street or alley as well as maneuvering areas.
 - b) All parking areas shall be blacktopped or made of concrete as follows:

Type Business	Building Frontage	Driveways	Building Sides	Building Rear
Retail	Yes	Yes	Yes	Yes
Light Industrial	Yes	Yes	No	No
Heavy Industrial	Yes	Yes	No	No
Industrial Park	Yes	Yes	No	No
Residential	Yes	Yes	Yes	Yes
All other areas	Yes	Yes	Yes	Yes

If said parking areas are within 500 feet of residential areas they must be blacktopped or made of concrete, even if they are rear or side areas.

- c) Parking areas shall be used for parking of automobiles only with no sales, storage, repair work, dismantling or service of any kind to be permitted.
- d) The parking area shall not be more than 250 feet from the main entrance of the building.
- e) Areas allowed to remain non-blacktop or nonconcrete materials by this section and used for parking, driveways, aisle ways, or storage must be kept in a clean manner and be provided with maintenance procedures to minimize erosion by water runoff and wind.

5) Approval of plans.

- a) No building permit shall be issued for the construction of any building in the village for any use until the plot plan showing the required parking facilities as set forth in this section shall have been approved by the building inspector.
- b) Any building erected, constructed or reconstructed without providing the off-street parking and loading requirement established herein shall be deemed an unlawful structure and the building inspector or any other official designated by the village board may bring an action to enjoin such erection, construction or reconstruction or cause such structure to be vacated or removed.
- c) The site plan review committee may determine and vary the regulations of this section in harmony with their general purpose and intent, only in the specific instances that there are practical difficulties of unnecessary hardships in the way of carrying out the strict letter of the regulations of the ordinance.

17-6-600 DISTRICT-SPECIFIC SITE DESIGN STANDARDS

(A) General

Site development standards shall be followed per this section. Additional requirements shall be found in 17-6-700, *Policy for Site Plan Review Committee*.

(B) Sports and Entertainment (SE)

1) Site plan approval required

To ensure consistency with the redevelopment concepts contained in the Village of Ashwaubenon Development District Project Plan and the regulation of this section, all development in this district shall require site plan approval as prescribed in 17-2-200. The site plan approval standards contained in 17-6-700, including the urban design guidelines that are specific to this district,

are intended to work in concert with the zoning regulations in this section. The zoning regulations contained in this section typically are the minimum allowable standards. Through the site plan approval process, more stringent standards may be applied in order to achieve full conformity with: the purpose and intent of this section; the site plan approval criteria, standards and urban design guidelines; and the recommendations of the Village of Ashwaubenon Development District Project Plan.

The final site plan, except for those plans involving minor alterations, as approved by the site plan review committee shall be forwarded to:

- a) The village plan board for its review and recommendation to the village board.
- b) The village board for its approval which may include modification of the site plan.

2) Off-street parking

In addition to the standards contained in 17-6-500, the following shall apply:

- a) Required off-street parking shall be located on a lot or parcel of land (under common ownership or long-term lease to the main building being served) not over 1,000 feet of any entrance of the building.
- b) In lieu of meeting the required numeric parking space ratios contained in 17-6-500 and 17-6-700, the site plan review committee may approve lesser or greater parking requirements for a particular use or development project based on a parking study performed by a qualified professional demonstrating the specific projected needs for the particular use or development project.
- c) See the urban design guidelines contained in 17-6-700 (U), for additional information regarding parking within the district.

3) Signs

In addition to the standards contained in 17-6-200, the following shall apply:

- a) Consistent with the urban design guidelines contained in 17-6-700 (U), the site plan review committee may approve electronic and three-dimensional signs provided they are uniquely designed and complement building architecture.
- b) Consistent with the urban design guidelines contained in 17-6-700 (U), the site plan review committee may approve a site-specific sign package that includes wall-mounted, window, and all other permanent signage on a development site, provided that the combined area of permitted signage does not exceed 150 percent of the combined signage permitted under 17-6-200.

(C) Village Center (VC)

1) Site plan approval required

To ensure consistency with the redevelopment concepts contained in the Village of Ashwaubenon Development District Project Plan and the regulations of this section, all development in this district shall require site plan approval as prescribed in Chapter 17, Article 2. The site plan approval standards contained in 17-6-700, including the urban design guidelines that

are specific to the two sub-areas within this district, are intended to work in concert with the zoning regulations in this section. The zoning regulations contained in this section typically are the minimum allowable standards. Through the site plan approval process, more stringent standards may be applied in order to achieve full conformity with: the purpose and intent of this section; the site plan approval criteria, standards and urban design guidelines; and the recommendations of the Village of Ashwaubenon Development District Project Plan.

The final site plan, except for those plans involving minor alterations, as approved by the site plan review committee shall be forwarded to:

- a) The village plan board for its review and recommendation to the village board.
- b) The village board for its approval which may include modification of the site plan.

2) Off-street parking

In addition to the standards contained in 17-6-500, the following shall apply:

- a) Required off-street parking shall be located on a lot or parcel of land (under common ownership or long term lease as the main building being served) not over 1,000 feet from any entrance of the building.
- b) In lieu of meeting the required numeric parking space ratios contained in 17-6-500 and 17-6-700, the site plan review committee may approve lesser or greater parking requirements for a particular use or development project based on a parking study performed by a qualified professional demonstrating the specific projected needs for the particular use or development project.
- c) See the urban design guidelines contained in 17-6-700 for additional information regarding parking within the district.

3) Signs

In addition to the standards contained in 17-6-200, the following shall apply:

- a) Consistent with the urban design guidelines contained in 17-6-700, the site plan review committee may approve a site-specific sign package that includes all freestanding monument, wall-mounted, window, and all other permanent signage on a development site, provided that the combined area of permitted signage does not exceed 150 percent of the combined signage permitted under 17-6-200.

(D) Industrial Park (IP)

1) Front setback requirements

No part or portion of any building shall be erected, constructed or extended nearer than 35 feet from the front line of any parcel in the subdivision. Employee parking of automobiles shall be prohibited at all times within 35 feet of the front line of any parcel in such subdivision. Visitor or customer parking may be allowed within the 35

feet setback when approved by the site plan review committee but not closer than 17 feet from the curb and gutter line. The 35-foot setback shall be entirely graded and sodded or seeded between side lot lines and from the front lot line to the building face in a manner that will produce an acceptable lawn, excepting only such areas as may be required for driveways, visitor parking or walks. All driveways shall be surfaced with asphaltic concrete/pavement or concrete pavement from the village street surface to the front building face. All walks shall be of concrete pavement. All such landscaping, drives and walks shall be completed within one year after occupancy of the building.

2) Side yards

The use of such area shall be in accordance with the provisions of subsection 1) of this section, except that employee parking shall be permitted in this area. The parking or storage of company owned trucks, products or equipment shall be prohibited in this area.

3) Landscaping requirements

All grass and weeds shall be cut whenever necessary. If grass or weeds are not cut, the village may serve notice and if not completed within seven days, may cut the same and add this cost to the lot owner's real estate tax bill.

4) All buildings are to be aesthetically pleasing

No building shall be so similar to or so at variance with its neighboring buildings as to constitute a depreciation to the immediate neighborhood.

5) State codes and ordinances

State codes and ordinances shall govern production and effects of noise, vibration, dust, gas, smoke, toxic matter or odors.

6) Decomposing, detonating materials

No activities involving the storage, utilization or manufacture of materials or products which decompose or explodes shall be permitted in such subdivision.

7) Village streets

Village streets will not be designed by the village to provide parking.

(E) Business Park (BP)

1) Districts

a) Zoning Classification

The zoning classification for the business park is planned unit commercial development (PUCD). The PUCD designation allows very specific land use planning within the business park.

b) Districts within the Business Park

There are three distinct districts within the business park as follows:

1. Exclusive office (EO). This district is intended for large corporate headquarters and smaller office complexes that desire the visibility of the outermost property.
2. Light manufacturing (I-1). The least restrictive district allows light manufacturing, warehousing and offices in a variety of lot sizes. I-1 district areas devoted to service center uses should be employed as a buffer between office and manufacturing uses.
3. Conservancy (C). The conservancy areas throughout the PUCD do not allow for development, with the exception of passive recreation.

2) General requirements

a) Incidental buildings; screening

All structures that are incidental to a building's design but necessary for its proper function, whether electrical or mechanical, for the purpose of air circulation, temperature regulation or other, regardless of location, be it on the roof or ground, shall be concealed by screening material or proper positioning.

b) Design and color scheme

Buildings of symbolic design or color schemes for advertising purposes shall be approved by the SPRC.

c) Roofs

All roof structures which exceed a pitch of more than three inches in 12 inches shall be shingled. Any roof less than three inches in 12 inches may be steel.

d) Elevation

All elevations of a building shall be designed in a consistent and coherent architectural manner. Changes in color or texture shall occur at points relating to the massing, fenestration or overall design concept of the building.

e) Coordination

Colors, materials, finishes and building form shall be coordinated in a consistent manner on the front, side and rear exterior walls. Materials shall be one of the following:

- a. Hard burned clay brick color and texture to be approved.
- b. Concrete masonry. Units shall be those generally described by the National Concrete Association as "customized architectural concrete masonry units" or shall be broken-faced brick type units with marble aggregate or split face or broke off concrete block. There shall be no exposed concrete block on the exterior of any building. Any concrete masonry units that have a gray cement color shall be coated in some manner.
- c. Concrete may be poured in place, tilt-up, or precast. Poured-in-place and tilt-up walls shall have a finish of stone, a texture or a coating. Textured finishes, except in special cases, shall be coated. Precast units which are not uniform in color shall be coated. Coating shall be an approved cement or epoxy type with a ten-year minimum life

expectancy.

- d. Glass curtain walls shall be permitted.
- e. Metal siding will be permitted in EO and I-1 and 50 percent of the building must be masonry.
- f. Highly reflective building materials on the exterior of a building or upon the grounds thereof are subject to SPRC approval.
- g. Other materials approved by the SPRC.

f) Height

The maximum height of buildings shall be per Chapter 17, Article 5, but shall be reviewed and approved by the SPRC with consideration given to the following:

- 1. Adequate air and light to adjacent properties.
- 2. The potential for damage to adjacent properties.
- 3. Airport height permit and noise requirements where required.

g) Outdoor storage

Outdoor storage of any material other than licensed motor vehicles in operable condition is prohibited. Storage of materials, equipment, parts, inventory, etc., shall take place in completely enclosed structures that meet the previous building standards contained herein. Outdoor storage of motor vehicles in operable condition is allowed provided that such outdoor parking (storage) areas shall be paved and screened pursuant to the definition of screening contained in the off-street parking standards in subsection 6) of this section.

h) Construction time limits

Construction shall commence within one year of plan approval or in accordance with a development agreement with the village. No site plan approval shall be valid for more than 12 months from the date of approval unless a building permit is obtained and development in accordance with such site plan has commenced. A one-year extension may be granted for special circumstances.

i) Maintenance

Maintenance of the exterior walls and roofs of buildings shall be done at all times. This includes cracks, dents, punctures, breakage and other forms of visible marring. Materials that become excessively faded, chalked, cracked, chipped, damaged or otherwise deteriorated shall be replaced, refinished, repaired or repainted in accordance with the reasonable determination of the building inspector or within 180 days of such defect.

3) Landscaping requirements

a) General requirements

The landscape design and planting plan is to be an integral part of the site development. All landscape plans will be reviewed by the SPRC in conjunction with the overall site development plan. All vegetation used to satisfy requirements of this section shall be indigenous to the appropriate

hardiness zone and physical characteristics of the site. Landscape features should be used so as to create a park-like appearance, while addressing the considerations of visual screening, land cooling, drainage and other environmental concerns.

b) Naturalist design elements

Efforts should be made to integrate each new landscape plan with existing trees and vegetation, the natural conditions of the site and adjacent property's landscape designs. For consistency, a naturalistic design theme is preferred. Elements of naturalistic design include:

1. Canopy trees distributed over the entire site;
2. Meandering lawn spaces formed by masses of shrubs;
3. Occasional accent plants used in conjunction with masses of background plants to provide visual interest without being chaotic;
4. Use of gentle berming to break up the horizontal ground plane;
5. The use of landforms and masses of plant material to screen visually obtrusive utilities;
6. Appropriately sized and spaced foundation plantings to visually soften the building and provide human scale; and
7. Excess excavation material shall not be permitted on site.

c) Standards

All landscape designs shall meet the following standards:

1. The minimum green space area shall be as follows:
 - a. Exclusive office (EO), 25 percent of total lot area.
 - b. Light manufacturing (I-1), 25 percent of total lot area.
2. All existing trees shall be preserved whenever possible, with necessary removal approved as part of the landscape plan. The minimum number of trees planted shall be:
 - a. Exclusive office (EO), one tree per 5,000 square feet of total lot area, or fraction thereof, implemented over five planting seasons.
 - b. Light manufacturing (I-1), one tree per 7,000 square feet of total lot area, or fraction thereof, implemented over five planting seasons.
3. The number of shrubs shall not be less than three per 1,000 square feet of total lot area, or fraction thereof, or equivalent landscape plan as approved by the SPRC (site plan review committee).
4. Minimum sizes of plantings shall be as follows:

Deciduous trees 1.5 inch diameter as measured six inches from the ground.

 - a. Coniferous trees a minimum of six feet in height.
 - b. Evergreen shrubs a minimum of 24 inches in height.

5. The street front yard and side yards abutting the front one-third of the building shall be seeded or sodded. All other green areas shall at least be seeded with appropriate seed mix. The following exceptions may be granted by the SPRC:
 - a. The use of mulch materials for shrubs and foundation plantings.
 - b. The seeding of future expansion areas as shown on site development plans.
 - c. Areas designated as green space to be properly planted and maintained in a natural state.
6. All approved landscaping is to be installed within one planting season for the landscape/site development plan approval. Any vegetation which is shown on the approved landscape/site development plan that dies, shall be replaced within one planting season per approved landscape/development plan unless extended by the SPRC upon petition.

4) Lighting standards

- a) Generally
Building lighting should occur as part of the overall design concept using recessed lighting in overhangs and at the entrance. Well-designed soft lighting of the building exterior is allowed provided it does not impact on the surrounding properties, complements the architecture and the light source is concealed.
- b) Off-street parking areas
Any lighting used to illuminate off-street parking, loading and service areas, shall be shaded, diffused or arranged to reflect light away from adjacent parcels and public streets. Lighting shall be limited to 600 illumination from vertical. The maximum height of light poles shall be 35 feet.
- c) Walkways
All walkways are to be illuminated for safety. Bollard lighting may be used as low-level walkway illumination on private property.

5) Reserved

6) Off-street parking requirements

- a) Location
 1. All parking areas shall not be more than 300 feet from the main entrance of the building for which it serves.
 2. All parking lots and loading docks shall be located in the rear of a building or on an interior side yard beyond the front yard setback. A visitor parking area with ten or fewer stalls may be permitted on the front or street side of a building. Corner lots will be allowed additional parking area in the front yard abutting the non-primary street as approved by the site plan review committee.

- b) Spaces required
The number of parking spaces required for developments as required per 17-6-500.
- c) Drainage
All parking areas shall have adequate drainage.
- d) Material
All areas for parking space and driveways shall be surfaced with bituminous asphalt or concrete. Plans for surfacing and drainage of driveways and stalls for five or more vehicles shall be submitted.
- e) Striping
All parking stalls shall be marked with painted lines not less than four inches wide.
- f) Lighting
Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way.
- g) Landscaping
To avoid the undesirable monotony, heat and wind associated with large parking lots, the following parking lot landscaping standards shall apply to all districts:
 - 1. All parking lots shall have a minimum of one internal landscaped island-delineator in addition to any required traffic safety island for each 21,780 square feet (one-half acre), or fraction thereof, of off-street parking space; such islands shall be a minimum of 590 square feet (three parking spaces) and shall be bounded by concrete curbing.
 - 2. All traffic islands that have an earth berm constructed within its boundaries shall have a ratio not less than 1:3.
 - 3. All traffic islands and their respective berms shall have plant material placed upon them which shall conform to the specifications and procedures stated in the landscape requirements in subsection 3) of this section.
- h) Maintenance
The lessee and owner of the principal use, uses or building shall jointly maintain in a neat and adequate manner the parking space, accessways, striping, landscaping, screening and required fences.
- i) Joint driveways and parking areas
Wherever possible, it is encouraged that joint parking areas and driveways be used. Joint parking areas and driveways shall be subject to the approval of the SPRC.

7) Driveway Requirements

a) Design

Parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street. Parking area design which requires backing into any public street shall be prohibited.

b) Driveway access required

All off-street parking spaces shall have access from driveways and not directly from the public street.

c) Curb cuts

1. Driveway access curb openings shall not be located less than 40 feet from one another.
2. The number and location of curb cuts shall be as determined by the building inspector upon consultation with the SPRC taking into consideration traffic flow, safety concerns and the needs of the business.

d) Number permitted

One two-way driveway or two one-way driveways shall be allowed for each 200 feet of frontage or increment thereof.

8) Loading area requirements

All warehousing, manufacturing plants or any other building where large amounts of goods are received or shipped shall provide adequate loading and unloading berths.

a) Location

1. All required loading berths shall be off-street and located on the same lot as the building or use to be served.
2. Loading berths shall not occupy the front yard.

b) Corner lot conditions

Loading berths located at the side of buildings on a corner lot shall observe the following requirements:

1. Loading berths shall not conflict with pedestrian movement.
2. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
3. Loading berths shall comply with all other requirements of this plan.

c) No interference with traffic

Each loading berth shall be located with appropriate means of vehicular access to a street in a manner which will cause the least interference with traffic.

d) Screening required

All off-street loading facilities shall be effectively screened as defined previously in the off-street parking requirements in subsection 6) of this section.

9) Utilities

All utility service lines shall be placed underground.

10) Easements

The village reserves the right to acquire, at no cost, easements on the property line deemed necessary for further utility development. The utility companies utilizing such easements shall have the responsibility to return easement areas to a state of improvement that equals the conditions that existed prior to installation or maintenance of utilities.

11) Approval process

The approval process shall consist of a preliminary consultation, plan submittal and final review and determination.

a) Preliminary consultation

The purpose of this meeting between the developer and members of the site plan review committee is to ensure the developer is aware of the concepts and standards outlined by the business park plan. The developer is encouraged to submit three copies of a statement outlining the general scope of the proposed project and its relevancy to such a location. This meeting is to foster cooperation between the developer and the SPRC.

b) Plan submittal

The developer shall submit all necessary copies of the development plan, along with the established review fee, to the site plan review committee. These plans shall include, at a minimum, the following:

1. The name, location, developer and designer of project;
2. The date of plan preparation;
3. Scale and north arrow;
4. Property dimensions;
5. The location, identification and dimensions of existing and proposed:
 - a. Topography (two-foot contour interval);
 - b. Significant vegetation;
 - c. Public rights-of-way and easements;
 - d. On-site drives, walkways and parking facilities, including traffic flow;
 - e. Buildings and incidental structures;
 - f. Freestanding signage, light fixtures, fences, etc.;
 - g. Surface water holding ponds, drainageways, drainage patterns with arrows;
 - h. Loading docks and refuse collection areas;
 - i. Landscaping details and planting schedules;
 - j. Color rendering of all building elevations, including signage and listing of finish materials. Samples of exterior finish materials may be required;
 - k. Listing of site statistics, including gross square footage of both site and building; and
 - l. On-site soil erosion control plan.

6. All other information deemed necessary by the plan review committee.

c) Review

The site plan review committee shall review the plan to ensure that these development standards and design criteria are met. When a discrepancy exists, an attempt shall be made by the SPRC and developer to remedy a solution. Appeals to these requirements, as with all planned commercial developments within the village, shall be heard by the village board.

12) Administration

As with the village zoning ordinance, the building inspector is in charge of the day-to-day administration and interpretation of the design criteria of the business park. Enforcement of these standards is charged with the superintendent of inspection in accordance with Wis. Stats. § 62.23(7). From time to time, the design criteria may be amended, changed or deleted. Such action shall take place originating before the village board in accordance with Wis. Stats. § 62.23(7).

13) Nuisance, safety and environmental controls.

a) Nuisances

1. All vacant or open areas shall be kept in a tidy manner. If after 15 days' written notification to the owner or lessee, needed landscaping or vacant parcel maintenance or upkeep has not been completed, the village shall contract for the completion of the work. If after 30 days' written notification to the owner or lessee, needed maintenance or upkeep on buildings, structures, paved areas and the like has not been completed, the village shall contract for completion of the work. The village shall bill the owner or lessee for such costs, plus ten percent for administrative costs. To avoid village action in the latter case, the minimum action required on the part of the owner or lessee is presentation of a written order, accepted in writing by a licensed contractor, to complete the work within a reasonable time period, but not to exceed six months.
2. No rubbish shall be burned on the premises. Dust, dirt and fly ash shall not exceed three-tenths of a grain per cubic foot of flue gas at 60 degrees Fahrenheit, 14.7 psi absolute and ten percent CO₂ and shall in no manner be unclean, destructive, unhealthful or hazardous to humans or vegetation nor shall visibility be impaired.
3. Vibrations originating within the property which are discernible to the human sense of feeling at the property line shall not be permitted at any time. Emission of gaseous pollutants is not to cause air pollution or public nuisance as defined in the state department of natural resources air pollution control rules. No person shall emit into the ambient air malodorous substances or liquid pollutants in the form of mist at levels which cause air pollution or a public nuisance.

b) Right of entry

During reasonable hours, representatives of the village shall have the right to enter upon and inspect any building, site or parcel and the improvements

thereon for the purpose of ascertaining whether compliance exists with the provisions of the design and development standards.

(F) Planned Unit Commercial Development (PUCD)

1) Building setbacks

- a) The front, rear and side yard setbacks shall be determined by the village board based upon the provision of adequate landscaping and any necessary visual buffering of adjacent residential uses. The reduction of setbacks shall be proportional to the quality and quantity of aesthetics and required screening of the project.
- b) In no case, however, shall the front yard setback be less than 30 feet. A minimum 30-foot setback shall be required from lot lines immediately adjacent to a residential lot of any type.

2) Building and signage requirements.

a) Building design requirements shall be as follows:

- 1. All commercial and residential structures shall follow the construction standards outlined in sections 24.15 and 24.16 of the Austin-Straubel Airport Zoning Ordinance and Zoning Districts.
- 2. Only hip or gable roofs shall be allowed in order to maintain visual continuity between the commercial and residential uses.
- 3. All other building design requirements (maximum/minimum lot coverage, density, maximum square footage, materials, etc.) shall follow the underlying municipal zoning ordinance. Variances shall be granted by the village board only if deemed adequate and necessary for such a project, or proportionally to the quality and quantity of landscaping next to residential properties.

b) Minimum signage restrictions shall be:

- 1. Signage shall conform to all height regulations specified in the Austin-Straubel Airport Zoning Districts.
- 2. All lighting shall be screened so as not to cause glare or direct illumination of surrounding properties.
- 3. Signage shall be integrated with the structural facade of the building or with the site and its landscaping.
- 4. Placement and size of all signs shall be subject to 17-6-200.

3) Landscaping/parking requirements.

a) Landscaping requirements shall, at a minimum, be as follows:

- b) Within the 30-foot setback which abuts any type of residential property, an earth berm, a minimum of 15 feet in width and three

feet in height shall be constructed.

- c) Trees shall be planted on the crowns of all berms and shall provide no less than 70 percent sight restriction.
- d) All other landscaping shall be subject to approval by the village board.

4) Off-street parking requirements shall follow those listed in 17-6-500.

5) Procedures for approval

All plans shall be subject to the series of approval and review procedures governed by the village (i.e., village board, building inspector, airport director, etc.).

17-6-700 POLICY FOR SITE PLAN REVIEW COMMITTEE

(A) Objectives.

The purpose of these standards is to establish rules, regulations, standards, and procedures for approval of all new development proposals and the expansion of existing businesses and industries pursuant to Chapter 17, Article 2, of the village zoning code, in order to:

- 1) Provide for safe, efficient vehicular and pedestrian circulation;
- 2) Provide for screening, landscaping, signage, and lighting;
- 3) Ensure efficient, safe, and attractive land development;
- 4) Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimal adverse effect on adjacent properties;
- 5) Develop proper safeguards to minimize the impact on the environment;
- 6) Ensure the provision of adequate water supply, drainage, and storm water management, sanitary facilities, and other utilities and surveys;
- 7) Encourage modern and innovative design, construction, technology, and planning methods; and
- 8) Advance and promote sound growth and continued development within the village.

(B) Standard requirements.

- 1) The interpretation and application of the provisions of these standards shall be held as minimum requirements for the promotion of the public health, safety, and welfare.
- 2) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of these standards.
- 3) Where permitted and prohibited uses, site and landscape regulations, building design criteria, off-street parking signage and loading requirements, and other regulations contained herein are either more or less restrictive than comparable conditions imposed by provisions contained in the village zoning ordinance or of any other law, ordinance, rule, resolution or regulations, the requirements that are more restrictive or which impose a higher standard shall govern.

(C) Definitions.

The following words, terms and phrases, when used in this appendix, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word building shall include the word structure; the word lot shall include the word plot; the word shall is mandatory and not discretionary; and the word may is discretionary. If there is a definition not contained herein, refer to Webster's Dictionary, the last available edition.

Accessory building or use means a building or use which is:

- 1) Conducted or located on the same lot as the principal building or use served;
- 2) Clearly customary and incidental to, subordinate in purpose to, and serves the principal building or use; and
- 3) Either in the same ownership as the principal building or use or is clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors to the principal building or use.

Building height means the vertical distance measured from the average of the highest and lowest point of that portion of the lot immediately adjacent to the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Fence means a barrier constructed of materials other than shrubbery erected for the purpose of protection, confinement, enclosure or privacy. The term "fence" shall include barriers of at least 75 percent opacity.

Floor area ratio means the total square footage of all floors of a building or buildings measured from the face of the exterior walls excluding cellars or basements, divided by the total area of the lot on which such building or buildings are located.

Frontage, zoning lot, means the length of all the property measured at the designated setback line of such zoning lot fronting on a street, measured between side lot lines.

Green/open space means an area of land associated with, and located on the same tract of land as a major building or group of buildings in relation to which it serves, to provide light and air or scenic, recreational or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building or buildings involved but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants of those in neighboring area, or a general appearance of openness. Green space may include, but shall not be limited to, lawns, decorative plantings, wooded areas, landscaping areas, sidewalks and walkways, active and passive recreational areas, and water surfaces. It shall not include parking lots or other vehicular surfaces or accessory buildings. Dedicated parkways shall not be included in the calculation for the 35 percent green space requirement. All newly developed

facilities on previously vacant land or properties that have been reconstructed must comply with the 35 percent green space provision. Expansion of facilities must strive to maximize green space at every available opportunity.

Loading berth means that portion of a lot designed to serve the purpose of loading or unloading all types of vehicles.

Mechanical equipment means includes air conditioning units, cooling towers, space heaters, ventilators, air compressors, flues, stacks, chimneys, and anything else as determined by the SPRP.

Office-showroom means a building in which at least the front 20 percent of the floor space is devoted to office and/or showroom activities, the remainder being used for either warehousing, light manufacturing, or research and testing.

Plan commission means the village plan commission of the Village of Ashwaubenon, Wisconsin.

Setback means the minimum horizontal distance between a building and the lot line.

Setback, front yard, means the minimum horizontal distance between the building or use, and a street right-of-way line.

Setback lines means lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.

Setback, rear yard, means the minimum horizontal distance between the back line of the building or use, and the rear lot lines.

Setback, side yard, means the minimum horizontal distance between the side line of the building or use, and the side lot lines, unless the side line or rear line of the building or use is parallel to a street, whereas it shall be a front yard setback.

Site plan review committee means the committee authorized to administer the provision of Chapter 17, Article 2. Building permits and site plan approval requirements along with the policy for site plan review committee are printed herein.

Use means the purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

Use, permitted, means a use which is lawfully established in a particular district and which conforms to all requirements, regulations, and performance standards of such district. A permitted use may be a principal use or an accessory use.

Use, principal, means a use or structure which determines the predominant or major use of the lot on which it is located. A principal use may be either a permitted or a conditional use.

(D) Administration.

- 1) The administration of these standards shall be vested in three areas of the village as follows: village building inspector, the site plan review committee and the village board.
- 2) It shall be the duty of the village building inspector to be in charge of the day-to-day administration and interpretation of the village development and design standards. Enforcement of these standards is charged with the village building inspector in accordance with Wis. Stats. § 62.23(7).
- 3) Review of the proposed developments shall be the general concern of the site plan review committee (SPRC) as established by this document. The SPRC shall review each plan as part of the entire site plan review process and approve conditionally, or reject plans. No building permit shall be issued prior to plans being approved by the SPRC. The SPRC shall be responsive to the applicants and their possible time constraints, and shall expedite the review process as much as possible.
- 4) From time to time, the design criteria may be amended, changed or deleted. Such action shall take place originating before the plan commission in accordance with Wis. Stats. § 62.23(7).

(E) Severability.

It is hereby declared to be the intention of the village that the several provisions of these standards are separable. If any court of competent jurisdiction shall adjudge any provision of these standards to be invalid, such judgment shall not affect any other provision of these standards not specifically included in said judgment.

(F) Appeals.

Appeals to the requirements contained in these standards shall be heard by the village board.

(G) Plan approval procedure.

- 1) Residential accessory buildings over 576 square feet, all multifamily, commercial, industrial and business development within the village are required to receive plan approval prior to the issuance of a building permit. Therefore, the village does hereby establish a site plan review committee as defined herein. Generally the SPRC is concerned with the physical external design of buildings, signage and landscaping for each project exceeding 600 square feet but not excluding telephone and communication buildings.
- 2) It should be understood that the development and design standards described and discussed herein are within and applied to all multifamily, commercial, industrial and business zoning classifications within the village.

(H) Preliminary consultation.

This meeting is intended to ensure that the developer is aware of the community's standards and posture on development within the village. Such consultation should occur

prior to any extensive outlay of funds on the part of the developer since the consultation is intended as a device to encourage cooperation between the developer and the village. Such meetings should occur between the developer and the building inspector.

(I) Plan submittal.

Seven copies of the site plan shall be submitted to the building inspector containing the information required by Chapter 17, Article 2.

(J) Review and determination.

- 1) The SPRC shall review the plan to insure that these criteria and the district standards contained herein are met as part of the site plan review process.
- 2) When a discrepancy exists, an attempt shall be made by the SPRC and developer to remedy a solution.

(K) General building and performance standards.

- 1) *Purpose.* The purpose of this section is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration, and decay; and to enhance the health, safety, and general welfare of the residents of the community.
- 2) *Building.*
 - a) The overall approach encourages a variety of architectural styles. However, basic harmony is intended to prevail so that no one structure detracts from the attractiveness of the overall environment. The SPRC shall review building design in order to insure architectural compatibility and integrity.
 - b) All new structures shall have four-foot-deep frost walls.
- 3) *Building exterior.* Colors, materials, finishes, and building form shall be coordinated in a consistent manner on the side and rear exterior walls. Materials shall be one of the following:
 - a) *Hard burned clay brick.* Color and texture to be approved.
 - b) *Concrete masonry.* Units shall be those generally described by the national concrete masonry association as "customized architectural concrete masonry units" or shall be broken faced brick type units with marble aggregate or split face or broke off concrete block. There shall be no exposed concrete block on the exterior of any building. Any concrete masonry units that have a gray cement color shall be coated.
 - c) *Concrete may be poured in place, tilt-up or precast.* Poured-in-place and tilt-up walls shall have a finish of stone, a texture or a coating. Textured finishes, except in special cases, shall be coated. Precast units which are not uniform in color shall be coated. Coating shall be an approved cementitious or epoxy type with a ten-year minimum life expectancy.

- d) *Panels and siding.* Twenty-four gauge architectural panels/siding (concealed fastener) may be used only in combination with one of the approved materials and with approval of the site plan review committee. Any architectural panels/siding proposed for use shall be entirely coated with a colorfast, abrasion and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Such panels shall be insulated (facing shall carry a U.S. approval), have a vapor barrier and have a minimum eight-foot (from floor) interior wear wall.
- e) *Roofs.* All roof structures and their construction materials must be approved by the village site plan review committee (SPRC).
- f) *Other materials.* Other materials approved by the SPRC.
- g) *Building wall and building walls facing an adjacent street.* Any exterior building wall shall be constructed of one of the materials listed under subsection 3) of this section as 3)a)—d) and f).
 - 1. Not less than 75 percent of the wall surface for industrial construction, 100 percent of the wall surface for commercial business construction and 100 percent of the exterior building wall for office and retail construction shall be constructed of brick, masonry, split-faced block or similar like material approved by the site plan review committee.
 - 2. The colors, materials, and finishes shall be coordinated in a consistent manner with other buildings within the district. The exterior building wall shall be finished or accentuated with the following:
 - a. Brick and masonry;
 - b. Natural stone;
 - c. Glass curtain walls; and/or
 - d. Other materials approved by the site plan review committee.
- 4) *Mechanical equipment.* All mechanical equipment shall be enclosed or screened. Roof-mounted equipment shall be integrated into the design of the structure, enclosed or screened to the extent possible. All buildings shall have an approved lock box for use by the village public safety department for public safety purposes. This box shall meet the specifications of the public safety department.
- 5) *Construction.* Construction shall commence within one year of plan approval or in accordance with a development agreement with the village. No site plan approval by the SPRC shall be valid for more than 12 months from the date of such approval unless a building permit is obtained and development in accordance with such site plan is commenced within such period. The provisions of this section shall apply unless otherwise agreed to by the SPRC.

- 6) *Maintenance.* The exterior walls and roof of buildings shall be maintained in a clean, orderly, and attractive condition; free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, cracked, chipped, damaged or otherwise deteriorated shall be replaced, refinished, repaired or repainted in accordance with the reasonable determination and order of the building inspector within 60 days' notice of such defect.
- 7) *No right to divide property.* After a site has been purchased, it shall not be further divided without a review and consent of the village.

(L) Landscape plan requirements.

- 1) *Procedure.* Nine copies of the proposed landscape plan shall be submitted with the site plan or may be made part of the site plan.
- 2) *Plan content.* The proposed landscape plan shall contain the following information:
 - a) The location and dimensions of all proposed open space areas that are required to fall within the following percentages for the total lot:

Zoning	Green Space Requirement	
	New Development (in percent)	Existing (in percent)
Local Business	35-25	35-15
General Business	35-25	35-15
Community Business	35-25	35-25
Arena Community Business Downtown/Arena/Lambeau Field Area	35-15	35-10
Special Business	35-25	35-25
Light Industry	35-15	35-10
Heavy Industry	35-15	35-10

Industrial Park	35-25	35-15
Business Park	35-25	35-25
Public Use	35-25	35-25

- b) The location of all proposed building, storage areas, parking areas, sidewalks, fire lanes, and trail corridors.
 - c) Identification of all proposed vegetation, including symbols, quantities, botanical and common names of all plant material and whether the plant is balled, burlapped, potted or bare root.
 - d) The location, common names, and approximate size of all existing vegetation to be saved.
 - e) Show all species to scale of mature crown diameter or spread.
 - f) Typical sections, in detail, of berms, fences, retaining walls, planter boxes, etc.
 - g) When site is abutting R-1, R-2 or R-3 zonings, a berm shall be installed which is four feet high and 16 feet wide, with plantings that will provide 75 percent opacity within five years.
- 3) *Minimum number of trees.*
- a) One tree per 5,000 square feet of lot area. (All fractional parts shall be rounded up to the nearest whole number.)
 - b) A minimum of 30 percent of the required number of trees shall be hardwood deciduous trees of different varieties.
- 4) *Minimum size of plantings.*
- a) Deciduous trees shall be a minimum of two inches in diameter as measured six inches above ground.
 - b) Coniferous shall be a minimum of six feet in height.
 - c) Evergreen shrubs shall be a minimum of 24 inches in height.
- 5) *Ground cover.* All open space areas shall be, at a minimum, seeded with a variety of grass suitable for this area. The following exceptions to this requirement may be granted by the SPRC during the review process:
- a) The use of mulch material for shrubs and foundation plantings;
 - b) The seeding of future expansion areas delineated on the site plan provided that the existing vegetation is not disturbed during construction;
 - c) Areas maintained in a natural state that are undisturbed during construction; or

- d) Other landscape elements, such as decks, patios, stepping stones, or landscape stone may be incorporated therein.
- 6) *Species.*
 - a) All trees used in site development shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.
 - b) All plant material shall conform to American Standards for Nursery Stock, latest edition, sponsored by the American Association of Nurserymen, Inc. All vegetation shall be planted in accordance with accepted planting procedures. Plants that die must be replaced within one year. When a height specification is stated, the planted material must obtain said height within five years.
 - 7) *Implementation/replacement.* All approved landscaping is to be installed within one planting season of the landscape/site development plan approval. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance, and free of refuse and debris. All plantings shall be arranged and maintained so as not to obscure the vision of traffic. Any vegetation which is shown on the approved landscape/site development plan that dies must be replaced within one planting season per approved landscape/site development plan.
 - 8) *Maintenance.* It shall be the responsibility of the owner and/or lessee of the principal use, uses, or building to perform the necessary maintenance of all landscaping, including mowing, trimming, watering, and fertilization of all grass, ground cover shrubs or trees, and the removal of dead or waste material.
 - 9) *Vision triangle.* A vision triangle is all that land at a street intersection between the vision line and the street intersection. The vision line is determined by drawing a straight line from the curb or edge of pavement of the intersecting street, and such line shall run through two points, each such point being 35 feet back from the intersection of the lines along the street curblines, as shown on the vision triangle ordinance diagram. No bushes or shrubbery nor any opaque or semi-opaque object is permitted in the vision triangle if such bush, shrub or object is over 30 inches above curb grade, except trees trimmed to the trunk and at least seven feet above sidewalk grade. Official traffic signs and signals and utility poles are exempt from this restriction.

(M) Regulation of signs.

- 1) *Purpose.* To promote compatible signage throughout the village, signage should be an integral part of the overall building concept.

- 2) *General requirements.*
 - a) All signs shall be reviewed by the SPRC. Signage shall be limited to name, corporate logo, and address only. Identity ground and wall signs shall have a length to width ratio of 3:1. Lighting, although not required, shall be internal illumination, and intensity shall not exceed one foot-candle at the centerline of any public right-of-way.
 - b) No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot.
 - c) No sign shall be located closer than four feet from any property line.
 - d) Signs may be illuminated but shall not be moving, flashing, blinking or fluctuating.
- 3) *Identity ground sign.*
 - a) An identity ground sign is allowed in all business and industrial districts within the village. It may be two-sided and not closer than four feet from the property line.
 - b) The height should not exceed eight feet when placed at least 15 feet away from any driveway. Signs within 15 feet of a driveway may not exceed three feet. The maximum square footage for identity signs is 75 square feet.
- 4) *Wall signs.*
 - a) Background area of wall signs shall not exceed 30 percent of the building face or four square feet per lineal foot of the elevation, upon which they are placed, whichever is greater. On buildings greater than 20,000 square feet, wall signs may have a rectangle space of a maximum of eight feet in height and ten percent of the building fascia. All other signs on property may not exceed 75 square feet for each sign and not exceed 500 square feet of signage per parcel.
 - b) Wall signs shall be fixture signs that are architecturally compatible with the building design. Signs painted on walls or projecting more than 12 inches from a wall are prohibited. A rendering, drawn to scale and showing the wall where it is proposed, shall be submitted as part of the site planning process. The SPRC shall review and approve the proposed wall sign or logo.
- 5) *Information sign.* Informational signs are allowed in all districts as needed. Such signs shall not exceed eight square feet in size.
- 6) *Prohibited signs.* The following signs are prohibited in the business park: motion signs; roof signs; projecting signs (greater than 12 inches); flashing signs; obsolete signs, unsafe or dangerous signs; signs and/or posters attached to trees, fences, utility poles or other such permanent supports; signs painted on walls or fences; and banners, pennants, whirling devices, and balloons and/or other apparatus resembling the same.

(N) Fences.

1) *Construction and maintenance.*

- a) Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used.
- b) Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger or constitute a nuisance, public or private. Any such fence which is, or has become, dangerous to the public safety, health or welfare, is a public nuisance and shall be repaired. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except for limited outdoor storage areas.

2) *Location/height.*

- a) On corner lots in all districts, no fence or planting in excess of 30 inches above the street centerline grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected curblines of two intersecting streets; thence 35 feet along one property line; thence diagonally to a point 35 feet from the point of beginning on the other property line; thence to the point of beginning.
- b) In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate identifiable as a collapsible section, or other such means of recognizable ingress, shall be unobstructed and a minimum of three feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure.

1. All material not stored within a building shall be enclosed by a solid fence.
 - a. The fence shall be of chain link fabric of #9 gauge wire or heavier, galvanized or aluminum coated steel; such fence to have an open mesh no larger than three inches. Slats inserted in the fence shall provide 75 percent opacity.
 - b. The fence shall be kept in good state of repair and painted a uniform color.
 - c) Fences in all districts shall not exceed ten feet in height.

(O) Lighting standards.

- 1) *Exterior lighting.* The village requires exterior lighting that provides the basic needs of safety and security. Appropriate lighting shall be provided in order to delineate

roads, drives, parking areas, pedestrian ways, buildings, and other organizational points. Lighting shall be an integral part of the overall architectural design; therefore, propose lighting, whether freestanding or building-mounted, shall complement the architectural character of the principal use. Lighting design shall correlate energy conservation with aesthetic, architectural, and safety factors.

2) *Lighting requirements.*

- a) Any lighting used to illuminate off-street parking, loading, and service areas shall be shaded, diffused or arranged to reflect light away from adjacent parcels and public streets. Glare, whether direct or reflected, as differentiated from general illumination, shall not be visible beyond the limits of the site from which it originates. Parking lot lights may be used in either a single or twin format. Characteristics: 27,000 lumen high pressure sodium, or metal halide, spaced approximately 100 to 120 feet off center, consisting of sharp, cutoff-type luminaires.
- b) Walkway lighting should be of the same family as mentioned above, height to be ten to 14 feet above grade. Characteristics: 150 to 175W Color Corrected Mercury Vapor. Bollard lighting can be used as low level walkway illumination on private property.
- c) Building lighting should occur as part of the overall design concept using recessed lighting in overhangs and at the entrance. Well-designed soft lighting of the building exterior is allowed, provided it does not impact on the surrounding properties, complements the architecture, and the light source is concealed.
- d) The use of floodlights, building-mounted or otherwise, and tall "free-way type" fixtures is prohibited.

(P) Driveway requirements.

Notwithstanding other provisions of the ordinance from which this appendix is derived concerning appeals and review of plans submitted hereunder, permits for and review of driveway approaches and curb cuts shall be as provided in chapter 5, article II, division 12, subject to the requirements of this policy.

- 1) *Off-street parking spaces.* All off-street parking spaces shall have access from driveways and not directly from the public street.
- 2) *Driveway access curb opening.* Driveway access curb opening on a public street shall not be located less than 40 feet from one another.
- 3) *Number and location of curb cuts.* The number and location of curb cuts shall be as determined by the building inspector upon consultation with the SPRC, taking into consideration traffic flow, safety concerns, and the needs of the business.
- 4) *Driveway setbacks.* Internal driveways shall be a minimum of ten feet from all side and rear lot lines.

- 5) *Distance from intersection.* No curb cut access shall be located less than 35 feet from the intersection of two or more street rights-of-way. This distance shall be measured from the intersection of lot lines.
- 6) *Curb cut width.* No curb cut access shall exceed 40 feet in width unless approved by the SPRC.
- 7) *Distance between curb cuts.* Driveway access curb opening on a public street shall not be located less than 40 feet from one another.
- 8) *Number of curb cuts.* The number and location of curb cuts shall be as determined by the SPRC, taking into consideration traffic flow, safety concerns, and the needs of the business.
- 9) *Drainage.* All parking areas shall have adequate on-site drainage.
- 10) *Surfacing.* All areas intended to be utilized for parking space and driveways shall be surfaced with bituminous asphalt or concrete. Plans for surfacing and drainage of driveways and stalls for five or more vehicles shall be submitted.
- 11) *Striping.* All parking stalls shall be marked with painted lines not less than four inches wide.
- 12) *Lighting.* Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses, and public rights-of-way.
- 13) *Signs.* No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot.
- 14) *Curbing.* All off-street parking shall have a perimeter concrete curb and gutter around the entire parking lot unless the site plan shows that runoff from the parking lot will not cause erosion or adversely affect adjacent properties.
- 15) *Parking lot landscaping.* To avoid the undesirable monotony, heat, and wind associated with large parking lots, such lots shall have a minimum of one internal landscaped island-delineator in addition to any required traffic safety island for each 21,780 square feet (one-half acre) or fraction thereof, of off-street parking space; such islands shall be a minimum of 360 square feet (two parking spaces) and shall be bounded by concrete curbing. Trees or shrubs may be installed in approved traffic safety islands used to delineate parking spaces from driving aisles and in other areas. The internal landscaped islands required above may be deleted if the aggregate area and trees of individual traffic islands meets or exceeds the above requirement.
- 16) *Parking lot screening.*
 - a. The parking or storage of operable motor vehicles, if not within an enclosed building structure, shall be effectively screened as defined.
 - b. Definition. The term "screening" shall be defined as a hedge, wall, fence, or other durable landscape barrier or plantings which provide reasonable concealment or direct attention away from the structure or area required to be screened. Screening may consist of a shrub border, trees, hedge, wall, fence, earthen berm or combination thereof, or other durable landscape barrier, or

combination thereof, to be located along the perimeter of the defined area to be screened.

- 17) *Standards.* All plant material shall conform to the specifications and procedures stated in the landscape plan requirements section of these standards. Landscaping, except required grass or ground cover, shall not be located closer than seven feet from the edge of any driveway pavement or within the established right-of-way.
- 18) *Maintenance.* It shall be the joint and several responsibility of the lessee and owner of the principal use, uses or building to maintain in a neat and adequate manner the parking space, accessways, striping, landscaping, screening, and required fences.
- 19) *Use of required area.* Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, or storage of inoperable vehicles without approval of the SPRC.

(Q) Off-street parking and loading requirements.

- 1) *Off-street parking.* Off-street parking shall be provided per 17-6-500.

Employee Parking—All Employee Parking Shall Be On Site

TABLE 9A
Comparative Dimensions for Various Parking Angles
9 x 18 Foot Stalls

Parking Angle (in Degrees)	Width of Parking (in Feet)	Depth of Stall (in Feet)	Width of Aisle (in Feet)	Curb Length Per Car (in Feet)	Area Per Car (in Square Feet)
0	30.0	9.0	12.0	23.0	345.0
30	45.6	17.3	12.0	18.0	419.4
35	46.0	17.4	12.0	16.3	381.4
40	46.5	17.4	12.0	14.5	339.3
45	47.0	17.5	12.0	12.7	298.5
50	49.3	18.0	12.0	12.0	288.0

55	51.6	18.5	14.0	11.2	285.6
60	54.0	19.0	16.0	10.4	280.8
65	56.7	19.2	18.3	10.1	286.3
*70	59.4	19.4	20.6	9.7	288.1
75	62.0	19.5	23.0	9.3	288.3
80	62.0	19.3	24.0	9.2	288.0
85	63.0	18.9	25.0	9.1	285.7
90	63.0	18.5	26.0	9.0	283.5

*Wasted space at end of row and access roads are not included.

- 2) *Minimum facilities.* All warehousing, manufacturing plants, or any other building where large amounts of goods are received or shipped, shall provide adequate loading and unloading berths as determined by the SPRC.
- 3) *Location.*
 - a) All required loading berths shall be off-street and located on the same lot as the building or use to be served.
 - b) Loading berths shall not occupy the front yard in community business district.
 - c) Loading berths located at the side of buildings on a corner lot shall observe the following requirements:
 1. Loading berths shall not conflict with pedestrian movement.
 2. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
 3. Loading berths shall comply with all other requirements of this plan.
 - d) Each loading berth shall be located with appropriate means of vehicular access to a street in a manner which will cause the least interference with traffic.
- 4) *Size.* A required off-street loading berth shall be at least 55 feet in length exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.

- 5) *Surfacing.* All areas intended to be utilized for off-street loading shall be surfaced with bituminous asphalt or concrete.
- 6) *Utilization.* Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities.
- 7) *Change of use.* Where a change of use in off-street loading facilities is made necessary due to damage, destruction, increased use, or any other change of use, such change shall be approved by the SPRC.
- 8) *Loading berth screening.* All off-street loading facilities shall be effectively screened as defined previously in the off-street parking requirements.
- 9) *Standards.* All plant material shall conform to the specifications and procedures stated in the landscape plan requirements section of these standards.
- 10) *Maintenance.* It shall be the responsibility of the lessee and/or owner of the principal use, uses or building to maintain in a neat and adequate manner, the loading space, accessways, striping, landscaping, screening, and required fences.
- 11) *Outdoor storage.* Outdoor storage of any material other than motor vehicles in operable condition is prohibited. Storage of materials, equipment, parts, inventory, etc., shall take place in completely enclosed structures that meet the general building and performance requirements contained herein. Outdoor storage of motor vehicles in operable condition is allowed, provided that such outdoor parking (storage) areas shall be screened pursuant to the definition (of screening) contained in the off-street parking requirements.

(R) Maximum height.

The maximum height of buildings shall be reviewed and approved by the SPRC with consideration given to the following:

- 1) Adequate air and light to adjacent properties.
- 2) The potential for damage to adjacent properties.
- 3) Consistency with the heights of adjacent development.

(S) Other requirements.

Site and landscaping plan procedure, building and performance standards, fencing, lighting, off-street parking, off-street loading, signage, and other applicable regulations as contained in the village development and design standards.

(T) On-site utilities.

All on-site utilities, including but not limited to, electrical, telephone and cable, shall be installed as underground utilities. This shall apply to utilities within the street right-of-way, within utility easements and private property on-site. This requirement shall apply to all new construction, reconstruction, remodeling and rehabilitation of existing and new primary and accessory structures.

- (U) Urban design guidelines for SE and VC districts.

A policy for urban design guidelines for SE and VC districts, dated August 30, 2007, and attached to Ordinance No. O6-3-08, has not been set out herein but is available for inspection in the office of the village clerk-treasurer.

VILLAGE CENTER (VC) ZONING DISTRICT

Building Setbacks

These guidelines describe desired location of buildings in relation to public streets

Guidelines

- New construction projects: Buildings should be located along public streets with minimal setbacks
- Adaptive reuse projects and sites with existing buildings: Any new addition should hold the existing setback or reduce the existing setback of the primary structure (addition should be closer to the street). If the footprint of the addition is equal to or greater than the footprint of the existing primary structure, then the new construction setback requirements apply for the new construction addition.

Appropriate

- Locate buildings to encourage interaction between street/sidewalk activities and building activities
- Commercial and mixed-use buildings should have a zero setback in the village center and a 5' setback along Oneida Street and Holmgren Way
- Residential buildings should have a 0'-10' setback to allow for front porches and entryways
- At least 80% of the building frontage should be located within the following setbacks of public street rights-of-way:
 - (Pedestrian street) (0-10 feet)
 - Oneida Street (5-10 feet)
 - Holmgren Way (5-10 feet)
 - Morris Avenue (0-10 feet)
 - William Charles Court (0-10 feet)
 - Marvelle Lane (0-10 feet)
 - Bayland Court (0-10 feet)
 - Fox Heights Lane (0-10 feet)
 - Cormier Road (5-10 feet)
 - Willard Drive (5-10 feet)
 - Proposed Street (0-10 feet)

Inappropriate

- Buildings set back over 10 feet from public streets
- Parking lots between public streets and the primary facade of a building

SPORTS & ENTERTAINMENT (SE) ZONING DISTRICT

Building Setbacks

These guidelines describe desired location of buildings in relation to public streets and the (*pedestrian street*).

Guidelines

- New construction projects: Buildings should be located along public streets with minimal setbacks
- Adaptive reuse projects and sites with existing buildings: Any new addition should hold the existing setback or reduce the existing setback of the primary structure (addition should be closer to the street). If

the footprint of the addition is equal to or greater than the footprint of the existing primary structure, then the new construction setback requirements apply for the new construction addition.

Appropriate

- Set back building face far enough for pedestrian comfort and site function while maintaining the definition of the streetscape and the interaction between street, sidewalk, and building activities
- Locate buildings as close to the public r.o.w. as possible to maintain an urban form
- Site buildings at least 10 feet back from Armed Forces Drive to allow for expanded sidewalks and pedestrian movement to and from Lambeau Field. This area may also be used as a tailgating area.
- At least 80% of the building frontage should be located within the following setbacks of public street rights-of-way:
 - (*pedestrian street*) (0-10 feet)
 - Oneida Street (5-15 feet)
 - Holmgren Way (5-15 feet)
 - Armed Forces Way (10-20 feet)
 - Mike McCarthy Way (0-10 feet)
 - Borvan Street (0-10 feet)
 - Morris Avenue (0-10 feet)
 - Brett Favre Pass (0-10 feet)

Inappropriate

- Buildings set back over 20 feet from public streets
- Parking lots between public streets and the primary facade of a building

ARTICLE 7:

Reserved.

ARTICLE 8: NONCONFORMITIES

17-8-100 INTENT

- (A) Purpose and Intent
Situations may occur where an existing lot, structure, or use does not conform to the requirements contained in this ordinance. The purpose of this chapter is to establish regulations governing nonconforming lots, structures, and uses and, further, to permit nonconformities to continue until removed or corrected but not to encourage the continuance of the nonconformity.

17-8-200 NONCONFORMING USE

- (A) Change in tenancy, ownership, or management
The tenancy, ownership or management of a nonconforming use may be changed, provided that the nonconforming use is not enlarged or changed to a more intensive use.
- (B) Change or substitution of use
A nonconforming use may be changed to a conforming use or the village board may permit a nonconforming use to be changed to a less intensive nonconforming use, taking into account impacts on adjoining properties and provided the size of the nonconforming use is not enlarged. Once the change has been effected, the use shall not revert back to the prior nonconforming use.

(C) Enlargement

A nonconforming use shall not be enlarged, increased, or extended to occupy a greater area of land or structure than was occupied as of the effective date of this ordinance.

(D) Relocation

A nonconforming use shall not be moved in whole or in part to any other portion of the lot or structure than was occupied as of the effective date of this ordinance.

(E) Discontinuance

A nonconforming use which has been discontinued for a period of twelve months shall not be reestablished, and any future use of the land or primary structure shall conform to the provisions of this ordinance.

(F) Damage or destruction

A primary structure containing a nonconforming use which is damaged by fire, explosion, flood, accident, or other causes to the extent of more than 50 percent of its equalized assessed value shall not be restored or rebuilt except in conformance with the provisions of this ordinance. Legal conforming accessory structures may be restored or rebuilt provided the primary structure containing a nonconforming use is not damaged or destroyed as described above and provided the accessory structure meets all aspects of the municipal code.

(G) Repairs and nonstructural alterations

Ordinary repairs and nonstructural alterations may be made to structures containing nonconforming uses. Ordinary repairs and nonstructural alterations include internal and external painting; decorating; paneling; the repair or replacement of doors, windows, nonbearing walls, fixtures, heating and cooling components, wiring, plumbing, roofing and other nonstructural components; and the maintenance, repair, or replacement of existing private sewage and water supply systems or connections to public utilities to a value of which does not exceed 50 percent of the equalized assessed value of the building or structure at the time the first permit is issued. Subsequent permits shall draw down from the 50 percent value established at the time the first permit was issued. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement and other replacements of or substitutions for machinery or equipment not involving structural alterations to the building or structure.

(H) Structural alterations and additions

When a building or structure contains a nonconforming use, structural alterations and additions are only permitted when the use of the entire building or structure is changed to a use which conforms to all the regulations of the zoning district in which it is located.

(I) Establishment of nonconforming status

The burden of proof that a legally permitted nonconforming use existed at the time of the adoption of this ordinance shall be the responsibility of the property owner.

NONCONFORMING STRUCTURES

Nonconforming structures are existing buildings and structures that were lawfully constructed but do not meet the current setback, height, or other dimensional or density requirements of this ordinance for permitted uses in the zoning district in which they are located. A nonconforming structure may be maintained and repaired, subject to the provisions of this section.

(A) Repairs and nonstructural alterations

Ordinary repairs and nonstructural alterations may be made to nonconforming structures. Ordinary repairs and nonstructural alterations include internal and external painting; decorating; paneling; the repair or replacement of doors, windows, nonbearing walls, fixtures, heating and cooling components, wiring, plumbing, roofing and other nonstructural components; and the maintenance, repair, or replacement of existing private sewage and water supply systems or connections to public utilities. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement and other replacements of or substitutions for machinery or equipment not involving structural alterations to the building or structure.

(B) Structural alterations

Structural alterations made to existing nonconforming structures are permitted provided that the value of such alteration does not exceed 50 percent of the equalized assessed value of the building or structure at the time the first permit was issued. Subsequent permits shall draw down from the 50 percent value established at the time the first permit was issued.

(C) Additions or expansion

(D) Dimensional Standards Tables

1) Additions or Expansion

Additions or expansions may be made to a nonconforming structure provided that such additions or expansions do not increase the degree of nonconformity of the structure and are in compliance with the following requirements:

- 2) All applicable setback requirements of this ordinance shall be met.
- 3) All applicable parking and loading requirements for the use occupying the structure's addition or expansion shall be met.
- 4) The process of adding onto an existing nonconforming structure shall not be used to effectuate replacement of that structure where replacement would not otherwise be allowed under the provisions of this ordinance.
- 5) An addition may be made to a nonconforming structure only if the existing structure is in sound condition.
- 6) The addition or multiple additions shall not surround or encase the existing structure in such a way as to replace that structure.

(E) Relocation

A nonconforming structures may be moved in whole or in part to any other location on the same or any other lot, so long as the structure comes into compliance with all of the regulations of the district in which it is to be relocated.

(F) Damage or destruction

(Wis. Stats. § 62.23(7)(hc)) A nonconforming structure which is damaged on or after March 2, 2006, by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored or rebuilt to its size, location, and use that it had immediately before the damage or destruction occurred, except that it may be constructed larger in size to the extent required to comply with applicable state or federal requirements. Such reconstruction shall start within one year from the date of damage or destruction and diligently pursued to completion.

17-8-400 NONCONFORMING LOTS

(A) Exceptions Allowed

A lot which does not comply with lot width or lot area requirements may nonetheless be used for a permitted use provided that:

- 1) The lot has been legally created.
- 2) The lot is in separate ownership from abutting lands. If abutting lands are under the same ownership as the nonconforming lot, the contiguous parcels shall be replatted to meet minimum lot area and lot width requirements.
- 3) All structures comply with the setback, lot coverage, height, parking, access, and other requirements of the district insofar as practical, subject to the approval of the zoning administrator or, if appealed, the zoning board of appeals.

17-8-500 NONCONFORMING CHARACTERISTICS

If a use, whether permitted, conditional, or nonconforming, has nonconforming characteristics, including parking, lighting, noise, and other matters, the use shall not be expanded until the nonconforming characteristics are brought into conformance with the provisions of this ordinance.

17-8-600 ADDITIONAL REQUIREMENTS IN FLOODPLAIN DISTRICTS

See Chapter 14, article VI.

ARTICLE 9: ENFORCEMENT

17-9-100 CONFORMITY TO REGULATIONS

- (A) No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be used for any purpose or in any manner other than is permitted by this chapter in the district in which such building or land is located.
- (B) No building shall be erected, reconstructed or altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- (C) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced,

except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.

- (D) No portion of any lot or area required under this chapter for one building shall be used as any portion of required lot, yard or area for another building.
(Code 2006, § 17.05; Ord. No. O2-1-98, 2-10-1998)

17-9-200 ENFORCEMENT AND PENALTIES

- (A) All departments, officials and public employees of the village vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no such permit or license for any use, building or purpose if the same would be in conflict with the provisions of this chapter. Any such permit or license if issued in conflict with the provisions of this chapter shall be null and void.
- (B) Any person who shall violate any of the provisions of this chapter shall, upon judgment or conviction thereof, forfeit not more than \$500.00 and not less than \$50.00 and the costs of prosecution to the village and in default of payment of such forfeiture and such costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but for not more than 30 days.
- (C) Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter and any use of any land or building which is conducted, operated or maintained contrary to any of the provisions of this chapter shall be and the same is hereby declared to be a violation of this chapter and the village attorney shall immediately, upon any such violation having been called to his attention, institute injunction, mandamus, abatement or removal of such erection, construction, reconstruction, alteration, conversion, maintenance or use. Such action may also be instituted by any property owner who may be especially damaged by any violation of this chapter. Ord. No. *O3-1-15, 03-24-2015*