

Chapter 1

Zoning Code

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Article A: Introduction; Definitions

Sec. 10-1-1 Authority.

These regulations are adopted under the authority granted by Secs. 61.35 and 62.23(7), Wis. Stats.

Sec. 10-1-2 Short Title.

This Chapter shall be known as, referred to or cited as the "Zoning Code, Village of Belleville, Wisconsin."

Sec. 10-1-3 Purpose.

The purpose of this Chapter is to promote the health, safety, prosperity, aesthetics and general welfare of the Village.

Sec. 10-1-4 Intent.

It is the general intent of this Chapter to:

- (a) Regulate and restrict the use of all structures, lands and waters;
- (b) Regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways;
- (c) Secure safety from fire, flooding, panic and other dangers;
- (d) Provide adequate light, air, sanitation and drainage;
- (e) Prevent overcrowding; avoid undue population concentration;
- (f) Facilitate the adequate provision of public facilities and utilities;
- (g) Stabilize and protect property values;
- (h) Further the appropriate use of land and conservation of natural resources;
- (i) Preserve and promote the beauty of the Village;
- (j) Implement the Village comprehensive plan or plan components;
- (k) Provide for the administration and enforcement of this Chapter and provide penalties for its violation.

Sec. 10-1-5 Abrogation and Greater Restrictions.

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

Sec. 10-1-6 Interpretation; Standard Industrial Classifications.

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

- (b) All uses allowed in Commercial and Industrial Districts are cross-referenced with the Standard Industrial Classification. The SIC number is shown in [].

Sec. 10-1-7 Effective Date.

This Chapter shall be originally effective after a public hearing, adoption by the Village Board and publication or posting as provided by law. (April 3, 1989.)

Sec 10-1-8 Definitions.

- c) For the purposes of this Chapter, the following definitions shall be used:
- 1) **Accessory Building.** A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building. In the case of a farm, the agricultural buildings are the accessory buildings.
 - 2) **Accessory Use.** A use subordinate in nature, extent or purpose to the principal use of the building or lot.
 - 3) **Advertising Sign, Outdoor.** A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
 - 4) **Advertising Structure, Outdoor.** Anything constructed or erected, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
 - 5) **Alley.** A way which affords only a secondary means of access to abutting property and which is not more than twenty-four (24) feet wide.
 - 6) **Apartment.** A portion of a residential or commercial building used as a separate housing unit.
 - 7) **Apartment House.** See "Dwelling, Multiple."
 - 8) **Arterial Street.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
 - 9) **Awning.** See definition at Section 10-1-101(b).
 - 10) **Basement or Cellar.** A story partly underground but having at least one-half (1/2) of its height, or more than five (5) feet, below the mean level of the adjoining ground. See DILHR Chapters 20, 21 and 22. (See Figure 2.)
 - 11) **Billboard.** See definition at Section 10-1-101(c).
 - 12) **Boarding House.** A building other than a hotel where meals or lodging and meals are served for compensation for not more than six (6) persons.

- 13) **Boat.** See definition at Section 10-1-94(a)(3).
- 14) **Building.** A structure having a roof and intended for the shelter, housing or enclosure for persons, animals or chattel.
- 15) **Building, Alterations Of.** Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
- 16) **Building, Front Line Of.** A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
- 17) **Building, Height Of.** The vertical distance from the mean elevation of a finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip or gambrel roofs. (See Figures 1 and 2.)
- 18) **Building, Principal.** A building in which is conducted the main use of the lot on which said building is located.
- 19) **Business.** Includes the commercial, limited industrial and general industrial uses and districts as herein defined.
- 20) **Camping Trailer.** See definition at Section 10-1-94(a)(1)d.
- 21) **Canopy.** See definition at Section 10-1-101(e).
- 22) **Carport.** See "Garage."
- 23) **Chassis Mounts (Motor Homes and Mini-Motor Homes).** See definition at Section 10-1-94(a)(1)e.
- 24) **Clinic.** A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or nonboarding basis only.
- 25) **Club.** A building owned, leased or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.
- 26) **Commercial Motor Vehicle.** A motor vehicle designed or used to transport passengers or property and having one or more of the following characteristics:
 - a. The vehicle is a single vehicle with a gross vehicle weight rating of 26,001 or more pounds or the vehicle's registered weight or actual gross weight is more than 26,000 pounds.
 - b. The vehicle is a combination vehicle with a gross combination weight rating, registered weight or actual gross weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating, registered weight or actual gross weight of more than 10,000 pounds.
 - c. The vehicle is designed to transport or is actually transporting the driver and 15 or more passengers. If the vehicle is equipped with bench type seats intended to seat more than one person, the passenger carrying capacity shall be determined under sec. 340.01(31), Stats., or, if the vehicle is a school bus, by dividing the total seating space measured in inches by 13.
 - d. The vehicle is transporting hazardous materials.

- 27) **Community Living Arrangement.** The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child welfare agencies under Sec. 48.60, Wis. Stats., group foster homes for children under Sec. 48.02(7m), Wis. Stats., and community-based residential facilities under Sec. 50.01, Wis. Stats.; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Secs. 46.03(22), 69.97(15), 62.23(7)(i), and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- 28) **Conditional Use.** A use of land, water or building which is allowable only after the issuance of a special permit by the Plan Commission under conditions specified in this Chapter.
- 29) **Conditional Use, Limited.** See definition at Section 10-1-21(c)(4).
- 30) **Conditional Use, Regular.** See definition at Section 10-1-21(c)(3).
- 31) **Conforming Use.** Any lawful use of a building or lot which complies with the provisions of this Chapter.
- 32) **Construction Equipment.** Heavy equipment used primarily for commercial, landscaping or industrial uses, including, but not limited to, trucks of all types exceeding 12,000 pounds gross vehicle weight, farm/industrial tractors, skid-steer loaders, end loaders, excavating equipment, backhoes, trenching machinery, commercial-type lawnmowers, graders, bulldozers, etc.
- 33) **Converted or Chopped Van.** See definition at Section 10-1-94(a)(1)f.
- 34) **Court.** An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.
- 35) **Curb Break.** Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- 36) **Curb Level.** The level of the established curb in the front of the building measured at the center of such front.
- 37) **Day Care Center.** A place or home which provides care for four (4) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in Sec. 48.65, Wis. Stats.
- 38) **Directly Illuminated Sign.** See definition at Section 10-1-101(g).
- 39) **Directory Sign.** See definition at Section 10-1-101(h).
- 40) **Dwelling Unit.** A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels or lodging houses.
- 40(a) **Dwelling, Elderly.** A building, or portion thereof, designed, designated and used exclusively by a person who is fifty-five (55) years of age or older, or a family, the head of which or spouse is fifty-five (55) years of age or older. Created Ord. 2004-04-01

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- 41) ***Dwelling, One-Family.*** A detached building designed, arranged or used for and occupied exclusively by one (1) family. Shall include specially designed buildings covered by earth.
- 42) ***Dwelling, Two-Family.*** A building designed, arranged or used for, or occupied exclusively by, two (2) families living independently of each other.
- 43) ***Dwelling, Multiple.*** A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.
- 44) ***Dwelling Group.*** A group of two (2) or more multi-family dwellings occupying a lot in one (1) ownership with any two (2) or more dwellings having any yard or court in common.
- 45) ***Electronic Message Unit Sign.*** See definition at Section 10-1-101(i).
- 46) ***Emergency Shelters.*** Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- 47) ***Family.*** One (1) or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not more than two (2) persons not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this Section if he or she is dwelling for the purpose of adoption or for a foster care program.
- 48) ***Farm.*** Land consisting of five (5) acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale.
- 49) ***Farm Tractor.*** A motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.
- 50) ***Farm Trailer.*** A trailer or semitrailer with a gross weight greater than 3,000 pounds which is owned or leased and operated by a farmer and is used exclusively for the transportation of farm products from the owner's farm to market or for the transportation of supplies to the owner's farm.
- 51) ***Fence.*** See definition at Section 10-1-142(a).
- 52) ***Fifth-wheel Mobile Home.*** See definition at Section 10-1-94(a)(1)g.
- 53) ***Flashing Sign.*** See definition at Section 10-1-101(j).
- 54) ***Flat Sign.*** See definition at Section 10-1-101(k).
- 55) ***Floor Area.*** The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.
- 56) ***Floor Area Ratio.*** See definition at Section 10-1-46(e)(2).

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- 57) **Foster Family Home.** The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Sec. 48.62, Wis. Stats., and amendments thereto.
- 58) **Freestanding (Ground and/or Pole Sign).** See definition at Section 10-1-101(1).
- 59) **Frontage.** All of the property abutting on one (1) side of a street measured along the street line.
- 60) **Garage.** A building or portion thereof used exclusively for parking or temporary storage of self-propelled vehicles.
- 61) **Garage, Public.** A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as gasoline stations or service stations.
- 62) **Gasoline Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.
- 63) **Gross Combination Weight Rating.** The value specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a value specified by the manufacturer, the gross combination weight rating is determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load carried.
- 64) **Gross Vehicle Weight Rating.** The value specified by the vehicle manufacturer, including secondary or final stage manufacturer, as the loaded weight of a vehicle.
- 65) **Gross Weight.** The weight of the vehicle equipped for service plus the weight which the vehicle is carrying as a load.
- 66) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under Sec. 48.62, Wis. Stats., for the care and maintenance of five (5) to eight (8) foster children.
- 67) **Home Occupation.** Any business or profession carried on in a residence in accordance with the provisions of Sec. 10-1-132. (Rev 97-3-1)
- 68) **Hotel.** A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than six (6) sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.
- 69) **House Trailer.** A nonself-propelled vehicle, containing living or sleeping accommodations which is designed and used for highway travel.
- 70) **Identification Sign.** See definition at Section 10-1-101(m).
- 71) **Indirectly Illuminated Sign.** See definition at Section 10-1-101(n).
- 72) **Junk Yard.** An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

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- 73) **Living Ratio.** See definition at Section 10-1-46(e)(4).
- 74) **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.
- 75) **Lot.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter. (See Figures 3 and 4)
- 76) **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- 77) **Lot Width.** The width of a parcel of land measured at the rear of the specified street yard.
- 78) **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear. (See Figure 4.)
- 79) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines. (See Figure 4)
- 80) **Lot, Zoning.** A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.
- 81) **Manufactured Home.** Any structure, transportable in one or more sections, which in the traveling mode is twelve (12) body feet or more in width, and eighteen (18) feet or more in length and at least eight hundred sixty-four (864) square feet when erected on site, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and which complies with all manufactured home construction and safety standards established under 242 USC Sec. 5401, et seq.
- 82) **Marquee or Canopy.** A roof-like structure of permanent nature which projects from the wall of a building.
- 83) **Marquee Sign.** See definition at Section 10-1-101(p).
- 84) **Mobile Home.** Every vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid noncollapsible construction except that excluded from this definition is every "manufactured home" as defined above.
- 85) **Motel.** A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- 86) **Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.
- 87) **Motor Home.** See definition at Section 10-1-94(a)(1)c.
- 88) **Motor Vehicle.** Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

- 89) **Nonconforming Building or Structure.** Any building or structure which does not comply with all of the regulations of this Chapter or of any amendment hereto regulating any building or structure for the Zoning District in which such building or structure is located.
- 90) **Nonconforming Use.** Any use of land, buildings or structures which does not comply with all of the regulations of this Chapter or of any amendment hereto governing use for the Zoning District in which such use is located.
- 91) **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- 92) **Nursery School.** Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.
- 93) **Nursing Home.** Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- 94) **Off-Premise Sign.** See definition at Section 10-1-101(q).
- 95) **Open Space Ratio.** See definition at Section 10-1-46(e)(3).
- 96) **Park or Parking.** The halting of a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
- 97) **Parking Area, Semi-Public.** An open area other than a street, alley, public right-of-way, or place used for temporary parking of more than three (3) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
- 98) **Parking Facility, Off-Street.** See definition at Section (100).
- 99) **Parking Space.** An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways, appurtenant thereto and giving access thereto.
- 100) **Place.** An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.
- 101) **Planned Residential Development.** A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas.
- 102) **Political Sign.** See definition at Section 10-1-101(r).
- 103) **Portable Sign/Message Boards.** See definition at Section 10-1-101(s).
- 104) **Principal Structure.** The main or primary structure on a property. In the case of a farm, the residence is the principal structure on the property.
- 105) Repealed (Rev.97-3-1)
- 106) **Projecting Sign.** See definition at Section 10-1-101(t).
- 107) **Property Lines.** The lines bounding a platted lot as defined herein.
- 108) **Recreation Space Ratio.** See definition at Section 10-1-46(e)(1).
- 109) **Public Way.** Any sidewalk, street, alley, highway or other public thoroughfare.

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- 110) **Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.
- 111) **Real Estate Sign.** See definition at Section 10-1-101(u).
- 112) **Recreational Vehicle.** See definition at Section 10-1-94(a)(1).
- 113) **Road Tractor.** A motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of the vehicle or load so drawn.
- 114) **Roof Sign.** See definition at Section 10-1-101(v).
- 115) **School, Commercial.** A school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding.
- 116) **School, Private.** An elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for mental disability or a college or other institution of higher learning.
- 117) **Semitrailer.** A vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home. A vehicle used with a ready-mix motor truck to spread the load is considered a semitrailer.
- 118) **Semi Truck.** See "Truck Tractor."
- 119) **Sign.** See definition at Section 10-1-101(w).
- 120) **Signs.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- 121) **Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it.
- 122) **Story, Half.** A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- 123) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- 124) **Structure.** Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.
- 125) **Structural Alterations.** Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.

- 126) **Swimming Pool.** See definition at Section 10-1-143(a).
- 127) **Temporary Sign.** See definition at Section 10-1-101(x).
- 128) **Tow Truck.** A motor vehicle that is equipped with mechanical or hydraulic lifting devices or winches capable of, and used for, the recovery or transport or both of wrecked, disabled, abandoned, used or replacement vehicles.
- 129) **Tractor-Semitrailer Combination.** A combination of two (2) vehicles consisting of either a truck tractor and a semitrailer or a road tractor and a semitrailer.
- 130) **Trailer.** A vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home. Also, see definitions under 10-1-94(a)(2).
- 131) **Trailer, Boat or Snowmobile.** See definition at Section 10-1-94(a)(2).
- 132) **Trailer Park.** Any lot on which are parked two (2) or more house trailers or mobile homes for longer than forty-eight (48) hours.
- 133) **Travel Trailer.** See definition at Section 10-1-94(a)(1)a.
- 134) **Truck Tractor (Semi Tractor).** A motor vehicle designated and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- 135) **Use.** The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.
- 136) **Use, Accessory.** See definition (2).
- 137) **Use, Conditional.** See definition (27).
- 138) **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- 139) **Use, Principal.** The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."
- 140) **Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile shall not be considered a vehicle except for purposes made specifically applicable by statute or ordinance.
- 141) **Vending Machine.** A retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.
- 142) **Wall Sign.** See definition at Section 10-1-101(y).

- 143) **Window Sign.** See definition at Section 10-1-142(a).
- 144) **Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from ground upward, except for vegetation as permitted. The front and rear yards extend the full width of the lot.
- 145) **Yard, Front.** A yard extending along the full length of the front lot line between the side lot lines. (See Figure 3)
- 146) **Yard, Rear.** A yard extending along the full length of the rear lot line between the side lot lines. (See Figure 3)
- 147) **Yard, Side.** A yard extending along a side lot line from the front yard to the rear yard. (See Figure 3)
- 148) **Yard, Corner Side.** A side yard which adjoins a public street.
- 149) **Yard, Interior Side.** A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.
- 150) **Yard, Street.** Yard abutting a street.
- 151) **Yard, Transitional.** That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Business District.
- 152) **Zero Lot Line Structure.** A zero lot line structure is a single two (2) unit dwelling which exists on two lots and has a common property line where the dwelling units meet. Any division of land associated with the construction or development of a Zero Lot Line Structure shall comply with any applicable Land Division Regulations contained in Title 10, Chapter 6 of the Village Code. A zero lot line structure has a side yard of zero (0) feet on the side where the dwelling units meet at the common property line, and at least eight (8) feet for the other side yard, except on corner lots where the twenty-five (25) foot setback is required on both the front and street sides. (Rev. 98-10-3)
- 153) **Zoning District.** An area or area within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform. (Created 98-10-3)

Sec 10-1-9 through Sec. 10-1-19
 Article B: General Provisions

Reserved for Future Use.

Sec. 10-1-20 Jurisdiction and Compliance.

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- (a) **Jurisdiction.** The jurisdiction of this Chapter shall include all lands and water within the corporate limits of the Village.
 - (b) **Compliance.** No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Chapter and all other applicable Village, county and state regulations.

Sec. 10-1-21 Use Restrictions.

The following use restrictions and regulations shall apply:

- (a) **Principal Uses.** Only those principal uses specified for a district and their essential services shall be permitted in that district. Unclassified or unspecified uses may be permitted by the Village Board after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the District.
- (b) **Performance Standards.** Performance standards listed in Article H shall be complied with by all uses in all districts.
- (c) **Conditional Uses.**
 - (1) **Classes of Conditional Uses.** Conditional uses may be either denominated "regular" or "limited."
 - (2) **General Conditional Use Provisions.** Provisions applicable to conditional uses generally:
 - a. Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Plan Commission in accordance with Article D of this Chapter excepting those existent at time of adoption of the Zoning Code.
 - b. Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Plan commission to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
 - c. Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Plan Commission and Village Board in accordance with Article D.
 - d. Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Plan Commission in accordance with Article D.

- e. Provisions in this Chapter relating generally to conditional uses shall, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provision would then control), be deemed to be applicable to both regular and limited conditional uses.
- 3) ***Specific Regular Conditional Use Provisions.*** Provisions applicable specifically to regular conditional uses:
- a. Regular conditional uses, either allowed by action of the Plan Commission or existent at time of adoption of this Code, shall be nonlapsing, shall survive vacancies and change of ownership of the properties where located and be subject to substitution with other conditional use(s) of same or similar type without Plan Commission approval. Change to conditional use of other than same or similar type shall require procedures and approval in accordance with Article D.
- b. See Subsection (c)(2)b above as to conditional uses existent at time of adoption of this Chapter being deemed to be the regular conditional uses.
- 4) ***Specific Limited conditional Use Provisions.*** Provisions applicable specifically to limited conditional uses:
- a. Limited conditional uses authorized by Plan Commission resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
- b. Limited conditional uses authorized by the Plan Commission shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Commission approval and the procedures required in Article D.
- d) **Uses Not Specified in Code.**
- (1) Uses not specified in this Chapter which are found by the Plan Commission to be sufficiently similar to specified permitted uses for a district shall be allowed by the Zoning Administrator.
- (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Plan Commission, public hearing and approval in accordance with Article D.

Sec. 10-1-22 Reduction or Joint Use.

No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

Sec. 10-1-23 Site Regulations.

- (a) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board and Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission, in applying the provisions of the Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if the applicant so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability when making its recommendation to the Village Board.
- (b) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of twenty-five (25) feet; however, to be buildable, the lot shall comply with the frontage requirements of the Zoning District in which it is located. On corner lots, the side yards adjacent to the street shall be not less than twenty (20) feet.
- (c) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board, subject to the recommendation of the Plan Commission, may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (d) **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (e) **Lots Abutting More Restrictive Districts.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. This does not apply to adjacent residential districts. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-

half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the _____ Plan _____ Commission; _____ or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

- (g) **Decks.** For purposes of this Chapter, decks shall be considered a part of a building or structure.
- (h) **Lots Abutting Two Streets.** Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade.
- (i) **Double-Frontage Lots.** Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with. (See Figure 3 "Through Lots")
- (j) **Pre-existing Lots.** Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this Chapter, such lot may be occupied by one (1) family.

Sec. 10-1-24 through Sec. 10-1-39 Reserved for Future Use.

Article C: Zoning Districts

Sec. 10-1-40 Zoning Districts Designated.

- (a) For the purpose of this Chapter, the Village is hereby divided into the following fifteen (15) zoning districts:
- (1) R-SL Single-Family Residential Low-Density District
 - (2) R-SM Single-Family Residential Medium-Density District
 - (3) R-SH Single-Family Residential High-Density District
 - (4) R-T Two-Family Residential District
 - (5) R-M Multi-Family Residential District
 - (6) B-G General Business District
 - (7) B-H Highway Business District
 - (8) B-P Business Park District
 - (9) I Industrial District
 - (10) R-D Rural Development District
 - (11) C Conservancy District
 - (12) R-MH Manufactured Home District
 - (13) P-G Public Grounds District
 - (14) P-R Public Recreation District
 - (15) Elderly Residential District Created Ord. 2004-04-01
 - (16) Historic Preservation District (Overlay) Amended Ord. 2004-04-01

Sec. 10-1-41 District Boundaries.

- (a) **Zoning Map.** The boundaries of the districts enumerated in Section 10-1-20 above are hereby established as shown on a map entitled "Zoning Map, Village of Belleville, Wisconsin," dated April 3, 1989, which is adopted by reference and made a part hereof. The map shall bear upon its face the attestation of the Village President and the Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk-Treasurer. Changes to the districts subsequent to April 3, 1989, shall not be effective until entered and attested on this certified copy.
- (b) **Boundary Lines.** The boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights-of-way; or such lines extended unless otherwise noted on the Zoning Map.
- (c) **Vacation.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

- (d) **Annexations and Consolidations.** Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the R-D Rural

Development District unless the annexation ordinance temporarily placed the land in another district. Within one (1) year, the Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

- (e) **Amendments to Map.** Since April 3, 1989, the Zoning Map has been amended by ordinance as shown on Official Map.

Sec. 10-1-42 Statement of Purposes (Amended and Recreated Ord. 2004-04-01)

- (a) The district regulations are intended to govern the location, intensity and method of development. The regulations of each district are designed to provide protection to the character of existing development while allowing new growth in accordance with specific development standards and objectives. Public utility services are required as a prerequisite to development in all districts within the Village of Belleville.

(1) R-SL Single-Family Residential Low-Density District

The R-SL District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.

(2) R-SM Single-Family Residential Medium-Density District

The R-SM District is intended to provide for low to medium-density development with an emphasis on conventional-sized single-family residential lots. This District is also intended to provide for the infill of vacant parcels, which have been bypassed by development.

(3) R-SH Single-Family Residential High-Density District

The R-SM District is intended to provide for medium-density development with an emphasis on traditional-sized single-family residential lots. This District is also intended to provide for alternative residential development types.

(4) R-T Two-Family Residential District

The R-T District is intended to provide for medium to high-density development with an emphasis on single-family attached and two-family residential uses. This District is also intended to provide for alternative residential development types.

(5) R-M Multiple-Family Residential District

The R-M District is intended to provide for medium to high-density development with an emphasis on single-family attached and multiple-family residential uses. This District is also intended to provide for further alternative residential development types.

(6) B-G General Business District

The B-G District is intended to provide an area for business and commercial needs of the community, especially those which can be most suitably located in a compact and clustered business district.

(7) B-H Highway Business District

The B-H District is intended to provide an area for those business and commercial activities, which are oriented to highway transportation or to meet the needs of business, which cannot successfully operate in the downtown area.

(8) B-P Business Park District

The B-P District is intended to provide an attractive working environment in a park-like setting and conducive to the development and protection of offices, non-nuisance type manufacturing operations, laboratories and business and technical services.

(9) I Industrial District

The I District is intended to provide an area for manufacturing and industrial activities. It is also an area for a variety of uses, which require relatively large installations, facilities or land areas, which tend to create undesirable conditions, which require special safeguards.

(10) R-D Rural Development District

The R-D District is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not yet committed to urban development. It is further intended for this District to protect lands from urban development until their orderly transition into urban-oriented districts is required.

(11) C Conservancy District

The C District is intended to preserve the natural state of scenic areas in the Village and to prevent the uncontrolled, uneconomical spread of development, and to minimize the development of marginal lands to prevent hazards to the public.

(12) R-MH Manufactured Home District

The R-MH District is intended to provide for the placement of manufactured homes in medium to high-density areas, which also permit small-lot single-family residential development.

(13) P-G Public Grounds District

The P-G District is intended for those areas owned and/or used exclusively by governmental institutions or agencies and/or exclusively for public purposes.

(14) P-R Public Recreation District

The P-R District is intended to provide for areas which have been dedicated to the Village for public parks, or which are otherwise owned by the Village and used specially as a park or recreation area or appropriate areas for commercially operated recreational uses of land.

(15) R-E Elderly Residential District

The R-E District is intended to provide for medium to high-density areas, which are suitable for elderly persons in specifically designed dwellings, pursuant to state and federal regulations.

(16) Historic Preservation District (Overlay).

Purpose. The purpose of this district is the protection, enhancement and perpetuation of built improvements, landscapes or sites of special character or special architectural, archeological or historic interest or value in geographic areas designated as historic districts in compliance with title 10, Chapter 11 of the Village Code of Ordinance

Permitted Uses. The standards of the underlying district shall apply to all permitted uses, subject to compliance with the provisions of title 10, Chapter 11 of these Ordinances, and the historic preservation plan for the historic district on file with the Village Clerk.

Conditional Uses. The standards of the underlying district shall apply to all conditional uses, subject to compliance with the provisions of Title 10, Chapter 11 or these Ordinances, and the historic preservation plan for the historic district on file with the Village Clerk.

SEC. 10-1-43 PERMITTED AND CONDITIONAL USES – RESIDENTIAL DISTRICTS

Description	R-SL	R-SM	R-SH	R-T	R-M	R-MH	R-E	P-G	P-R
Residential Uses									
Single family detached dwellings	P	P	P	N	N	P	C	N	N
Conversion of single to two family	N	C	C	N	N	N	N	N	N
Manufactured home as replacement	N	N	C	N	N	P	N	N	N
Manufactured home 24 feet wide on slab	N	N	N	N	N	P	N	N	N
Mobile home parks	N	N	N	C	C	N	N	N	N
Two family dwellings or single family attached	N	N	N	P	N	N	C	N	N
Zero Lot Line Dwellings	N	N	N	P	N	N	P	N	N
Multifamily dwellings	N	N	N	N	P	N	N	N	N
Multifamily dwellings, elderly only	N	N	N	N	P	N	P	N	N
Community based residential facilities	N	N	N	P	P	P	P	N	N
Business Uses									
Community living arrangements, under 9 per.	P	P	P	P	P	N	P	N	N
Foster family care	P	P	P	P	P	N	P	N	N
Home occupations under 10-1-132	P/C	P/C	P/C	P/C	PC	P/C	P/C	N	N
Bed & breakfasts, up to four guest rooms	C	N	N	N	P	N	N	N	N
Community living arrangements, over 9 per.	C	C	C	C	C	P	C	N	N
Public Uses									
Government offices & garages	N	N	N	N	N	N	N	P	N
Greenways, open space, parks & pools	N	N	N	N	N	N	N	P	P
Parking areas 10-1-8(a)(97)	N	N	N	N	N	N	N	C	C
Campgrounds, golf courses, ranges, stables	N	N	N	N	N	N	N	N	C
Elementary & secondary schools on 2-acre+	C	C	C	N	N	N	N	P	C
Libraries, museums & art galleries	N	N	N	N	N	C	N	P	N
Hospitals & clinics	N	N	N	N	N	N	N	N	N
Colleges & vocational schools	N	N	N	N	N	N	N	P	N
Funeral homes	N	N	N	N	N	N	N	N	N
Churches & their affiliated uses	C	C	C	C	C	C	N	N	N
Industrial & Higher Uses									
Sewage treatment plants	N	N	N	N	N	N	N	P	N
Utility & pumping stations	N	N	N	N	N	N	N	P	C
Water storage facilities	N	N	N	N	N	N	N	P	C
Telephone buildings	N	N	N	N	N	N	N	N	N
Personal wireless service antennas 10-1-133	N	N	N	N	N	N	N	C	C
Accessory Uses 10-1-140									
Private garage space, up to 864 sq. ft. per unit	P	P	P	P	P	P	P	N	N

Private garage space, over 864 sq. ft. per unit	C	C	C	C	C	C	C	N	N
Gardening/storage sheds up to 120 sq. feet	P	P	P	P	C	C	C	C	C
Gardening/storage sheds over 120 sq. feet	C	C	C	C	N	N	N	C	C
Off-street parking facilities	P	P	P	P	P	C	P	C	C
Agriculture – crops only	N	N	N	N	N	N	N	N	N
Other									
Conservancy District 10-1-47									

= Permitted, C = Conditional, N = Not allowed

10-1-43 Amended and Recreated Ord. 2004-04-01

SEC. 10-1-44 PERMITTED/CONDITIONAL USES – NONRESIDENTIAL DISTRICTS

Description ¹	NAICS	B-G	B-H	B-P ²	I ³	R-D	Description ¹	NAICS	B-G	B-H	B-P ²	I ³	R-D
Ag services	11100	N	C	C	C	P	Computers	54100	P	P	P	P	N
Mining	21230	N	N	N	N	C	Legal service	54110	P	P	P	P	N
Utilities	22100	C	C	C	C	C	Accounting	54120	P	N	P	P	N
Construction	23000	N	N	P	P	N	Engineering	54130	P	N	P	P	N
Wood product man.	32100	N	N	P	P	N	Management	54160	P	N	P	P	N
Printing & related	32300	C	N	P	P	N	Research & testing	54170	N	N	P	P	N
Pharmaceutical man.	32540	N	N	P	P	N	Advertising	54180	P	N	P	P	N
Rubber & Plastics man.	32600	N	N	P	P	N	Photo studios	54192	P	P	P	P	N
Fabricated Metals	33200	N	N	P	P	N	Other offices	52 - 55	P	P	P	P	N
Machine. & Equipment	33300	N	N	P	P	N	Credit/collection	56140	P	N	P	P	N
Computer manufacturing	33400	N	N	P	P	N	Mail & copy	56143	P	P	P	P	N
Electrical manufacturing	33500	N	N	P	P	N	Travel	56150	P	N	P	P	N
Manufacturers not listed	33900	N	N	P	P	N	Bldg services	56170	N	N	P	P	N
Wholesale Trade	42000	N	C	P	P	N	Carpet cleaning	56174	N	P	P	P	N
Vehicle dealers	44100	C	P	N	N	N	School & library	61100	N	N	N	N	C
Furniture store	44200	P	N	N	N	N	Medical & Dental	62100	P	P	P	N	N
Electronics & appliance	44300	C	N	N	N	N	Medical labs	62150	N	N	P	N	N
Building material	44410	N	N	N	C	N	Hospitals	62210	C	N	N	N	C
Hardware store	44413	P	N	N	N	N	Nursing homes	62310	C	N	N	N	C
Landscape/nursery	44420	N	C	N	N	C	Social service & daycare	62400	P	N	N	N	N
Food store	44500	P	C	N	N	N	Museum or gallery	71210	P	N	N	N	N
Liquor store	44531	P	P	N	N	N	Bowling or dance studio	71390	P	C	N	N	N
Health & personal care	44610	P	P	N	N	N	Other amusements	71399	C	C	N	N	N
Gasoline stations	44710	C	P	N	N	N	Lodging	72100	P	P	C	N	N
Convenience food & gas	44711	C	P	C	N	N	Restaurants	72200	P	P	C	P	N
Clothing store	44800	P	N	N	N	N	Fast-food drive thru	72200	P	C	N	N	N
Jewelry store	44830	P	P	N	N	N	Taverns	72241	P	C	N	N	N
Sporting goods	45110	P	P	N	N	N	Vehicle repair	81110	C	C	N	C	N
Book & music	45120	P	P	N	N	N	Carwash & oil change	81119	C	N	N	N	N
Department store	45210	P	N	N	N	N	Electronic repair	81121	C	N	N	P	N
Misc. shopping	45300	P	P	N	N	N	Shoe repair	81143	P	N	N	P	N
Non store retail	45400	N	P	C	C	N	Furniture repair	81142	C	N	N	N	N
Fuel dealers	45431	N	C	N	C	N	Other household repair	81149	C	N	N	N	N
Trucking & Transit	48400	N	C	N	C	N	Hair styling	81210	P	P	N	N	N

Post office	49111	P	N	N	N	N	Funeral home	81220	P	P	N	N	N
Tower & Antennas	51300	N	N	N	C	N	Cemeteries	81220	N	N	N	N	C
Financial service	52211	P	P	N	N	N	Laundry	81230	P	P	N	N	N
Insurance/Real Estate	524-531	P	P	N	N	N	Laundry with press	81230	C	P	N	P	N
Auto leasing	53210	C	N	N	N	N	Parking lots	81290	P	N	N	N	N
Movies/videos	53223	P	P	N	N	N	Organizations	81390	P	N	N	N	N
Equipment rental	53249	P	N	C	C	N	Public administration	92000	P	N	N	N	N
See www.census.gov/epcd/www/naics.html for all NAICS definitions							Residences		C	N	N	N	P

¹The meaning of the terms shall be the same as that used in the North American Industry Classification System

²Design standards apply in the B-P District. See Lot, Building & Yard Requirements for specifics.

³All outdoor storage except off-street parking and loading shall be enclosed by a suitable fence or other manner of screening.

P = Permitted, C = Conditional, N = Not allowed

10-1-44 Amended and Recreated Ord. 2004-04-01

SEC. 10-1-45 LOT, BUILDING & YARD REQUIREMENTS: RESIDENTIAL

LOT, BUILDING & YARD REQUIREMENTS 10-1-23	R-SL	R-SM	R-SH	R-T ¹	R-M ²	R-MH ³	R-E	C	P-G ⁴ and P-R ⁴
Minimum Lot Area (Square Feet)	12,150	9,600	7,350	9,600	9,600	7,350	9,600	None	None
Minimum Lot Width (Feet) (See Figures 3 and 4)	90	80	70	70	80	70	80	None	None
Yards: Principal Building									
Front Yard (Feet)	30	25	20	25	20	20	20	None	None
Side Yard (Feet) ⁵	10	8	6	8	6	6	6	None	None
Rear Yard (Feet)	30	25	20	20	20	20	20	None	None
Building Height (See Figures 1 and 2)	35	35	35	35	35	35	35	None	None
Yards: Accessory Building 10-1-140									
Front Yard (Feet)	30	25	20	25	20	20	20	None	None
Side Yard (Feet)	10	8	6	8	3	6	3	None	None
Rear Yard (Feet)	10	8	5	20	3	5	3	None	None
Building Height (Feet)	15	15	15	15	15	15	15	15	None
RSR (recreation area required for each sq. ft. of floor area)						0.140	0.140		
FAR (floor area permitted for each sq. ft. of land area)						0.325	0.325		
OSR (open space area required for each sq. ft. of floor area)						2.200	2.200		
LR (non vehicular area required for each sq. ft. of floor area)						1.400	1.400		
Parking Spaces per Dwelling Unit 10-1-92(f)									
Efficiency, no Bedroom	1.0	1.0	1.0	1.0	1.0	1.0	0.75	0	0
One Bedroom	1.5	1.5	1.5	1.5	1.5	1.5	0.75	0	0
Two Bedrooms	2.0	2.0	2.0	2.0	2.0	2.0	0.75	0	0
Three or more Bedrooms	2.5	2.5	2.5	2.5	2.5	2.5	0.75	0	0
Minimum Landscaping Points									
10-1-174 and Landscape General Guidelines									

Per 100 feet of Building Foundation	50	45
Per 1,000 square feet Gross Floor Area	20	20
Per 100 feet of Street Frontage	50	45
Per 10,000 square feet of Paved Area	100	90

¹R-T District allows zero lot line dwellings: 4,800 square feet minimum lot area, 40 feet minimum lot width and no side yard on adjoining walls

²R-M District requires 35 feet maximum front yard setback and maximum of one parking space per 2,000 feet of lot area.

³R-M District requires doublewide-homes of at least 24 by 36 feet; the home must set on a permanent foundation with matching siding and wheels and axles removed and a pitched roof of at least 17%.

⁴All side yard and rear yard requirements must meet the standards of the abutting districts.

⁵Corner side yards shall not be less than 20 feet.

⁶Lot widths on cul-de-sacs shall be measured at the front yard setback

10-1-45 Amended and Recreated Ord. 2004-04-01

SEC. 10-1-46 LOT, BUILDING & YARD REQUIREMENTS: NONRESIDENTIAL

LOT, BUILDING & YARD REQUIREMENTS	B-G ¹	B-H	B-P ³	I	R-D
Minimum Lot Area (Acres)		0.50	0.50	0.50	5.00
Minimum Lot Width (Feet) (See Figures 3 and 4)		90	90	90	270
Building Height (Feet) (See Figures 1 and 2)		30	45	45	30
Yard Requirements:					
Front Yard (Feet)		25	20	20	35
Side Yard (Feet)		20	15	10	100
Both Sides Combined		40	30	20	200
Rear Yard (Feet)		20	30	30	35
Minimum Lot Area per Dwelling Unit (Acres)		NA	NA	NA	5.00
Buffer Strip Width next to Residential Districts ²			40	40	
Parking Requirements (See Sec. 10-1-92 (f) Number of Parking Stalls)					
Minimum Landscaping Points					
10-1-174 and General Landscaping Guidelines					
Per 100 feet of Building Foundation	20	40	20	20	0
Per 1,000 square feet Gross Floor Area	5	10	5	5	0
Per 100 feet of Street Frontage	20	40	20	20	0
Per 10,000 square feet of Paved Area	40	80	40	40	20

¹The maximum height, side, front and rear yards, minimum lot width and parking for new or converted buildings can correspond with typical existing development layout of the B-G District provided the Plan Commission determines such development as in keeping with the purposes, design and character of the General Business District and is architecturally compatible with the area.

²Plant materials in buffer strip must be at least six (6) feet in height of growth to provide a year-round visual screen.

³Design standards for the B-P District shall include as a minimum the following standards:

- (a) All business, serving or processing, except for off-street parking and loading and outdoor storage areas regulated by restrictive covenants, shall be conducted within completely enclosed buildings;
- (b) The building coverage on any zoning lot shall not exceed seventy percent, or less than twenty-five percent

⁴Lot widths on cul-de-sacs shall be measured at the front yard setback

10-1-46 Amended and Recreated Ord. 2004-04-01

Sec. 10-1-47 Conservancy District. Renumbered Ord. 2004-04-01

- (a) **Purpose.** This District is intended to preserve the natural state of scenic areas in the Village and to prevent the uncontrolled, uneconomical spread of residential or other development, and to help discourage intensive development of marginal lands so as to prevent hazards to public and private property.
- (b) **Permitted Uses.** The following uses of land are permitted in the Conservancy District, except as may be prohibited within a federal floodplain area:
- (1) Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds;
 - (2) Forestry and the management of forests;
 - (3) Wildlife preserves;
 - (4) The management of wildlife, including waterfowl, fish and other similar lowland animals and non-residential buildings used solely in conjunction with such activities;
 - (5) Fishing;
 - (6) Public and private parks, picnic areas and similar uses;
 - (7) Hiking trails and bridle paths;
 - (8) Preservation of areas of scenic, historic or scientific value;
 - (9) Uses similar and customarily incident to any of the above uses.
- (c) **Conditional Uses.** The following are permitted as conditional uses in the conservancy District:
- (1) Dams, flowages, ponds, and water storage and water pumping facilities;
 - (2) Power plants deriving their power from the flow of water and transmission lines and other facilities accessory thereto;
 - (3) Utilities such as but not restricted to telephone, telegraph, power or other transmission lines;
 - (4) Piers, docks and boathouses;
 - (5) Relocation of any watercourse;

- (6) Filling, drainage or dredging of wetlands, provided that this shall conform to any Shoreland Zoning Ordinance enacted pursuant to Sec. 59.971, Wis. Stats.;
 - (7) Removal of topsoil or peat;
 - (8) Cranberry bogs;
 - (9) Camping grounds open to the public;
 - (10) Golf courses open to the public;
 - (11) Agricultural and animal husbandry.
- (d) **Lot, Yard and Building Requirements.** There are no setback, lot size, or other dimensional standards applicable in the Conservancy District.

Sec. 10-1-48 through Sec. 10-1-55 Reserved for Future Use. Amended Ord.2004-04-01

Article D: Conditional Uses

Sec. 10-1-60 Statement of Purpose—Conditional Uses.

The development and execution of this Article is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

Sec. 10-1-61 Authority of the Plan Commission and Village Board; Requirements.

- (a) The Village Board hereby authorizes the Zoning Administrator to issue a conditional use permit for either regular or limited conditional use after review, public hearing, and approval from the Plan Commission, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of property in the neighborhood or the community. In the instance of the granting of limited conditional use, the Plan Commission in its findings shall further specify the delimiting reason(s) or factor(s) which resulted in issuing limited rather than regular conditional use. Such Commission action, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation

control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.

- (c) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

Sec. 10-1-62 Initiation of Conditional Use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

Sec. 10-1-63 Application for Conditional Use.

An application for a conditional use shall be filed on a form prescribed by the Village. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 10-1-66 hereinafter. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing: contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

Sec. 10-1-64 Hearing on Application.

All requests for conditional uses shall be presented to the Village Clerk-Treasurer who will forward them to the Zoning Administrator for review and written report to the Plan Commission. The Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Village Board on its own motion from referring the request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in Section 10-1-63 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Commission. The hearing shall be conducted and a record of

the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

Sec. 10-1-65 Notice of Hearing on Application.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission, and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing. The Plan Commission shall report its action to the Village Board within forty-five (45) days after a matter has been referred to it.

Sec. 10-1-66 Standards—Conditional Uses.

- (a) **Standards.** No application for a conditional use shall be recommended for approval by the Plan Commission unless the Commission shall find all of the following conditions are present:
- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land;
 - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
 - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
 - (6) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located;
 - (7) That the proposed use does not violate flood plain regulations governing the site;
 - (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

- (b) **Application of Standards.** When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board and Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (c) **Additional Considerations.** In addition, in passing upon a Conditional Use Permit, the Plan Commission shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions;
 - (2) The prevention and control of water pollution including sedimentation;
 - (3) Existing topographic and drainage features and vegetative cover on the site;
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams;
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover;
 - (6) The location of the site with respect to existing or future access roads;
 - (7) The need of the proposed use for a shoreland location;
 - (8) Its compatibility with uses on adjacent land;
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 10-1-67 Denial of Application for Conditional Use Permit.

- (a) **Written Basis.** When denial of a conditional use application is made, the Plan Commission shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.
- (b) **Effect of Denial of Application.** No application for a conditional use which has been denied wholly or in part by the Plan Commission shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Plan Commission.

Sec. 10-1-68 Conditions and Guarantees.

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 10-1-66 above. In all cases in which conditional uses are granted, the Village

shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

- (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide professional or technical assistance. The 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/use.
- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Plan Commission.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading.

Sec. 10-1-69 **Validity of Conditional Use Permit.**

Where a conditional use application has been approved or conditionally approved, such approval shall become null and void within twenty-four (24) months of the date of the approval unless the use is commenced, construction is underway or the current owner possess a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Plan Commission may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Plan Commission at least thirty (30) days before the expiration of said permit.

Sec. 10-1-70 Complaints Regarding Conditional Uses. (Revised 00-3-2)

- (a) **Continuing Jurisdiction.** The Plan Commission shall retain continuing jurisdiction over all conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition of approval or any other provision of this Code.
- (b) **Written Complaints.** Any citizen or Village official may file a written complaint alleging that the subject conditional use has violated or is in violation of a condition of approval, the performance standards in Section 10-1-66, or other requirements of this Chapter. Such complaints shall be forwarded to the Plan Commission.
- (1) The Plan Commission shall preliminarily review the complaint.
 - (2) In connection with its preliminary review of the complaint, the Plan Commission may require the Building Inspector, Zoning Administrator or other Village official to conduct such investigation and make such report as the Plan Commission may direct. The Plan Commission may request information from the holder of the Conditional Use permit, the complainant, and any other person or entity to assist with its preliminary review.
 - (3) Following its preliminary review, the Plan Commission may:
 - a. Dismiss the complaint; or
 - b. Refer the complaint to the Zoning Administrator for prosecution; or
 - c. Conduct a hearing to determine whether the alleged violations have occurred, and what remedial action should be taken. Prior to such hearing, notice of the hearing shall be given to the holder of the conditional use permit, the complainant, and as provided in Section 10-1-65. The holder of the conditional use permit and the complainant, and any other person, may appear at the hearing and may offer testimony and other relevant evidence, and may be represented by an attorney. If

the Plan Commission concludes that violations have occurred, the Plan Commission may:

- (1) Modify the conditions imposed upon such conditional use and impose additional conditions to the extent reasonably necessary to bring the subject conditional use into compliance with the standards set forth in Section 10-1-66 or conditional previously imposed; or
- (2) Revoke the subject conditional use permit and direct the Zoning Administrator to seek elimination of the subject use, if no reasonable modification of such conditional use can be made to assure compliance with the standards in Section 10-1-66; or,
- (3) Refer the matter to the Zoning Administrator for prosecution; or,
- (4) Take no action, if the Plan Commission concludes that no further action is needed to bring the subject conditional use into compliance with the standards set forth in Section 10-1-66 or conditions previously imposed, and that prosecution is unwarranted.

Following any such hearing, the Plan Commission's written decision shall be furnished to the current owner of the property subject to the conditional use and to the complainant. An appeal from a decision under this paragraph may be taken to the Village Board as provided by Section 10-1-71.

Sec. 10-1-71 Appeal from Action by the Plan Commission.

An appeal from the decision of the Plan Commission may be taken to the Village Board by the applicant of the conditional use or by twenty percent (20%) or more of the property owners notified objecting to the establishment of such conditional use. Such appeal must specify the grounds thereof in respect to the findings of the Plan Commission and must be filed with the Village Clerk-Treasurer within ten (10) days of the final action of the Plan Commission. Final action may be either initial action on a conditional use or action following reconsideration of the said initial action under the Plan Commission's rules of procedure. However, reconsideration shall only occur following written notification of intent to reconsider by a Plan Commission member to the Village Clerk-Treasurer no later than two (2) days after said initial action. Thereupon, the notice requirements of Section 10-1-65 shall be complied with before the Plan Commission reconsiders such initial action. The taking of an appeal prior to the third day after said initial action shall not preclude or invalidate reconsideration by the Plan Commission as herein provided. The Village Clerk-Treasurer shall file such appeal with the Village Board. The Village Board shall fix a reasonable time for the hearing of the appeal, and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The action of the Plan Commission shall

be deemed just and equitable unless the Village Board, by a favorable vote of a majority of the members of the Village Board present, reverses or modifies the action of the Plan Commission. An appeal from a decision of the Village Board shall be commenced by the remedy of certiorari in Circuit Court within 30 days of the date of the decision.

Sec. 10-1-72 Failure to Comply

Notwithstanding any other provision of this Article, and in addition to any other remedies allowed by law or elsewhere in this Chapter, any person, firm, or corporation who fails to comply with any provision of this Article, or fails to comply with any decision, determination, condition, order, or permit issued hereunder, shall be subject to the violation, remedial action and penalty provisions of Section 10-1-175.(Created 98-4-1)

Sec. 10-1-73 through Sec. 10-1-79 Reserved for Future Use.

Article E: Nonconforming Uses, Structures and Lots

Sec. 10-1-80 Existing Nonconforming Uses.

- a) **Continuation.** Except as otherwise specially provided in this Chapter, the lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter, provided however:
- (1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this Chapter;
 - (2) The total lifetime structural repairs or alterations shall not exceed fifty percent (50%) of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Chapter;
 - (3) Substitution of new equipment may be permitted by the Plan Commission if such equipment will reduce the incompatibility of the nonconforming use with the neighboring use.
- b) **Abolishment or Replacement of Existing Nonconforming Use.** If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water shall conform to the provisions of this Chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than fifty percent (50%) of its current assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. From the date of adoption of this Chapter, a current file of all nonconforming uses shall be maintained by the Zoning Administrator, listing the following:
- (1) Owner's name and address;
 - (2) Use of the structure, land or water;
 - (3) Assessed value at the time of its becoming a nonconforming use.

Sec. 10-1-81 Existing Nonconforming Structures.

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged,

reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

Sec. 10-1-82 Changes and Substitutions.

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

Sec. 10-1-83 Legal Nonconforming Lots.

In any residential district, structures may be erected on any legal lot of record prior to the effective date of this Code provided that the area, the width and the depth of such existing lot shall be no less than eighty percent (80%) of the required minimums set forth in this Chapter. No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter.

Sec. 10-1-84 through Sec. 10-1-89 Reserved for Future Use.

Article F: Traffic Visibility, Loading, Parking and Access

Sec. 10-1-90 Traffic Visibility.

- (a) On a corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines twenty-five (25) feet from the point of intersection. (See Figure 5.)
- (b) In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

Sec. 10-1-91 Loading Requirements.

- (a) **Loading Space Requirements.** On every lot on which a new business, trade or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

Use	Floor Area (sq. ft.)	Loading Space
Retail, wholesale warehouse, service	2,000 - 20,000	1
manufacturing, and industrial establishments	20,000 - 40,000 40,000 - 60,000 Each additional 50,000	2 3 1
Motels, schools, offices, hospitals, places of public assembly	5,000 - 10,000 10,000 - 100,000 Each additional 25,000	1 2 1
Funeral homes	2,500 - 6,000	1

Each additional 10,000

1

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) **Location.** Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty (40) feet, and a vertical clearance of at least fifteen (15) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. All loading berths shall be completely screened from residential properties by building walls or a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight (8) feet in height.
- (e) **Surfacing.** All open off-street loading berths shall be improved with a compacted gravel base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.
- (g) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (h) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
- (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
 - (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

Sec. 10-1-92 **Parking Requirements.**

All new residential parking areas and all alterations of existing residential parking areas shall be subject to the approval of the Plan Commission. All new semi-public parking areas and all alterations of existing semi-public parking areas shall be subject to the approval of the Village Board, after a recommendation from the Plan Commission. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, except those areas which are located in a fire district as designated on the official map, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Adequate access to a public street shall be provided for each parking space.
- (b) **Design Standards.** Each required off-street parking space shall have a stall width of at least nine (9) feet and a stall length of at least eighteen (18) feet. Such space shall have a vertical clearance of at least six and one-half (6-1/2) feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: Aisles shall be not less than twenty-four (24) feet wide for ninety (90) degree parking, eighteen (18) feet wide for sixty (60) degree parking, fifteen (15) feet wide for forty-five (45) degree parking (angle shall be measured between centerline of parking space and centerline of aisle), and twelve (12) feet wide for parallel parking. For parallel parking, the minimum length of the parking space shall be increased to twenty-three (23) feet. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (c) **Location.**
 - (1) Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use.
 - (2) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residence districts but shall not be closer than five (5) feet to a side lot line, right-of-way line or rear lot line.
 - (3) Off-street parking in the single-family residence and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Sections 10-9-1 and 10-9-2. Parking stalls for single- and two- (2) family residences may be placed one behind the other.

- (d) **Surfacing.** All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds [normally, a two (2) inch blacktop on a four (4) inch base or five (5) inches of Portland cement will meet this requirement]. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- (e) **Landscaping Requirements.**
- (1) **Landscaping.** All public and private off-street parking areas which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Code shall be provided with accessory landscape areas totaling not less than ten percent (10%) of the surfaced area. The minimum size of each landscape area shall not be less than one hundred (100) square feet.
 - (2) **Location.** Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Plan Commission.
 - (3) **Plans.** All plans for such proposed parking area shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
 - (4) **Special Residential Requirements.** Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density, or other effective means, built and maintained at a minimum height of five (5) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.
 - (5) **Street Setback Area.** No parking shall be permitted between the street right-of-way line and the minimum required building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
 - (6) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with unenclosed parking facilities provided in residence districts.
 - (7) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot candles measured at the lot line.
- (f) **Number of Parking Stalls.** Number of parking stalls required for newly created parking lots are shown in the following table:

Use	Minimum Parking Required
Residential dwellings and mobile homes:	
Efficiency	1 stall for each dwelling unit
One bedroom	1.5 stalls for each dwelling unit
Two bedroom	2 stalls for each dwelling unit
3+ bedroom	2.5 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Sororities, lodges, clubs dormitories, rooming and boarding houses	1 stall for each bed plus 1 stall for each 3 employees
Institutions, clubs, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each resident doctor
Churches, theaters, community centers	1 stall for each 5 seats

vocational and night schools, and other places of public assembly

Secondary and elementary schools 1 stall for each 2 employees plus 1 stall for each student auto permitted

Restaurants, bars, places of entertainment, repair shops, retail and service stores 1 stall for each 100 square feet of floor area

Manufacturing and processing plants, laboratories and warehouses 1 stall for every 3 employees; number of employees shall be construed to mean the maximum number on the premises at one time

Financial institutions, business, government and professional offices 1 stall for each 200 square feet of floor area and 1 stall for each 2 employees

Motor vehicle sales (new and used) 1 space for each 500 square feet of floor area used plus one space for each 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages—see above.)

Repair shops, retail and service stores 1 space for each 200 square feet of net floor space

Automobile repair garages and service stations 1 space for each employee plus 1 space for each 250 square feet of floor area used for repair work

Bowling alleys 5 spaces for each alley

(g) **Uses Not Listed.** In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls,

where floor space is indicated above as a basis for determining the amount of off-street parking required.

- (h) **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (i) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of fifty percent (50%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- (j) **Off-Lot Parking.**
 - (1) Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met, such parking spaces may be located off-lot provided the parking spaces are located in the same zoning district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the Village Attorney.
 - (2) Off-lot parking spaces for residential uses shall be within four hundred (400) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within three hundred (300) feet of the entrance of the establishment.
 - (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
 - (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

Sec. 10-1-93 Highway Access.

- (a) **Private Access Restricted.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (b) **Public or Private Access Prohibited.** No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
 - (1) Arterial streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines;

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- (2) Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines.
- (c) **Public Access Barriers.** Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (d) **Temporary Access.** Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

Cross-Reference: Title 10, Chapter 9.

Sec. 10-1-94 Storage and Parking of Recreational Vehicles.

- (a) **Definitions—Recreational Vehicles.** For purposes of this Section, the following definitions shall apply:
- (1) **Recreational Vehicle.** Recreational vehicle means any of the following:
- a. **Travel Trailer.** A vehicular, portable structure built on a chassis and on wheels; that is, between ten (10) and thirty-six (36) feet long, including the hitch, and eight (8) feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
 - b. **Pick-up Coach.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
 - c. **Motor Home.** A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
 - d. **Camping Trailer.** A vehicle with a canvas, collapsible or folding structure, designed for human habitation for travel, recreation, vacation or other uses and is mounted on wheels and towed by a motor vehicle.
 - e. **Chassis Mounts, Motor Homes and Mini-Motor Homes.** Recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom.
 - f. **Converted and Chopped Van.** Recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.

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- g. ***Fifth-Wheel Mobile Home.*** A vehicle designed to be towed by a vehicle upon a highway, as a single unit or in sections, with a flatbed frame so the trailer hitch of the mobile home is bolted to the flatbed frame of the towing vehicle. This mobile home is equipped and used or intended to be used primarily for human habitation, with walls of rigid uncollapsible construction.
- 2) ***Boat or Snowmobile Trailer.*** A vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article, is termed an unmounted boat or snowmobile.
- 3) ***Boat.*** Every description of watercraft used or capable of being used as a means of transportation on water.
- b) **Permitted Parking or Storage of Recreational Vehicles.** In all residential and commercial districts provided for in this Zoning Code, it is permissible to park and store a recreational vehicle or boat and boat trailer on private property in the following manner:
- (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
 - (2) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five (5) feet to the lot line.
 - (3) Parking is permitted outside on a hard-surfaced or well-drained gravel driveway, provided:
 - a. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard.
 - b. A corner lot is always deemed to have reasonable access to the rear yard.
 - c. A fence is not necessarily deemed to prevent reasonable access.
 - d. Inside parking is not possible.
 - e. The unit is parked perpendicular to the front curb.
 - 4) No part of the unit may extend over the public sidewalk or public right-of-way.
 - 5) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
 - a. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in any one calendar year. Cooking is not permitted at any time.
 - b. Permanently connected to sewer lines, water lines and/or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.

- 6) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- 7) The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

State Law Reference: Sec. 30.50, Wis. Stats., and HSS 177 and 178, Wis. Adm. Code.

Sec. 10-1-95 Storage of Tractors, Trucks and Road Machinery.

No person, firm or corporation shall park, keep or maintain on properties zoned as residential or multiple residential dwellings construction equipment and road machinery unless they are stored in an enclosed building. Trucks and semitractors may be parked on the primary driveway of the residence.

Cross-Reference: Section 12-1-27.

Sec. 10-1-96 through Sec. 10-1-99 Reserved for Future Use.

Article G: Signs, Canopies, Awnings and Billboards

Sec. 10-1-100 Purpose of Sign, Canopy and Awning Regulations.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Belleville; painting, posting and general maintenance are excepted.

Sec. 10-1-101 Signs, Canopies, Awnings and Billboards—Definitions.

The following definitions are used in this Article:

- (a) **Area of Sign.** The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines.
- (b) **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (c) **Billboard.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (d) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (e) **Canopy.** A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (f) **Day.** A day shall be designated as a period of time in terms of calendar days.
- (g) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

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- (h) **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (i) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (j) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (k) **Flat Sign.** A sign erected parallel, and attached directly, to a wall surface.
- (l) **Freestanding (Ground and/or Pole Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (m) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (n) **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.
- (o) **Marquee Sign.** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (p) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Chapter.
- (q) **Off-Premise Sign.** Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the sign is located.
- (r) **Political Sign.** Any sign displaying a candidate for an election, or a current election's subject matter.
- (s) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.
- (t) **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way.
- (u) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (v) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
- (w) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.

- (x) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed twenty-eight (28) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight (8) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Chapter, a portable sign is not a temporary sign.
- (y) **Wall Sign.** Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than sixteen (16) inches from such wall.
- (z) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way.

Sec. 10-1-102 Required Permits for Signs, Canopies, Awnings and Billboards.

- (a) **Application.** Except those specified in Section 10-1-103, no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Article. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Village of Belleville, including, as necessary and without limitation by enumeration, building permit and inspection requirements, site plan approval requirements and all applicable yard setback requirements. Signs shall not be erected or altered until a permit has been issued by the Building Inspector. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.(Rev. 98-10-4)
- (b) **Required Information.** Application for a sign permit shall be made in writing upon forms furnished by the Building Inspector which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change.
- (c) **Permit Fees.** Required permit fees shall be paid to the Building Inspector for each sign permit issued under this Article, provided, however, that a fee shall not be charged for putting an existing sign in conformity with this Article, or for a copy change when no change in business name is involved.
- (d) **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of One Hundred Thousand Dollars (\$100,000.00) for bodily injury and Two Hundred Thousand Dollars (\$200,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Building Inspector before the sign permit is granted.

- (e) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Building Inspector who will inspect the sign for compliance with the regulations of this Article. Every sign shall be inspected and approved by the Building Inspector within thirty (30) days after it is erected or altered.
- (f) **Appeals.** The Building Inspector may, at any time for a violation of this Article, revoke a permit or require changes so the sign conforms with this Article. The holder of a revoked permit shall be entitled to an appeal before the Zoning Board of Appeals. Any person, firm or corporation aggrieved by any permit denial or decision by the Building Inspector relative to the provisions of these sign regulations may appeal and seek review of such decision to the Zoning Board of Appeals.

Sec. 10-1-103 Signs Not Requiring a Permit.

The following signs do not require a sign permit, provided that they are not located over a public road right-of-way or in, on or over public water:

- (a) **Commercial, Industrial and Planned Unit Development (Commercial/Industrial) Districts.**
 - (1) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (2) Name, occupation and warning signs not to exceed four (4) square feet located on the premises.
 - (3) Bulletin boards for public, charitable or religious institutions not to exceed thirty-five (35) square feet in area located on the premises.
 - (4) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.
 - (5) Official signs, such as traffic control, parking restriction, information and notices.
 - (6) Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.
 - (7) Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
 - (8) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers or names of occupants of premises.
 - (9) Flags and insignia of any government, except when displayed in connection with commercial promotion.
 - (10) Legal notices, identification information or directional signs erected by governmental bodies.
 - (11) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

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- (12) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 - (13) Political signs may be posted sixty (60) days before an election and must be removed with ten (10) days after said election. Said sign may be a maximum of thirty-two (32) square feet.
 - (14) Window signs are allowed with no permits.
 - (15) Bills, posters and banners shall be allowed with no permits.
- (b) **Residential, Conservancy and Agricultural Districts.**
- (1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed four (4) square feet.
 - (2) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (3) Nameplate signs not to exceed eight (8) square feet located on the premises.
 - (4) Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.
 - (5) Memorial signs, tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 - (6) Official signs, such as traffic control, parking restrictions, information and notices.
 - (7) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.
 - (8) House numbers or signs identifying parks or country clubs or official bulletin boards.
 - (9) An approved professional sign shall be a sign not exceeding eight (8) square feet in area, stating only the name and business or profession of the home occupant or the character or the use of the premises on which the sign is maintained. It shall not be illuminated and shall not move.
 - (10) Political signs may be posted sixty (60) days before an election and must be removed within ten (10) days after said election. Said sign shall be a maximum of eight (8) square feet.
 - (11) Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.

Sec. 10-1-104 Permitted Commercial and Industrial Signs.

- (a) **Permitted Signs.** The following signs shall require a permit to be issued by the Village of Belleville. Signs may be permitted in all commercial, planned unit development (commercial/industrial) and industrial districts, subject to the following restrictions:
- (1) **Wall Signs** placed against the exterior walls of buildings shall not extend more than six (6) inches out from a building's wall surface, shall not exceed two hundred fifty (250) square feet in area or twenty percent (20%) of the wall surface (whichever is smaller) per wall for any one (1) premises, and shall not exceed the height of the wall for which it is displayed, depending upon the height of the wall. Said wall signs shall not exceed forty-five (45) feet in height in districts fronting Federal Aid Primary (FAP) Highways, and shall not exceed thirty (30) feet in height in other commercial and industrial districts if the walls in question are greater than the forty-five (45) feet and thirty (30) feet respectively. Wall signs shall exclusively advertise on-premise businesses, or public service organizations or causes.
 - (2) **Projecting Signs** fastened to, suspended from or supported by structures shall not exceed thirty-two (32) square feet in area for any one (1) business, shall not extend more than six (6) feet into any required yard, shall not extend beyond the curb line, shall not be less than ten (10) feet from all side lot lines, shall not be less than a height of ten (10) feet above the mean centerline street grade and shall not be less than fifteen (15) feet above a driveway or an alley and not be more than twenty (20) feet above a driveway or alley.
 - (3) **Freestanding Signs in Commercial and Industrial Districts** shall not exceed twenty (20) feet in height above the centerline of the grade of the street from which access to the premises is obtained, and shall not exceed one hundred twenty (120) square feet on all sides for any one (1) premise.
 - (4) **Roof Signs** are prohibited in the Village.
 - (5) **Off-Premise Signs, Displays and Devices (collectively "Off Premise Signs")** shall not be permitted within three hundred (300) feet of a residential district and shall comply with the following restrictions:
 - a. The Off-Premise Signs shall not exceed 20 feet in height above the centerline of the grade of the street from which access to the property is obtained.
 - b. The Off-Premise Signs shall not exceed a maximum of 100 square feet per side.
 - c. An Off-Premise Sign shall not be closer than 75 feet to any other Off-Premise Sign.(Rev. 98-10-4)
 - (6) **Directory Signs** for shopping centers or industrial parks are permitted as an alternative to ground signs or projecting signs for individual stores in the shopping center or business in the industrial park. The top of a directory sign shall not exceed twenty (20) feet in height above the mean centerline street grade and the bottom of the sign shall not be less than ten (10) feet above the sidewalk and not more than fifteen (15) feet above a driveway or alley. The double supporting

pylons shall not be greater than ten (10) feet apart. That portion of the directory sign which advertises the shopping Center or industrial park name shall not exceed one hundred (100) square feet for one (1) side and a total of two hundred (200) square feet for all sides. That portion of the directory sign which advertises the individual store/business name shall not exceed sixteen (16) square feet for one (1) side and a total of thirty-two (32) square feet for all sides. Directory signs shall meet all yard requirements for the zoning district in which they are located.

- 7) **Other Signs.** Any sign qualifying as more than one (1) of the above-listed types shall meet the requirements for each type.
- b) **Permit Requirement.** Signs for on-site businesses in Residential or Agricultural districts greater than three (3) square feet shall require a permit. Said signs shall not exceed twelve (12) square feet per side and shall meet any other restrictions in Subsection (a) above.
- c) **Lighting.** Permitted signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices, are prohibited.

Sec. 10-1-105 Permitted Residential, Agricultural and Conservancy Signs.

In addition to those permitted signs not requiring a permit pursuant to Section 10-1-103(b), the following non-flashing, non-illuminated signs are permitted under the conditions specified in all residential, planned unit development (residential), agricultural and conservancy districts established by this Chapter:

- (a) **Nameplate and Identification Signs.** Subject to the following:
- (1) **Area and Content—Residential.** There shall be not more than one (1) nameplate, not exceeding three (3) square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted home occupation. On a corner lot, two (2) such nameplates for each dwelling unit (one facing each street) shall be permitted.
 - (2) **Area and Content—Nonresidential.** For agricultural or conservancy buildings, a single identification sign, not exceeding sixteen (16) square feet in area and indicating only the name and address of the building, may be displayed. On a corner lot, two (2) such signs (one facing each street) shall be permitted.
 - (3) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower.
- (b) **"For Sale" and "To Rent" Signs.** Subject to the following:

- (1) **Area and Number.** There shall be not more than one (1) sign per zoning lot, except that on a corner zoning lot two (2) signs (one facing each street) shall be permitted. No sign shall exceed eight (8) square feet in area nor be closer than eight (8) feet to any other zoning lot.
 - (2) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower, when attached to a building; detached or free-standing signs shall not be more than seven (7) feet in height, measured from the soil grade to the top of the sign post.
- (c) **Signs Accessory to Parking Area.** Subject to the following:
- (1) **Area and Number.** Signs designating parking area entrances or exits are limited to one (1) sign for each such exit or entrance, and to a maximum size of two (2) square feet each. One (1) sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine (9) square feet, shall be permitted. On a corner lot, two (2) such signs (one facing each street) shall be permitted.
 - (2) **Projection.** No sign shall project beyond the property line into the public way.
 - (3) **Height.** No sign shall project higher than seven (7) feet above curb level.
- (d) **Signs Accessory to Roadside Stands.** Subject to the following:
- (1) **Content.** The signs shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.
 - (2) **Area and Number.** The signs shall be on the same zoning lot (either zoned agricultural or with a conditional use permit) as the roadside stand, and there shall be not more than two (2) signs per lot. No sign shall exceed twelve (12) square feet in area nor be closer than fifty (50) feet from any other zoning lot.
 - (3) **Projection.** No sign shall project beyond the property line into the public way.
 - (4) **Height.** No sign shall project higher than fifteen (15) feet above curb level.
 - (5) **Permit.** A sign permit is required for this type of sign.
- (e) **Temporary Signs Accessory to Subdivision Developments or Other Permitted Improvements in Residential Districts.** Subject to the following:
- (1) **Content.** The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, or for the identification of other nonresidential uses under construction.
 - (2) **Area, Number and Setback.** Such signs shall not exceed two (2) in number for each subdivision nor fifty (50) square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least fifty (50) feet from all other boundaries of the site.
 - (3) **Height.** No sign shall project higher than eight (8) feet above curb level.

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- (4) **Time Limitations.** The sign or signs shall be removed by the applicant or property owner within two (2) years of the date of the issuance of a sign permit.
- (5) **Permit.** A sign permit is required for this type of sign.
- (f) **Subdivision Identification Signs.** Subject to the following:
- (1) **Content.** The signs shall bear only the name of the subdivision or development.
- (2) **Area and Number.** There shall be not more than one (1) sign located at each entrance to a subdivision. No sign shall exceed thirty-two (32) square feet in area.
- (3) **Height.** No sign shall project higher than twelve (12) feet above curb level; the Plan Commission may, however, temporarily authorize a larger sign for a period not to exceed two (2) years.
- (4) **Permit.** A sign permit is required for this type of sign. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Building Inspector for approval. The location of any such sign shall be at the discretion of the Building Inspector based upon the character of the area, the type and purpose of the sign and the length of time permitted.
- (g) **Nonflashing, Illuminated Church Bulletins.** Subject to the following:
- (1) **Area and Number.** There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs (one facing each street) shall be permitted. No sign shall exceed thirty-two (32) square feet in area nor be closer than eight (8) feet from any other zoning lot.
- (2) **Projection.** No sign shall project beyond the property line into the public way.
- (3) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.
- (4) **Permit.** A sign permit is required for this type of sign. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Building Inspector for approval. The location of any such sign shall be at the discretion of the Building Inspector based upon the character of the area, the type and purpose of the sign and the length of time permitted.

Sec. 10-1-106 Landscape Features.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with the freestanding signs are encouraged and shall not be counted as allowable sign area.

Sec. 10-1-107 Prohibited Signs.

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- (a) **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- (b) **Moving or Flashing Signs.** No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, except those giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (c) **Number of Signs Permitted.**
- (1) No more than two (2) signs of any type shall be located at any business, except that premises occupied by a shopping center may, as an alternative, have one (1) detached sign plus one (1) flat sign illuminated or otherwise for each place of business located in said shopping center provided that the aggregate total area of all signs located on any premises so occupied shall not exceed the total area permitted for one (1) detached sign and one (1) flat sign as set forth in this Article.
 - (2) Businesses with streets fronting both sides shall be allowed two (2) types of signs for each street frontage; no street frontage buildings shall be allowed two (2) of the same type of sign for that particular business.
- (d) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line. Signs for nonprofit public, charitable or religious institutions and rummage/garage sale signs shall be temporarily allowed in public rights-of-way for a period not to exceed seventy-two (72) hours.
- (e) **Distance Between Freestanding Signs.** The distance between freestanding signs shall be a minimum of seventy-five (75) feet between freestanding signs throughout the street frontage in order to prevent congestion and maintain traffic visibility.

Sec. 10-1-108 Dangerous and Abandoned Signs.

- (a) **Removal.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of one (1) year or when, in the judgment of the Building Inspector, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Building Inspector or Village Board, or a designee, may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Building Inspector, Village Board or designee to the Board of Appeals.
- (b) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Article after the date of adoption are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the penalty provisions for violations of this Article, the Building Inspector, Village Board or designee may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

Sec. 10-1-109 Variances or Exceptions.

Variances or exceptions to these sign regulations may be granted by the Board of Appeals, following a recommendation from the Building Inspector, pursuant to the standards of the Village Zoning Code.

Sec. 10-1-110 Construction and Maintenance Regulation for Signs.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.
- (b) **General Requirements.**
- (1) **Construction Standards.** All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign. (See Uniform Building Code and/or other Village of Belleville municipal ordinances.)
 - (2) **Illuminated Signs.** Any illuminated signs shall not interfere with surrounding properties or traffic.

- (3) **Prohibited Mounting.** No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
- (4) **Blanketing.** Blanketing of signs on buildings shall not be allowed.
- (5) **Maintenance.** All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
- (6) **Annexed Areas.** All signs in newly annexed areas shall comply with this Article within five (5) years of annexation.

Sec. 10-1-111 Special Sign Requirements.

- (a) **Electronic Message Unit Signs.**
 - (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
 - (2) Segmented messages must be displayed for not less than one-half (1/2) second and for not more than ten (10) seconds.
 - (3) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (b) **Portable Signs/Message Boards.** Such signs shall be limited in use to thirty (30) days at a time following approval by the Building Inspector, provided, however, that the Building Inspector shall not give approval for placement of a portable sign/message board if it presents a vision obstruction and shall not be displayed more frequently than three (3) times per year at any one (1) location.

Sec. 10-1-112 Nonconforming Signs.

- (a) **Signs Eligible for Characterization as Legal Nonconforming.** Any sign located within the Village of Belleville limits of the date of adoption of this Article hereafter which does not conform with the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted.
- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:

- (1) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or natural occurrence; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article.
 - (2) The sign is relocated.
 - (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
 - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.
- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner of use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

Sec. 10-1-113 Awnings and Canopies.

- (a) **Permitted Awnings.** No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
 - (2) **Height.** All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
 - (3) **Setback from Curb Line.** No awning shall extend within two (2) feet of the curb line.
- (b) **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) **Support.** The structural support of all canopies shall be approved by the Building Inspector as in compliance with the Building Code of the Village and the Uniform Dwelling Code and shall meet state building codes. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section 10-1-110 of this Code. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.

- (2) **Height Above Sidewalk.** All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
- (3) **Setback From Curb.** No canopy shall extend beyond a point two (2) feet from the curb line.

Sec. 10-1-114 Violations of Sign Code.

- (a) **Construction Without Permit.** Any person, firm or corporation who begins, erects or completes the erection or construction of any sign, awning or canopy controlled by this Article prior to the granting of a sign permit shall pay a penalty double the amount of the permit otherwise required.
- (b) **Compliance Notice.**
 - (1) If the Building Inspector finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
 - (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five (5) days after such notice, the Building Inspector may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this Article.
- (c) **Violations; Penalties.** Any person who shall violate any of the provisions of this Article shall be subject to a penalty which shall be as follows:
 - (1) Any person found guilty of violating any part of this Article who has previously been notified of being in violation or been convicted of violating the same Article within one (1) year shall, upon conviction thereof, be subject to a forfeiture as prescribed by Section 1-1-6 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
 - (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Article shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Article.

Sec. 10-1-115 through Sec. 10-1-119 Reserved for Future Use.

Article H: Performance Standards

Sec. 10-1-120 Article Intent.

It is the intent of this Article to use performance standards for the regulation of uses to facilitate a more objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects. This Chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following environmental performance standards.

Sec. 10-1-121 Noise. (Rev. 02-01-1)

No operation or activity shall transmit any noise exceeding 75 dBA from 7:00 a.m. to 10:00 p.m. and 70 dBA from 10:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:

- (a) Noises not directly under the control of the property owner;
- (b) Noises from temporary construction or maintenance activities during daylight hours;
- (c) Noises from emergency, safety or warning devices.

Sec. 10-1-122 Vibration.

- (a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

Sec. 10-1-123 Glare and Heat.

No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial district which may emit direct or sky-reflected glare which shall not be visible

outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

Sec. 10-1-124 Odor.

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wisconsin Administrative Code.

Sec. 10-1-125 Fire and Explosive Hazards.

All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive material shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

Sec. 10-1-126 Air Pollution.

- (a) No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wisconsin Administrative Code.
- (b) No activity or operation shall be established or maintained which by reason of its nature causes emission of any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. In no case shall any activity emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mines' Information Circular 7718 in any Industrial District.

Sec. 10-1-127 Hazardous Pollutants.

- (a) **Pollutants.** No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wisconsin Administrative Code.

- (b) **Liquid or Solid Wastes.** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

Sec. 10-1-128 Radioactivity and Electrical Disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Sec. 10-1-129 Refuse.

All waste material, debris, refuse or garbage not disposed of through the public sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

Article I: Signal Receiving Antennas; Home Occupations

Sec. 10-1-130 Signal Receiving Antennas. (Revised 98-5-1)

- (a) **Purpose.** This Section regulating the placement of signal receiving antennas is adopted to:
- (1) Provide uniform regulation of all signal receiving antennas, small signal receiving antennas, and commercial satellite earth stations;
 - (2) Protect the public from injury from signal receiving antennas and small signal receiving antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna;
 - (3) Provide for placement of signal receiving antennas and small signal receiving antennas in locations that preserve ingress and egress property areas by firefighting apparatus and emergency personnel.
 - (4) Reduce potential contact and conflicts between antennas and utility lines, both above and below grade level; and
 - (5) Minimize obstructions to visibility around streets, sidewalks and driveways.
- (b) **Definitions.**
- (1) ***“Small Signal Receiving Antenna”***
 - (1) To receive direct satellite service, including direct-to-home satellite service, that is one meter or less in diameter;
 - (2) To receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint services, and that is one meter or less in diameter or measurement; and
 - (3) To receive television broadcast signals.
A small signal receiving antenna includes all mounting and stabilizing items, such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.
 - (2) ***“Commercial Satellite Earth Station”*** means an antenna, usually parabolic in shape, designed and intended for transmitting or receiving television, radio or microwave signals to or from earth satellites, that is two meters or less in diameter and is located in a commercial or industrial district, except those portions of a site where most land uses are prohibited or severely restricted, such as, for example, street areas, utility easements, and visibility triangles.

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- (3) **“Signal Receiving Antenna”** means any apparatus, other than a small signal receiving antenna or a commercial satellite earth station, that is capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit, including parabolic antennas, home earth stations, satellite television disks, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting. A signal receiving antenna includes all mounting and stabilizing items, such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.
- (4) **“Owner”** means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his or her interest. The personal representative of at least one (1) owner shall be considered and owner.
- (c) **Permit Requirements.**
- (1) **Signal Receiving Antennas.**
- a. No owner shall, within the Village of Belleville, build, construct, use or place a signal receiving antenna regulated by this Section until a permit shall have first been obtained from the Building Inspector.
- b. Application for a signal receiving antenna permit shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings.
- c. Prior to the issuance of a permit for the installation of a signal receiving antenna, all owners of property adjoining that of the applicant shall be notified of the application together with copies of any plans or other material filed with the application deemed appropriate. Each property owner shall have ten (10) days to object to the installation of said antenna.
- 1.) If any adjoining property owner objects to the installation of said antenna, no permit shall be issued, and the application, plans and any objection thereto shall be referred to the Board of Appeals.
- (2) **Small Signal Receiving Antennas.**
- a. No owner shall, within the Village of Belleville, install a roof-mounted small signal receiving antenna structure more than twelve (12) feet in height above the roof until a permit shall have first been obtained from the Building Inspector. Permits shall not be required for any other small signal receiving antennas.

- b. Application for a permit for a roof-mounted small signal receiving antenna structure more than twelve (12) feet in height above the roof shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna. The Building Inspector shall issue a permit if the proposed antenna structure complies with all applicable provisions of this Section.
- 3) **Commercial Satellite Earth Stations.** Permits shall not be required for the installation or use of any commercial satellite earth station.
- d) **Installation Standards Applicable to Signal Receiving Antennas and Small Signal Receiving Antennas.** Signal receiving antennas and small signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:
 - 1) **Setbacks.**
 - a. Any signal receiving antenna or small signal receiving antenna shall be located a minimum of fifteen (15) feet from any property line.
 - b. Subject to the provisions herein, signal receiving antennas and small signal receiving antennas shall only be located in the rear yard of any lot. If acceptable reception of signals is impaired with a rear yard placement due to the physical characteristics of the lot and area, the antenna shall be placed in the side yard of the lot. In the event that acceptable reception of signals is impaired by locating the antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.
 - 2) **Mounting.** Signal receiving antennas or small signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Building Inspector may require engineering calculations.
 - 3) **Wind Pressure.** All signal receiving antennas and small signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
 - 4) **Electrical Installations.** Electrical installations in connection with signal receiving antennas or small signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code (COMM 16, Wis. Adm. Code) and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the antenna to the receivers shall be installed underground unless installation site conditions preclude underground installation. If an antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections,

cables and conduits must also be buried. All antennas shall be grounded against direct lightning strikes.

- 5) **Temporary Placement.** No portable or trailer-mounted signal receiving antenna or small signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Any person making such temporary placement shall first give written notice to the Building Inspector of the date when such placement shall begin and end.
 - 6) **Advertising.** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna or small signal receiving antenna other than the customary manufacturer's identification plates.
 - 7) **Compliance with Federal Regulations.** The installation and use of every signal receiving antenna and small signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984, as amended, and regulations adopted thereunder.
- e) **Additional Installation Standards Applicable to Signal Receiving Antennas.** Signal receiving antennas installed in any zoning district within the Village shall comply with the following additional provisions:
- (1) **Aesthetic Considerations.** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
 - (2) **Color.** The color of any signal receiving antenna shall be such that it blends into its surroundings and
 - (3) **Diameter.** The diameter of signal receiving antenna shall not exceed ten (10) feet and six (6) feet for a roof-mounted antenna, except for systems used to provide community antenna television services.
 - (4) **Height.**
 - a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed ten (10) feet in height, as measured from the ground to the highest point of the antenna.
 - b. A roof-mounted antenna may not exceed twenty (20) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
- f) **Variances.** Requests for variances from the standards established by this Section shall be made to the Board of Zoning Appeals. In addition to its other powers, the Board of Zoning Appeals may grant a variance for a signal receiving antenna or a small signal receiving antenna if:
- (1) The Board of Zoning Appeals finds that the intended function of the antenna would be adversely affected, in some significant way, if the antenna had to be constructed and installed in accordance with the other provisions of this Section: or,

- (2) The variance is necessary to harmonize the Village's Ordinances and federal laws, rules or regulations.

g) **Enforcement.**

- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna or small signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Village Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
- (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

Sec. 10-1-131 Radio or Television Antenna Towers. (Repealed 98-5-1)

Sec. 10-1-132 Home Occupations. (Rev 97-3-1)

- (a) **Intent.** The intent of this Section is to provide a means to accommodate a small family business without the necessity of a rezoning into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- (b) **Accessory Use.** Home occupations are determined to be an allowed accessory use in all residential districts. Permits are not required prior to engaging in such activities, but the following standards apply:
 - (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or attached or detached garage;
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling, nor shall there be any evidence of any kind visible from the exterior of the dwelling or other structure that will indicate it is being utilized in part for any purpose other than that of a dwelling or other allowed accessory use, other than those signs permitted in the district;
 - (3) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises;
 - (4) The home occupation must not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, electrical emissions, any other nuisance not normally associated with the average residential use in the district, or other fire or safety hazards that are noticeably out of character with those produced by normal residential occupancy;

- (5) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises, and traffic generated by the home occupation may not exceed that which is customary to residential occupancies in the neighborhood;
- (6) The sale of goods from the location of the home occupation shall be limited to items produced on-site and the sale of Tupperware, Shaklee, Amway, and Avon products or other similar activities that are customarily conducted from a residence as determined by the Zoning Administrator. The direct sale of goods produced off-site other than those described above to the consumer from the dwelling is prohibited;
- (7) A permitted home occupation shall not occupy more than twenty-five percent (25%) of the floor area of the dwelling;
- (8) Persons employed by a home occupation shall be limited to resident family members and not more than one (1) non-resident employee;
- (9) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation;
- (10) The home occupation must be clearly secondary and incidental to the residential use of the property;
- (11) The home occupation must not unreasonably interfere with residential occupancy of other parcels in the neighborhood;
- (12) Signage for the home occupation will be governed by the Village's sign ordinance;
- (13) Garage sales as a type of home occupation are allowable in all residential districts provided that not more than two are held on a single premises per year and that each such sale shall not exceed four days in duration;
- (14) Day care is allowable as a home occupation on a residential premises. Conditional use approval will be required, however, if section 66.304, Wisconsin Statutes, or as it may be hereafter amended, applies; (Rev 97-3-1)
- (15) No on-site production shall be conducted which is typically only permitted in the industrial zoning districts;
- (16) Property owner's written permission is required as part of the Compliance Checklist required below.

Compliance Checklist. Notwithstanding the above, all who undertake allowed home occupations in residential districts shall complete and file a Compliance Checklist, in a form as approved by the Plan Commission and made available by the Village Clerk, prior to commencing the home occupation. This form shall be filed with the Village Clerk, who shall retain the form while the home occupation is in use. The filed Compliance Checklist shall be reviewed by the Zoning Administrator to determine compliance of the home occupation with this Code. Such form shall be signed by both the owner and/or occupier of the premises on which the home occupation takes place.

Sec. 10-1-133 Personal Wireless Services Antennas and Antenna Towers. (Created 98-5-2)

- (a) Definitions.
- (1) ***“Personal Wireless Services”*** means commercial mobile telecommunications services, unlicensed wireless telecommunication services, and common carrier wireless telecommunications exchange access services.
 - (2) ***“Personal Wireless Services Antenna Tower”*** means an antenna used in connection with the provision of personal wireless services.
 - (3) ***“Personal Wireless Services Antenna Tower”*** means any structure, whether free-standing or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one or more personal wireless services antennas, including, but not limited to, self-supporting lattice towers, guy towers, or monopole towers.
- (b) Permit Required. No person shall, within the zoning jurisdiction of the Village of Belleville, build, construct, use or place any personal wireless services antenna or personal wireless services antenna tower until a conditional use permit shall have first been obtained in accordance with Section 10-1-66 and this Section of the Code.
- (c) Standards.
- (1) ***Location.*** Personal wireless services antennas shall be located on lawfully pre-existing antenna support structures or other lawfully pre-existing buildings or structures wherever possible. No conditional use permits authorizing construction of a new personal wireless services antenna tower or addition to or expansion of an existing personal wireless services antenna tower shall be authorized unless the applicant is able to demonstrate that no lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services.
 - (2) ***Design of New Personal Wireless Services Antenna Towers for Co-Location.*** Unless otherwise authorized by the Village Plan Commission for good cause shown, every new personal wireless services antenna tower shall be designed, constructed and installed to be of a sufficient size and capacity to allow the location of additional personal wireless services antennas to accommodate at least two (2) additional personal wireless service provider(s) on such structure in the future. Any conditional use permit for such a support structure may be conditioned upon the agreement of the applicant to allow co-location of

other personal wireless service providers on commercially reasonable terms specified in such conditional use permit.

- (3) ***Modification of Personal Wireless Antenna Towers.*** Unless otherwise provided herein, a conditional use permit is required for any modification of a personal wireless services antenna tower which significantly alters the appearance or structural integrity of the tower or which involves the installation of antennas or equipment differing in size and function from that previously installed on the tower. The Village Plan Commission shall consider the reasonableness, based on economic and technological feasibility, of conditioning the grant of the conditional use permit upon modifying the tower in a manner which would accommodate the co-location of one (1) or more additional antenna arrays.
- (4) ***Facilities Associated with personal Wireless Services Antennas.*** All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services antenna shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, such structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.
- (5) ***Abandonment and Removal.***
 - a. Permit holders shall notify the Village Plan Commission when one (1) or more antennas, an antenna support structure, or related equipment are not operated for the provision of personal wireless services for a continuous period of twelve (12) months or more. If two (2) or more providers of personal wireless services use the antenna support structure or related equipment to provide personal wireless services, then the period of non-use under this provision shall be measured from the cessation of operation at the location of such antenna support structure or related equipment by all such providers. Such antenna, antenna support structure, or related equipment may be deemed to be abandoned by the Village.
 - b. The owner of such an antenna, antenna support structure, or related equipment shall remove such items within ninety-(90) days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested by the Village to such owner at the last known address of such owner. If the owner fails or refuses to remove such items within the time prescribed, the Village may cause such items to be removed, and the cost of such removal shall be charged against the real estate on which such items are located, and if that cost is so charged it is a lien upon such real estate and may be assessed and collected as a special assessment.
- 6) ***Compliance with Conditional Use Permits.*** Upon written inquiry by the Village Plan Commission, the recipient of a conditional use permit under this Section shall have the burden of

presenting credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit.

- 7) ***Information Regarding Future Antennas or Towers.*** The Village Plan Commission may require that an applicant for a conditional use permit under this Section provide information regarding the applicant's then current plans for future placement or construction of personal wireless services antenna towers in the Village of Belleville, in addition to the tower which is the subject of the application.
- 8) ***Payment of Costs.*** The applicant shall pay all reasonable costs and expenses, including fees charged by consultants and attorney's fees, incurred by the Village relating to any application for a conditional use permit to construct a new personal wireless services antenna tower or related facilities, or to locate a personal wireless services antenna on an existing tower or other structure. Holders of conditional use permits shall also pay all reasonable costs and expenses relating to establishing and enforcing compliance with conditional use permits. If a dispute arises involving an applicant for a conditional use permit and a holder of a conditional use permit, the Village Plan Commission may allocate the costs and expenses incurred by the Village between the applicant and the permit holder. Failure to pay such costs and expenses or provide information requested by the Village Plan Commission shall be grounds for denial or revocation of a conditional use permit.
- 9) ***Protection Against Climbing.*** Every personal wireless services antenna and personal wireless services antenna tower shall be protected against unauthorized climbing or other access by the public by fencing or such other means as selected by the Village Plan Commission.
- 10) ***Color.*** Every personal wireless services antenna and personal wireless services antenna tower shall be of neutral colors that are harmonious with, and that blend with, the natural features, buildings and structures surrounding such antenna and antenna support structures; provided, however, that directional or panel antennas and omnidirectional or whip antennas located on the exterior of a building that will also serve as an antenna support structure shall be of colors that match, and cause the antenna to blend with, the exterior of the building.
- 11) ***Limited to Applicant.*** The rights granted under a conditional use permit granting approval of a personal wireless services antenna or a personal wireless services antenna tower shall not be assigned or transferred without prior approval of the Village Plan Commission.

Sec. 10-1-134 through Sec. 10-1-139 Reserved for Future Use.

Article J: Accessory Uses and Structures;
Miscellaneous Provisions

Sec. 10-1-140 Accessory Uses or Structures.

- a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- b) **Placement Restrictions—Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
- (1) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) additional accessory building may be placed on a lot.
 - (2) **Accessory Building Size Limits.** No detached accessory building or structure shall exceed the height of the principal building or structure.
 - (3) **Attached Accessory Buildings.** All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (4) **Detached Accessory Buildings.** No detached accessory building shall occupy any portion of the required front yard, and no detached accessory building shall occupy more than twenty percent (20%) of the rear yard, or exceed thirty (30) feet by twenty-four (24) feet in size (whichever is more restrictive), or be located within three (3) feet of any other accessory building or lot line. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
 - (5) **Accessory Building Yard Requirements.** Accessory building yard requirements shall be as prescribed for each zoning district.
- c) **Use Restrictions—Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry as defined and authorized herein and shall not be occupied as a dwelling unit.
- d) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five (5) feet to the side line of the adjacent structure. (See Figure 4)

- e) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- f) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator, and shall be removed within thirty (30) days of occupancy of the project.
- g) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, following approval by the Plan Commission, provided as follows:
 - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (d) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (e) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (f) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.
- (g) **Agricultural Structures.** Agricultural structures such as barns, silos and windmills in agricultural districts shall not exceed in height twice their distance from the nearest lot line.

Sec. 10-1-141 Outside Storage of Firewood.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be

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- stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
 - (d) Woodpiles that contain diseased wood that are capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
 - (e) Not more than fifteen percent (15%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 10-1-142 Fences. (Revised 01-04-01)

- (a) **Fences Defined.** For the purpose of this Section:
 - (1) **Fence.** An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress.
 - (2) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (3) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (4) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (5) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (b) **No Person Shall Construct Any Fence Unless Such Person First**
 - (1) Obtains a building permit from the Building Inspector
 - (2) Applicant shall provide the Building Inspector with information on fence design, location and construction material.
- (c) **Height of Fences Regulated.**
 - (1) Except as provided in Section 10-1-90, a fence or wall may be erected, placed, or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding eight (8) feet above the ground level, except that no fence, that is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be a ten (10) foot limit on the height of a fence along such lot line.
 - (2) No fence or wall shall be erected, placed, maintained or grown along a lot line on any business or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding ten (10) feet.

- (3) In any residence district, no fence or wall shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected. (See Section 10-1-90.)
- (d) **Setback for Residential Fences.** Fences in or adjacent to a residential property shall be inside the property line.
- (e) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (f) **Prohibited Fences.** No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance. No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
- (g) **Fences to be Repaired.** All fences or walls shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (h) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (i) **Nonconforming Fences and Hedges.** Any fence or hedge existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but any alteration, modification or improvement of said fence shall require compliance with this Section if such changes exceed fifty percent (50%).

Sec. 10-1-143 Swimming Pools.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than fifteen (15) inches located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his or her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

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- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this Section.
- (c) **Permit Required.** Before work is commenced on the construction or erection of a private or residential swimming pool or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A current fee shall accompany such application.
- (d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
- (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
 - (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village Ordinances regulating electrical installations.
- (e) **Setbacks and Other Requirements.**
- (1) Private swimming pools shall be erected or constructed on rear or side yards only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
 - (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool less than six (6) feet from any lot line. The inside wall of a pool shall be located at least ten (10) feet from any overhead or underground electrical wiring except such wiring needed for the pool and related accessories.
- (f) **Fence.**

- (1) Pools within the scope of this Section which are not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than six (6) feet in height and so constructed as not to have voids, holes or openings larger than six (6) inches in one (1) dimension. Gates or doors shall be kept locked while the pool is not in actual use.
 - (2) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top, or if the sidewalls are unobstructed and a minimum of thirty-six (36) inches high. Such pool must have secure access by use of self-closing/self-latching gates.
- (g) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced are not required to comply with the fencing requirements of this Section. However, any change requiring a building permit shall cause the pool to be brought into compliance with this Section.

Sec. 10-1-144 through Sec. 10-1-149 Reserved for Future Use.

Article K: Modifications

Sec. 10-1-150 Height Modifications.

The District height limitations stipulated elsewhere in this Chapter may be exceeded, but such modifications shall be in accord with the following:

- (a) **Architectural Projections.** Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Chapter.
- (b) **Special Structure Height Limitations.** Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks are exempt from the height limitations of this Chapter.
- (c) **Essential Services Height Limitations.** Essential services, utilities, water towers, and electrical power and communication transmission lines are subject to conditional use permits.
- (d) **Communications Structures Height Restrictions.** Communications structures such as radio and television transmission and relay towers, aerial and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- (e) **Agricultural Structures Height Restrictions.** Agricultural structures such as barns, silos and water windmills shall not exceed in height twice their distance from the nearest lot line.
- (f) **Public Facilities Height Restrictions.** Public or semi-public facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the District's maximum height requirement.

Sec. 10-1-151 Yard Modifications.

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

- (a) **Uncovered Stair Restrictions.** Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than three (3) feet to any lot line, and a fire escape must be eight (8) feet or more above ground.
- (b) **Architectural Projection Restrictions.** Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard (setback requirements), but such projection shall not exceed two (2) feet.

- (c) **Cul-de-Sac and Curve Restrictions.** Residential lot frontage on cul-de-sacs and curves may be less than eighty (80) feet at the required building setback line provided the width at the building setback line is at least eighty (80) feet and the street frontage is no less than forty-five (45) feet.
- (d) **Essential Services Exemptions.** Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.
- (e) **Street Yard Restrictions.** The required street yards may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than fifteen (15) feet in any residential district and five (5) feet in any business district.
- (f) **Detached Garage.** Detached garages are permitted in the rear yard and side yard only.

Sec. 10-1-152 Noises Exempted.

Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this Chapter.

Sec. 10-1-153 through Sec. 10-1-169 Reserved for Future Use.

Article L: Administration

Sec. 10-1-170 General Administrative System.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

Sec. 10-1-171 Zoning Administrator.

The Village Building Inspector is hereby designated as the primary administrative officer for the provisions of this Chapter, and shall be referred to as the Zoning Administrator. The Zoning Administrator shall be appointed by resolution of the Village Board. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue all permits required by this Chapter. The Zoning Administrator shall further:

- (a) Issue all zoning certificates, and make and maintain records; records shall be maintained in the Village hall.
- (b) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Chapter.
- (c) Maintain permanent and current records of this Chapter, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore.
- (d) Provide and maintain a public information function relative to all matters arising out of this Chapter.
- (e) Receive, file and forward to the Village Clerk-Treasurer all applications for amendments to this Chapter.
- (f) Receive, file and forward to the Plan Commission, through the Village Clerk-Treasurer, all applications for conditional uses, zoning changes and applications for amendments to this Chapter.
- (g) Receive, file and forward to the Board of Appeals all applications for appeals, variances, or other matters on which the Board of Appeals is required to act under this Chapter, and shall attend all Board of Appeals meetings to provide technical assistance when requested by the Village Board.
- (h) Initiate, direct and review from time to time a study of the provisions of this Chapter, and make recommendations to the Plan Commission not less than once a year.

Sec. 10-1-172 Role of Specific Village Officials in Zoning Administration.

- (a) **Plan Commission.** The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, one of its functions is to make recommendations to the Village Board pursuant to guidelines set forth in this Chapter as to various matters and always being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.
- (b) **Village Board.** The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and the holding of public hearings by said Board, has ultimate authority to make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map; and to amend the text of this Chapter. The Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this subchapter and other provisions therefore elsewhere in this Chapter. The Village Board shall act as the Board of Appeals for conditional uses granted by the Plan Commission.
- (c) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Section 2-4-2 for detail provisions.

Sec. 10-1-173 Zoning Permit.

- (a) **Zoning Permit Required.** No building permit for a new structure, new use of land, water or air, or change in the use of land, water or air shall hereafter be issued and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered unless the application for such permit has been examined by the office of the Zoning Administrator and has affixed to it a certificate of the office of the Zoning Administrator indicating that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all of the provisions of this Chapter.

- (b) **Application.** Applications for a zoning permit shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:
- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin for all new principal structures and a map drawn to scale for additions and accessory structures, and showing such of the following as may be required by the Zoning Administrator: the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water; channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.
 - (4) Additional information as may be required by the Zoning Administrator or Plan Commission.
- (c) **Action.**
- (1) A zoning permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of application and the applicant shall post such permit in a conspicuous place at the site.
 - (2) The permit shall expire within six (6) months unless substantial work has commenced or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the applicant shall reapply for a zoning permit before commencing work on the structure.
 - (3) Any permit issued in conflict with the provisions of this Chapter shall be null and void.

Sec. 10-1-174 Site Plan Approval.

- (a) **Site Plan Approval.** All applications for building permits for any construction, reconstruction, expansion or conversion, except for one- (1) and two- (2) family residences in residential districts, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section. (Rev. 97-4-1)
- (b) **Application.** The applicant for a zoning or building permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the

Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.

- (c) **Administration.** The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his or her findings, to the Plan Commission within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to any expert consultants selected by the Plan Commission and/or Village Engineer to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Zoning Administrator to issue or refuse a zoning permit.
- (d) **Requirements.** In acting on any site plan, the Plan Commission may impose conditions upon the issuance of site plan approval as it deems necessary to address the following issues:
- (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - (4) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section.
- (e) **Effect on Municipal Services.** Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.
- (f) **Failure to Comply.** Notwithstanding any other provision of this Section, and in addition to any other remedies allowed by law or elsewhere in this Code of Ordinances, any person, firm or corporation who fails to comply with any order, decision, determination, condition or variance

issued pursuant to Section 2-4-2 shall be subject to the violation, remedial action and penalty provisions of Section 10-1-175.(Created 98-4-1)

Sec. 10-1-175 Violations and Penalties.

- (a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, Plan Commission, the Zoning Administrator or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed. Also, in the event of such violation, and also in the event of a violation of any term of a conditional use permit, approved site plan or approved variance, in addition to any other remedies allowed by law or elsewhere in the Chapter, the Zoning Administrator is hereby authorized to issue citations to the violator. The penalties for such violations, in addition to appropriate injunctive relief, are those at Section 10-1-175(c), below. Each day of violation shall constitute a separate violation.(Rev 98-4-1)
- (b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within the noticed compliance period after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances. In addition, upon conviction, violators shall be liable to the Village for all disbursements, costs and fees incurred by the Village in the prosecution of such action, including reasonable attorneys fees and other professional fees incurred by the Village.(Rev 98-4-1)

Sec. 10-1-176 Certificate of Compliance.

- (a) No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a Certificate of Compliance shall have been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Chapter. Such certificate shall be applied for when application is made for a Zoning Permit and shall be issued within ten (10) days after the completion of the work specified in such land use permit application but only if the building or premises and the proposed use thereof conform with all the requirements of this Chapter.

- (b) Under such rules and regulations as may be established by the Village Board, the Building Inspector may issue a temporary certificate of compliance for part of a building.
- (c) Upon written request from the owner, the Building Inspector shall issue a certificate of compliance for any building or premises existing on the effective date of this Chapter provided that on-site inspection shows that the extent and kind of use made of the building or premises conforms to the provisions of this Chapter.

Sec. 10-1-177 through Sec. 10-1-179 Reserved for Future Use.

Article M: Changes and Amendments to the Zoning Code

Sec. 10-1-180 Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review of the Plan Commission.

Sec. 10-1-181 Initiation of Changes or Amendments.

- (a) **Initiation.** A change or amendment may be initiated by the Village Board, the Plan Commission or by a petition of one (1) or more of the owners or lessees of property within the area proposed to be changed.
- (b) **Petitions.** Petitions for any change to the District boundaries or amendments to the regulations shall be filed with the Village Clerk-Treasurer and shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
 - (1) A plot plan drawn to a scale of one (1) inch equals one hundred (100) feet [one (1) inch = one hundred (100) feet] showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within two hundred (200) feet of the area proposed to be rezoned.
 - (2) The owner's names and addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
 - (3) Additional information required by the Plan Commission.
- (c) **Recommendations.** The Plan Commission shall hold a public hearing as provided for in Sec. 62.23(7)(d), Wis. Stats., and review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made in writing to the Village Board.
- (d) **Village Board's Action.** Following such hearing, the Plan Commission shall make a recommendation on the proposed ordinance effecting the proposed change or amendment. The Village Board shall then review the recommendation and make its determination.

Sec. 10-1-182 Protest.

- a) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.
- b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Village Board membership to adopt such amendment.