



# PLAN COMMISSION MEETING AGENDA

Tuesday, July 22, 2014 at 5:30 P.M.

Sister Bay-Liberty Grove Fire Station – 2258 Mill Road, Sister Bay, WI

For additional information check: [Http://www.sisterbaywi.gov](http://www.sisterbaywi.gov)

*In order for everyone to hear the discussion please, turn off your cell phone. Thank you.*

**Call Meeting to Order / Roll Call** Deviations from the agenda order shown may occur.

**Comments, correspondence and concerns from the public**

**Approval of the agenda**

**Approval of minutes as published**

**Business Items**

1. Public Hearing on amending the official map; deleting some sections and recreating others throughout the Village; Consider a motion to act on proposed amendment.
2. Review of Sections of Zoning Code related to Delivery Trucks in Residential Districts; Recommend to staff for action. (66.0501(e)(2)(h), p. 96)
3. Review of Sections of the Zoning Code related to use of Solar and Wind energy; Recommend to staff for action. (66.0505, p. 103)
4. Review of Sections of the Zoning Code related to unkempt lots/grass; Recommend to staff for action. (66.1060 p. 150), Consider Recommendation that Parks Committee review Sec. 30.20 of the Nuisance Code.
5. Review of Sections of the Zoning Code related to Noise; Recommend to staff for action. (66.0808, p. 122)
6. Report by the Zoning Administrator regarding development activities, various enforcement actions, and issuance of Sign and Zoning Permits.  
Permits  
-Issuance of Long Duration Special Event Permit to Chop.
7. Matters to be placed on a future agenda or referred to a Committee, Official or Employee

**Adjournment**

### Public Notice

Questions regarding the nature of the agenda items or more detail on the agenda items listed above scheduled to be considered by the governmental body listed above can be directed to Zeke Jackson, Village Administrator at 920-854-4118 or at [zeke.jackson@sisterbaywi.gov](mailto:zeke.jackson@sisterbaywi.gov).

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Sister Bay Village Administrator at 854-4118, (FAX) 854-9637, or by writing to the Village Administrator at the Village Administration Building, 2383 Maple Drive, PO Box 769, Sister Bay, WI 54234. Copies of reports and other supporting documentation are available for review at the Village Administration Building during operating hours. (8 a.m. – 4 p.m. weekdays).

I hereby certify that I have posted a copy of this agenda at the following locations:		
<input type="checkbox"/> Administration Building	<input type="checkbox"/> Library	<input type="checkbox"/> Post Office
_____ / _____		
Name	Date	



1 *meeting, and also finds that supplemental design elements or improvements are incorporated*  
 2 *into the project which compensate for the reduced lot sizes within the development. Therefore,*  
 3 *the Commission is recommending that the Village Board approve the plat as presented. Motion*  
 4 *carried – All ayes.*

5  
 6 **Item No. 2. Consider a motion to approve architectural plans for buildings in Stony Ridge**  
 7 **Subdivision – Phase I and Phase IA:**

8 Jackson noted that architectural plans for buildings in Phase I and Phase IA of the Stony Ridge  
 9 Subdivision are not available yet. Therefore, this Agenda item was not addressed.

10  
 11 **Item No. 3. Hear and discuss the concerns of Doug Schwartz of The Cook Book regarding**  
 12 **shopping center signage:**

13 Doug Schwartz indicated that he owns The Cook Book, which business is located within the  
 14 Country Walk Shops. At the present time the signage for the Country Walk Shops does not alert  
 15 people to the fact that individual businesses exist within the Country Walk development, and  
 16 Schwartz is wondering if the Plan Commission would consider Sign Code amendments which  
 17 would help to alleviate this problem. Since his business is a separate entity he feels it would  
 18 only be fair to allow him to have the same amount of signage on S. Bay Shore Drive as other  
 19 business owners in that area are allowed to have. At this time he would like to place signage on  
 20 the back of his building. Several of the Commission members noted that since The Cook Book  
 21 is located within the Country Walk development it is quite possible that Condo Association re-  
 22 strictive covenants and rules will come into play.

23  
 24 Gary Dooley indicated that he also owns one of the units at the Country Walk Shops. A while  
 25 ago the Country Walk Owner's Association was working on a new sign plan for the shopping  
 26 center, but because of the fact that major work would be done on the Bay Shore Drive Recon-  
 27 struction Project, work on that plan basically came to a halt. The Plan Commission members  
 28 stressed that for quite some time they have been asking for suggestions for alternate signage  
 29 regulations for shopping centers, and asked Schwartz to discuss this issue with the members of  
 30 the Country Walk Owner's Association Board of Directors ASAP. If he and the Owner's Associ-  
 31 ation Board of Directors can come up with a recommendation for workable regulation amend-  
 32 ments they should present that information to Jackson.

33  
 34 **Item No. 4. Discussion on Act 112 and changes in lot sizes with respect to the Bay Shore**  
 35 **Drive Reconstruction Project:**

36 A policy which was recently enacted by the D.O.T. will have negative impacts on property  
 37 owners in the downtown area. Basically that policy states that any property which will be lo-  
 38 cated within the right-of-way after the work is done on the Bay Shore Drive Reconstruction Pro-  
 39 ject must be formally "taken". At one point the D.O.T. would accept right-of-way easements  
 40 from affected property owners, but that is no longer the case. As a result of the "takings", sever-  
 41 al non-conforming lots will be created.

42  
 43 *The Commission members agreed that something must be done to alleviate the hardship which*  
 44 *will be created for property owners who will be negatively impacted by the Bay Shore Drive*  
 45 *Reconstruction Project, and, to that end a map of a potential overlay district and related Code*  
 46 *amendments will be created and presented at the next Plan Commission Meeting.*

47  
 48 *At 6:40 P.M. a brief recess was taken and the Commission reconvened at 6:45 P.M.*  
 49  
 50

**Item No. 6. Review and consider a motion to approve a Sign Permit for the Wild Tomato:**

A Sign Permit Application for the Wild Tomato was included in the meeting packets. At this time Jackson is only asking that the type face and graphics on the sign be approved by the Plan Commission.

*A motion was made by Grutzmacher, seconded by Howard that the Plan Commission approves of the type face and graphics for the Macho Taco sign which was presented at this meeting. Motion carried – All ayes.*

Sarah Unkefer was present and indicated that when the painters started working on the building which will house the Wild Tomato she and Britt realized that the yellow paint they had originally chosen was a much different hue than they had anticipated. Unkefer presented a sample of the new hue they would like to use on the building and Jackson asked if the Commission members would consider amending the Development Agreement accordingly.

*A motion was made by Howard, seconded by Baker that the Development Agreement for the Wild Tomato project shall be amended in such fashion that it states that the building shall be painted the hue of yellow which was presented at this meeting by Sarah Unkefer. Motion carried – All ayes.*

**Item No. 7. Review and consider a motion to approve a Sign Permit for Beacon Marine:**

A Sign Permit Application for Beacon Marine was included in the meeting packets. Mark Matson was present and presented a revised graphic of the sign. Basically it has been revised in such fashion that the lighthouse is actually included in the body of the sign and does not project over the top.

*At 6:50 P.M. Bell recused himself due to a potential conflict of interest and had a seat in the audience.*

*A motion was made by Baker, seconded by Solomon that the Plan Commission approves of the issuance of a Sign Permit for the Beacon Marine signage depicted on the Sign Permit Application which was presented at this meeting by Mark Matson. Motion carried – All ayes.*

*Bell returned to the table at 6:54 P.M.*

**Item No. 5. Review and consider a motion to approve a Sign Permit for Drink Coffee:**

A Sign Permit Application for a sandwich board for Drink Coffee was included in the meeting packets. The Commission members indicated that they like Lohman's sandwich board very much and are pleased to see that she took such a creative approach when designing her sign.

*A motion was made by Grutzmacher, seconded by Lundquist that the Plan Commission approves of the issuance of a Sign Permit for the Drink Coffee sandwich board which was reviewed at this meeting. Motion carried – All ayes.*

**Item No. 8. Review and consider a motion to approve a Sign Permit for Vilius Vaiclhaushe for the property located at 10873 N. Spring Road:**

A Sign Permit Application for rental property located at 10873 N. Spring Road which was submitted by Vilius Vaiclhaushe was included in the meeting packets.

1 *A motion was made by Grutzmacher, seconded by Lundquist that the Plan Commission ap-*  
 2 *proves of the issuance of a Sign Permit to Vilius Vaiclhaushe for the rental property signage to*  
 3 *be displayed at 10873 N. Spring Road which was reviewed at this meeting. Motion carried – All*  
 4 *eyes.*

5  
 6 **Item No. 9. Review and consider a motion to act on the Village's Zoning, Utility and Devel-**  
 7 **opment Schedule:**

8 A copy of the Village's Zoning, Utility and Development Fee Schedule for 2013 was included  
 9 in the meeting packets. It was the consensus that the following amendments shall be made to  
 10 the schedule:

11  
 12       Number 7 shall be amended to read, "New Sign Permit", and,  
 13       (5) in the Note Section shall be amended to read: "*Non-profits and charitable*  
 14       *events – No Fee.*"

15  
 16 *A motion was made by Solomon, seconded by Grutzmacher that the Plan Commission recom-*  
 17 *mends that the Village's Zoning, Utility and Development Fee Schedule be amended in the*  
 18 *fashion agreed upon at this meeting. Motion carried – All eyes.*

19  
 20 **Item No. 10. Consider a motion to act on §66.0791 – [Sign] Compliance; and authorize the**  
 21 **Village President and Zoning Administrator to jointly act as "Designated Representatives" for**  
 22 **the Village of Sister Bay with respect to signage displayed in the Village:**

23 A copy of §66.0791 – [Sign] Compliance was included in the meeting packets. That section  
 24 states that no sign which is visible from a State or County road, from any Village street, from a  
 25 private street, from a public parking lot, from a private parking lot, from the water, or from any  
 26 adjacent property shall be located, erected, moved, repainted with different colors, reconstruct-  
 27 ed, extended, enlarged or structurally altered until a permit has been reviewed and approved by  
 28 the Plan Commission or designated representative and a permit has been issued to the property  
 29 owner or building occupant by the Zoning Administrator. At the last meeting the Commission  
 30 members indicated that they believe the Village President and the Zoning Administrator should  
 31 be authorized to jointly act as "Designated Representatives" for the Village of Sister Bay with  
 32 respect to signage, unless there is a considerable change in the design and appearance of exist-  
 33 ing signage.

34  
 35 *A motion was made by Howard, seconded by Baker that the Village President and the Zoning*  
 36 *Administrator are authorized to jointly act as "Designated Representatives" for the Village of*  
 37 *Sister Bay with respect to approval or denial of applications for signage to be displayed in the*  
 38 *Village, unless there is a considerable change in the design and appearance of existing signage.*  
 39 *Motion carried – All eyes.*

40  
 41 **Item No. 11. Report by the Zoning Administrator regarding development activities, various**  
 42 **enforcement actions, and issuance of Sign and Zoning Permits:**

43 **A. Compliance:**

44 **Beacon Marine:**

45 A Long Duration Special Event Sign Permit has been issued to Beacon Marine for  
 46 a sign cover. A large sail flag which did not satisfy the Village's flag regulations  
 47 was also being displayed at that business, and the owners were informed that it  
 48 must come down.

1        *The Commission members noted that a number of businesses in the Village are*  
 2        *now displaying sail flags which exceed 15 square feet in size, and it was the con-*  
 3        *sensus that because of their size such flags may only be displayed on a limited*  
 4        *term basis, but shall be eligible for a Long Duration Special Event Sign Permit.*

5  
 6        **10873 N. Spring Road:**

7        This issue was addressed earlier in the meeting.

8  
 9        **Husby's:**

10       One noise complaint was received about Husby's. Jackson discussed the com-  
 11       plaint with the management of that establishment, and so far there haven't been  
 12       any more noise issues there. He does intend to purchase a decibel meter.

13  
 14       **Gage property on N. Bay Shore Drive:**

15       There was some overgrown grass on the Gage property and Jackson has ad-  
 16       dressed that issue.

17  
 18       **B. Issuance of Long Duration Special Event Sign Permits for:**  
 19       **Beacon Marine:**

20       This issue was already addressed.

21  
 22       **CHOP:**

23       A Long Duration Special Event Sign Permit was issued to the owners of CHOP.  
 24       That sign will be displayed on the Country Walk sign off of South Bay Shore  
 25       Drive.

26  
 27       **C. Review of an accessory structure patio project at the Sister Bay Bowl – Permit**  
 28       **Not Required:**

29       The owners of the Sister Bay Bowl will be expanding their patio. No permit is  
 30       required.

31  
 32       **Item No. 12. Discussion regarding matters to be placed on a future agenda or referred**  
 33       **to a committee, Village official or employee:**

34       It was the consensus that the following issue shall be addressed at the next Plan Com-  
 35       mission Meeting:

- 36       1. *Review and consider a motion to amend the provisions of the Zoning Code with*  
 37       *respect to the Bay Shore Drive Reconstruction Project.*

38  
 39       There were no referrals to a committee, Village official or employee.

40  
 41       **Adjournment:**

42       *A motion was made by Grutzmacher, seconded by Lundquist to adjourn the meeting of the*  
 43       *Plan Commission at 7:56 P.M. Motion carried – All ayes.*

44  
 45       Respectfully submitted,

46       

47       Janal Suppanz,  
 48       Administrative Assistant



## Plan Commission Public Notice

**The Public Hearing Concerning an Official Map amendment to the Village of Sister Bay's Official Map has been rescheduled from June 24, 2014 to July 22, 2014. Please take due notice thereof and attend accordingly.**

The Sister Bay Plan Commission will hold a public hearing at the Sister Bay Fire Station, 2258 Mill Rd, Door County, Wisconsin on Tuesday, July 22, 2014 at 5:30 P.M. or shortly thereafter, for the purpose of considering Proposed official map amendments to officially mapped streets. Sections to be amended include deletion of the section extending Meadow Wood Dr. East connecting to an unnamed officially mapped street, Creating an extension of Canterbury Ln. East to connect to an unnamed officially mapped street, Deleting sections of an officially mapped street East of Stony Ridge Cir., Deleting and recreating sections of officially mapped streets north of Northwoods Dr and West of Hwy 57.

The purpose of this public hearing is to obtain comments and input from the public on the request to remove a public street as shown on the Village's Official Map.

A copy of the proposed map and Official Map are available for inspection. The Zoning Code and Zoning Map for the Village is on file at the Zoning Administrator's office and may be viewed at 2383 Maple Drive weekdays between 8:00 a.m. and 4:00p.m. Those drafts are also available on the Village web site at [www.sisterbaywi.info](http://www.sisterbaywi.info).

Written testimony including email will also be accepted at the Sister Bay Administration Building, 2383 Maple Drive, Sister Bay, WI 54234, (FAX 920-854-9637) until 3:00p.m. on the day of the meeting. Letters will be available for public inspection during normal business hours until the close of business on the day of the hearing. Letters will be entered into the record; a summary of all letters will be presented at the meeting, but individual letters may not be read. Anonymous correspondence will not be accepted.

All application materials for Regular Zoning Permits, Conditional Use Permits and zoning amendment petitions may be viewed at the Sister Bay Administration Building, 2383 Maple Drive, Sister Bay, Wisconsin during normal business hours, 8:00am.-4:00p.m.

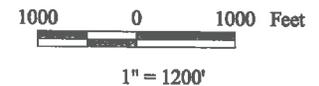
By proximate order of the Plan Commission of the Village of

Sister Bay, Zeke Jackson  
Zoning Administrator  
[zeke.jackson@sisterbaywi.gov](mailto:zeke.jackson@sisterbaywi.gov)

GREEN BAY

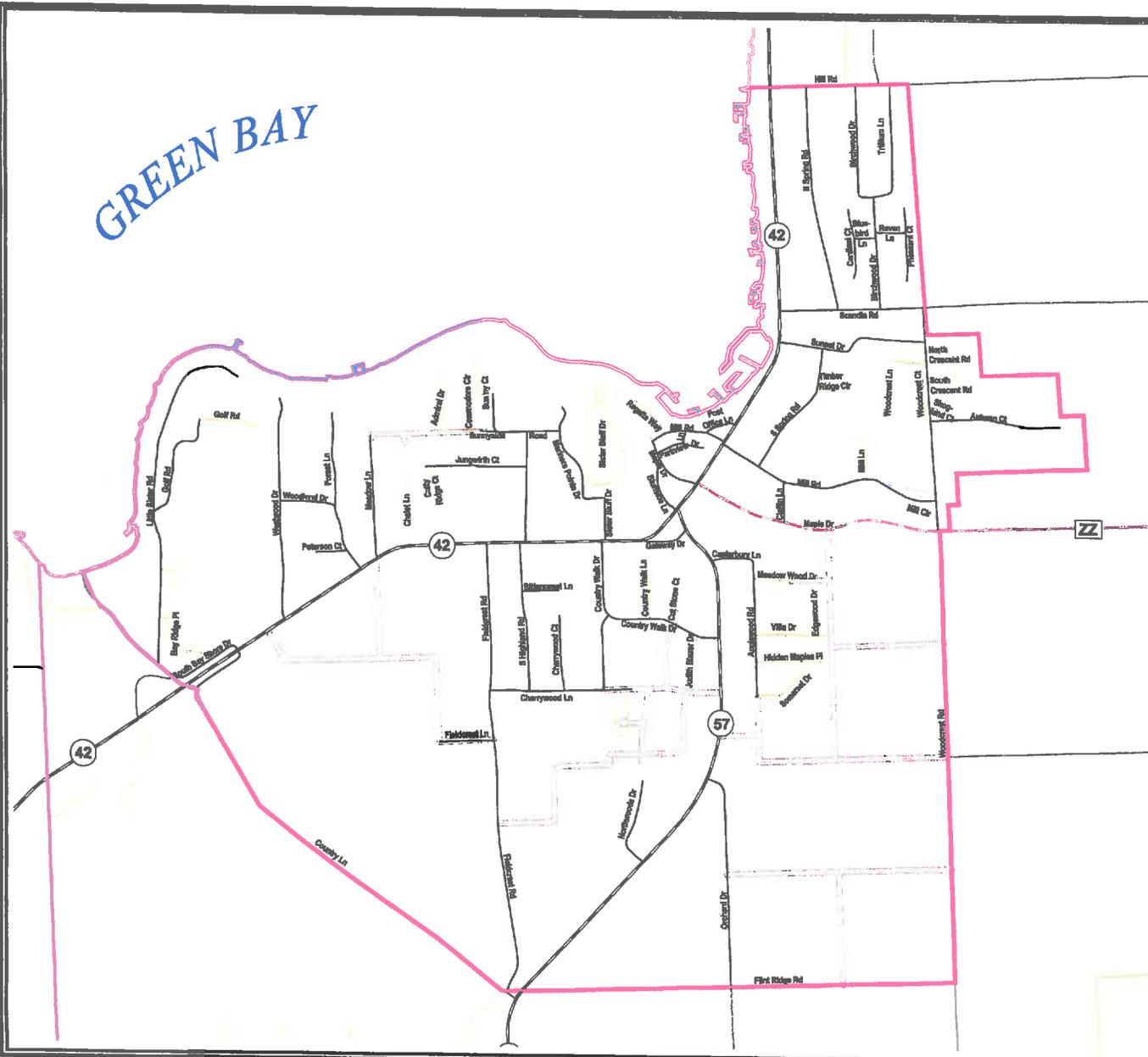
**Official Map**  
of the  
**Village of Sister Bay**  
Door County, Wisconsin  
Last Updated: May, 16, 2014

-  STATE HIGHWAY
-  COUNTY ROAD
-  TOWN ROAD
-  VILLAGE STREET
-  PRIVATE ROAD
-  PROPOSED RIGHT-OF-WAY
-  Village Boundary
-  Parcel Boundaries

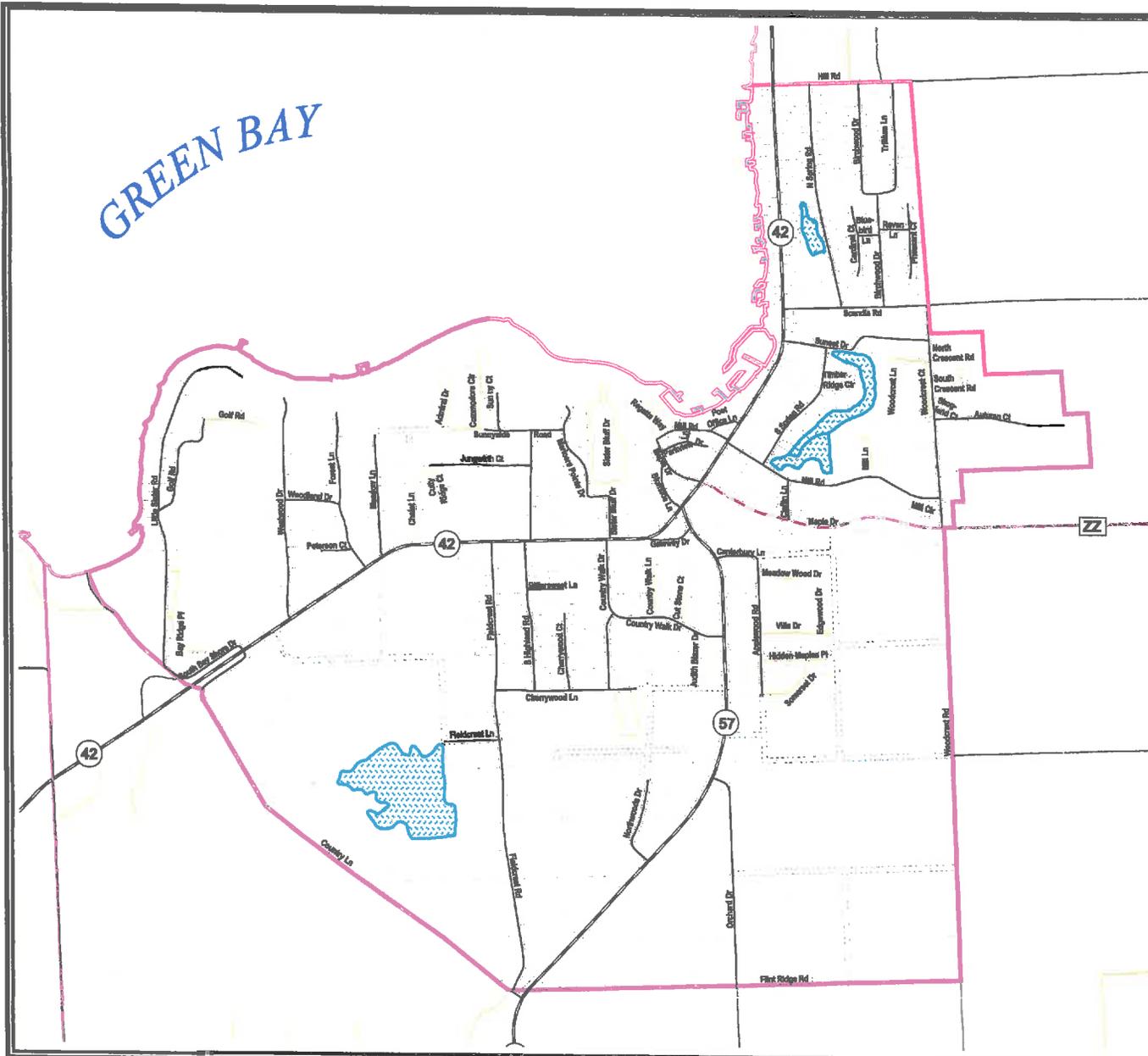


Map created for the Village of Sister Bay  
by Door County Planning Department:

421 Nebraska Street  
Sturgeon Bay WI 54235  
920-746-2323

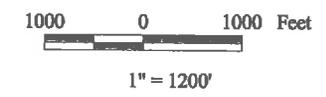


GREEN BAY



**Official Map**  
of the  
**Village of Sister Bay**  
Door County, Wisconsin  
Last Updated: May 16, 2014

- STATE HIGHWAY
- COUNTY ROAD
- TOWN ROAD
- VILLAGE STREET
- PRIVATE ROAD
- PROPOSED RIGHT-OF-WAY
- Village Boundary
- Parcel Boundaries

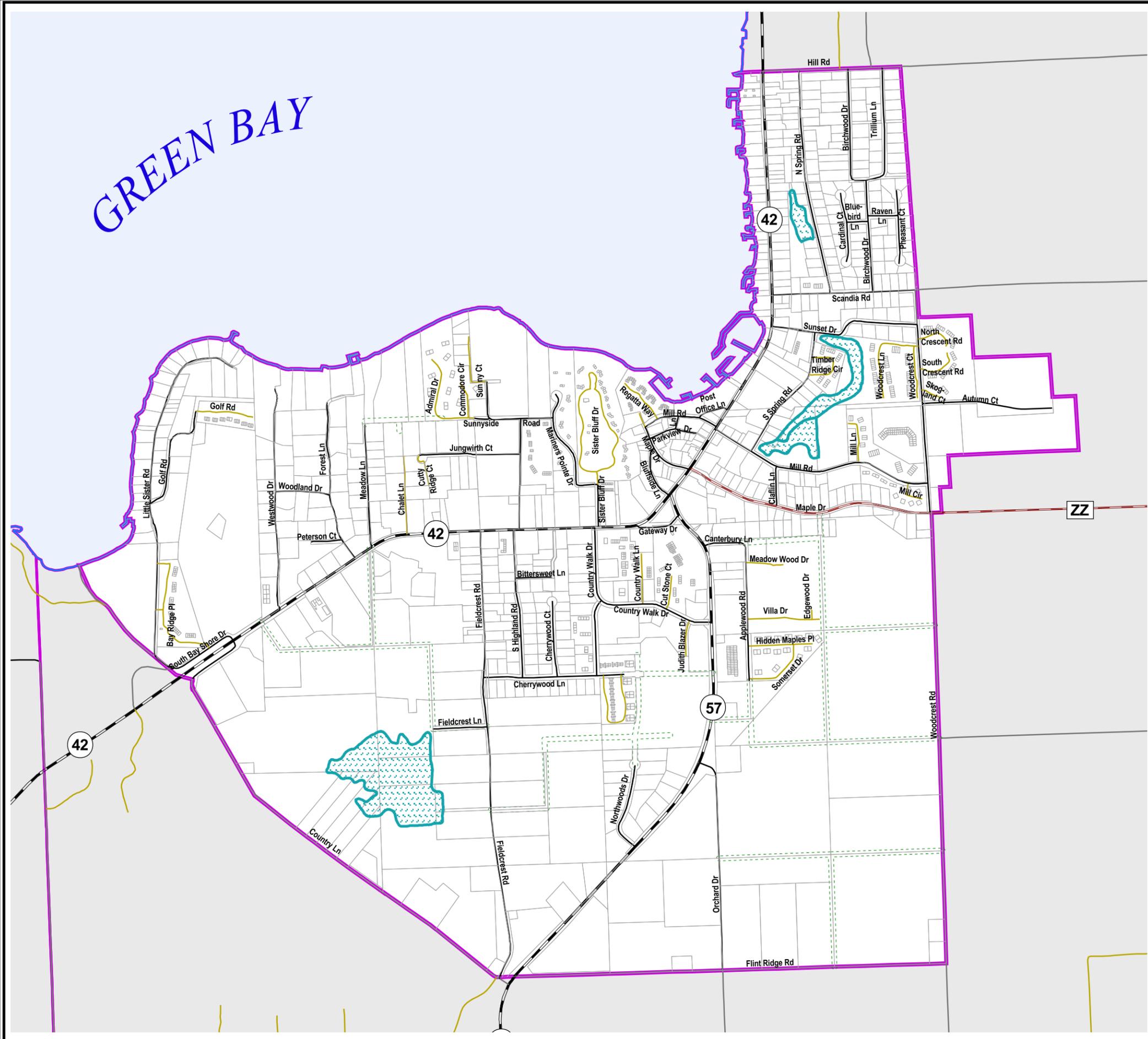


Map created for the Village of Sister Bay  
by Door County Planning Department:

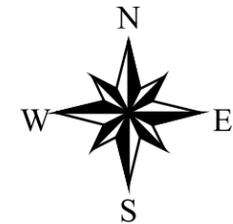
421 Nebraska Street  
Sturgeon Bay WI 54235  
920-746-2323

**Official Map**  
of the  
**Village of Sister Bay**  
Door County, Wisconsin  
Last Updated: May 16, 2014

**DRAFT**



- STATE HIGHWAY
- COUNTY ROAD
- TOWN ROAD
- VILLAGE STREET
- PRIVATE ROAD
- PROPOSED RIGHT-OF-WAY
- Village Boundary
- Parcel Boundaries



1000 0 1000 Feet

1" = 1200'

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421 Nebraska Street  
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**ZONING CODE  
CHAPTER 66  
OF THE  
MUNICIPAL CODE  
OF THE  
VILLAGE OF  
SISTER BAY, WISCONSIN**

Last Revised:  
August 13, 2013  
See Page 168 for summary of changes.



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1

SECTION 100 - STATUTORY AUTHORITY AND PURPOSE

1 Sec. 66.0101 Authority

2 These regulations are adopted under the authority  
3 granted by sections 61.35, 62.23(7), 62.231 and  
4 87.30 of the Wisconsin Statutes. Therefore, the  
5 Village Board of the Village of Sister Bay, Wiscon-  
6 sin does ordain as follows:

7 Sec. 66.0102 Purpose

8 The purpose of this chapter is to promote the  
9 health, safety, aesthetics and general welfare of  
10 this community.

11 Sec. 66.0103 Intent

12 It is the general intent of this chapter to regulate  
13 and restrict the use of all structures, lands, and  
14 waters; and to:

- 15 (a) Regulate lot coverage and the size and loca-  
16 tion of all structures so as to prevent over-  
17 crowding and to provide adequate sunlight,  
18 air, sanitation, and drainage;
- 19 (b) Regulate population density and distribution  
20 so as to avoid sprawl or undue concentration  
21 and to facilitate the provision of adequate  
22 public services and utilities;
- 23 (c) Regulate parking, loading and access so as to  
24 lessen congestion in and promote the safety  
25 and efficiency of the streets, highways and  
26 waterways;
- 27 (d) Secure safety from fire, flooding, panic, pollu-  
28 tion, contamination and other dangers;
- 29 (e) Facilitate the adequate provision of transpor-  
30 tation, water, sewerage, schools, parks and  
31 other public requirements;
- 32 (f) Provide adequate light and air, including ac-  
33 cess to sunlight for solar collectors;
- 34 (g) Assure the protection of groundwater,
- 35 (h) Protect the traffic-carrying capacity of existing  
36 and proposed arterial streets and highways;
- 37 (i) Stabilize and protect existing property values;
- 38 (j) Further the appropriate use of land and con-  
39 servation of natural resources;
- 40 (k) Preserve and promote the beauty of the  
41 community;
- 42 (l) Implement those municipal, county, water-  
43 shed, and regional comprehensive plans or  
44 plan components adopted by the Village of  
45 Sister Bay;
- 46 (m) Provide for the administration and enforce-  
47 ment of this chapter and to provide penalties  
48 for its violation.

49 Sec. 66.0104 Abrogation and Greater Re-  
50 strictions

51 It is not intended by the provisions of this chapter  
52 to repeal, abrogate, annul, impair or interfere with  
53 any existing easements, covenants, deed re-  
54 strictions, agreements, ordinances, rules, regula-  
55 tions, or permits previously adopted or issued pur-  
56 suant to laws. Except as otherwise provided in this  
57 chapter, wherever this chapter imposes greater re-  
58 strictions, the provisions of this chapter shall gov-  
59 ern.

60 Sec. 66.0105 Interpretation

61 In their interpretation and application, the provi-  
62 sions of this chapter shall be held to be minimum  
63 requirements and shall be liberally construed in  
64 favor of the Village and shall not be deemed a  
65 limitation or repeal of any other power granted by  
66 the Wisconsin Statutes.

67 Sec. 66.0106 Severability

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

72 Sec. 66.0107 Title

73 This chapter shall be known as, referred to or cit-  
74 ed as the "Zoning Chapter of the Municipal Code  
75 of Ordinances (Zoning Code), Village of Sister  
76 Bay, Door County, Wisconsin."

77 Sec. 66.0108 Adoption

78 This code was adopted as Ordinance No. 102-  
79 110904 on November 9, 2004 and was effective  
80 upon publication on November 16, 2004.

81

# VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0108 ADOPTION

SEC. 66.0108 ADOPTION

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1

SECTION 200 - JURISDICTION

1 **Sec. 66.0201 Jurisdiction**

2 The jurisdiction of this chapter shall include all  
3 lands and waters within the corporate limits of the  
4 Village of Sister Bay.

5 **Sec. 66.0202 Compliance**

6 The use of any land or water; the size, shape and  
7 placement of lots; the use, size, type and location  
8 of structures on lots; the filling and grading of any  
9 land; the cutting of shore land cover; the regula-  
10 tion of signs, manufactured homes, trailers and  
11 parking lots; the consolidation or splitting of par-  
12 cels; and the subdivision of lots shall be in full  
13 compliance with the terms of this chapter and  
14 other applicable regulations. The construction of  
15 buildings and structures, or any addition thereto,  
16 and the changing of any land use shall require a  
17 zoning permit unless otherwise expressly exclud-  
18 ed from the requirement of this chapter. No struc-  
19 ture, land, or water shall hereafter be used or de-  
20 veloped (as "development" is defined in section  
21 66.2100 [See page 173] of this chapter) and no  
22 structure or part thereof shall hereafter be located,  
23 erected, moved, reconstructed, extended, en-  
24 larged, converted, or structurally altered except in  
25 conformity with the regulations herein specified  
26 for the district in which it is located; except that in  
27 residence districts, a lot of record as of November  
28 16, 1973 even though not meeting the require-  
29 ments of this chapter as to area and width, may be  
30 used for single family residence purposes.

31 **Sec. 66.0203 Municipalities and State Agen-**  
32 **cies Regulated**

33 Unless specifically exempted by law all cities, vil-  
34 lages, towns, counties, school districts, vocational  
35 school districts and other public entities are re-  
36 quired to comply with this chapter and obtain all  
37 required permits. State agencies are required to  
38 comply if section 13.48(13) of the Wisconsin  
39 Statutes applies. The construction, reconstruction,  
40 maintenance and repair of state highways and  
41 bridges by the Wisconsin Department of Trans-  
42 portation are exempt from compliance when Sec-  
43 tion 30.12(4)(a) of the Wisconsin Statutes applies,  
44 including subsequent amendments to those rules..

45 **Sec. 66.0204 Annexation**

46 All territory annexed by the Village shall become  
47 part of the CS-1 district until definite boundaries  
48 and regulations are recommended by the Plan  
49 Commission and adopted by the Village Board,  
50 such adoption to be completed within 90 days of  
51 the annexation.

# VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0204 ANNEXATION

SEC. 66.0204 ANNEXATION

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1

SECTION 300 DISTRICTS

1 Sec. 66.0300 Establishment

2 For the purpose of this chapter, the Village of Sis-  
3 ter Bay is hereby divided into ten basic use dis-  
4 tricts and four overlay districts as follows:

- 5 • Countryside (CS-1)
- 6 • Single-Family Residence District (R-1)
- 7 • Multiple-Family Residence District (R-2)
- 8 • Large Lot Residence District (R-3)
- 9 • Small Lot Residence District (R-4)
- 10 • General Business District (B-1)
- 11 • Downtown Business Transition District (B-  
12 2)
- 13 • Downtown Business District (B-3)
- 14 • Institutional District (I-1)
- 15 • Park/Recreation District (P-1)
- 16 • Wetland Overlay District (W-1)
- 17 • Planned Unit Development Overlay Dis-  
18 trict (PUD)
- 19 • Highway 42 and Highway 57 Landscape  
20 Setback Overlay District (HL)
- 21 • Bluff Protection Overlay District (BP)
- 22 • Wellhead Protection Overlay District  
23 (WHP)
- 24 • Ridges and Swales Overlay District (RS-1)
- 25 • Restaurant Overlay District (RO-1)

27 (a) Boundaries. Boundaries of these districts  
28 are hereby established as shown on the  
29 maps entitled "Village of Sister Bay Official  
30 Zoning Map" which map accompanies and  
31 is herein made a part of this chapter. All  
32 notations and references shown on the  
33 map are as much a part of this chapter as  
34 though specifically described herein. This  
35 chapter hereby incorporates herein any fu-  
36 ture changes or any later zoning maps that  
37 may be adopted by ordinance of the Vil-  
38 lage Board.

39 (b) The district boundaries in all districts, ex-  
40 cept the overlay districts shall be construed  
41 to follow corporate limits; U.S. Public Land  
42 Survey lines; lot or property lines; center-  
43 lines of streets, highways, alleys and ease-  
44 ments. Where the district boundary is par-  
45 allel to corporate limits, the centerline or  
46 right-of-way of a street, the district bounda-  
47 ry shall be determined by the dimension  
48 noted on the zoning map, or where said  
49 dimension is not noted, by the scale con-  
50 tained on the zoning map.

- 51 (c) Boundaries of the Wetland Overlay District  
52 (W-1) are based on the Wisconsin Wetland  
53 Inventory Maps for the Village, dated July  
54 1, 1992 or the most current map. The wet-  
55 lands included as W-1 are those wetlands  
56 that are two or more acres in area; and are  
57 located within 300 feet of a navigable riv-  
58 er, within 1,000 feet of a lake, or within  
59 the 100-year recurrence interval flood-  
60 plain. These boundaries are for illustrative  
61 purposes only. The actual boundaries shall  
62 be those established by a field staking of  
63 the particular wetland, followed by a sur-  
64 vey and legal description of the wetland.
- 65 (d) Vacation of public streets and alleys shall  
66 cause the vacated land to be automatically  
67 placed in the same district as the abutting  
68 property to which the vacated land reverts.
- 69 (e) Annexations subsequent to the effective  
70 date of this chapter shall be placed in the  
71 Countryside district (CS-1), unless the an-  
72 nexation chapter temporarily places the  
73 land in another district. Within one year,  
74 the Plan Commission shall evaluate and  
75 recommend a permanent classification to  
76 the Village Board.
- 77 (f) Annexations containing shorelands shall be  
78 governed in the following manner:  
79 Pursuant to section 59.971(7) of the Wis-  
80 consin Statutes, any annexation of land af-  
81 ter May 7, 1982, which lies within  
82 shorelands, as defined herein, shall be  
83 governed by the provisions of the Door  
84 County Zoning Ordinance until such time  
85 that the Village adopts an Ordinance that is  
86 at least as restrictive as the Door County  
87 Zoning Ordinance. Said regulations shall  
88 be administered and enforced by the Vil-  
89 lage of Sister Bay Zoning Administrator.

90 Sec. 66.0301 Zoning Map

91 A certified copy of the Zoning Maps shall be  
92 adopted and approved with the text as part of this  
93 chapter and shall bear upon its face the attestation  
94 of the Village President and the Village Clerk-  
95 Treasurer and shall be available to the public in  
96 the office of the Village Clerk. Changes thereafter,  
97 to the general zoning districts, shall not become  
98 effective until entered and attested on the certified  
99 copy.

100 Sec. 66.0302 Use Restrictions

101 The following use restrictions and regulations  
102 shall apply:

- 103 (a) Principal uses. Only those principal uses  
104 specified for a district, their essential ser-

1 vices, and the following uses shall be per- 56  
 2 mitted in that district. 57  
 3 (b) Accessory uses. Accessory uses and struc- 58  
 4 tures are permitted in any district, but not 59  
 5 until their principal structure is present or 60  
 6 under construction. Residential accessory 61  
 7 uses shall not involve the conduct of any 62  
 8 business, trade, or industry, except home 63  
 9 occupations and professional home offices 64  
 10 as defined in this chapter. 65  
 11 (c) Conditional uses and their accessory uses 66  
 12 require review, public hearing and approv- 67  
 13 al by the Plan Commission in accordance 68  
 14 with section 66.1535 [See page 158] of 69  
 15 this chapter. 70  
 16 (d) Temporary uses may be permitted by the 71  
 17 Zoning Administrator and the President for 72  
 18 a period of 14 days or as hereinafter pro- 73  
 19 vided. Temporary use permits for longer 74  
 20 periods may be issued by the Plan Com- 75  
 21 mission after review of site and operation 76  
 22 plans. Special requirements may be im- 77  
 23 posed, but not limited to parking, sanitary 78  
 24 facilities, lighting, and hours of operation. 79  
 25 No temporary use listed herein shall be 80  
 26 conducted within the street right-of-way. 81  
 27 Temporary uses permitted under this sec- 82  
 28 tion may be allowed one temporary sign 83  
 29 not to exceed 24 square feet in area on one 84  
 30 side and 48 square feet in area on all sides. 85  
 31 All buildings, tents, equipment, supplies 86  
 32 and debris shall be removed from the site 87  
 33 within ten days following the temporary 88  
 34 activity. Temporary uses permitted under 89  
 35 this section include: 90  
 36 (1) Real estate sales, rental field offices 91  
 37 or model homes may be permitted 92  
 38 in any residential district. 93  
 39 (2) Temporary structures, including 94  
 40 mobile home units, may be permit- 95  
 41 ted in any business or institutional 96  
 42 district. Such temporary structure 97  
 43 may be used as a business, institu- 98  
 44 tional or professional office during 99  
 45 or immediately prior to the con- 100  
 46 struction of a permanent structure. 101  
 47 (3) Shelters for materials and equip- 102  
 48 ment being used in the construction 103  
 49 of a permanent structure or public 104  
 50 utility may be permitted in any dis- 105  
 51 trict. The Zoning Administrator or 106  
 52 Plan Commission may require that 107  
 53 storage areas be screened to prevent 108  
 54 a view of materials or equipment 109  
 55 from adjacent properties. 110  
 111

(4) Flea markets, concerts, festivals and 56  
 outdoor group assemblies may be 57  
 permitted in a B-1, B-2 or B-3 dis- 58  
 trict. 59  
 (5) Circuses, carnivals and animal 60  
 shows may be permitted in a B-1, B- 61  
 2 or B-3 district. The Plan Commis- 62  
 sion may limit or prohibit the dis- 63  
 play of dangerous animals such as 64  
 tigers or snakes. 65  
 (6) Christmas tree sales may be permit- 66  
 ted in a B-1, B-2 or B-3 district for 67  
 not more than 42 days. 68  
 (7) Farmers markets may be permitted 69  
 in a B-1, or CS-1 district. 70  
 (8) The temporary sale of goods from a 71  
 truck, trailer, table or tent shall only 72  
 be permitted as part of a festival 73  
 permit issued by the Village Board. 74  
 (Amended Ordinance 143-081208) 75  
 (9) A property owner may allow camp- 76  
 ing on their land for up to 72 hours 77  
 as long as bathroom facilities are on 78  
 the premises. 79  
 (10) Because it is difficult to enumerate 80  
 all temporary uses that may occur in 81  
 the Village, any other use which the 82  
 Plan Commission finds to be similar 83  
 to other temporary uses permitted in 84  
 a given district, will not be disrupt- 85  
 ive to the neighborhood, and will 86  
 not create a hazard to traffic in a 87  
 neighborhood may be permitted. 88  
 The Plan Commission may impose 89  
 additional operational or construc- 90  
 tion conditions on such temporary 91  
 uses when it is deemed necessary. 92

**Sec. 66.0303 Site and Lot Restrictions**

(a) Suitability. No land shall be used or struc- 94  
 ture erected where the land is unsuitable 95  
 for such use or structure by reason of 96  
 flooding, concentrated runoff, inadequate 97  
 drainage, adverse soil or rock formation, 98  
 unfavorable topography, low percolation 99  
 rate or bearing strength, erosion suscepti- 100  
 bility, or any other feature likely to be 101  
 harmful to the health, safety, prosperity, 102  
 aesthetics, and general welfare of this 103  
 community. The Village Zoning Adminis- 104  
 trator, in cooperation with the Village En- 105  
 gineer, shall, in applying the provisions of 106  
 this section, recite in writing the particular 107  
 facts upon which he/she bases his/her con- 108  
 clusion that the land is not suitable for cer- 109  
 tain uses. The applicant shall have an op- 110  
 portunity to present evidence contesting 111

1 such unsuitability if he/she so desires. 57  
 2 Thereafter the Plan Commission may af- 58  
 3 firm, modify or withdraw the determination 59  
 4 of unsuitability. In addition: 60  
 5 (b) Minimum lot sizes. Lots created after the 61  
 6 adoption of the ordinance from which this 62  
 7 chapter is derived shall meet the minimum 63  
 8 area requirements for each district as de- 64  
 9 fined in sections 66.0310 through 66.0331. 65  
 10 (c) Minimum lot width. The minimum lot re- 66  
 11 quirement shall apply at the building set- 67  
 12 back line and at the ordinary high-water 68  
 13 mark. 69  
 14 (d) Substandard lots. If two or more substand- 70  
 15 ard lots have the same ownership as of 71  
 16 November 16, 1973, the lots involved shall 72  
 17 be considered an individual parcel for the 73  
 18 purpose of this chapter. 74  
 19 (e) Public streets. All lots shall abut upon a 75  
 20 public street, and each lot shall have a 76  
 21 minimum lot width measured at the street 77  
 22 setback line as specified in each district, 78  
 23 but not less than 65 feet. The required min- 79  
 24 imum lot width shall be maintained for at 80  
 25 least 30 feet beyond the street setback line 81  
 26 for construction of the principal structure. 82  
 27 (f) Principal structure location. All principal 83  
 28 structures shall be located on a lot; and on- 84  
 29 ly one principal structure shall be located, 85  
 30 erected or moved onto a lot in single- 86  
 31 family residential districts. The Plan Com- 87  
 32 mission may permit more than one struc- 88  
 33 ture per lot in other districts where more 89  
 34 than one structure is needed for the orderly 90  
 35 development of the parcel. Where addi- 91  
 36 tional structures are permitted, the Plan 92  
 37 Commission may impose, but not limited 93  
 38 to additional yard requirements, landscap- 94  
 39 ing requirements, or parking requirements, 95  
 40 or require a minimum separation distance 96  
 41 between principal structures. 97  
 42 (g) Lots abutting other districts. Lots abutting 98  
 43 more restrictive district boundaries shall 99  
 44 provide side and rear yards not less than 100  
 45 those required in the more restrictive abut- 101  
 46 ting district. The street yards on the less re- 102  
 47 strictive district shall be modified for a dis- 103  
 48 tance of not more than 60 feet from the 104  
 49 district boundary line to equal the average 105  
 50 of the street yards required in both districts. 106  
 51 (h) Buffer yard. A buffer yard shall be created 107  
 52 and maintained around all business dis- 108  
 53 tricts which abut upon residential districts 109  
 54 and/or which are adjacent to limited ac- 110  
 55 cess arterial streets and highways, which 111  
 56 abut upon residential districts. The Plan 112

Commission may also require a buffer yard  
 around business districts abutting park and  
 institutional districts. Buffer yards shall be a  
 minimum of 20 feet in width; shall be in  
 addition to the required street yards, side  
 yards, and rear yards; and shall screen  
 business uses from adjoining lands in such  
 a manner that:  
 (1) If the buffer yard is composed en-  
 tirely of plant materials, it shall be  
 of sufficient initial depth and height  
 and of such varieties as to provide  
 adequate visual screening within no  
 more than two years and during all  
 seasons of the year.  
 (2) Where architectural walls or fences  
 are used, sufficient landscaping  
 shall be used in conjunction with  
 such wall or fence to create an at-  
 tractive view from the residential  
 side, and all walls and fences shall  
 be maintained in a structurally  
 sound and attractive condition. Any  
 wall or fence shall be not less than  
 four feet or more than six feet in  
 height.  
 (3) All landscaping shall be maintained  
 by the owner or operator to the sat-  
 isfaction of the Zoning Administra-  
 tor.  
 (4) Where the land adjacent to the  
 buffer yard is a parking lot, the buff-  
 er yard shall be sufficiently opaque  
 to prevent the penetration of head-  
 light glare. Overhead lighting in-  
 stalled in or adjacent to a buffer  
 yard shall not throw any rays onto  
 adjacent residential properties.  
 (5) No signs shall be permitted on or in  
 any part of the buffer yard.  
 (i) Structures not buildings. Structures which  
 are not buildings and which are six inches  
 or more in height from the surface of the  
 ground shall be subject to the setback and  
 other dimensional requirements of this  
 chapter. Excluded are fences up to six feet  
 in height, public utility poles and signs, ex-  
 cept where provisions of this chapter spe-  
 cifically apply. For the purposes of this  
 chapter, decks, tennis courts, parking lots,  
 outdoor seating for taverns or general res-  
 taurants, fast food restaurants, drive-in res-  
 taurants and take-out restaurants, swim-  
 ming pools (above-ground and in-ground  
 pools), basketball courts and other similar  
 uses shall be considered structures, shall

SEC. 66.0304 SETBACK REQUIREMENTS FROM THE WATER

SEC. 66.0307 SPECIAL SETBACK REQUIREMENTS

1 require a permit, and shall be subject to  
2 the yard and setback requirements for ac-  
3 cessory buildings. (Amended Ordinance  
4 172-081010)

5 **Sec. 66.0304 Setback Requirements from the**  
6 **Water**

7 For lots that abut on navigable waters, there shall  
8 be setbacks from the ordinary high-water mark of  
9 such waters.

10 (a) Applicability in developed areas. In areas  
11 with existing development patterns, struc-  
12 tures close to the ordinary high-water  
13 mark, except as provide in subsection (e)  
14 and (f) below, shall be set back at least 30  
15 feet from all points along the ordinary  
16 high-water mark. The lowest floor level of  
17 all structures shall be elevated at least two  
18 feet above the ordinary high-water mark.  
19 All structures, boathouses, accessory build-  
20 ings allowed in (e) and structures not build-  
21 ings shall comply with the applicable dis-  
22 trict side yard setbacks.

23 (b) Applicability in undeveloped areas. In areas  
24 with no development pattern, structures  
25 close to the ordinary high-water mark, ex-  
26 cept as provide in subsection (e) and (f) be-  
27 low, shall be set back at least 75 feet from  
28 all points along the ordinary high-water  
29 mark. The lowest floor level of all struc-  
30 tures shall be elevated at least two feet  
31 above the ordinary high-water mark. All  
32 structures, boathouses, accessory buildings  
33 allowed in (e) and structures not buildings  
34 shall comply with the applicable district  
35 side yard setbacks.

36 (c) Setback averaging in developed areas.  
37 Where the two adjacent lots are occupied  
38 by principal structures (excluding boat-  
39 houses), the water setback shall be the aver-  
40 age of the setbacks of the adjacent prin-  
41 cipal structures or 30 feet whichever is  
42 less. When one adjacent lot is occupied by  
43 a principal structure (excluding boathous-  
44 es), the water setback shall be the average  
45 of the setback of the adjacent principal  
46 structure and 30 feet or 30 feet whichever  
47 is less. The adjacent principal structures  
48 must be within 100 feet of either side of  
49 the proposed structure in order to use the  
50 averaging method.

51 (d) Setback averaging in undeveloped areas.  
52 Where two adjacent lots are occupied by  
53 principal structures (excluding boathouses)  
54 with high-water mark setbacks of 30 feet or

55 more, the water setback shall be the aver-  
56 age of the setbacks of the adjacent prin-  
57 cipal structures. When one adjacent lot is  
58 occupied by a principal structure (exclud-  
59 ing boathouses) with a high-water setback  
60 of 40 feet or more, the water setback shall  
61 be the average of the setback of the adja-  
62 cent principal structure and 75 feet. The  
63 adjacent principal structures must be with-  
64 in 100 feet of either side of the proposed  
65 structure in order to use the averaging  
66 method.

- 67 (e) Exceptions.  
68 (1) Decks are allowed provided they do  
69 not extend waterward more than 20  
70 percent of the remaining setback.  
71 (2) Boathouses shall not project beyond  
72 the ordinary high-water mark.  
73 (3) Stairways, elevated walkways,  
74 ramps, lifts, fences, flagpoles, piers,  
75 boat hoists.  
76 (4) Utility poles, lines and related  
77 equipment without permanent  
78 foundations.  
79 (5) Structures not buildings as defined  
80 in section 66.0303(i) [See page 6]  
81 (6) Signs as permitted starting with sec-  
82 tion 66.0701 [See page 106]  
83 (f) Parking lots. Parking lots shall be set back  
84 at least 75 feet from all points along the  
85 ordinary high-water mark. However, the  
86 Plan Commission may with a conditional  
87 use permit, grant modifications to a mini-  
88 mum of 35 feet from all points along the  
89 ordinary high-water mark for parking lots  
90 only.

91 **Sec. 66.0305 Reduction**  
92 No lot, yard, parking area, building area or other  
93 space shall be reduced in area or dimension so as  
94 not to meet the provisions of this chapter.

95 **Sec. 66.0306 Additions**  
96 Additions in the front yard of existing structures  
97 shall not project beyond the required setback for  
98 the district in which they are located subject to  
99 the limitations for averaging front setbacks as set  
100 forth below.

101 **Sec. 66.0307 Special Setback Requirements**  
102 (a) Average Front Setbacks. The required front  
103 setback shall not be decreased below the  
104 minimum setback for the district in which  
105 it is located. However, if the principal  
106 structures on abutting lots are set back  
107 closer than the minimum, the front setback

1 of a proposed principal structure shall be  
 2 decreased to the average of the existing  
 3 front setbacks of the abutting structures on  
 4 each side. The adjacent principal structures  
 5 must be within 100 feet of either side of  
 6 the proposed structure in order to use the  
 7 averaging method. Note: For setback aver-  
 8 aging from the water, see section 66.0304  
 9 Setback Requirements from the Water on  
 10 page 8. (Amended Ordinance 120-061306)  
 11 (b) Corner Lot Setbacks. On a vacant through  
 12 or corner lot, either of the lot lines abutting  
 13 street right-of-way lines may be established  
 14 as its front lot line, except that where two  
 15 more through lots are contiguous and a  
 16 front lot line has been duly established, the  
 17 same street lot line shall thereafter be  
 18 deemed to be the front lot line of all such  
 19 contiguous lots. On a through lot, a front  
 20 yard shall be provided along any lot line  
 21 abutting a street. On a corner lot, the own-  
 22 er has the option of designating a side yard  
 23 and a rear yard of the two remaining yards  
 24 after the front yard and side yard abutting a  
 25 street have been identified; as long as one  
 26 is at least equal to the required side set-  
 27 back and the other is at least equal to the  
 28 required rear setback. (Amended Ordi-  
 29 nance 120-061306)  
 30 (c) Double Frontage Lot. Structures on lots  
 31 abutting two opposite streets shall be pro-  
 32 vided with a front setback and a rear set-  
 33 back. The Zoning Administrator shall select  
 34 where the front setback shall be applied  
 35 and where the rear setback shall be ap-  
 36 plied in a manner that prohibits access to a  
 37 double frontage lot from arterial streets.  
 38 The selected front setback area shall be re-  
 39 quired to comply with the front setback re-  
 40 quirements for the district in which the lot  
 41 is located. The selected rear setback area  
 42 shall be required to comply with the rear  
 43 setback requirements for the district in  
 44 which the lot is located and the rear set-  
 45 back area shall be screened from arterial  
 46 streets with fencing or landscaping, as may  
 47 be appropriate. Accessory structures may  
 48 be placed in the designated rear setback  
 49 area, but shall be located no closer to the  
 50 street right-of-way than the required set-  
 51 back for accessory structures. (Amended  
 52 Ordinance 120-061306)  
 53 (d) Large Project Setbacks. The Plan Commis-  
 54 sion may establish the front yard, side yard,  
 55 street yard, and rear yard setbacks for pro-  
 56 jects built in the R-2 district, all PUD pro-

57 jects and projects involving multiple build-  
 58 ings on a single parcel in B-1 district. The  
 59 various setbacks shall complement the ad-  
 60 jacent property's setbacks. (Amended Or-  
 61 dinance 120-061306)

62  
 63  
 64  
 65

1	<b>Residential Districts</b>	55	
2	<b>Sec. 66.0310 RSOD Residential Second</b>	56	
3	<b>Dwelling Units Overlay District.</b>	57	
4	<u>Purpose and Intent.</u> The Residential Second	58	
5	Dwelling Units Overlay district (RSDO) is intend-	59	
6	ed to permit as a conditional use the construction	60	
7	and/ or occupancy of a second dwelling unit is to	61	
8	allow, when all applicable standards have been	62	
9	met, a detached building designed as a second	63	
10	dwelling unit or an addition to the primary dwell-	64	
11	ing unit. The standards below apply to the follow-	65	
12	ing residential districts including R-1, R-3, R-4	66	
13	and CS-1.	67	
14	(a) <u>Definitions.</u> For purposes of this section:	68	
15	The term dwelling unit shall consist of and	69	
16	include both the primary dwelling unit occu-	70	
17	panied by the owner and the second	71	
18	dwelling unit and together are viewed as	72	
19	one single-family dwelling.	73	
20		74	
21	(1) A primary dwelling unit is defined	75	
22	as a detached building designed for	76	
23	and occupied by the owner as a	77	
24	single-family dwelling unit.	78	
25	(2) A second dwelling unit is defined as	79	
26	a detached or attached dwelling	80	
27	unit located on the same lot of a	81	
28	primary dwelling unit that is occu-	82	
29	panied by the owner as a single-family	83	
30	dwelling unit. A second dwelling	84	
31	unit shall have sleeping areas and a	85	
32	¾ or full bathroom, with or without	86	
33	kitchen facilities, as specified in the	87	
34	permit.	88	
35	(b) <u>Permits.</u> A conditional use permit must be	89	
36	obtained before a building and/ or occu-	90	
37	pancy permit may be issued for any second	91	
38	dwelling unit. When a conditional use	92	
39	permit has been issued for a second dwell-	93	
40	ing unit, the owner of the lot shall be re-	94	
41	sponsible for payment of impact fees as re-	95	
42	quired in Section 62.25.	96	
43	(c) <u>Standards.</u>	97	
44	(1) An applicant for such a conditional	98	
45	use must comply with general ordi-	99	
46	nances for conditional use permits	100	
47	as required.	101	
48	(2) A second dwelling unit may be	102	
49	rented or leased separately from the	103	
50	primary dwelling unit on the lot.	104	
51	The owner of a lot containing a	105	
52	primary dwelling unit and a second	106	
53	dwelling unit must live either in the	107	
54	primary dwelling or in the second	108	
		109	
			dwelling unit in order for the condi-
			tional use permit to be valid.
		(3)	Only one (1) second dwelling unit
			may be allowed per lot. Driveway
			access shall be regulated by Section
			66.0406 of the Code.
		(4)	The lot proposed for a second
			dwelling unit shall contain an exist-
			ing primary dwelling unit, and must
			meet the minimum lot size for the
			respective zoning district.
		(5)	The square footage of a second
			dwelling unit shall not exceed thirty
			percent (30%) of the footprint of the
			primary dwelling, excluding the
			garage, or nine hundred (900)
			square feet, whichever is larger. The
			minimum size of the second dwell-
			ing unit shall be at least three hun-
			dred (300) square feet regardless of
			the thirty percent (30%) rule.
		(6)	All detached second dwelling units
			shall be limited to a maximum
			height as established by Section
			66.0501(d) of the Code.
		(7)	All detached second dwelling units
			shall have a minimum building wall
			separation from the primary dwell-
			ing unit of ten (10) feet.
		(8)	All detached or attached second
			dwelling units shall comply with
			applicable setback requirements for
			principal dwelling structures in the
			respective zoning district. However,
			second detached dwelling units
			shall not be allowed in the front
			yard of a lot, except as allowed un-
			der Section 66.0501(b)(e)(2).
		(9)	All second dwelling units shall be
			served by the same electrical, water
			and gas meters, as applicable, that
			serve the primary dwelling unit. No
			separate meters shall be allowed.
		(10)	Off-street parking shall be provided
			for the second dwelling unit.
		(11)	Construction of all second dwelling
			units shall comply with applicable
			building codes.
		(12)	All second dwelling units shall be
			designed and built consistent with
			the building type, architectural
			style, and color of the primary
			dwelling unit.
		(d)	<u>Covenants and Restrictions.</u> Prior to the is-
			suance of any building, occupancy, or

# VILLAGE OF SISTER BAY ZONING CODE Page 28

SEC. 66.0310 RSOD RESIDENTIAL SECOND DWELLING  
UNITS OVERLAY DISTRICT.

SEC. 66.0310 RSOD RESIDENTIAL SECOND DWELLING  
UNITS OVERLAY DISTRICT.

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1 conditional use permit for a second dwell-  
2 ing unit, the lot owner shall record against  
3 the deed to the subject property, restrictive  
4 covenants that shall run with the land, in a  
5 form approved by the Village Attorney, in  
6 favor of and for the benefit of the Village,  
7 which shall indicate that the occupancy  
8 and/ or use of the second dwelling unit is  
9 subject to and regulated by the Code of  
10 Ordinances. A copy of the signed condi-  
11 tional use permit for a second dwelling  
12 unit shall be recorded, and attached there-  
13 to and incorporated by reference, with the  
14 covenants. The covenants shall prohibit  
15 any sale or form of ownership transfer sep-  
16 arate from the primary dwelling on the  
17 same lot. Nothing in this section is intend-  
18 ed to modify, amend or alter the legal ef-  
19 fect of any conditions, covenants and re-  
20 strictions, or other independent or private  
21 deed restrictions that may be applicable to  
22 a lot for which a second dwelling unit is  
23 permitted under this section.  
24 (e) Automatic Expiration. This section of the  
25 Zoning Code shall automatically expire 36  
26 months from the date of the adoption of  
27 the enabling ordinance, which was May  
28 14, 2013.  
29

**VILLAGE OF SISTER BAY ZONING CODE** Page 29

**SEC. 66.0310 RSOD RESIDENTIAL SECOND DWELLING  
UNITS OVERLAY DISTRICT.**

**SEC. 66.0310 RSOD RESIDENTIAL SECOND DWELLING  
UNITS OVERLAY DISTRICT.**

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 <b>Sec. 66.0311 R-1 Single-Family Residence</b></p> <p>2 <b>District</b></p> <p>3 The Single-Family Residence district (R-1) is intended to provide a pleasant, safe and quiet residential environment of moderate density (minimum 20,000 square foot lots), free from traffic hazards or public annoyances. The district is only allowed in areas where public sewer and water services are available.</p> <p>10 (a) <u>Permitted Uses:</u></p> <p>11 (1) Single-family dwellings.</p> <p>12 (2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes.</p> <p>18 (3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes.</p> <p>22 (4) Public parks.</p> <p>23 (5) Essential services, municipal buildings and facilities.</p> <p>25 (b) <u>Permitted Accessory Uses:</u></p> <p>26 (1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 92]</p> <p>32 (2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.</p> <p>35 (3) Home occupations and professional home offices. [See section 66.0501(d) page 92]</p> <p>38 (4) Private swimming pools.</p> <p>39 (5) Private tennis courts.</p> <p>40 (6) Solar collectors attached to the principal structure.</p> <p>42 (7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.</p> <p>46 (c) <u>Conditional Uses:</u></p> <p>47 (1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.</p> <p>52 (2) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.</p> | <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p> <p>101</p> <p>102</p> <p>103</p> <p>104</p> <p>105</p> <p>106</p> <p>107</p> <p>108</p> <p>109</p> <p>110</p> <p>111</p> |
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1 (6) The total of the area of the building 57  
 2 footprint of the principal residential 58  
 3 building and all accessory buildings 59  
 4 including the required parking, 60  
 5 driveways and sidewalks shall not 61  
 6 exceed 80 percent of the lot area 62  
 7 and the balance shall be left as 63  
 8 open space. (Amended Ordinance 64  
 9 159-120809) 65  
 10 (f) Setbacks: 66  
 11 (1) There shall be two side setbacks for 67  
 12 all principal residential buildings to- 68  
 13 taling at least 25 feet, with one be- 69  
 14 ing at least ten feet; and where a 70  
 15 side-entry garage exists, the setback 71  
 16 shall be at least 27 feet in width as 72  
 17 measured from the closest point of 73  
 18 the garage door opening that is per- 74  
 19 pendicular to the side lot line. 75  
 20 (2) There shall be a minimum side set- 76  
 21 back of at least 100 feet for all 77  
 22 churches. 78  
 23 (3) Accessory buildings shall meet the 79  
 24 same setbacks as principal buildings 80  
 25 in the district. Other accessory 81  
 26 building requirements are listed in 82  
 27 section section 66.0501 [See page 83  
 28 92] of this chapter. (Amended Or- 84  
 29 dinance 207-100912) 85  
 30 (4) There shall be a minimum front set- 86  
 31 back of at least 70 feet from the 87  
 32 centerline of the street right-of-way. 88  
 33 (5) There shall be a minimum front set- 89  
 34 back of at least 40 feet from the 90  
 35 edge of the easement or the edge of 91  
 36 pavement for all buildings not on a 92  
 37 public street. 93  
 38 (6) There shall be a minimum rear yard 94  
 39 setback of at least 40 feet from the 95  
 40 rear property line. 96  
 41 (g) Other Architectural Standards: (Amended 97  
 42 Ordinance 137-021208) 98  
 43 (1) The Plan Commission shall approve 99  
 44 the style and exterior design of 100  
 45 dwellings in subdivisions. The de- 101  
 46 veloper shall designate specific lots 102  
 47 for certain building designs to insure 103  
 48 that no two adjacent dwelling 104  
 49 units/buildings shall look identical. 105  
 50 (2) Any wall visible from a public street 106  
 51 that exceeds 50 feet in length shall 107  
 52 have a minimum of 20% of the 108  
 53 length of the wall projecting or re- 109  
 54 cessing at a minimum depth of 3% 110  
 55 of the length of the wall and a 111  
 56 change in the materials, texture, or 112

a permanent architectural feature shall be provided.  
 (3) A detached garage shall be architecturally compatible with the residential building it serves. It shall be designed and oriented to minimize the visual effect of the scale or mass of the garage. Visual interest shall be created on all sides of the garage that are visible from a public street through the use of landscaping, berming, architectural features, building materials, and/or orientation.  
 (4) In the R-2 and R-4 districts, attached garages for multifamily developments shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. Attached garages shall not occupy more than 30% of the front facade of the building. Not more than six garage doors may appear on any multifamily building facade containing front doors, and the plane along such garage doors shall be broken by an offset of at least two feet if more than two garage doors are in a row.  
 (5) In the R-1, R-3 and CS-1 districts attached garages for single family homes shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. (Amended Ordinance 1141-070808)  
 (6) Sidewalks not less than three (3) feet in width shall be provided to all building entrances connecting the building to the required parking areas or driveways.  
 (7) If a sidewalk exists along the public street(s) abutting the lot, then sidewalk(s) shall be provided connecting the all buildings to the public street.  
 (8) Street trees shall be provided along all existing and new public right-of-ways at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is longer than 100 feet, trees shall also be planted along at least one side of such driveway at the rate specified. All tree species shall be approved by the Plan Commission.

- 1           (9) All dwelling units must be served by
- 2           public streets and not private roads.
- 3           In the R-2 and R-4 districts, all
- 4           driveways and parking spaces must
- 5           be paved. In the R-1, R-3 and CS-1
- 6           districts all driveways must be
- 7           paved from the edge of abutting
- 8           street pavement to the edge of the
- 9           right of way or easement.
- 10

1

- 1 **Sec. 66.0312 R-2 Multiple-Family Residence** 55  
 2 **District** 56  
 3 The Multiple-Family Residence district (R-2) is intended to provide a housing area less spacious than the R-1 district by allowing multiple-family residences to be mixed with single-family residences and certain forms of institutional housing arrangements. The district is only allowed in areas where public sewer and water services are available. 57-63
- 11 (a) Permitted Uses: 64  
 12 (1) Single-family dwellings. 65  
 13 (2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes. 66-71  
 19 (3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes. 72-76  
 23 (4) Public parks. 77  
 24 (5) Essential services, municipal buildings and facilities. 78-79  
 26 (6) Residential condominiums, and multiple family dwelling units excluding commercial transient lodging. 80-83  
 30 (7) Indoor institutional. 84  
 31 (8) Boarding houses. 85  
 32 (9) Licensed family day care homes subject to the regulations set forth in section §48.65 of the Wisconsin Statutes. 86-89
- 36 (b) Permitted Accessory Uses: 90  
 37 (1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 92] 91-94  
 43 (2) Ground-mounted and building-mounted earth station dish and terrestrial antennas. 95-99  
 46 (3) Home occupations and professional home offices. [See section 66.0501(d) page 92] 100-102  
 49 (4) Private swimming pools. 103  
 50 (5) Private tennis courts. 104  
 51 (6) Solar collectors attached to the principal structure. 105-106  
 53 (7) Any other usual and customary uses accessory to the above permitted 107-108
- 55 uses as determined by the Zoning Administrator or his/her designee.  
 56  
 57 (c) Conditional Uses:  
 58 (1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.  
 59  
 60  
 61  
 62  
 63 (2) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.  
 64  
 65  
 66  
 67 (3) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin Statutes.  
 68  
 69  
 70  
 71 (4) Private parks and playgrounds.  
 72  
 73 (5) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.  
 74  
 75  
 76 (6) Solar energy collectors erected as an accessory structure.  
 77  
 78 (7) Utilities requiring a building.  
 79  
 80 (8) Parking of a semi-tractor or other large trucks in accordance with Subsection 66.0405(b) [See page 88] of this chapter.  
 81  
 82  
 83 (9) Antennas over 35 feet tall.  
 84  
 85 (10) Rest homes, nursing homes, clinics and children’s nurseries if all principal structures are at least 50 feet away from any side or rear lot line.  
 86  
 87  
 88 (11) Golf courses.  
 89 (12) Churches.
- 90 (d) Lot Area and Width:  
 91 Lots shall be a minimum of 20,000 square feet in area and shall have a lot width of at least 75 feet. Corner lots shall have a lot width of at least 110 feet.  
 92  
 93  
 94  
 95 (e) Building Height, Area and Standards:  
 96 (1) No principal residential building or part of a principal residential building shall exceed 35 feet in height. No accessory building shall exceed the height specified in section 66.0501 [See page 92].  
 97  
 98  
 99  
 100  
 101  
 102 (2) The total minimum floor area of a principal residential building shall be 900 square feet for a one-bedroom dwelling, 1,000 square feet for a two-bedroom dwelling and 1,200 square feet for a three or more bedroom dwelling.  
 103  
 104  
 105  
 106  
 107  
 108

- |    |     |                                               |     |     |                                                |
|----|-----|-----------------------------------------------|-----|-----|------------------------------------------------|
| 1  | (3) | All principal residential buildings,          | 56  |     |                                                |
| 2  |     | excluding attached garages, shall             | 57  |     | pavement for all buildings not on a            |
| 3  |     | have a minimum width of 24 feet               | 58  | (6) | public street.                                 |
| 4  |     | for the main body of the building.            | 59  |     | There shall be a minimum rear yard             |
| 5  |     | (Amended Ordinance 203-091112)                | 60  |     | setback of at least 30 feet from the           |
| 6  | (4) | The exterior walls of all principal           | 61  |     | rear property line.                            |
| 7  |     | residential buildings shall be covered        | 62  | (7) | See Section 66.0307(d) for setbacks            |
| 8  |     | by either stucco, cement siding,              | 63  |     | for multi-building R-2 housing projects.       |
| 9  |     | wood, wood clapboards, wood                   | 64  |     | [See page 92] (Amended Ordinance               |
| 10 |     | shakes, vinyl, steel or aluminum              | 65  | (g) | 203-091112)                                    |
| 11 |     | beveled siding, brick, stone or other         | 66  |     | <u>Unit Densities:</u>                         |
| 12 |     | masonry-type veneer materials or              | 67  |     | The maximum dwelling unit density shall        |
| 13 |     | other similar materials.                      | 68  |     | be six units per acre. The Plan Commission     |
| 14 | (5) | All principal residential buildings           | 69  |     | may modify the density standard by a ¾-        |
| 15 |     | shall be placed on, and be attached           | 70  |     | majority vote of the Commissioners, but        |
| 16 |     | to, a permanently enclosed foundation         | 71  |     | only if supplemental design elements or        |
| 17 |     | in accordance with the standards              | 72  |     | improvements are incorporated into the         |
| 18 |     | set forth in section 70.043(1)                | 73  |     | project, which compensate for the in-          |
| 19 |     | Wisconsin Statutes and chapter                | 74  |     | creased density. (Amended Ordinance            |
| 20 |     | ILHR 21, Wis. Admin. Code.                    | 75  | (h) | 203-091112)                                    |
| 21 | (6) | The total of the floor area on all            | 76  |     | <u>Other Architectural Standards:</u> (Amended |
| 22 |     | floors of the principal residential           | 77  |     | Ordinance 137-021208)                          |
| 23 |     | building and all accessory buildings          | 78  | (1) | The Plan Commission shall approve              |
| 24 |     | including the required parking,               | 79  |     | the style and exterior design of all           |
| 25 |     | driveways and sidewalks shall not             | 80  |     | buildings in R-2 projects. The developer       |
| 26 |     | exceed 40 percent of the lot area             | 81  |     | shall designate specific lots                  |
| 27 |     | and the balance shall be left as              | 82  |     | for certain building designs to insure         |
| 28 |     | open space. (Amended Ordinance                | 83  |     | that no two adjacent dwelling                  |
| 29 |     | 203-091112)                                   | 84  |     | units/buildings shall look identical.          |
| 30 | (f) | <u>Setbacks:</u>                              | 85  | (2) | (Amended Ordinance 203-091112)                 |
| 31 | (1) | There shall be two side setbacks for          | 86  |     | Any wall visible from a public street          |
| 32 |     | all principal residential buildings totaling  | 87  |     | that exceeds 50 feet in length shall           |
| 33 |     | at least 25 feet, with one being              | 88  |     | have a minimum of 20% of the                   |
| 34 |     | at least ten feet; and where a                | 89  |     | length of the wall projecting or               |
| 35 |     | side-entry garage exists, the setback         | 90  |     | recessing at a minimum depth of 3%             |
| 36 |     | shall be at least 27 feet in width as         | 91  |     | of the length of the wall and a                |
| 37 |     | measured from the closest point of            | 92  |     | change in the materials, texture, or           |
| 38 |     | the garage door opening that is perpendicular | 93  |     | a permanent architectural feature              |
| 39 |     | to the side lot line.                         | 94  | (3) | shall be provided.                             |
| 40 | (2) | There shall be a minimum side setback         | 95  |     | A detached garage shall be architecturally     |
| 41 |     | of at least 100 feet for all churches.        | 96  |     | compatible with the residential                |
| 42 |     |                                               | 97  |     | building it serves. It shall be                |
| 43 | (3) | Accessory buildings shall meet the            | 98  |     | designed and oriented to minimize the          |
| 44 |     | same setbacks as principal buildings          | 99  |     | visual effect of the scale or mass of          |
| 45 |     | in the district. Other accessory              | 100 |     | the garage. Visual interest shall be           |
| 46 |     | building requirements are listed in           | 101 |     | created on all sides of the garage             |
| 47 |     | section 66.0501 [See page 92] of              | 102 |     | that are visible from a public street          |
| 48 |     | this chapter. (Amended Ordinance              | 103 |     | through the use of landscaping,                |
| 49 |     | 207-100912)                                   | 104 |     | berming, architectural features,               |
| 50 | (4) | There shall be a minimum front setback        | 105 |     | building materials, and/or orientation.        |
| 51 |     | of at least 60 feet from the                  | 106 | (4) | In the R-2 district, attached garages          |
| 52 |     | centerline of the street right-of-way.        | 107 |     | for multifamily developments shall             |
| 53 | (5) | There shall be a minimum front setback        | 108 |     | be designed and oriented so that               |
| 54 |     | of at least 40 feet from the                  | 109 |     | they do not dominate the front                 |
| 55 |     | edge of the easement or the edge of           | 110 |     | facade of the building to which they           |

- 1 are attached. Attached garages shall  
2 not occupy more than 30% of the  
3 front facade of the building. Not  
4 more than six garage doors may ap-  
5 pear on any multifamily building fa-  
6 cade containing front doors, and the  
7 plane along such garage doors shall  
8 be broken by an offset of at least  
9 two feet if more than two garage  
10 doors are in a row. (Amended Ordinance 203-091112)
- 11
- 12 (5) Sidewalks not less than three (3) feet  
13 in width shall be provided to all  
14 building entrances connecting the  
15 building to the required parking ar-  
16 eas or driveways.
- 17 (6) If a sidewalk exists along the public  
18 street(s) abutting the lot, then side-  
19 walk(s) shall be provided connect-  
20 ing the all buildings to the public  
21 street.
- 22 (7) Street trees shall be provided along  
23 all existing and new public right-of-  
24 ways at a rate of at least one tree  
25 per 40 feet. If a driveway leading to  
26 the parking area is longer than 100  
27 feet, trees shall also be planted  
28 along at least one side of such  
29 driveway at the rate specified. All  
30 tree species shall be approved by  
31 the Plan Commission.
- 32 (8) All dwelling units must be served by  
33 public streets and not private roads.  
34 In the R-2 district, all driveways and  
35 parking spaces must be paved.  
36 (Amended Ordinance 203-091112)  
37

**VILLAGE OF SISTER BAY ZONING CODE** Page 37

**SEC. 66.0312 R-2 MULTIPLE-FAMILY RESIDENCE  
DISTRICT**

**SEC. 66.0312 R-2 MULTIPLE-FAMILY RESIDENCE  
DISTRICT**

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| <p>1 <b>Sec. 66.0313 R-3 Large Lot Residence District</b> 57</p> <p>2 The large lot residence district (R-3) is intended to 58</p> <p>3 accommodate the development of residential uses 59</p> <p>4 in a manner, which protects the natural environ- 60</p> <p>5 ment and reflects the open, country character of 61</p> <p>6 development found at the fringe of the communi- 62</p> <p>7 ty. This district is intended to be used in areas of 63</p> <p>8 the Village not served by public sewer and water 64</p> <p>9 and where future higher density residential and 65</p> <p>10 business development is not planned. 66</p> <p>11 (a) <u>Permitted Uses:</u> 67</p> <p>12 (1) Single-family dwellings. 68</p> <p>13 (2) Licensed community and other liv- 69</p> <p>14 ing arrangements, which have a ca- 70</p> <p>15 pacity for eight or fewer persons, 71</p> <p>16 subject to the limitations set forth in 72</p> <p>17 section 62.23(7)(i) of the Wisconsin 73</p> <p>18 Statutes. 74</p> <p>19 (3) Licensed foster family homes sub- 75</p> <p>20 ject to the regulations set forth in 76</p> <p>21 section 48.62 of the Wisconsin 77</p> <p>22 Statutes. 78</p> <p>23 (4) Public parks. 79</p> <p>24 (5) Essential services, municipal build- 80</p> <p>25 ings and facilities. 81</p> <p>26 (b) <u>Permitted Accessory Uses:</u> 82</p> <p>27 (1) Accessory Uses and Structures. De- 83</p> <p>28 tached garages shall not be used, 84</p> <p>29 rented or leased to any individual 85</p> <p>30 who is not the property owner or an 86</p> <p>31 occupant residing on the property. 87</p> <p>32 See section 66.0501 [See page 92] 88</p> <p>33 (2) Ground-mounted and building- 89</p> <p>34 mounted earth station dish and ter- 90</p> <p>35 restrial antennas. 91</p> <p>36 (3) Home occupations and professional 92</p> <p>37 home offices. [See section 93</p> <p>38 66.0501(d) page 92] 94</p> <p>39 (4) Private swimming pools. 95</p> <p>40 (5) Private tennis courts. 96</p> <p>41 (6) Solar collectors attached to the 97</p> <p>42 principal structure. 98</p> <p>43 (7) Any other usual and customary uses 99</p> <p>44 accessory to the above permitted 100</p> <p>45 uses as determined by the Zoning 101</p> <p>46 Administrator or his/her designee. 102</p> <p>47 (c) <u>Conditional Uses:</u> 103</p> <p>48 (1) Bed and breakfast establishments as 104</p> <p>49 provided for in Section 50.51(b) of 105</p> <p>50 the Wisconsin Statutes and Chapter 106</p> <p>51 HSS 197 of the Wisconsin Adminis- 107</p> <p>52 trative Code. 108</p> <p>53 (2) Licensed community and other liv- 109</p> <p>54 ing arrangements, which have a ca- 110</p> <p>55 pacity of at least nine, but no more 111</p> <p>56 than 20 persons.</p> | <p>(3) Licensed family day care homes 112</p> <p>subject to the regulations set forth in 113</p> <p>section 48.65 of the Wisconsin 114</p> <p>Statutes. 115</p> <p>(4) Private parks and playgrounds. 116</p> <p>(5) Utility substations, municipal wells, 117</p> <p>pumping stations and towers shall 118</p> <p>be a minimum of 50 feet from any 119</p> <p>side or rear lot line. 120</p> <p>(6) Solar energy collectors erected as 121</p> <p>an accessory structure. 122</p> <p>(7) Utilities requiring a building. 123</p> <p>(8) Parking of a semi-tractor or other 124</p> <p>large trucks in accordance with 125</p> <p>Subsection 66.0405(b) [See page 126</p> <p>88] of this chapter. 127</p> <p>(9) Antennas over 35 feet tall. 128</p> <p>(10) Golf Courses. 129</p> <p>(11) Keeping and raising of non- 130</p> <p>domestic animals incidental to the 131</p> <p>principal use of the premises may 132</p> <p>be permitted, on a non-commercial 133</p> <p>basis, subject to the following limi- 134</p> <p>tations: (Amended Ordinance 170- 135</p> <p>071310) 136</p> <p>(12) No endangered species, exotic spe- 137</p> <p>cies or wild animals shall be permit- 138</p> <p>ted. 139</p> <p>(13) No hooved animals or roosters are 140</p> <p>permitted. 141</p> <p>(14) No more than six poultry/fowl per 142</p> <p>five acres. 143</p> <p>(15) No more than six fur bearing ani- 144</p> <p>mals per five acres. 145</p> <p>(16) The progeny of permitted non- 146</p> <p>domestic animals, which exceed the 147</p> <p>permitted number, may remain on 148</p> <p>the property for up to nine months. 149</p> <p>(17) All non-domestic animals shall be 150</p> <p>housed or confined a minimum of 151</p> <p>at least 100 feet from all property 152</p> <p>lines. 153</p> <p>(18) All structures, fences, coops or 154</p> <p>yards where non-domestic animals 155</p> <p>are kept shall be maintained in a 156</p> <p>clean and sanitary manner; devoid 157</p> <p>of rodents and vermin and free of 158</p> <p>objectionable odors. 159</p> <p>(19) The Plan Commission may establish 160</p> <p>further restrictions on animals that 161</p> <p>create excessive noise. 162</p> <p>(d) <u>Lot Area and Width:</u> 163</p> <p>(1) Lots shall be a minimum of five 164</p> <p>acres in area and shall have a lot 165</p> <p>width of at least 300 feet. Corner 166</p> |
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1 lots shall have a lot width of at least 57  
 2 90 feet. 58  
 3 (2) Building Height, Area and Stand- 59  
 4 ards: 60  
 5 (3) No principal residential building or 61  
 6 part of a principal residential build- 62  
 7 ing shall exceed 35 feet in height. 63  
 8 No accessory building shall exceed 64  
 9 14 feet in height or the height of the 65  
 10 principal building as specified in 66  
 11 section 66.0501 [See page 92]. 67  
 12 (4) The total minimum floor area of a 68  
 13 principal residential building shall 69  
 14 be 900 square feet for a one- 70  
 15 bedroom dwelling, 1,000 square 71  
 16 feet for a two-bedroom dwelling 72  
 17 and 1,200 square feet for a three or 73  
 18 more bedroom dwelling. 74  
 19 (5) All principal residential buildings, 75  
 20 excluding attached garages, shall 76  
 21 have a minimum width of 24 feet 77  
 22 for the main body of the house. 78  
 23 (6) The exterior walls of all principal 79  
 24 residential buildings shall be cov- 80  
 25 ered by either stucco, cement sid- 81  
 26 ing, wood, wood clapboards, wood 82  
 27 shakes, vinyl, steel or aluminum 83  
 28 beveled siding, brick, stone or other 84  
 29 masonry-type veneer materials or 85  
 30 other similar materials. 86  
 31 (7) All principal residential buildings 87  
 32 shall be placed on, and be attached 88  
 33 to, a permanently enclosed founda- 89  
 34 tion in accordance with the stand- 90  
 35 ards set forth in section 70.043(1) 91  
 36 Wisconsin Statutes and chapter 92  
 37 ILHR 21, Wis. Admin. Code. 93  
 38 (8) The total of the floor area on all 94  
 39 floors of the principal residential 95  
 40 building and all accessory buildings 96  
 41 including the required parking, 97  
 42 driveways and sidewalks shall not 98  
 43 exceed 20 percent of the lot area 99  
 44 and the balance shall be left as 100  
 45 open space. (Amended Ordinance 101  
 46 159-120809) 102  
 47 (e) Setbacks: 103  
 48 (1) There shall be two side setbacks for 104  
 49 all principal residential buildings to- 105  
 50 taling at least 25 feet, with one be- 106  
 51 ing at least ten feet; and where a 107  
 52 side-entry garage exists, the setback 108  
 53 shall be at least 27 feet in width as 109  
 54 measured from the closest point of 110  
 55 the garage door opening that is per- 111  
 56 pendicular to the side lot line. 112

(2) There shall be a minimum side set-  
 back of at least 100 feet for all  
 churches.  
 (3) Accessory buildings shall meet the  
 same setbacks as principal buildings  
 in the district. Other accessory  
 building requirements are listed in  
 section 66.0501 [See page 92] of  
 this chapter. (Amended Ordinance  
 207-100912)  
 (4) There shall be a minimum front set-  
 back of at least 80 feet from the  
 centerline of the street right-of-way.  
 (5) There shall be a minimum front set-  
 back of at least 60 feet from the  
 edge of the easement or the edge of  
 pavement for all buildings not on a  
 public street.  
 (6) There shall be a minimum rear yard  
 setback of at least 50 feet from the  
 rear property line.  
 (f) Other Architectural Standards: (Amended  
 Ordinance 137-021208)  
 (1) The Plan Commission shall approve  
 the style and exterior design of  
 dwellings in subdivisions. The de-  
 veloper shall designate specific lots  
 for certain building designs to insure  
 that no two adjacent dwelling  
 units/buildings shall look identical.  
 (2) Any wall visible from a public street  
 that exceeds 50 feet in length shall  
 have a minimum of 20% of the  
 length of the wall projecting or re-  
 cessing at a minimum depth of 3%  
 of the length of the wall and a  
 change in the materials, texture, or  
 a permanent architectural feature  
 shall be provided.  
 (3) A detached garage shall be architec-  
 turally compatible with the residen-  
 tial building it serves. It shall be de-  
 signed and oriented to minimize the  
 visual effect of the scale or mass of  
 the garage. Visual interest shall be  
 created on all sides of the garage  
 that are visible from a public street  
 through the use of landscaping,  
 berming, architectural features,  
 building materials, and/or orienta-  
 tion.  
 (4) In the R-2 and R-4 districts, attached  
 garages for multifamily develop-  
 ments shall be designed and orient-  
 ed so that they do not dominate the  
 front facade of the building to

- 1 which they are attached. Attached  
2 garages shall not occupy more than  
3 30% of the front facade of the build-  
4 ing. Not more than six garage doors  
5 may appear on any multifamily  
6 building facade containing front  
7 doors, and the plane along such  
8 garage doors shall be broken by an  
9 offset of at least two feet if more  
10 than two garage doors are in a row.  
11 (5) In the R-1, R-3 and CS-1 districts at-  
12 tached garages for single family  
13 homes shall be designed and ori-  
14 ented so that they do not dominate  
15 the front facade of the building to  
16 which they are attached. (Amended  
17 Ordinance 1141-070808)  
18 (6) Sidewalks not less than three (3) feet  
19 in width shall be provided to all  
20 building entrances connecting the  
21 building to the required parking ar-  
22 eas or driveways.  
23 (7) If a sidewalk exists along the public  
24 street(s) abutting the lot, then side-  
25 walk(s) shall be provided connect-  
26 ing the all buildings to the public  
27 street.  
28 (8) Street trees shall be provided along  
29 all existing and new public right-of-  
30 ways at a rate of at least one tree  
31 per 40 feet. If a driveway leading to  
32 the parking area is longer than 100  
33 feet, trees shall also be planted  
34 along at least one side of such  
35 driveway at the rate specified. All  
36 tree species shall be approved by  
37 the Plan Commission.  
38 (9) All dwelling units must be served by  
39 public streets and not private roads.  
40 In the R-2 and R-4 districts, all  
41 driveways and parking spaces must  
42 be paved. In the R-1, R-3 and CS-1  
43 districts all driveways must be  
44 paved from the edge of abutting  
45 street pavement to the edge of the  
46 right of way or easement.  
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1 **Sec. 66.0314 R-4 Small Lot Residence District**

2 The small lot residence district (R-4) is intended to  
 3 provide a pleasant, safe and quiet residential envi-  
 4 ronment for workforce housing. This district is on-  
 5 ly allowed as a PUD where it is demonstrated that  
 6 the development will provide housing for individ-  
 7 uals working full time within the area served by  
 8 the Gibraltar School District who meet the stand-  
 9 ards as established for Door County. The district is  
 10 only allowed in areas where public sewer and  
 11 water services are available. (Amended Ordina-  
 12 nance 137-021208)

13 (a) Permitted Uses:

- 14 (1) Single-family dwellings.
- 15 (2) Licensed community and other liv-  
 16 ing arrangements, which have a ca-  
 17 pacity for eight or fewer persons,  
 18 subject to the limitations set forth in  
 19 section 62.23(7)(i) of the Wisconsin  
 20 Statutes.
- 21 (3) Licensed foster family homes sub-  
 22 ject to the regulations set forth in  
 23 section 48.62 of the Wisconsin  
 24 Statutes.
- 25 (4) Public parks.
- 26 (5) Essential services, municipal build-  
 27 ings and facilities.
- 28 (6) Licensed family day care homes  
 29 subject to the regulations set forth in  
 30 section 48.65 of the Wisconsin stat-  
 31 utes.
- 32 (7) The R-4 Zoning District shall consist  
 33 of single family, duplex, townhouse  
 34 and apartment dwelling units or any  
 35 combination thereof at a percentage  
 36 mix as permitted by Plan Commis-  
 37 sion. Transient housing is not per-  
 38 mitted. (Amended Ordinance 137-  
 39 021208)

40 (b) Permitted Accessory Uses:

- 41 (1) Accessory Uses and Structures. De-  
 42 tached garages shall not be used,  
 43 rented or leased to any individual  
 44 who is not the property owner or an  
 45 occupant residing on the property.  
 46 See section 66.0501 [See page 92]
- 47 (2) Ground-mounted and building-  
 48 mounted earth station dish and ter-  
 49 restrial antennas.
- 50 (3) Home occupations and professional  
 51 home offices. [See section  
 52 66.0501(d) page 92]
- 53 (4) Private swimming pools.
- 54 (5) Private tennis courts.
- 55 (6) Solar collectors attached to the  
 56 principal structure.

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- (7) Any other usual and customary uses  
 accessory to the above permitted  
 uses as determined by the Zoning  
 Administrator or his/her designee.

(c) Conditional Uses:

- (1) Bed and breakfast establishments as  
 provided for in Section 50.51(b) of  
 the Wisconsin Statutes and Chapter  
 HSS 197 of the Wisconsin Adminis-  
 trative Code.
- (2) Licensed community and other liv-  
 ing arrangements, which have a ca-  
 pacity of at least nine, but no more  
 than 20 persons.
- (3) Licensed family day care homes  
 subject to the regulations set forth in  
 section 48.65 of the Wisconsin  
 Statutes.
- (4) Private parks and playgrounds.
- (5) Utility substations, municipal wells,  
 pumping stations and towers shall  
 be a minimum of 50 feet from any  
 side or rear lot line.
- (6) Solar energy collectors erected as  
 an accessory structure.
- (7) Utilities requiring a building.
- (8) Parking of a semi-tractor or other  
 large trucks in accordance with  
 Subsection 66.0405(b) [See page  
 88] of this chapter.
- (9) Antennas over 35 feet tall.

(d) Lot Area and Width:

- (1) Lots shall be a minimum of 4,500  
 square feet in area and shall have a  
 lot width of at least 45 feet. Corner  
 lots shall have a lot width of at least  
 55 feet.

(e) Building Height, Area and Standards:

- (1) No principal residential building or  
 part of a principal residential build-  
 ing shall exceed 35 feet in height.  
 No accessory building shall exceed  
 the height specified in section  
 66.0501 [See page 92].
- (2) The total minimum floor area of a  
 principal residential building shall  
 be 900 square feet for a one-  
 bedroom dwelling, 1,000 square  
 feet for a two-bedroom dwelling  
 and 1,200 square feet for a three or  
 more bedroom dwelling.
- (3) All principal residential buildings,  
 excluding attached garages, shall  
 have a minimum width of 24 feet  
 for the main body of the house.

1 (4) The exterior walls of all principal 57  
 2 residential buildings shall be covered 58  
 3 by either stucco, cement siding, wood, 59  
 4 wood clapboards, wood 60  
 5 shakes, vinyl, steel or aluminum 61  
 6 beveled siding, brick, stone or other 62  
 7 masonry-type veneer materials or 63  
 8 other similar materials. 64  
 9 (5) All principal residential buildings 65  
 10 shall be placed on, and be attached 66  
 11 to, a permanently enclosed foundation 67  
 12 in accordance with the standards 68  
 13 set forth in section 70.043(1) 69  
 14 Wisconsin Statutes and chapter 70  
 15 ILHR 21, Wis. Admin. Code. 71  
 16 (6) The total of the floor area on all 72  
 17 floors of the principal residential 73  
 18 building and all accessory buildings 74  
 19 including the required parking, 75  
 20 driveways and sidewalks shall not 76  
 21 exceed 50 percent of the lot area 77  
 22 and the balance shall be left as 78  
 23 open space. (Amended Ordinance 79  
 24 159-120809) 80  
 25 (7) The total minimum floor area of a 81  
 26 principal residential building shall 82  
 27 be 850 square feet for a one- 83  
 28 bedroom dwelling, 900 square feet 84  
 29 for a two-bedroom dwelling and 85  
 30 1,100 square feet for a three or 86  
 31 more bedroom dwelling. (Amended 87  
 32 Ordinance 137-021208) 88  
 33 (f) Setbacks: 89  
 34 (1) There shall be two side setbacks for 90  
 35 all principal residential buildings to- 91  
 36 taling at least 20 feet, with one be- 92  
 37 ing at least five feet; and where a 93  
 38 side-entry garage exists, the setback 94  
 39 shall be at least 27 feet in width as 95  
 40 measured from the closest point of 96  
 41 the garage door opening that is per- 97  
 42 pendicular to the side lot line. 98  
 43 (2) There shall be a minimum front set- 99  
 44 back of at least 25 feet from the 100  
 45 centerline of the street right-of-way. 101  
 46 (3) There shall be a minimum front set- 102  
 47 back of at least 40 feet from the 103  
 48 edge of the easement or the edge of 104  
 49 pavement for all buildings not on a 105  
 50 public street. 106  
 51 (4) There shall be a minimum rear yard 107  
 52 setback of at least 25 feet from the 108  
 53 rear property line. 109  
 54 (5) Accessory buildings shall meet the 110  
 55 same setbacks as principal buildings 111  
 56 in the district. Other accessory 112

building requirements are listed in  
 section 66.0501 [See page 92] of  
 this chapter. (*Amended Ordinance*  
*207-100912*)  
 (g) Other Architectural Standards: (Amended  
 Ordinance 137-021208)  
 (1) The Plan Commission shall approve  
 the style and exterior design of  
 dwellings in subdivisions. The de-  
 veloper shall designate specific lots  
 for certain building designs to insure  
 that no two adjacent dwelling  
 units/buildings shall look identical.  
 (2) Any wall visible from a public street  
 that exceeds 50 feet in length shall  
 have a minimum of 20% of the  
 length of the wall projecting or re-  
 cessing at a minimum depth of 3%  
 of the length of the wall and a  
 change in the materials, texture, or  
 a permanent architectural feature  
 shall be provided.  
 (3) A detached garage shall be architec-  
 turally compatible with the residen-  
 tial building it serves. It shall be de-  
 signed and oriented to minimize the  
 visual effect of the scale or mass of  
 the garage. Visual interest shall be  
 created on all sides of the garage  
 that are visible from a public street  
 through the use of landscaping,  
 berming, architectural features,  
 building materials, and/or orienta-  
 tion.  
 (4) In the R-2 and R-4 districts, attached  
 garages for multifamily develop-  
 ments shall be designed and orient-  
 ed so that they do not dominate the  
 front facade of the building to  
 which they are attached. Attached  
 garages shall not occupy more than  
 30% of the front facade of the build-  
 ing. Not more than six garage doors  
 may appear on any multifamily  
 building facade containing front  
 doors, and the plane along such  
 garage doors shall be broken by an  
 offset of at least two feet if more  
 than two garage doors are in a row.  
 (5) In the R-1, R-3 and CS-1 districts at-  
 tached garages for single family  
 homes shall be designed and ori-  
 ented so that they do not dominate  
 the front facade of the building to  
 which they are attached. (Amended  
 Ordinance 1141-070808)

- 1           (6) Sidewalks not less than three (3) feet  
2           in width shall be provided to all  
3           building entrances connecting the  
4           building to the required parking ar-  
5           eas or driveways.
- 6           (7) If a sidewalk exists along the public  
7           street(s) abutting the lot, then side-  
8           walk(s) shall be provided connect-  
9           ing the all buildings to the public  
10          street.
- 11          (8) Street trees shall be provided along  
12          all existing and new public right-of-  
13          ways at a rate of at least one tree  
14          per 40 feet. If a driveway leading to  
15          the parking area is longer than 100  
16          feet, trees shall also be planted  
17          along at least one side of such  
18          driveway at the rate specified. All  
19          tree species shall be approved by  
20          the Plan Commission.
- 21          (9) All dwelling units must be served by  
22          public streets and not private roads.  
23          In the R-2 and R-4 districts, all  
24          driveways and parking spaces must  
25          be paved. In the R-1, R-3 and CS-1  
26          districts all driveways must be  
27          paved from the edge of abutting  
28          street pavement to the edge of the  
29          right of way or easement.  
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- 1 **Sec. 66.0315 CS-1 Countryside District** 55
- 2 The Countryside district provides for the continua- 56
- 3 tion of low-density residential housing and gen- 57
- 4 eral, non-intensive, agricultural and related use in 58
- 5 those areas suited to farming. The intent is to con- 59
- 6 serve areas with adequate soil types, drainage and 60
- 7 topography for low-density residential use and to 61
- 8 preserve the rural landscape from an uneconomical 62
- 9 scattering of residential development in such 63
- 10 areas. 64
- 11 (a) Permitted Uses: 65
- 12 (1) Single-family dwellings. 66
- 13 (2) Licensed community and other liv- 67
- 14 ing arrangements, which have a ca- 68
- 15 pacity for eight or fewer persons, 69
- 16 subject to the limitations set forth in 70
- 17 section 62.23(7)(i) of the Wisconsin 71
- 18 Statutes. 72
- 19 (3) Licensed foster family homes sub- 73
- 20 ject to the regulations set forth in 74
- 21 section 48.62 of the Wisconsin 75
- 22 Statutes. 76
- 23 (4) Public parks. 77
- 24 (5) Essential services, municipal build- 78
- 25 ings and facilities. 79
- 26 (6) General farming including but not 80
- 27 limited to apiculture, floriculture, 81
- 28 forage crop production, forestry, 82
- 29 grain production, grazing, orchards, 83
- 30 vineyards and truck farming. 84
- 31 (7) Horse stables. 85
- 32 (8) Tree farms and woodlots. 86
- 33 (9) Existing dwellings not accessory to 87
- 34 any farm operation or a dwelling 88
- 35 remaining after farm consolidation. 89
- 36 (10) Indoor institutional uses. 90
- 37 (11) Churches. 91
- 38 (12) Keeping and raising of domestic 92
- 39 stock for agribusiness, show, breed- 93
- 40 ing, boarding, or other purposes in- 94
- 41 cidental to the principal use of the 95
- 42 premises shall be limited to no more 96
- 43 than three non-domestic animals 97
- 44 per acre. 98
- 45 (b) Permitted Accessory Uses: 99
- 46 (1) Accessory Uses and Structures. De- 100
- 47 tached garages shall not be used, 101
- 48 rented or leased to any individual 102
- 49 who is not the property owner or an 103
- 50 occupant residing on the property. 104
- 51 See section 66.0501 [See page 92] 105
- 52 (2) Ground-mounted and building- 106
- 53 mounted earth station dish and ter- 107
- 54 restrial antennas. 108
- 109
- (3) Home occupations and professional 110
- home offices. [See section 111
- 66.0501(d) page 92] 112
- (4) Private swimming pools. 113
- (5) Private tennis courts. 114
- (6) Solar collectors attached to the 115
- principal structure. 116
- (7) Any other usual and customary uses 117
- accessory to the above permitted 118
- uses as determined by the Zoning 119
- Administrator or his/her designee. 120
- (8) One roadside stand, no larger than 121
- 200 square feet in area, for the sale 122
- of farm products produced on the 123
- premises. Any such stand shall con- 124
- form to the farm stand setbacks set 125
- forth in section 66.0315(g)(1) of this 126
- chapter and to the sign, parking and 127
- other provisions of this chapter. 128
- (c) Conditional Uses: 129
- (1) Bed and breakfast establishments as 130
- provided for in Section 50.51(b) of 131
- the Wisconsin Statutes and Chapter 132
- HSS 197 of the Wisconsin Adminis- 133
- trative Code. 134
- (2) Licensed community and other liv- 135
- ing arrangements, which have a ca- 136
- capacity of at least nine, but no more 137
- than 20 persons. 138
- (3) Licensed family day care homes 139
- subject to the regulations set forth in 140
- section 48.65 of the Wisconsin 141
- Statutes. 142
- (4) Private parks and playgrounds. 143
- (5) Utility substations, municipal wells, 144
- pumping stations and towers shall 145
- be a minimum of 50 feet from any 146
- side or rear lot line. 147
- (6) Solar energy collectors erected as 148
- an accessory structure. 149
- (7) Utilities requiring a building. 150
- (8) Parking of a semi-tractor or other 151
- large trucks in accordance with 152
- Subsection 66.0405(b) [See page 153
- 88] of this chapter. 154
- (9) Antennas over 35 feet tall. 155
- (10) Private educational or non-animal 156
- nature study areas. 157
- (11) Garden plots for rent. 158
- (12) Permanent retail establishments sell- 159
- ing fruits, vegetables and selected 160
- farm products in stands exceeding 161
- 200 square feet in area. 162
- (13) Transmitting towers, receiving tow- 163
- ers, and relay and microwave tow- 164

- |    |                                                 |     |     |                                         |
|----|-------------------------------------------------|-----|-----|-----------------------------------------|
| 1  | ers without broadcast facilities or             | 57  | (6) | The total of the floor area on all      |
| 2  | studios.                                        | 58  |     | floors of the principal residential     |
| 3  | (14) Cemeteries.                                | 59  |     | building and all accessory buildings    |
| 4  | (15) Farm implement repair.                     | 60  |     | including the required parking,         |
| 5  | (16) Golf courses.                              | 61  |     | driveways and sidewalks shall not       |
| 6  | (17) Indoor and outdoor recreation.             | 62  |     | exceed 10 percent of the lot area       |
| 7  | (18) Kennels.                                   | 63  |     | and the balance shall be left as        |
| 8  | (19) Utilities requiring a building.            | 64  |     | open space. (Amended Ordinance          |
| 9  | (20) One roadside stand, no larger than         | 65  |     | 159-120809)                             |
| 10 | 200 square feet in area, for the sale           | 66  | (f) | <u>Setbacks:</u>                        |
| 11 | of farm products. Any such stand                | 67  | (1) | There shall be two side setbacks for    |
| 12 | shall conform to the farm stand set-            | 68  |     | all principal residential buildings to- |
| 13 | backs set forth in section                      | 69  |     | taling at least 25 feet, with one be-   |
| 14 | 66.0315(g)(1) of this chapter and to            | 70  |     | ing at least ten feet; and where a      |
| 15 | the sign, parking and other provi-              | 71  |     | side-entry garage exists, the setback   |
| 16 | sions of this chapter.                          | 72  |     | shall be at least 27 feet in width as   |
| 17 | (21) Hotels/motels (Not to exceed eight         | 73  |     | measured from the closest point of      |
| 18 | separate rooms or units for rent)               | 74  |     | the garage door opening that is per-    |
| 19 | (Amended Ordinance 188-071211)                  | 75  |     | pendicular to the side lot line.        |
| 20 | (d) <u>Lot Area and Width:</u>                  | 76  | (2) | There shall be a minimum side set-      |
| 21 | (1) Lots shall have a minimum area of           | 77  |     | back of at least 100 feet for all       |
| 22 | ten acres and shall have a lot width            | 78  |     | churches.                               |
| 23 | of at least 300 feet wide.                      | 79  | (3) | Accessory buildings shall meet the      |
| 24 | (e) <u>Building Height, Area and Standards:</u> | 80  |     | same setbacks as principal buildings    |
| 25 | (1) No principal residential building or        | 81  |     | in the district. Other accessory        |
| 26 | part of a principal residential build-          | 82  |     | building requirements are listed in     |
| 27 | ing shall exceed 35 feet in height.             | 83  |     | section 66.0501 [See page 92] of        |
| 28 | No accessory building shall exceed              | 84  |     | this chapter. (Amended Ordinance        |
| 29 | the height as specified in section              | 85  |     | 207-100912)                             |
| 30 | 66.0501 [See page 92].                          | 86  | (4) | There shall be a minimum front set-     |
| 31 | (2) The total minimum floor area of a           | 87  |     | back of at least 50 feet from the       |
| 32 | principal residential building shall            | 88  |     | street right-of-way for farm dwell-     |
| 33 | be 900 square feet for a one-                   | 89  |     | ings and at least 80 feet from the      |
| 34 | bedroom dwelling, 1,000 square                  | 90  |     | street right-of-way for all other       |
| 35 | feet for a two-bedroom dwelling                 | 91  |     | buildings.                              |
| 36 | and 1,200 square feet for a three or            | 92  | (5) | There shall be a minimum front set-     |
| 37 | more bedroom dwelling.                          | 93  |     | back of at least 60 feet from the       |
| 38 | (3) All principal residential buildings,        | 94  |     | edge of the easement or the edge of     |
| 39 | excluding attached garages, shall               | 95  |     | pavement for all buildings not on a     |
| 40 | have a minimum width of 24 feet                 | 96  |     | public street.                          |
| 41 | for the main body of the house.                 | 97  | (6) | There shall be a minimum rear yard      |
| 42 | (4) The exterior walls of all principal         | 98  |     | setback of at least 50 feet from the    |
| 43 | residential buildings shall be cover-           | 99  |     | rear property line.                     |
| 44 | ed by either stucco, cement sid-                | 100 | (g) | <u>Special Requirements.</u>            |
| 45 | ing, wood, wood clapboards, wood                | 101 | (1) | Farm stands shall be setback at least   |
| 46 | shakes, vinyl, steel or aluminum                | 102 |     | ten feet from all property lines.       |
| 47 | beveled siding, brick, stone or other           | 103 | (2) | Buildings that house farm animals       |
| 48 | masonry-type veneer materials or                | 104 |     | including horses shall be setback at    |
| 49 | other similar materials.                        | 105 |     | least 100 feet from the nearest resi-   |
| 50 | (5) All principal residential buildings         | 106 |     | dence and from any navigable wa-        |
| 51 | shall be placed on, and be attached             | 107 |     | ter.                                    |
| 52 | to, a permanently enclosed founda-              | 108 | (3) | Indoor institutional use buildings      |
| 53 | tion in accordance with the stand-              | 109 |     | shall be setback a minimum of at        |
| 54 | ards set forth in section 70.043(1)             | 110 |     | least 50 feet from residentially        |
| 55 | Wisconsin Statutes and chapter                  | 111 |     | zoned property.                         |
| 56 | ILHR 21, Wis. Admin. Code.                      |     |     |                                         |

- |    |     |                                                |    |     |                                        |
|----|-----|------------------------------------------------|----|-----|----------------------------------------|
| 1  | (4) | All kennels shall be screened from             | 57 |     |                                        |
| 2  |     | all sides and shall be a minimum of            | 58 |     | the front facade of the building to    |
| 3  |     | at least 200 feet from the side and            | 59 |     | which they are attached. (Amended      |
| 4  |     | year yard. All animals shall be kept           | 60 | (6) | Ordinance 1141-070808)                 |
| 5  |     | indoors from 9:00 p.m. to 7:00 a.m.            | 61 |     | Sidewalks not less than three (3) feet |
| 6  | (5) | The minimum lot size for a horse               | 62 |     | in width shall be provided to all      |
| 7  |     | stable shall be five acres.                    | 63 |     | building entrances connecting the      |
| 8  | (h) | <u>Other Architectural Standards:</u> (Amended | 64 |     | building to the required parking ar-   |
| 9  |     | Ordinance 137-021208)                          | 65 | (7) | reas or driveways.                     |
| 10 | (1) | The Plan Commission shall approve              | 66 |     | If a sidewalk exists along the public  |
| 11 |     | the style and exterior design of               | 67 |     | street(s) abutting the lot, then side- |
| 12 |     | dwellings in subdivisions. The de-             | 68 |     | walk(s) shall be provided connect-     |
| 13 |     | veloper shall designate specific lots          | 69 |     | ing the all buildings to the public    |
| 14 |     | for certain building designs to insure         | 70 | (8) | street.                                |
| 15 |     | that no two adjacent dwelling                  | 71 |     | Street trees shall be provided along   |
| 16 |     | units/buildings shall look identical.          | 72 |     | all existing and new public right-of-  |
| 17 | (2) | Any wall visible from a public street          | 73 |     | ways at a rate of at least one tree    |
| 18 |     | that exceeds 50 feet in length shall           | 74 |     | per 40 feet. If a driveway leading to  |
| 19 |     | have a minimum of 20% of the                   | 75 |     | the parking area is longer than 100    |
| 20 |     | length of the wall projecting or re-           | 76 |     | feet, trees shall also be planted      |
| 21 |     | cessing at a minimum depth of 3%               | 77 |     | along at least one side of such        |
| 22 |     | of the length of the wall and a                | 78 |     | driveway at the rate specified. All    |
| 23 |     | change in the materials, texture, or           | 79 |     | tree species shall be approved by      |
| 24 |     | a permanent architectural feature              | 80 | (9) | the Plan Commission.                   |
| 25 |     | shall be provided.                             | 81 |     | All dwelling units must be served by   |
| 26 | (3) | A detached garage shall be architec-           | 82 |     | public streets and not private roads.  |
| 27 |     | turally compatible with the residen-           | 83 |     | In the R-2 and R-4 districts, all      |
| 28 |     | tial building it serves. It shall be de-       | 84 |     | driveways and parking spaces must      |
| 29 |     | signed and oriented to minimize the            | 85 |     | be paved. In the R-1, R-3 and CS-1     |
| 30 |     | visual effect of the scale or mass of          | 86 |     | districts, all driveways must be       |
| 31 |     | the garage. Visual interest shall be           | 87 |     | paved from the edge of abutting        |
| 32 |     | created on all sides of the garage             | 88 |     | street pavement to the edge of the     |
| 33 |     | that are visible from a public street          | 89 |     | right of way or easement.              |
| 34 |     | through the use of landscaping,                |    |     |                                        |
| 35 |     | berming, architectural features,               |    |     |                                        |
| 36 |     | building materials, and/or orienta-            |    |     |                                        |
| 37 |     | tion.                                          |    |     |                                        |
| 38 | (4) | In the R-2 and R-4 districts, attached         |    |     |                                        |
| 39 |     | garages for multifamily develop-               |    |     |                                        |
| 40 |     | ments shall be designed and orient-            |    |     |                                        |
| 41 |     | ed so that they do not dominate the            |    |     |                                        |
| 42 |     | front facade of the building to                |    |     |                                        |
| 43 |     | which they are attached. Attached              |    |     |                                        |
| 44 |     | garages shall not occupy more than             |    |     |                                        |
| 45 |     | 30% of the front facade of the build-          |    |     |                                        |
| 46 |     | ing. Not more than six garage doors            |    |     |                                        |
| 47 |     | may appear on any multifamily                  |    |     |                                        |
| 48 |     | building facade containing front               |    |     |                                        |
| 49 |     | doors, and the plane along such                |    |     |                                        |
| 50 |     | garage doors shall be broken by an             |    |     |                                        |
| 51 |     | offset of at least two feet if more            |    |     |                                        |
| 52 |     | than two garage doors are in a row.            |    |     |                                        |
| 53 | (5) | In the R-1, R-3 and CS-1 districts at-         |    |     |                                        |
| 54 |     | tached garages for single family               |    |     |                                        |
| 55 |     | homes shall be designed and ori-               |    |     |                                        |
| 56 |     | ented so that they do not dominate             |    |     |                                        |

1

<p>1 <b>Business Districts</b></p> <p>2 <b>Sec. 66.0320 B-1 General Business District</b></p> <p>3 The General Business district (B-1) is intended to</p> <p>4 provide areas for attractive and accessible group-</p> <p>5 ings of business, commercial, office and other</p> <p>6 general retail uses in convenient locations outside</p> <p>7 of the Downtown Business district (B-3). This sec-</p> <p>8 tion provides standards for the orderly improve-</p> <p>9 ment and development within the general busi-</p> <p>10 ness district based on the following principles:</p> <p>11     • Development that is consistent with the</p> <p>12       natural environment.</p> <p>13     • Development that maintains the Village’s</p> <p>14       traditional small town appearance, in</p> <p>15       which its housing, shops, work places,</p> <p>16       parks and civic facilities co-exist in rela-</p> <p>17       tive harmony.</p> <p>18     • Development that balances the needs of</p> <p>19       a resort town and a residential village.</p> <p>20     • Designs that meet the architectural</p> <p>21       standards and enhance the Village’s his-</p> <p>22       toric architecture.</p> <p>23 (a) <u>Permitted Uses:</u> <i>(Amended Ordinance</i></p> <p>24 <i>188-071211)</i></p> <p>25     (1) Antique and collectors stores</p> <p>26     (2) Art galleries or studios for photog-</p> <p>27       raphy, painting, music, sculpture,</p> <p>28       dance, pottery and jewelry</p> <p>29     (3) Auto sales and service</p> <p>30     (4) Art supply stores</p> <p>31     (5) Banks/financial institutions</p> <p>32     (6) Barber shops, beauty salons and</p> <p>33       spas</p> <p>34     (7) Bed and breakfasts</p> <p>35     (8) Boat sales and service</p> <p>36     (9) Book or stationery stores</p> <p>37     (10) Camera and photographic supply</p> <p>38       stores</p> <p>39     (11) Catering services</p> <p>40     (12) Churches</p> <p>41     (13) Cinema, theater or performance hall</p> <p>42     (14) Clothing stores</p> <p>43     (15) Commercial laundries</p> <p>44     (16) Convenience store</p> <p>45     (17) Craft stores</p> <p>46     (18) Dance studio</p> <p>47     (19) Florists</p> <p>48     (20) Food stores</p> <p>49     (21) Funeral homes</p> <p>50     (22) Gasoline service stations</p> <p>51     (23) Gift shops</p> <p>52     (24) Group day care centers</p> <p>53     (25) Hardware stores</p>	<p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p> <p>101</p> <p>102</p> <p>103</p> <p>104</p>	<p>(26) Hobby and craft shops</p> <p>(27) Hotel, condominium</p> <p>(28) Hotel/motel</p> <p>(29) Indoor institutional</p> <p>(30) Infrastructure essential services</p> <p>(31) Information centers</p> <p>(32) Insurance sales offices</p> <p>(33) Interior decorators and furniture</p> <p>      stores</p> <p>(34) Jewelry stores</p> <p>(35) Lawn and garden centers</p> <p>(36) Licensed massage therapy and body</p> <p>      work as certified by the State</p> <p>(37) Liquor stores</p> <p>(38) Lumberyards</p> <p>(39) Marinas</p> <p>(40) Medical and dental clinics</p> <p>(41) Municipal buildings</p> <p>(42) Municipal utility facilities</p> <p>(43) Music stores</p> <p>(44) Newspaper and magazine stores</p> <p>(45) Office supplies and business ma-</p> <p>      chine stores</p> <p>(46) Optical stores</p> <p>(47) Paint, glass and wallpaper stores</p> <p>(48) Parks</p> <p>(49) Pet stores and pet grooming</p> <p>(50) Pharmacy or drug store</p> <p>(51) Photography studios</p> <p>(52) Physical fitness centers</p> <p>(53) Plumbing and heating supplies</p> <p>(54) Printing services</p> <p>(55) Professional offices</p> <p>(56) Public parking lots</p> <p>(57) Real estate offices</p> <p>(58) Radio and television studios</p> <p>(59) Restaurant</p> <p>(60) Retail electronic equipment sales</p> <p>(61) Self-service laundry and dry-</p> <p>      cleaning</p> <p>(62) Shoe and leather goods stores</p> <p>(63) Single family housing as of January</p> <p>      1, 2007</p> <p>(64) Sporting goods stores</p> <p>(65) Taverns or cocktail lounges</p> <p>(66) Tobacco stores</p> <p>(67) Trade and contractor shops</p> <p>(68) Travel agencies</p> <p>(69) Variety stores</p> <p>(70) Video productions</p> <p>(71) Video tape sales and rental</p>
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- 1 (b) Permitted Accessory Uses: (Amended Or-
- 2 *dinance 188-071211)*
- 3 (1) Accessory uses and structures. See
- 4 section 66.0501 [See page 92]
- 5 (2) Outdoor Displays. See section
- 6 66.0506 [See page 102]
- 7 (3) Solar collectors attached to the
- 8 principal structure.
- 9 (4) Accessory Residential Use. One
- 10 single-family dwelling and a non-
- 11 transient residential unit, located on
- 12 the same property as the business
- 13 provided that there shall be a mini-
- 14 mum floor area as provided below.
- 15 The on-site parking required for the
- 16 accessory residential units must be
- 17 available on site. (Amended Ordi-
- 18 nance 128-061207)

Bedrooms	Minimum area
Efficiency	700
1	750
2 or more	850

- 19 (c) Conditional Uses: (Amended Ordinance
- 20 *188-071211)*
- 21 (1) Apartments (Subject to
- 22 66.0320(g)(2))
- 23 (2) Commercial recreation facilities (in-
- 24 door and outdoor), such as arcades,
- 25 bowling alleys, clubs, dance halls,
- 26 driving ranges, gymnasiums, health
- 27 clubs, miniature golf facilities, pool
- 28 and billiard halls and indoor skating
- 29 rinks.
- 30 (3) Congregate housing (Subject to
- 31 66.0320(g)(2))
- 32 (4) Flea markets
- 33 (5) Solar energy as accessory structure
- 34 (6) Motor home and recreational vehi-
- 35 cle sales and service
- 36 (7) Non-village utility facilities
- 37 (8) Light assembly, light manufacturing
- 38 and related activities
- 39 (9) Residential condominiums (Subject
- 40 to 66.0320(g)(2))
- 41 (10) Seasonal employee housing (Subject
- 42 to 66.0320(g)(2))
- 43 (11) Storage and related (Subject to
- 44 66.0320(g)(1))

- 45 (d) Lot Area and Width:
- 46 (1) Lots not served by public sewer
- 47 shall be a minimum of 25,000
- 48 square feet in area and shall have a
- 49 lot width of at least 100 feet. Corner
- 50 lots shall have a lot width of at least
- 51 110 feet.

- 52 (2) Lots shall provide sufficient area
- 53 and width for the principal struc-
- 54 ture(s) and its accessory structures,
- 55 off-street parking and loading areas,
- 56 and required setbacks.
- 57 (3) Lots served by public sewer shall be
- 58 a minimum of 20,000 square feet in
- 59 area and shall have a lot width of at
- 60 least 60 feet. Corner lots shall have
- 61 a lot width of at least 110 feet.

- 62 (e) Building Height and Area:
- 63 (1) No principal building shall exceed
- 64 35 feet in height. No accessory
- 65 building shall exceed 35 feet in
- 66 height.
- 67 (2) The total of the floor area on all
- 68 floors of the principal building and
- 69 all accessory buildings including the
- 70 required parking, driveways and
- 71 sidewalks shall not exceed 80 per-
- 72 cent of the lot area and the balance
- 73 shall be left as open space.
- 74 (Amended Ordinance 159-120809)

- 75 (f) Setbacks:
- 76 (1) There shall be a minimum building
- 77 front setback of a least 45 feet from
- 78 the centerline of the right-of-way of
- 79 all streets.
- 80 (2) There shall be a minimum front set-
- 81 back of at least 40 feet from the
- 82 edge of the easement or edge of
- 83 pavement for all buildings not on a
- 84 public street.
- 85 (3) There shall be a side setback on
- 86 each side of all principal buildings
- 87 of not less than ten feet. However,
- 88 this may be increased upon the rec-
- 89 ommendation of the Village Engi-
- 90 neer in order to accommodate the
- 91 required grading between proper-
- 92 ties.
- 93 (4) There shall be a rear setback of at
- 94 least 20 feet.
- 95 (5) Accessory buildings shall meet the
- 96 same setbacks as principal buildings
- 97 in the district. Other accessory
- 98 building requirements are listed in
- 99 section 66.0501 [See page 92] of
- 100 this chapter. (Amended Ordinance
- 101 207-100912)

- 102 (g) Special Standards.
- 103 This section supplements the standards
- 104 contained in section 66.0320(d) through
- 105 66.0320(f). It provides standards for the fol-
- 106 lowing land uses in order to control the

1 scale and compatibility of those uses with-  
 2 in the B-1 district:  
 3 (1) The Plan Commission shall apply at  
 4 a minimum the following standards  
 5 when considering a conditional use  
 6 permit for storage buildings. The  
 7 minimum space for a storage unit  
 8 would be 1500 square feet and the  
 9 buildings containing the units will  
 10 be constructed of non-metal materi-  
 11 als other than doors and windows.  
 12 A storage building shall not contain  
 13 more than four storage units. Real or  
 14 false windows will be installed on  
 15 the exterior facing walls to reduce  
 16 the long blank wall appearance.  
 17 The buildings shall be set back a  
 18 minimum of 250 feet from the cen-  
 19 terline of State Highways 42 or 57  
 20 and screened from the highway by  
 21 other buildings. The storage spaces  
 22 may be for actual storage or to al-  
 23 low the owner or occupant to work  
 24 within the storage building for the  
 25 purposes of maintaining their be-  
 26 longings such as autos, boats and  
 27 other belongings. The buildings  
 28 shall have fire sprinklers upon oc-  
 29 cupancy. No overnight storage or  
 30 parking of material, vehicle, etc.  
 31 outside is permitted and none of the  
 32 overhead doors shall be visible from  
 33 an adjacent residential property.  
 34 (Amended Ordinance 130-071007)  
 35 (2) New apartment, congregate hous-  
 36 ing, seasonal employee housing and  
 37 residential condominium buildings  
 38 shall comply with the building  
 39 height and area standards as well as  
 40 the unit density requirements in the  
 41 R-2 district Section 66.0312 as well  
 42 as the other requirements as exist  
 43 including the requirement that the  
 44 property is served by public sewer  
 45 and water. The conversion of exist-  
 46 ing commercial buildings into  
 47 apartments, congregate housing,  
 48 seasonal employee or residential  
 49 housing shall comply with the resi-  
 50 dential parking requirements. As  
 51 part of the conversion of an existing  
 52 commercial building to one of the  
 53 listed uses above, if there is any  
 54 building addition at that time or in  
 55 the future, the building addition is  
 56 subject to the building height and

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area standards as well as the unit  
 density requirements in the R-2 dis-  
 trict Section 66.0312 as well as the  
 other requirements as exist.  
 (Amended Ordinance 165-120809)

1

1 **Sec. 66.0322 B-2 Downtown Business Transition District**

2  
3 The Downtown Business Transition district (B-2) is  
4 intended to complement the Village’s downtown  
5 business district by providing a transition zone ad-  
6 jacent to the B-3 Downtown Business district.  
7 While the dominate uses in the B-2 district are  
8 residential, the area is in the process of changing  
9 to a mixture of business and residential uses. This  
10 transition area is typified by small lots, and build-  
11 ings with minimal setbacks. The intent of the B-2  
12 Downtown Transition district is to permit conver-  
13 sion of existing residential buildings to business  
14 uses and to permit the construction of new com-  
15 mercial buildings and to have North Bay Shore  
16 Drive remain the primary downtown shopping  
17 street. This section provides standards for the or-  
18 derly improvement and development of the  
19 downtown district transition based on the follow-  
20 ing principles:

- 21 • Development that is consistent with the  
22 natural environment.
- 23 • Development that maintains the Village’s  
24 traditional small town appearance, in  
25 which its housing, shops, work places,  
26 parks and civic facilities co-exist in rela-  
27 tive harmony.
- 28 • Development that balances the needs of  
29 a resort town and a residential village.
- 30 • Efficient use of land and urban services.
- 31 • A mixture of land uses to encourage  
32 walking as an alternative to driving, pro-  
33 vide more employment and housing op-  
34 tions.
- 35 • Development, which serves as a buffer  
36 between residential neighborhoods and  
37 the downtown business district.
- 38 • Designs that meet the architectural  
39 standards and enhance the Village’s his-  
40 toric architecture.

41 (a) Permitted Uses: *(Amended Ordinance*  
42 *217-081313)*

- 43 (1) Antique and collectors stores
- 44 (2) Art galleries or studios for photog-  
45 raphy, painting, music, sculpture,  
46 dance, pottery and jewelry
- 47 (3) Art supply stores
- 48 (4) Barber shops, beauty salons and  
49 spas
- 50 (5) Bed and breakfasts

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- (6) Book or stationery stores
  - (7) Camera and photographic supply  
stores
  - (8) Cinema, theater or performance hall
  - (9) Clothing stores
  - (10) Convenience store
  - (11) Craft stores
  - (12) Dance studio
  - (13) Florists
  - (14) Food stores
  - (15) Gift shops
  - (16) Hobby and craft shops
  - (17) Hotel/condominium
  - (18) Hotel/motel
  - (19) Infrastructure essential services
  - (20) Information centers
  - (21) Jewelry stores
  - (22) Licensed massage therapy and body  
work as certified by the State
  - (23) Marinas
  - (24) Municipal utility facilities
  - (25) Music stores
  - (26) Newspaper and magazine stores
  - (27) Parks
  - (28) Photography studios
  - (29) Physical fitness centers
  - (30) Public parking lots
  - (31) Real estate offices
  - (32) Restaurant
  - (33) Retail electronic equipment sales
  - (34) Self-service laundry and dry-  
cleaning
  - (35) Shoe and leather goods stores
  - (36) Single family housing as of Septem-  
ber 1, 2010
  - (37) Sporting goods stores
  - (38) Taverns or cocktail lounges
  - (39) Tobacco stores
  - (40) Travel agencies
  - (41) Variety stores
  - (42) Video tape sales and rental
- (b) Conditional Uses: *(Amended Ordinance*  
*217-081313)*
- (1) Commercial recreation facilities (in-  
door and outdoor), such as arcades,  
bowling alleys, clubs, dance halls,  
driving ranges, gymnasiums, health  
clubs, miniature golf facilities, pool  
and billiard halls and indoor skating  
rinks.
  - (2) Liquor stores
  - (3) Solar energy as accessory structure
  - (4) Non-village utility facilities

- 1 (d) Permitted Accessory Uses: (Amended Or- 52  
 2 dinance 217-081313) 53  
 3 (1) Accessory structures. See section 54  
 4 66.0501 [See page 92] 55  
 5 (2) Outdoor displays. See section 56  
 6 66.0506 [See page 102] 57  
 7 (3) Professional offices 58  
 8 (4) Accessory residential use. Residen- 59  
 9 tial units and commercial transient 60  
 10 lodging located on a ground or non- 61  
 11 ground level on the same property 62  
 12 shall be allowed with the minimum 63  
 13 floor area as provided below. The 64  
 14 on-site parking required for the ac- 65  
 15 cessory residential units must be 66  
 16 available on site and cannot be lo- 67  
 17 cated elsewhere through the pay- 68  
 18 ment of a fee as allowed under sec- 69  
 19 tion 66.0322(h)(4) and (5). 70
- | Bedrooms   | Minimum area |
|------------|--------------|
| Efficiency | 700          |
| 1          | 750          |
| 2 or more  | 850          |
- 20 (e) Building Setbacks: 75  
 21 The homes in the transition district are typ- 76  
 22 ically located on smaller irregularly shaped 77  
 23 lots with minimal setbacks. In the transition 78  
 24 district, homes and business buildings will 79  
 25 operate in close proximity to one another. 80  
 26 The setback standards are minimal to re- 81  
 27 flect the difficulty of dealing with small lots 82  
 28 and narrow road right-of-way. Building 83  
 29 setbacks are measured from the respective 84  
 30 property line. Setbacks for porches are 85  
 31 measured from the edge of the deck or 86  
 32 porch to the property line. The setback 87  
 33 standards, as listed below, apply to primary 88  
 34 structures as well as accessory structures. 89  
 35 (1) Front Yard Setbacks. The minimum 90  
 36 front yard setback is at least 35 feet 91  
 37 from the centerline of the street 92  
 38 right-of-way or 15 feet from the 93  
 39 property line whichever is greater, 94  
 40 except where a parcel adjoins the 95  
 41 side lot line of another parcel front- 96  
 42 ing on the same street with a lesser 97  
 43 setback, in which case the mini- 98  
 44 mum front yard setback shall be the 99  
 45 average of the setback of the new 100  
 46 building and the setback of the ad- 101  
 47 joining parcel with the least set- 102  
 48 back. 103  
 49 (2) Rear Yard Setbacks. 104  
 50 a. Minimum Setback. The min- 105  
 51 imum rear yard setback for 106

- all structures shall be at least  
 15 feet for street access lots,  
 and at least eight feet for al-  
 ley access lots (distance from  
 building to rear property line  
 or alley easement) in order to  
 provide space for parallel  
 parking.
- b. Through-Lots. For buildings  
 on through-lots (lots with  
 front and rear frontage onto a  
 street), the front yard set-  
 backs in 66.0322(d)(1) shall  
 apply.
- (3) Side Yard Setbacks. The minimum  
 side yard setback shall be at least  
 ten feet. The Plan Commission may  
 grant a waiver where the adjoining  
 property owners enter into a written  
 recordable agreement agreeing to  
 a lesser setback distance. (Amended  
 Ordinance 161-120809)
- (4) Lot Coverage. There shall be a min-  
 imum of 20 percent open space and  
 the balance shall not include the  
 required parking, driveways and  
 sidewalks on the lot as required by  
 section 66.1050(a)(23). (Amended  
 Ordinance 159-120809).
- (5) Lot Area and Width
- a. Lot Area. Lots shall be a min-  
 imum of 4,500 square feet in  
 area.
- b. Lot Width. Lots shall have a  
 lot width of at least 45 feet.  
 Corner lots shall have a lot  
 width of at least 55 feet.
- (6) Building Standards
- a. There shall be no minimum  
 floor area for buildings used  
 solely for business purposes.
- b. The minimum floor area for a  
 mixed-use residential and  
 business building shall be at  
 least 2,000 square feet.
- c. The minimum floor area for  
 residential buildings shall be  
 the same as section 66.0314.  
 [See page 25]
- d. All principal residential  
 dwellings, excluding at-  
 tached garages, shall have a  
 minimum width of at least 24  
 feet for the main body of the  
 house.

1 e. The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood; wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry type veneer materials or other similar materials. 56-65

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11 f. All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in section 70.043(1), Wisconsin Statutes and chapter ILHR 21, Wis. Admin. Code. 66-74

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20 (7) If the size of the project includes parcels aggregating 20,000 square feet or more, the Plan Commission may impose the following standard: 75

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24 a. Front Yard Setbacks. The minimum front yard setback is 40 feet from the centerline of the street right-of-way or 20 feet from the edge of pavement whichever is more, except where a parcel adjoins the side lot line of another parcel fronting on the same street with a lesser setback, in which case the minimum front yard setback shall be the average of the setback of the new building and the setback of the adjoining parcel with the least setback. The setback for a reconstructed non-conforming structure shall be no closer than eight feet from the right-of-way to provide for the installation of a five-foot public sidewalk. (Amended Ordinance 120-061306) 79-103

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49 (f) Block Layout and Building Orientation: 104

50 This section is intended to promote the walkable mixed-use residential and commercial district by forming short blocks and orienting (placing or locating) buildings closer to streets. Placing buildings close to the street also slows traffic down and 105-110

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vides more “eyes on the street,” increasing the safety of public spaces. The standards, as listed on the following page compliment the front yard setback standards in section 66.0322(d).

(1) Applicability. This section applies to new land divisions and all of the following types of development (i.e., subject to Site Design Review) and compliance with all of the provisions of subsections (a) and (b), below, shall be required:

a. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

b. Business and mixed-use buildings subject to site design review.

(2) Block Layout Standard. New land divisions and developments, which are subject to Site Design Review, shall be configured to provide an alley or interior parking court, as shown above. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 400 feet, and a depth not exceeding 400 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct and convenient access to building entrances and off-street parking.

(3) Building Orientation Standard. All of the developments listed in section 66.0322(e)(1) shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

a. The minimum and maximum setback standards in section 66.0322(d) are met;

b. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby

entrances, entrances oriented to pedestrian plazas, or breezeway courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding ten feet in length is provided between the building entrance and the street right-of-way.

c. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street, which is used to comply with subsection 66.0322(e)(2), above. On corner lots, buildings and their entrances shall be oriented to the street corner; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

(g) Building Height:

(1) All buildings in the district shall comply with the following building height standards. The standards are intended to allow for development of buildings in accord with Section 66.1051. (Amended Ordinance 160-120809)

(2) Buildings shall be no more than 35 feet in height.

(3) If a parcel is larger than one acre and the proposed development is for a hotel/motel or hotel/condominium then the developer shall be able to increase the building height to 45 feet as follows: (Amended Ordinance 217-081313)

a. The floor area of the fourth story shall not exceed the floor area of the first floor retail or general restaurants, fast food restaurants, drive-in restaurants and take-out restaurants uses. The floor area used by the hotel/motel or hotel/condominium on the first floor shall not count as a retail type use. (Amended Ordinance 217-081313)

b. The fourth story shall be stepped back from the third story as approved by the Commission.

(g) Pedestrian Amenities.

(1) Purpose and Applicability. This section is intended to complement the building orientation standards in section 66.0322(e), and the street standards, by providing comfortable and inviting pedestrian spaces within the transition district. Pedestrian amenities contribute to a walkable district. This section applies to all of the following types of buildings:

a. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

b. Business and mixed-use buildings subject to site design review.

c. One and two family dwellings.

(2) Guidelines and Standards. Every development shall provide and maintain a public sidewalk with a minimum width of six feet across the front of the parcel and side yard abutting a public street. (Amended Ordinance 217-081313)

(h) Special Standards Uses:

This section supplements the standards contained in section 66.0322(d) through 66.0322(g). It provides standards for the following land uses in order to control the scale and compatibility of those uses within the transition district:

(1) Mixed-use Development Allowed. Residential uses shall be permitted as an accessory use when part of a mixed-use development (residential with commercial use). Both “vertical” mixed-use (housing above the ground floor), and “horizontal” mixed-use (housing on the ground floor) developments are allowed.

(2) Residential Density. There is no minimum or maximum multifamily

1 residential density standard. Density 56  
 2 shall be controlled by the applica- 57  
 3 ble lot coverage, parking require- 58  
 4 ments, landscaping requirements 59  
 5 and building height standards. 60  
 6 (3) Parking, Garage and Driveway Ori- 61  
 7 entation. All off-street vehicle park- 62  
 8 ing, including surface lots and gar- 63  
 9 ages, loading docks and overhead 64  
 10 doors shall be oriented to alleys, or 65  
 11 located in parking areas located be- 66  
 12 hind or to the side of the building; 67  
 13 except that side yards facing a street 68  
 14 (i.e., corner yards) shall not be used 69  
 15 for surface parking. All garage en- 70  
 16 trances facing a street (e.g., struc- 71  
 17 tured parking) shall be recessed be- 72  
 18 hind the front building elevation by 73  
 19 a minimum of four to six feet. On 74  
 20 corner lots, garage entrances shall 75  
 21 be oriented to a side street when 76  
 22 access cannot be provided from an 77  
 23 alley. 78  
 24 (4) Parking Spaces Required. The Vil- 79  
 25 lage recognizes the challenges of 80  
 26 providing the necessary parking 81  
 27 spaces in the transition district and 82  
 28 thereby establishes the following 83  
 29 standard for the district. The de- 84  
 30 tailed requirements for parking lots 85  
 31 and spaces are covered in section 86  
 32 66.0403. [See page 81] The Plan 87  
 33 Commission may allow a landown- 88  
 34 er to meet the parking requirement 89  
 35 by providing the required parking 90  
 36 spaces either on site, on another 91  
 37 privately owned site as required un- 92  
 38 der section 66.0404 Adjustments to 93  
 39 Required Parking [See page 86]. No 94  
 40 development shall avoid the need to 95  
 41 provide parking spaces by claiming 96  
 42 credit for on street parking spaces or 97  
 43 public parking lots. The parking 98  
 44 spaces required for motels, hotels, 99  
 45 all types of condominiums, access- 100  
 46 ory residential uses must be provided 101  
 47 on site, and no fee in lieu of creat- 102  
 48 ing spaces in subsection (6) will be 103  
 49 allowed. 104  
 50 (5) Fee In Lieu of Creating Parking 105  
 51 Spaces. Please refer to Section 106  
 52 66.0404(b) [See page 86] (Amended 107  
 53 Ordinance 120-061306) 108  
 54 (6) Common Areas. All common areas 109  
 55 (e.g., walkways, drives, courtyards,

private alleys, parking courts, etc.)  
 and building exteriors shall be  
 maintained by an association or the  
 owner. Copies of any applicable  
 covenants, restrictions and condi-  
 tions shall be recorded and provid-  
 ed to the Village prior to zoning  
 permit approval.  
 (7) Exemption. When the application of  
 the off-street parking regulations  
 specified above result in a require-  
 ment of not more than three spaces  
 on a single lot in the transition dis-  
 trict, such parking spaces need not  
 be provided. However, where two  
 or more businesses are located on a  
 single lot, only one of these uses  
 shall be eligible for this exemption.  
 This exemption shall not apply to  
 dwelling units.  
 (8) Automobile-Oriented Uses and Fa-  
 cilities. Automobile-oriented uses  
 and facilities, as defined below shall  
 conform to all of the following  
 standards in the transition district.  
 The standards are intended to slow  
 traffic down and encourage walk-  
 ing.  
 (9) Parking, Garages and Driveways.  
 All off-street vehicle parking, in-  
 cluding surface lots and garages,  
 loading docks and overhead doors  
 shall be accessed from alleys, or lo-  
 cated in parking areas located be-  
 hind or to the side of a building; ex-  
 cept that side yards on corner lots  
 shall not be used for surface park-  
 ing. All garage entrances facing a  
 street (e.g., structured parking) shall  
 be recessed behind the front eleva-  
 tion by a minimum of six feet. On  
 corner lots, garage entrances shall  
 be oriented to a side street when  
 vehicle access cannot be provided  
 from an alley.  
 (10) Other Garages and Accessory Build-  
 ings. (*Amended Ordinance 186-  
 061411*)  
 a. The Plan Commission may  
 approve as a conditional use  
 detached garages in the B-2  
 district for adjacent residen-  
 tial uses under the following  
 conditions:

1 1. The only occupants of 55  
2 the garage(s) spaces or 56  
3 accessory buildings 57  
4 shall be the occupants 58  
5 or property owners of 59  
6 parcels as approved 60  
7 by the Plan Commis- 61  
8 sion, which shall be 62  
9 established by deed 63  
10 restriction. 64  
11 2. The detached garages 65  
12 or accessory structures 66  
13 shall be covered by a 67  
14 development agree- 68  
15 ment, which shall in- 69  
16 clude a maintenance 70  
17 agreement, in addi- 71  
18 tion to the require- 72  
19 ments of the district. 73  
20 b. Any wall of the detached 74  
21 garages visible from a public 75  
22 street that exceeds 50 feet in 76  
23 length shall have a minimum 77  
24 of 20% of the length of the 78  
25 wall projecting or recessing 79  
26 at a minimum depth of 3% of 80  
27 the length of the wall and a 81  
28 change in the materials, tex- 82  
29 ture, or a permanent archi- 83  
30 tectural feature shall be pro- 84  
31 vided. 85  
32 c. The detached garage(s) shall 86  
33 be architecturally compatible 87  
34 with the residential building 88  
35 it serves. It shall be designed 89  
36 and oriented to minimize the 90  
37 visual effect of the scale or 91  
38 mass of the garage. Visual in- 92  
39 terest shall be created on all 93  
40 sides of the garage that are 94  
41 visible from a public street 95  
42 through the use of landscap- 96  
43 ing, berming, architectural 97  
44 features, building materials, 98  
45 and/or orientation. 99  
46 d. Not more than six adjacent 100  
47 garage doors may appear un- 101  
48 less the plane along such 102  
49 garage doors shall be broken 103  
50 by an offset of at least two 104  
51 feet. 105  
52 e. If a sidewalk exists along the 106  
53 public street(s) abutting the 107  
54 lot, then sidewalk(s) shall be 108  
109

provided connecting the all  
buildings to the public street.  
f. Street trees shall be provided  
along all existing and new  
public right-of-ways at a rate  
of at least one tree per 40  
feet. If a driveway leading to  
the parking area is longer  
than 100 feet, trees shall also  
be planted along at least one  
side of such driveway at the  
rate specified. All tree spe-  
cies shall be approved by the  
Plan Commission.  
g. The detached garage(s) shall  
comply with the district  
standards and all other  
standards of the Zoning  
Code.  
(i) Automobile-Oriented Uses.  
“Automobile-oriented use” means auto-  
mobiles and or other motor vehicles are an  
integral part of the use. These uses are re-  
stricted because, when unrestricted, they  
detract from the pedestrian friendly, store-  
front character of the district and can con-  
sume large amounts of land relative to oth-  
er permitted uses. Automobile-oriented us-  
es shall comply with the following stand-  
ards:  
(1) Drive-up, drive-in, and drive-  
through facilities (e.g., associated  
with banks, car washes, and similar  
uses) are permitted only when ac-  
cessory to a primary commercial  
“walk-in” use, and shall conform to  
all of the following standards.  
Drive-up, drive-in, and drive-  
through facilities for general restau-  
rants, fast food restaurants, drive-in  
restaurants and take-out restaurants  
are regulated in Section 66.0350.  
(Amended Ordinance 172-081010):  
a. The facility receives access  
from an alley or driveway,  
and not a street.  
b. None of the drive-up, drive-  
in or drive-through facilities  
(e.g., driveway queuing are-  
as, windows, teller ma-  
chines, service windows,  
drop boxes and similar facili-  
ties) is located within 20 feet  
of a street and shall not be  
oriented to a street corner.

# VILLAGE OF SISTER BAY ZONING CODE Page 60

**SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT**

**SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT**

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- 1 (Walk-up only teller ma-
- 2 chines and kiosks may be
- 3 oriented to a corner).
- 4 c. The facility is subordinate to
- 5 a primary permitted use.
- 6 "Subordinate" means all
- 7 components of the facility, in
- 8 total, occupy less street
- 9 frontage than the primary
- 10 commercial or public institu-
- 11 tional building.
- 12 d. No more than one drive-up,
- 13 drive-in or drive-through fa-
- 14 cility shall be permitted on
- 15 one block, or for a distance
- 16 of 400 linear feet along the
- 17 same street frontage, which-
- 18 ever is less.
- 19
- 20

# VILLAGE OF SISTER BAY ZONING CODE Page 61

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION  
DISTRICT

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION  
DISTRICT

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1

1 **Sec. 66.0323 B-3 Downtown Business District** 50  
 2 The Downtown Business district (B-3) is intended 51  
 3 to apply to the Village’s downtown business dis- 52  
 4 trict and Village center. This area is typified by 53  
 5 small lots, and buildings with minimal setbacks. 54  
 6 The downtown business district is intended to of- 55  
 7 fer greater flexibility in area requirements and set- 56  
 8 back requirements than other districts in order to 57  
 9 promote the reuse of buildings and lots and the 58  
 10 construction of new developments in the down- 59  
 11 town business district consistent with the existing 60  
 12 scale of development. The character, appearance 61  
 13 and operation of any business in the downtown 62  
 14 district should be compatible with any surround- 63  
 15 ing areas. The goal of the Village is to strengthen 64  
 16 the downtown district as the “heart” of the com- 65  
 17 munity and as the logical place for people to 66  
 18 gather and create a business center. The down- 67  
 19 town district is intended to support this goal 68  
 20 through elements of design and appropriate 69  
 21 mixed-use development. This section provides 70  
 22 standards for the orderly improvement and expan- 71  
 23 sion of the downtown district based on the follow- 72  
 24 ing principles: 73  
 25 • Development that is consistent with the 74  
 26 natural environment. 75  
 27 • Development that maintains the Village’s 76  
 28 traditional small town appearance, in 77  
 29 which its housing, shops, work places, 78  
 30 parks and civic facilities co-exist in rela- 79  
 31 tive harmony. 80  
 32 • Development that balances the needs of 81  
 33 a resort town and a residential village. 82  
 34 • Efficient use of land and urban services. 83  
 35 • A mixture of land uses to encourage 84  
 36 walking as an alternative to driving, pro- 85  
 37 vide more employment and housing op- 86  
 38 tions. 87  
 39 • Downtown provides both formal and in- 88  
 40 formal community gathering places. 89  
 41 • The downtown district is connected to 90  
 42 neighborhoods and other employment 91  
 43 areas. 92  
 44 • Designs that meet the architectural 93  
 45 standards and enhance the Village’s his- 94  
 46 toric architecture. 95  
 47 (a) Permitted Uses: (*Amended Ordinance* 96  
 48 *217-081313*) 97  
 49 (1) Antique and collectors stores 98  
 99  
 100  
 101  
 102  
 103  
 104  
 105

(2) Art galleries or studios for photog-  
 raphy, painting, music, sculpture,  
 dance, pottery and jewelry  
 (3) Art supply stores  
 (4) Barber shops, beauty salons and  
 spas  
 (5) Bed and breakfasts  
 (6) Boat sales  
 (7) Book or stationery stores  
 (8) Camera and photographic supply  
 stores  
 (9) Cinema, theater or performance hall  
 (10) Clothing stores  
 (11) Convenience store  
 (12) Craft stores  
 (13) Dance studio  
 (14) Florists  
 (15) Food stores  
 (16) Gasoline service stations as of Sep-  
 tember 1, 2010  
 (17) Gift shops  
 (18) Hardware stores  
 (19) Hobby and craft shops  
 (20) Hotel/motel  
 (21) Hotel/condominium  
 (22) Infrastructure essential services  
 (23) Information centers  
 (24) Jewelry stores  
 (25) Licensed massage therapy and body  
 work as certified by the State  
 (26) Marinas  
 (27) Municipal utility facilities  
 (28) Music stores  
 (29) Newspaper and magazine stores  
 (30) Parks  
 (31) Photography studios  
 (32) Physical fitness centers  
 (33) Public parking lots  
 (34) Real estate offices  
 (35) Restaurants  
 (36) Retail electronic equipment sales  
 (37) Self-service laundry and dry-  
 cleaning  
 (38) Shoe and leather goods stores  
 (39) Single family housing as of January  
 1, 2004  
 (40) Sporting goods stores  
 (41) Taverns or cocktail lounges  
 (42) Tobacco stores  
 (43) Travel agencies  
 (44) Variety stores  
 (45) Video tape sales and rental  
 (b) Conditional Uses: (*Amended Ordinance*  
*217-081313*)  
 (1) Commercial recreation facilities (in-  
 door and outdoor), such as arcades,

- 1 bowling alleys, clubs, dance halls, 53
- 2 driving ranges, gymnasiums, health 54
- 3 clubs, miniature golf facilities, pool 55
- 4 and billiard halls and indoor skating 56
- 5 rinks. 57
- 6 (2) Liquor stores 58
- 7 (3) Solar energy as accessory structure 59
- 8 (4) Non-village utility facilities 60
- 9 (5) Gasoline stations or automobile re- 61
- 10 pair 62
- 11 (c) Permitted Accessory Uses: (*Amended Or-* 63
- 12 *dinance 217-081313*) 64
- 13 (1) Accessory uses and structures. See 65
- 14 section 66.0501 [See page 92] 66
- 15 (2) Outdoor displays. See section 67
- 16 66.0506 [See page 102] 68
- 17 (3) Professional offices 69
- 18 (4) Accessory residential use. Residen- 70
- 19 tial units and commercial transient 71
- 20 lodging located on a ground or non- 72
- 21 ground level on the same property 73
- 22 shall be allowed with the minimum 74
- 23 floor area as provided below. The 75
- 24 on-site parking required for the ac- 76
- 25 cessory residential units must be 77
- 26 available on site and cannot be lo- 78
- 27 cated elsewhere through the pay- 79
- 28 ment of a fee as allowed under sec- 80
- 29 tion 66.0322(h)(4) and (5). 81

Bedrooms	Minimum area
Efficiency	700
1	750
2 or more	850

- 30 (d) Building Setbacks: 86
- 31 In the downtown district, buildings are 87
- 32 placed closer to the street to create a vi- 88
- 33 brant pedestrian environment, to slow traf- 89
- 34 fic down, provide a storefront character to 90
- 35 the street and encourage walking. The set- 91
- 36 back standards are flexible to encourage 92
- 37 public spaces between sidewalks and 93
- 38 building entrances (e.g., extra-wide side- 94
- 39 walks, plazas, squares, outdoor dining are- 95
- 40 as and pocket parks). The standards also 96
- 41 encourage the formation of solid blocks of 97
- 42 commercial and mixed-use buildings for a 98
- 43 walkable downtown. Building setbacks are 99
- 44 measured from the respective property 100
- 45 line. Setbacks for porches are measured 101
- 46 from the edge of the deck or porch to the 102
- 47 property line. The setback standards, as 103
- 48 listed below, apply to primary structures as 104
- 49 well as accessory structures. 105
- 50 (1) Front Yard Setbacks. The minimum 106
- 51 front yard setback is 40 feet from 107
- 52 the centerline of the street right-of- 108

- way or 20 feet from the face of the 109
- curb, whichever is more, except 110
- where a parcel adjoins the side lot 111
- line of another parcel fronting on 112
- the same street with a lesser set- 113
- back, in which case the minimum 114
- front yard setback shall be the aver- 115
- age of the setback of the new build- 116
- ing and the setback of the adjoining 117
- parcel with the least setback. The 118
- setback for a reconstructed non- 119
- conforming structure shall be no 120
- closer than eight feet from the right- 121
- of-way to provide for the installation 122
- of an six foot public sidewalk. 123
- (2) Rear Yard Setbacks. 124
- a. Minimum Setback. The min- 125
- imum rear yard setback for 126
- all structures shall be six feet 127
- for street access lots, and 128
- eight feet for alley access lots 129
- (distance from building to 130
- rear property line or alley 131
- easement) in order to provide 132
- space for parallel parking. 133
- b. Through-Lots. For buildings 134
- on through-lots (lots with 135
- front and rear frontage onto a 136
- street), the front yard set- 137
- backs in 66.0323(d)(1) shall 138
- apply. 139
- (3) Side Yard Setbacks. The minimum 140
- side yard setback shall be at least 141
- six feet. The Plan Commission may 142
- grant a waiver where the adjoining 143
- property owners enter into a written 144
- recordable agreement adjusting the 145
- minimum side yard setback with the 146
- following options: (*Amended Ordi-* 147
- nance 161-120809*) 148
- a. Both parties can agree to a 149
- zero foot side setback if the 150
- building designs are compat- 151
- ible. 152
- b. If only one of the buildings 153
- has a zero foot side setback 154
- then the other building must 155
- have a six-foot side setback. 156
- c. Both parties can agree to 157
- three-foot side setbacks for a 158
- total of six feet side setback 159
- between the buildings. 160
- (4) Lot Coverage 161
- a. Lot Coverage. There shall be 162
- a minimum of 10 percent 163
- open space and the balance 164

1 shall not include the required 57  
 2 parking, driveways and 58  
 3 sidewalks on the lot as re- 59  
 4 quired by section 60  
 5 66.1050(a)(23). (Amended 61  
 6 Ordinance 159-120809) 62  
 7 (5) Lot Area and Width 63  
 8 a. Lot Area. The minimum lot 64  
 9 area shall be 4,500 square 65  
 10 feet. 66  
 11 b. Lot Width. The minimum lot 67  
 12 width shall be 45 feet. 68  
 13 (6) PUD Allowed. The Plan Commis- 69  
 14 sion and Board of Trustees may vary 70  
 15 the Building Setback requirements 71  
 16 subject to the provisions of the 72  
 17 Planned Unit Development re- 73  
 18 quirements in section 66.0341. 74  
 19 (e) Block Layout and Building Orientation: 75  
 20 This section is intended to promote the 76  
 21 walkable, storefront character of down- 77  
 22 town by forming short blocks and orienting 78  
 23 (placing or locating) buildings close to 79  
 24 streets. Placing buildings close to the street 80  
 25 also slows traffic down and provides more 81  
 26 "eyes on the street," increasing the safety 82  
 27 of public spaces. The standards, as listed 83  
 28 below compliment the front yard setback 84  
 29 standards in section 66.0323(d). 85  
 30 (1) Applicability. This section applies to 86  
 31 new land divisions and all of the 87  
 32 following types of development 88  
 33 (i.e., subject to site design review) 89  
 34 and compliance with all of the pro- 90  
 35 visions of subsections (a) and (b), 91  
 36 below, shall be required: 92  
 37 a. Public and institutional 93  
 38 buildings, except that the 94  
 39 standard shall not apply to 95  
 40 buildings which are not sub- 96  
 41 ject to site design review or 97  
 42 those that do not receive the 98  
 43 public (e.g., buildings used 99  
 44 solely to house mechanical 100  
 45 equipment, and similar uses); 101  
 46 and 102  
 47 b. Business and mixed-use 103  
 48 buildings subject to site de- 104  
 49 sign review. 105  
 50 (2) Block Layout Standard. New land 106  
 51 divisions and developments, which 107  
 52 are subject to site design review, 108  
 53 shall be configured to provide an al- 109  
 54 ley or interior parking court. Blocks 110  
 55 (areas bound by public street right- 111  
 56 of-way) shall have a length not ex- 112

ceeding 400 feet, and a depth not  
 exceeding 400 feet. Pedestrian  
 pathways shall be provided from the  
 street right-of-way to interior park-  
 ing courts between buildings, as  
 necessary to ensure reasonably safe,  
 direct and convenient access to  
 building entrances and off-street  
 parking.  
 (3) Building Orientation Standard. All  
 of the developments listed in sec-  
 tion 66.0323(e)(1) shall be oriented  
 to a street. The building orientation  
 standard is met when all of the fol-  
 lowing criteria are met:  
 a. The minimum and maximum  
 setback standards in section  
 66.0323(d) are met;  
 b. Buildings have their primary  
 entrance(s) oriented to (fac-  
 ing) the street. Building en-  
 trances may include entranc-  
 es to individual units, lobby  
 entrances, entrances oriented  
 to pedestrian plazas, or  
 breezeway courtyard en-  
 trances (i.e., to a cluster of  
 units or commercial spaces).  
 Alternatively, a building may  
 have its entrance facing a  
 side yard when a direct pe-  
 destrian walkway not ex-  
 ceeding 50 feet in length is  
 provided between the build-  
 ing entrance and the street  
 right-of-way.  
 c. Off-street parking, driveways  
 or other vehicular circulation  
 shall not be placed between  
 a building and the street,  
 which is used to comply with  
 subsection 66.0323(e)(2),  
 above. On corner lots, build-  
 ings and their entrances shall  
 be oriented to the street cor-  
 ner, parking, driveways and  
 other vehicle areas shall be  
 prohibited between buildings  
 and street corners.  
 (f) Building Height:  
 (1) All buildings in the downtown dis-  
 trict shall comply with the following  
 building height standards. The  
 standards are intended to allow for  
 development of buildings in accord  
 with Section 66.1050 with a store-

1 front character. (*Amended Ordinance 160-120809*) 56  
 2 57  
 3 (2) Buildings shall be no more than 35 58  
 4 feet in height. 59  
 5 (3) Accessory residential housing shall 60  
 6 comply with section 66.0323(c)(4) 61  
 7 and section 66.0323(h) 62  
 8 (4) If a parcel is larger than one acre 63  
 9 and the proposed development is 64  
 10 for a hotel/motel or hotel/condominium then the develop- 65  
 11 er shall be able to increase the 66  
 12 building height to 45 feet as follows: 67  
 13 (*Amended Ordinance 217-081313*) 68  
 14 a. The floor area of the fourth 69  
 15 story shall not exceed the 70  
 16 floor area of the first floor retail 71  
 17 or general restaurants, 72  
 18 fast food restaurants, drive-in 73  
 19 restaurants and take-out restaurants 74  
 20 uses. The floor area 75  
 21 used by the hotel/motel or 76  
 22 hotel/condominium on the 77  
 23 first floor shall not count as a 78  
 24 retail type use. (*Amended* 79  
 25 *Ordinance 217-081313*) 80  
 26 b. The fourth story shall be 81  
 27 stepped back from the third 82  
 28 story as approved by the 83  
 29 Commission. 84  
 30  
 31 (g) Pedestrian Amenities 85  
 32 (1) Purpose and Applicability. This section 86  
 33 is intended to complement the 87  
 34 building orientation standards in 88  
 35 section 66.0323(e), and the street 89  
 36 standards, by providing comfortable 90  
 37 and inviting pedestrian spaces within 91  
 38 the downtown district. Pedestrian 92  
 39 amenities serve as informal gathering 93  
 40 places for socializing, resting 94  
 41 and enjoyment of the Village's 95  
 42 downtown, and contribute to a 96  
 43 walkable district. This section 97  
 44 applies to all of the following types of 98  
 45 buildings: 99  
 46 a. Public and institutional 100  
 47 buildings, except that the 101  
 48 standard shall not apply to 102  
 49 buildings which are not subject 103  
 50 to site design review or 104  
 51 those that do not receive the 105  
 52 public (e.g., buildings used 106  
 53 solely to house mechanical 107  
 54 equipment, and similar uses); 108  
 55 and 109  
 110

b. Business and mixed-use 60  
 buildings subject to site design 61  
 review. 62  
 (2) Guidelines and Standards. Every 63  
 development shall provide and 64  
 maintain a public sidewalk with a 65  
 minimum width of six feet across 66  
 the front of the parcel and side yard 67  
 abutting a public street, an additional 68  
 14 feet of landscaping and one or more 69  
 of the "pedestrian amenities" listed in 70  
 (a)-(d) below. Other types of amenities 71  
 and designs may be used. Pedestrian 72  
 amenities may be provided within a 73  
 public right-of-way when approved 74  
 by the applicable jurisdiction. (*Amended Ordinance 217-081313*) 75  
 a. A plaza, courtyard, square or 76  
 extra-wide sidewalk next to the 77  
 building entrance (minimum width of 78  
 eight feet); 79  
 b. Sitting space (i.e., dining area, 80  
 benches, gazebos or ledges between the 81  
 building entrance and sidewalk (minimum 82  
 of 16 inches in height and 30 inches in 83  
 width); 84  
 c. Building canopy, awning, pergola or 85  
 similar weather protection (minimum 86  
 projection of four feet over a sidewalk 87  
 or other pedestrian space). 88  
 d. Streetscape, which incorporates 89  
 landscaping, seating, fountain, sculpture 90  
 etc. 91  
 (h) Special Standards Uses: 92  
 This section supplements the standards 93  
 contained in section 66.0322(d) through 94  
 66.0322(g). It provides standards for the 95  
 following land uses in order to control the 96  
 scale and compatibility of those uses within 97  
 the district: (*Amended Ordinance 217-081313*) 98  
 (1) Mixed-use Development Allowed. 99  
 Residential uses shall be permitted 100  
 as an accessory use when part of a 101  
 mixed-use development (residential with 102  
 commercial use). Both "vertical" 103  
 mixed-use (housing above the ground 104  
 floor), and "horizontal" mixed-use 105  
 (housing on the ground floor) 106  
 developments are allowed. 107  
 108  
 109  
 110

1 (2) Residential Density. There is no 56  
 2 minimum or maximum residential 57  
 3 density standard. Density shall be 58  
 4 controlled by the applicable lot 59  
 5 coverage, parking requirements, 60  
 6 landscaping requirements and 61  
 7 building height standards. (*Amend-* 62  
 8 *ed Ordinance 217-081313*) 63  
 9 (3) Parking, Garage and Driveway Ori- 64  
 10 entation. All off-street vehicle park- 65  
 11 ing, including surface lots and gar- 66  
 12 ages, loading docks and overhead 67  
 13 doors shall be oriented to alleys, or 68  
 14 located in parking areas located be- 69  
 15 hind or to the side of the building; 70  
 16 except that side yards facing a street 71  
 17 (i.e., corner yards) shall not be used 72  
 18 for surface parking. All garage en- 73  
 19 trances facing a street (e.g., struc- 74  
 20 tured parking) shall be recessed be- 75  
 21 hind the front building elevation by 76  
 22 a minimum of four to six feet. On 77  
 23 corner lots, garage entrances shall 78  
 24 be oriented to a side street when 79  
 25 access cannot be provided from an 80  
 26 alley. 81  
 27 (4) Parking Spaces Required. The Vil- 82  
 28 lage recognizes the challenges of 83  
 29 providing the necessary parking 84  
 30 spaces in the district and thereby es- 85  
 31 tablishes the following standard for 86  
 32 the district. The detailed require- 87  
 33 ments for parking lots and spaces 88  
 34 are covered in section 66.0403. 89  
 35 [See page 81] The Plan Commission 90  
 36 may allow a landowner to meet the 91  
 37 parking requirement by providing 92  
 38 the required parking spaces either 93  
 39 on site, on another privately owned 94  
 40 site as required under section 95  
 41 66.0404 Adjustments to Required 96  
 42 Parking [See page 86]. No devel- 97  
 43 opment shall avoid the need to pro- 98  
 44 vide parking spaces by claiming 99  
 45 credit for on street parking spaces or 100  
 46 public parking lots. The parking 101  
 47 spaces required for motels, hotels, 102  
 48 all types of condominiums, access- 103  
 49 ory residential uses must be provided 104  
 50 on site, and no fee in lieu of creat- 105  
 51 ing spaces in subsection (6) will be 106  
 52 allowed. (*Amended Ordinance 217-* 107  
 53 *081313*) 108  
 54 (5) Fee In Lieu of Creating Parking 109  
 55 Spaces. Please refer to Section

66.0404(b) [See page 86] (Amended  
 Ordinance 120-061306)  
 (6) Common Areas. All common areas  
 (e.g., walkways, drives, courtyards,  
 private alleys, parking courts, etc.)  
 and building exteriors shall be  
 maintained by an association or the  
 owner. Copies of any applicable  
 covenants, restrictions and condi-  
 tions shall be recorded and provid-  
 ed to the Village prior to zoning  
 permit approval.  
 (7) Exemption. When the application of  
 the off-street parking regulations  
 specified above result in a require-  
 ment of not more than three spaces  
 on a single lot in the district, such  
 parking spaces need not be provid-  
 ed. However, where two or more  
 businesses are located on a single  
 lot, only one of these uses shall be  
 eligible for this exemption. This ex-  
 emption shall not apply to dwelling  
 units. (*Amended Ordinance 217-*  
*081313*)  
 (8) Automobile-Oriented Uses and Fa-  
 cilities. Automobile-oriented uses  
 and facilities, as defined below shall  
 conform to all of the following  
 standards in the district. The stand-  
 ards are intended to slow traffic  
 down and encourage walking.  
 (*Amended Ordinance 217-081313*)  
 (9) Parking, Garages and Driveways.  
 All off-street vehicle parking, in-  
 cluding surface lots and garages,  
 loading docks and overhead doors  
 shall be accessed from alleys, or lo-  
 cated in parking areas located be-  
 hind or to the side of a building; ex-  
 cept that side yards on corner lots  
 shall not be used for surface park-  
 ing. All garage entrances facing a  
 street (e.g., structured parking) shall  
 be recessed behind the front eleva-  
 tion by a minimum of six feet. On  
 corner lots, garage entrances shall  
 be oriented to a side street when  
 vehicle access cannot be provided  
 from an alley.

1

- 1 **Other Districts** 54
- 2 **Sec. 66.0330 I-1 Institutional District** 55
- 3 The I-1 Institutional district is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas that are under public, public related or private ownership and where the use for public purpose is anticipated to be permanent. 56
- 4 57
- 5 58
- 6 59
- 7 60
- 8 61
- 9 62
- 10 (a) Permitted Uses: 63
- 11 (1) Public or private primary and secondary schools. 64
- 12 65
- 13 (2) Colleges, and universities, excluding fraternity and sorority houses. 66
- 14 67
- 15 (3) Churches. 68
- 16 (4) Hospitals, sanatoriums and nursing homes. 69
- 17 70
- 18 (5) Libraries, community centers, museums and public art galleries. 71
- 19 72
- 20 (6) Public administrative offices and public service buildings, including fire and police stations; but excluding firing ranges and outdoor “burn buildings” used for fire-fighting instruction. 73
- 21 74
- 22 75
- 23 76
- 24 77
- 25 78
- 26 (7) Public utility offices. 79
- 27 (b) Permitted Accessory Uses: 80
- 28 (1) Residential quarters for caretakers, clergy or institutional staff. 81
- 29 82
- 30 (2) Garages for storage of vehicles used in conjunction with the operation of a permitted use. 83
- 31 84
- 32 85
- 33 (3) Service buildings and facilities normally accessory to the permitted use. 86
- 34 87
- 35 88
- 36 (4) Ground-mounted and building-mounted earth station dish and terrestrial antennas. 89
- 37 90
- 38 91
- 39 (5) Roof-mounted solar collectors. 92
- 40 (6) Municipally owned wells, pumping stations, water towers and reservoirs and municipally owned telecommunications towers and antennas, provided they are located at least 50 feet away from any lot line. 93
- 41 94
- 42 95
- 43 96
- 44 97
- 45 98
- 46 (7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee. 99
- 47 100
- 48 101
- 49 102
- 50 (c) Conditional Uses: 103
- 51 (1) All permitted uses allowed in the B-1 district. 104
- 52 105
- 53 (2) Cemeteries and crematories. 106
- 107
- 108
- 109
- 110
- 111
- 112
- (3) Firing ranges and outdoor “burn buildings” associated with a fire station, police station or college. 54
- (4) Utility substations, municipal wells, pumping stations and towers if the use is not less than 50 feet from any lot line. 55
- (5) Transmitting towers, receiving towers, and relay and microwave towers, and broadcast studios. 56
- (6) Public utility treatment facilities. 57
- (7) Solar energy collectors erected as an accessory structure. 58
- (d) Lot Area and Width: 59
- (1) Lots in the I-1 district shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks. 60
- (e) Building Height and Area: 61
- (1) No principal building or part of a principal building shall exceed 35 feet in height. 62
- (2) Residential uses permitted in the I-1 district shall comply with the building area requirements of the R-2 Multiple Family Residential district. All other uses in the I-1 district shall comply with the building area requirements of the B-1 General Business district. (Amended Ordinance 159-120809) 63
- (f) Setbacks: 64
- (Amended Ordinance 200-091112) 65
- (1) There shall be a minimum building front setback of a least 45 feet from the centerline of the right-of-way of all streets. 66
- (2) There shall be a minimum front setback of at least 40 feet from the edge of the easement or edge of pavement for all buildings not on a public street. 67
- (3) There shall be a side setback of at least 20 feet and rear setback of at least 50 feet for all principle buildings. 68
- (4) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in section 66.0501 [See page 92] of this chapter. (Amended Ordinance 207-100912) 69

1

1 **Sec. 66.0331 P-1 Park District**  
 2 The P-1 Park district is intended to provide for ar-  
 3 eas where the open space and recreational needs,  
 4 both public and private, of the citizens of the Vil-  
 5 lage can be met without undue disturbance of  
 6 natural resources and adjacent uses.

7 (a) Permitted Uses:  
 8 (1) Public botanical gardens and arbo-  
 9 returns.  
 10 (2) Public historic monuments or sites.  
 11 (3) Public hiking, biking, jogging and  
 12 nature trails.  
 13 (4) Public parks, beaches, playgrounds  
 14 and parkways.  
 15 (5) Farm markets. No items shall be  
 16 sold which were purchased for re-  
 17 sale. (Amended Ordinance 150-  
 18 050409)

19 (b) Permitted Accessory Uses:  
 20 (1) Buildings accessory to the permitted  
 21 use.  
 22 (2) Ground-mounted and building-  
 23 mounted earth station dishes and  
 24 terrestrial antennas.  
 25 (3) Solar collectors attached to the  
 26 principal structure.  
 27 (4) Any other usual and customary uses  
 28 accessory to the above permitted  
 29 uses as determined by the Zoning  
 30 Administrator or his/her designee.  
 31 (5) Garden plots. (Amended Ordinance  
 32 150-050409)

33 (c) Conditional Uses:  
 34 (1) Public or private archery ranges.  
 35 (2) Private botanical gardens and arbo-  
 36 returns.  
 37 (3) Private beaches.  
 38 (4) Public or private boat moorings and  
 39 rentals.  
 40 (5) Private or public campgrounds.  
 41 (6) Private driving ranges.  
 42 (7) Public or private golf courses.  
 43 (8) Private gymnasiums.  
 44 (9) Private historic monuments or sites.  
 45 (10) Private hiking, biking, jogging and  
 46 nature trails.  
 47 (11) Private or public marinas.  
 48 (12) Private miniature golf courses.  
 49 (13) Private parks, playgrounds and  
 50 parkways.  
 51 (14) Private riding academies.  
 52 (15) Private stadiums.  
 53 (16) Private trampoline centers.  
 54 (17) Utility substations, municipal wells,  
 55 pumping stations and towers if the

56 use is not less than 50 feet from any  
 57 lot line.  
 58 (18) Solar energy collectors erected as  
 59 an accessory structure.  
 60 (19) All the conditional uses allowed in  
 61 the CS-1 district.  
 62 (20) All the permitted and conditional  
 63 uses allowed in the I-1 district.

64 (d) Building Height and Area:  
 65 (1) No building or part of a building  
 66 shall exceed 35 feet in height.  
 67 (2) The total of the floor area on all  
 68 floors of the principal building and  
 69 all accessory buildings including the  
 70 required parking, driveways and  
 71 sidewalks shall not exceed 20 per-  
 72 cent of the lot area, which shall be  
 73 left as open space. (Amended Ordi-  
 74 nance 159-120809)

75 (e) Setbacks:  
 76 (1) There shall be a minimum building  
 77 front setback of a least 50 feet from  
 78 the centerline of the right-of-way of  
 79 all streets.  
 80 (2) There shall be a minimum front set-  
 81 back of at least 40 feet from the  
 82 edge of the easement or edge of  
 83 pavement for all buildings not on a  
 84 public street.  
 85 (3) There shall be a side setback of at  
 86 least 50 feet and rear setback of at  
 87 least 50 feet for all principle build-  
 88 ings.  
 89 (4) Accessory buildings shall meet the  
 90 same setbacks as principal buildings  
 91 in the district. Other accessory  
 92 building requirements are listed in  
 93 section 66.0501 [See page 92] of  
 94 this chapter. (Amended Ordinance  
 95 207-100912)  
 96

# VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0331 P-1 PARK DISTRICT

SEC. 66.0331 P-1 PARK DISTRICT

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1

1 **Overlay Districts** 55  
 2 Overlay districts provide for the possibility of 56  
 3 superimposing certain additional requirements upon 57  
 4 a basic zoning district without disturbing the re- 58  
 5 quirements of the basic district. The uses of the 59  
 6 underlying standard zoning district shall remain in 60  
 7 force. 61  
 8 **Sec. 66.0340 W-1 Wetland Overlay District** 62  
 9 The purpose of the Wetland Overlay district (W-1) 63  
 10 is to maintain safe and healthful conditions, to 64  
 11 prevent water pollution, to protect fishing spawn- 65  
 12 ing grounds and aquatic life, to preserve shore 66  
 13 cover and natural beauty, and to preserve, pro- 67  
 14 tect, and enhance the lakes, streams, swamps, 68  
 15 marshes, bogs and other wetlands in the Village. 69  
 16 The proper regulation of these areas will serve to 70  
 17 maintain and improve groundwater and surface 71  
 18 water quality; prevent flood damage, protect fish 72  
 19 and wildlife habitat; prohibit the location of struc- 73  
 20 tures on soils which are generally not suitable for 74  
 21 such use; protect natural watersheds; and protect 75  
 22 the water based recreation and open space re- 76  
 23 sources of the Village. The W-1 district recognizes 77  
 24 that undisturbed wetlands serve as natural purifi- 78  
 25 er's of surface waters and as protective buffers at 79  
 26 the land water interface. Development in wet- 80  
 27 lands should be limited and when development is 81  
 28 permitted in a wetland, it should occur in a man- 82  
 29 ner that minimizes the adverse impacts upon the 83  
 30 wetlands. 84  
 31 Boundaries of the W-1 district were based on the 85  
 32 wetlands that were identified on the Wisconsin 86  
 33 Wetland Inventory Map for the Village of Sister 87  
 34 Bay, dated July 1, 1992. The wetlands included as 88  
 35 W-1 are those wetlands that are two acres or 89  
 36 more in area and lie within 300 feet of a naviga- 90  
 37 ble stream, 1,000 feet from a lake or pond or to 91  
 38 the landward side of a floodplain, whichever is 92  
 39 greater. 93  
 40 (a) Permitted Uses. 94  
 41 (1) Hiking, fishing, swimming and boat- 95  
 42 ing, unless prohibited by other laws 96  
 43 and ordinances. 97  
 44 (2) Harvesting of wild crops, such as 98  
 45 marsh hay, ferns, moss, wild rice, 99  
 46 berries, tree fruits and tree seeds, in 100  
 47 a manner that is not injurious to the 101  
 48 natural reproduction of such crops, 102  
 49 and that does not involve filling, 103  
 50 flooding, draining, dredging, ditch- 104  
 51 ing, tiling, or excavating. 105  
 52 (3) Silviculture (forest maintenance), 106  
 53 including the planting, thinning, 107  
 54 and harvesting of timber, provided 108  
 109  
 110

that no filling, flooding, draining, 111  
 dredging, ditching, tiling, or exca- 112  
 vating is done except for temporary 113  
 water level stabilization measures to 114  
 alleviate abnormally wet or dry 115  
 conditions which would have an 116  
 adverse impact on silvicultural ac- 117  
 tivities if not corrected. 118  
 (4) Construction and maintenance of 119  
 fences. 120  
 (5) Existing agricultural uses provided 121  
 that they do not involve extension 122  
 of cultivated areas, extension of or 123  
 creation of new drainage systems, 124  
 and further provided that they do 125  
 not substantially disturb or impair 126  
 the natural fauna (animals), flora 127  
 (plants), topography, or water regi- 128  
 men. 129  
 (6) Aquaculture (the growing of plants 130  
 and animals in water), provided it 131  
 does not disturb or impair the natu- 132  
 ral biota (plants and animals). 133  
 (7) The maintenance, repair, replace- 134  
 ment and reconstruction of existing 135  
 public streets, roads, bridges and 136  
 drainageways. 137  
 (b) Conditional Uses. 138  
 (1) The construction of streets which 139  
 are necessary for the continuity of 140  
 the Village street system, necessary 141  
 for the provision of essential utility 142  
 and public safety services, or neces- 143  
 sary to provide access to permitted 144  
 open space uses, provided that: 145  
 a. The street cannot as a practi- 146  
 cal matter be located outside 147  
 the W-1 district; 148  
 b. The street is designed and 149  
 constructed to minimize ad- 150  
 verse impact upon the natu- 151  
 ral functions of the wetland 152  
 as listed in section 153  
 66.1708(b) [See page 167] of 154  
 this chapter; 155  
 c. The street is designed and 156  
 constructed with the mini- 157  
 mum cross section practical 158  
 to serve the intended use; 159  
 d. The street construction ac- 160  
 tivities are carried out in the 161  
 immediate area of the road- 162  
 bed only; and 163  
 e. Any filling, flooding, drain- 164  
 ing, dredging, ditching, tiling 165  
 or excavating that is done 166

1 must be necessary for the 57  
 2 construction or maintenance 58  
 3 of the street. 59  
 4 (2) The construction and maintenance 60  
 5 of non-residential buildings used 61  
 6 solely in conjunction with raising of 62  
 7 waterfowl, minnows, or other wet- 63  
 8 land or aquatic animals or used 64  
 9 solely for some other purpose which 65  
 10 is compatible with natural resource 66  
 11 preservation, provided that: 67  
 12 a. The building cannot as a 68  
 13 practical matter be located 69  
 14 outside the conservancy dist- 70  
 15 rict; 71  
 16 b. The building is not designed 72  
 17 for human habitation and 73  
 18 does not exceed 500 square 74  
 19 feet in area; and 75  
 20 c. Only limited filling or exca- 76  
 21 vating necessary to provide 77  
 22 structural support is con- 78  
 23 ducted. 79  
 24 (3) The establishment and development 80  
 25 of public and private parks and rec- 81  
 26 reation areas, recreation trails, pub- 82  
 27 lic boat access sites, natural and 83  
 28 outdoor education areas, historic 84  
 29 and scientific areas, wildlife refuges, 85  
 30 game preserves, and private habitat 86  
 31 areas, provided that: 87  
 32 a. Parks shall be limited to pas- 88  
 33 sive activities. No ball dia- 89  
 34 monds, tennis courts, play- 90  
 35 fields, playgrounds or other 91  
 36 active recreation areas shall 92  
 37 be constructed in a wetland; 93  
 38 b. Any private recreation or 94  
 39 wildlife habitat area must be 95  
 40 exclusively for that purpose; 96  
 41 c. No filling is to be done; and 97  
 42 d. Ditching, excavating, dredg- 98  
 43 ing, dike and dam construc- 99  
 44 tion may be done in wildlife 100  
 45 refuges, game preserves and 101  
 46 private wildlife habitat areas, 102  
 47 but only for improving wild- 103  
 48 life habitat or to otherwise 104  
 49 enhance the value of a wet- 105  
 50 land or other natural re- 106  
 51 source. 107  
 52 (4) The construction and maintenance 108  
 53 of electric, gas, telephone, water  
 54 and sewer transmission and distri-  
 55 bution lines, and related facilities,  
 56 by public utilities and cooperative

associations organized for the pur-  
 pose of producing or furnishing  
 heat, light, power or water to mem-  
 bers and customers located outside  
 of the W-1 district, provided that:  
 a. The transmission and distri-  
 bution lines and related facil-  
 ities cannot as a practical  
 matter be located outside the  
 conservancy district; and  
 b. Any filling, draining, dredg-  
 ing, ditching, or excavating  
 that is done must be neces-  
 sary for the construction or  
 maintenance of the utility,  
 and must be done in a man-  
 ner designed to minimize  
 flooding and other adverse  
 impacts upon the natural  
 functions of the conservancy  
 area.  
 (5) Ditching, tiling, dredging, excavat-  
 ing or filling done to maintain or re-  
 pair an existing agricultural drain-  
 age system only to the extent neces-  
 sary to maintain the level of drain-  
 age required to continue the exist-  
 ing agricultural use.  
 (6) The construction and maintenance  
 of piers, docks and walkways, in-  
 cluding those built on pilings.  
 (c) Prohibited Uses.  
 (1) Any use not listed as a permitted  
 use or a conditional use is prohibit-  
 ed unless the W-1 district lands  
 concerned are first rezoned into an-  
 other district.  
 (2) The use of a boathouse for human  
 habitation and the construction or  
 placement of a boathouse or fixed  
 houseboat below the ordinary high-  
 water mark of any navigable water  
 is prohibited.  
 (d) Wetlands Used for Density Calculation.  
 Where a lot is located partially within a W-  
 1 district and partially within an adjoining  
 use district, that area of the parcel in the  
 W-1 district may be used to meet the min-  
 imum lot area requirements; provided that  
 adequate adjacent upland space is availa-  
 ble for the structure and related grading.

1

1 **Sec. 66.0341 PUD Planned Unit Development** 48  
 2 **Overlay District** 49  
 3 The PUD Planned Unit Development Overlay dis- 50  
 4 trict is intended to permit developments that will, 51  
 5 over a period, be enhanced by coordinated area 52  
 6 site planning, diversified location of structures, di- 53  
 7 versified building types and/or mixing of compati- 54  
 8 ble uses. Such developments are intended to pro- 55  
 9 vide a safe and efficient system for pedestrian and 56  
 10 vehicle traffic; to provide attractive recreation and 57  
 11 open spaces as integral parts of the developments; 58  
 12 to enable economic design in the location of pub- 59  
 13 lic and private utilities and community facilities; 60  
 14 and to ensure adequate standards of construction 61  
 15 and planning. The PUD overlay district under this 62  
 16 chapter will allow for flexibility of overall devel- 63  
 17 opment design with benefits from such design 64  
 18 flexibility intended to be derived by both the de- 65  
 19 veloper and the community, while at the same 66  
 20 time maintaining insofar as possible the land use 67  
 21 density and other standards or use requirements 68  
 22 set forth in the underlying basic zoning district. 69  
 23 (a) Permitted uses. 70  
 24 Uses permitted in a PUD district shall con- 71  
 25 form to uses permitted in the underlying 72  
 26 basic use district. Individual structures shall 73  
 27 comply with the specific building area and 74  
 28 height requirements of the underlying basic 75  
 29 use district. All open space and parking re- 76  
 30 quirements of the underlying basic use dis- 77  
 31 trict shall be complied with either individ- 78  
 32 ually or by providing the combined open 79  
 33 space and parking space required for the 80  
 34 entire development in one or more loca- 81  
 35 tions within the development. 82  
 36 (b) Minimum area requirements. 83  
 37 (1) Areas designated as PUD districts 84  
 38 shall be under single or corporate 85  
 39 ownership or control, and shall con- 86  
 40 tain a minimum development area 87  
 41 of: 88  
 42

<i>Principal Uses</i>	<i>Minimum Area of PUD</i>
Residential PUD	1.0 acres
Business PUD	1.5 acres
Mixed Compatible Use	1.5 acres

43  
 44 (c) Procedural requirements. 99  
 45 (1) Pre-Application Conference. Prior to 100  
 46 the official submission of the appli- 101  
 47 cation for the approval of a PUD 102

district, the owner or agent making such application shall meet with the Zoning Administrator to discuss the scope and proposed nature of the contemplated development.

(2) Application. Following the pre-application conference, the owner or his/her agent may file an application with the Zoning Administrator for approval of a PUD district. Such application shall be accompanied by a filing fee, as required by the Municipal Code of the Village, and the following information:

a. A statement which sets forth the relationship of the proposed PUD to the Village's adopted master plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including, but not limited to, the following information:

1. Total area to be included in the PUD, area of open space, residential density computations, the amount of business space by type of use, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
3. A general outline of the organizational structure of a property owners' or management association, which may be proposed to be established for providing

# VILLAGE OF SISTER BAY ZONING CODE Page 76

## SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

## SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

1		any necessary private	56	
2		services.	57	
3	4.	Any proposed departures from the standards of development as set forth in the Village zoning regulations, other Village regulations or administrative rules, or other universal guidelines.	58	
4			59	
5			60	
6			61	
7			62	
8			63	
9			64	
10			65	
11			66	
12	5.	The expected dates of commencement and completion of physical development as set forth in the proposal. If the PUD is to be developed in phases, a phasing plan setting forth the starting and completion dates of each phase shall be submitted. If applicable, a statement indicating the type of Federal or State program being used to provide a subsidy or less-than-market rents for the units proposed.	67	
13			68	
14			69	
15			70	
16			71	
17			72	
18			73	
19			74	
20			75	
21			76	
22			77	
23			78	
24			79	
25			80	
26			81	
27			82	
28			83	
29			84	
30			85	
31			86	
32	b.	A general development plan including, but not limited to:	87	
33			88	
34	1.	A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.	89	
35			90	
36			91	
37			92	
38			93	
39			94	
40			95	
41	2.	The location of public and private roads, driveways and parking facilities.	96	
42			97	
43			98	
44			99	
45	3.	The size, arrangement and location of any individual building sites and proposed building groups on each individual site.	100	
46			101	
47			102	
48			103	
49			104	
50			105	
51	4.	The location of institutional, recreational and open space areas and areas reserved or dedicated for public	106	
52			107	
53			108	
54			109	
55			110	

1	will be sent; which will provide an	55	
2	explanation of the proposal, as well	56	
3	as the Zoning Administrator's rec-	57	
4	ommendation. As soon as is practi-	58	
5	cable following the meeting, the	59	
6	Plan Commission, through the Zon-	60	
7	ing Administrator, shall report its	61	
8	findings and recommendations to	62	
9	the Village Board; which may be a	63	
10	recommendation for approval, ap-	64	
11	proval with conditions or denial of	65	
12	the application.	66	
13	(4) Village Board Public Hearing. Fol-	67	
14	lowing the Plan Commission public	68	
15	hearing and the formulation of the	69	
16	Plan Commission recommendation,	70	
17	the Village Board shall hold a pub-	71	
18	lic hearing pursuant to the require-	72	
19	ments of section 66.1705 [See page	73	
20	167] and section 66.1801 [See page	74	
21	168] of this chapter. Notice for such	75	
22	hearing shall include reference to	76	
23	the development plans filed in con-	77	
24	junction with the requested PUD	78	
25	district. Following the public hear-	79	
26	ing, the Village Board shall decide	80	
27	whether the PUD district applica-	81	
28	tion is to be granted or denied.	82	
29	(d) <u>Basis for approval of the application.</u>	83	
30	(1) The Plan Commission in making its	84	
31	recommendation and the Village	85	
32	Board in makings its determination	86	
33	shall consider:	87	
34	a. That the applicants for the	88	
35	proposed PUD district have	89	
36	indicated that they intend to	90	
37	begin and complete the	91	
38	physical development of the	92	
39	PUD within a time frame ap-	93	
40	proved by the Village Board,	94	
41	after recommendation by the	95	
42	Plan Commission.	96	
43	b. That the proposed PUD dis-	97	
44	trict is consistent in all re-	98	
45	spects to the purpose of this	99	
46	section and to the spirit and	100	
47	intent of this chapter; is in	101	
48	conformity with the adopted	102	
49	master plan or any adopted	103	
50	component thereof; and, that	104	
51	the development would not	105	
52	be contrary to the general	106	
53	welfare and economic pros-	107	
54	perity of the community.	108	
		109	
			c. The constraint or burden that
			will be imposed on public
			services, public utilities and
			facilities, such as fire and po-
			lice protection, street
			maintenance, and mainte-
			nance of public areas by the
			proposed development.
			d. All property to be included
			in a PUD district shall be
			held in single ownership.
			However, if there is more
			than one owner, the appli-
			cants shall create a property
			owners association; whose
			responsibility it shall be to
			agree upon any plan prior to
			it being presented to the Plan
			Commission for approval
			and, thereafter, shall be the
			responsible entity for the
			maintenance of the exterior
			of all buildings, as well as all
			common areas within its
			PUD district. The bylaws of
			this association, which con-
			tain its duties and responsi-
			bilities, shall first be ap-
			proved by the Plan Commis-
			sion and shall be written so
			that all subsequent amend-
			ments shall also have to be
			approved by the Plan Com-
			mission before they can take
			effect.
			e. The proposed site shall be
			provided with adequate
			drainage facilities for surface
			and storm waters.
			f. The proposed site shall be
			accessible from public roads
			that are adequate to carry the
			traffic that can be expected
			to be generated by the pro-
			posed development.
			g. The streets and driveways on
			the site of the proposed de-
			velopment shall be adequate
			to serve the residents and or
			customers of the proposed
			development and shall meet
			the minimum standards of all
			applicable ordinances or
			administrative regulations of
			the Village.

1 h. Public water and sewer facilities shall be provided. 56  
 2 57  
 3 i. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public. 58  
 4 59  
 5 60  
 6 61  
 7 62  
 8 63  
 9 64  
 10 j. The relative economic benefit to the Village shall be greater than the underlying zoning would allow. 65  
 11 66  
 12 67  
 13 68  
 14 (2) That in the case of a proposed residential PUD district: 69  
 15 70  
 16 a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community. 71  
 17 72  
 18 73  
 19 74  
 20 75  
 21 76  
 22 77  
 23 78  
 24 79  
 25 80  
 26 81  
 27 b. The total net residential density within the PUD district will be consistent with development permitted in the underlying basic use district. The district area, width and yard requirements of the underlying basic use district may be modified; however, in no case shall the average density in the district exceed the number of dwelling units that would have been permitted on that amount of land if the PUD district regulations had not been utilized. This allows for transfer of density within a site, but not an increase in density. 82  
 28 83  
 29 84  
 30 85  
 31 86  
 32 87  
 33 88  
 34 89  
 35 90  
 36 91  
 37 92  
 38 93  
 39 94  
 40 95  
 41 96  
 42 97  
 43 98  
 44 99  
 45 100  
 46 c. Each residential planned unit development, having more than one property owner involved and featuring common open space or other common improvements, shall be managed by a Property Owners' Association, or other appropriate management mechanism, to assure 101  
 47 102  
 48 103  
 49 104  
 50 105  
 51 106  
 52 107  
 53 108  
 54 109  
 55 110

that any common facilities are properly maintained. A copy of the bylaws of the management association shall be included with the PUD application; which shall initially be approved by the Plan Commission as well as any subsequent amendments.

(3) That in the case of a proposed business PUD district:

a. The proposed development will be adequately served by off-street parking and truck service facilities.

b. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.

c. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with the surrounding neighborhood.

d. Each business planned unit development featuring common open space or other common improvements shall be managed by a Property Owner's Association, or other appropriate management mechanism, to assure that any common facilities are properly maintained. A copy of the bylaws of the management association shall be included with the PUD application.

(4) That in the case of a proposed mixed use PUD district:

a. The proposed development shall include the standards in (2), (3), and result in a higher quality development than if

1 the project were done separately. 56  
 2 57  
 3 (e) Determination. 58  
 4 The Village Board, after due consideration, 59  
 5 may deny the application, approve the application 60  
 6 as submitted, or approve the application 61  
 7 subject to additional conditions 62  
 8 and restrictions; including but not limited 63  
 9 to, beginning and completing the physical 64  
 10 development of the PUD within a time 65  
 11 frame approved by the Village Board, after 66  
 12 recommendation by the Plan Commission 67  
 13 and that the Village shall be a part of the 68  
 14 approval process for any amendment to the 69  
 15 bylaws of the Property Owners' Association. 70  
 16 The approval of a PUD district shall 71  
 17 be based upon and include as conditions 72  
 18 thereto the building, site and operational 73  
 19 plans for the development as approved by 74  
 20 the Village Board. The approval of a 75  
 21 planned unit development, and the attendant 76  
 22 conditions of approval, shall be 77  
 23 applicable to the developer, his/her heirs, 78  
 24 successors or assigns. 79  
 25 (f) Existing planned developments. 80  
 26 All properties with planned development 81  
 27 zoning, on the effective date of this chapter, 82  
 28 which remain planned developments 83  
 29 after the effective date of this chapter, are 84  
 30 hereby declared conforming planned 85  
 31 developments. Such planned developments 86  
 32 shall be subject to the regulations contained 87  
 33 in the resolution or ordinance, 88  
 34 which authorized and approved the 89  
 35 planned development. 90  
 36 (g) Changes and additions prior to final PUD 91  
 37 approval. 92  
 38 Any change or addition to the plans or uses 93  
 39 prior to the issuance of an occupancy permit 94  
 40 shall first be submitted for approval to 95  
 41 the Plan Commission and if in the opinion 96  
 42 of the Plan Commission, such change or 97  
 43 addition constitutes a substantial alteration 98  
 44 of the original plan, a public hearing before 99  
 45 the Plan Commission shall be required 100  
 46 and notice thereof be given pursuant to the 101  
 47 provisions of section 66.1801 [See page 102  
 48 168] of this chapter, and said proposed 103  
 49 alterations shall be submitted to the Village 104  
 50 Board for approval after a public hearing. 105  
 51 (h) Subsequent land division. 106  
 52 The division of any land or lands within a 107  
 53 PUD district for the purpose of change or 108  
 54 conveyance of ownership shall be accomplished 109  
 55 pursuant to the land division regu-

lations of the Village and when such division 110  
 is contemplated, a subdivision plat or 111  
 certified survey map, as may be appropriate, 112  
 of the lands to be divided shall accompany 113  
 the application for PUD approval. 114  
 (1) Changes and Additions to the PUD 115  
 after Final Approval.  
 a. Any change in occupancy 116  
 within an approved PUD 117  
 project shall be administered 118  
 in the same manner as a 119  
 change in occupancy in a 120  
 basic use district as set forth 121  
 in section 66.1532 [See page 122  
 158] of this chapter. A certificate 123  
 of compliance shall not be issued 124  
 to a use that is not consistent with 125  
 conditions placed on approval in 126  
 any PUD district.  
 b. Any addition to a planned 127  
 unit development in years 128  
 subsequent to construction 129  
 and occupancy shall be considered 130  
 a new and separate 131  
 proposal, and shall be required 132  
 to comply with all of the review 133  
 and approval requirements of this 134  
 district, including the requirement 135  
 for submittal of development 136  
 plans and the conduct of public 137  
 hearings required by this section.  
 (i) Adjustments to minimum area requirements. 138  
 The purpose of this section is to allow 139  
 adjustments to the minimum area 140  
 requirements for the creation of a 141  
 PUD district. Reducing the minimum 142  
 area requirements, where justified, 143  
 will allow for the more efficient 144  
 development of certain properties 145  
 that are less likely to develop under 146  
 a conventional zoning district due 147  
 to such limiting factors as shape, 148  
 size and accessibility. The Plan 149  
 Commission may recommend approval 150  
 to the Village Board of a request 151  
 for a PUD district on a property, 152  
 that does not meet the minimum area 153  
 requirements as set forth in section 154  
 66.0341(b), by at least a 3/4 155  
 majority vote of the Commissioners, 156  
 but only if supplemental design 157  
 elements, reduced density or other 158  
 improvements, requested by the Plan 159  
 Commission, 160

# VILLAGE OF SISTER BAY ZONING CODE Page 80

**SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT  
OVERLAY DISTRICT**

**SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT  
OVERLAY DISTRICT**

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- 1        are incorporated into the project, which
- 2        compensate for the modification of this
- 3        minimum area.
- 4

**VILLAGE OF SISTER BAY ZONING CODE** Page 81

**SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT  
OVERLAY DISTRICT**

**SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT  
OVERLAY DISTRICT**

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1

1 **Sec. 66.0342 HL Highway 42 and 57 Land-**  
2 **scape Setback Overlay District**

3 The intent of the Highway 42 and 57 landscape  
4 setback overlay (HL) district is to establish special  
5 setback requirements for parking and structures  
6 along portions of Highway 42 and 57 to accom-  
7 modate traffic flows safely, maintain the character  
8 of business development, and provide an aes-  
9 thetically pleasing entrance to the Village.

10 (a) Location of requirements.

11 The following Highway Landscape Setback  
12 Overlay requirements shall be applied to  
13 those portions of State Trunk Highway 42  
14 and Highway 57 located from their inter-  
15 section to the south Village limits.

16 (b) Effect on setback and frontage require-  
17 ments of abutting zoning districts.

18 These requirements shall be observed by  
19 all development within the Highway 42  
20 and Highway 57 Landscape Setback Over-  
21 lay and shall supersede any conflicting re-  
22 quirements contained in underlying dis-  
23 tricts.

24 (c) Building setback.

25 All buildings within this area shall be set-  
26 back from Highway 42 and Highway 57 at  
27 least 90 feet as measured from the center-  
28 line of the right-of-way.

29 (d) Planting strip adjacent to highways.

30 Except to allow access to lots abutting  
31 Highway 42 or Highway 57 or access to  
32 any frontage road established by the Vil-  
33 lage to serve those lots, all lots abutting  
34 Highway 42 or Highway 57 must maintain  
35 the first 35 feet from the edge of the high-  
36 way pavement as a non-impervious land-  
37 scape strip. This landscape strip shall be  
38 maintained in grass or ground cover ap-  
39 proved by the Village and shall contain  
40 shade trees of the type specified by the  
41 Plan Commission planted at a spacing of  
42 one tree per 40 feet lineal distance along  
43 the road, located ten feet from the edge of  
44 the street pavement or bike lane. (Amend-  
45 ed Ordinance 120-061306)

46 (e) Access controls.

47 Vehicular access point from Highway 42  
48 or Highway 57 shall be determined with  
49 the Wisconsin Department of Transporta-  
50 tion.

51

# VILLAGE OF SISTER BAY ZONING CODE Page 83

SEC. 66.0342 HL HIGHWAY 42 AND 57 LANDSCAPE  
SETBACK OVERLAY DISTRICT

SEC. 66.0342 HL HIGHWAY 42 AND 57 LANDSCAPE  
SETBACK OVERLAY DISTRICT

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1

1 **Sec. 66.0344 BP Bluff Protection Overlay Dis-** 55  
 2 **trict** 56  
 3 The Bluff Protection Overlay district (BP) is hereby 57  
 4 established as a district, which overlaps, and over- 58  
 5 lays existing base zoning districts, the extent and 59  
 6 boundaries of which are as indicated on the offi- 60  
 7 cial zoning map for the Village. Overlay districts 61  
 8 provide for the possibility of superimposing cer- 62  
 9 tain additional requirements upon a basic zoning 63  
 10 district without disturbing the requirements of the 64  
 11 basic district. The uses of the underlying standard 65  
 12 zoning district shall remain in force. 66  
 13 (a) Intent: 67  
 14 (1) Promote safe conditions by prevent- 68  
 15 ing placement of roads on highly 69  
 16 inclined surfaces. 70  
 17 (2) Preserve escarpments as landmark 71  
 18 features that contribute to the scenic 72  
 19 diversity and attractiveness of the 73  
 20 Village. 74  
 21 (3) Preserve flora and fauna habitats. 75  
 22 (b) Location of requirements: 76  
 23 The Bluff Protection Overlay district shall 77  
 24 be identified on the Official Zoning map of 78  
 25 the Village. The location of the bluff on a 79  
 26 parcel shall be determined by a trained ex- 80  
 27 pert or geologist acceptable to the Plan 81  
 28 Commission. 82  
 29 (c) Permitted uses: 83  
 30 Principal Uses shall be those permitted in 84  
 31 the underlying zoning district. Uses prohib- 85  
 32 ited in the underlying zoning district are al- 86  
 33 so prohibited in the Bluff Overlay district. 87  
 34 (d) Conditional uses: 88  
 35 Conditional Uses shall be those permitted 89  
 36 in the underlying zoning district. 90  
 37 (e) Site plan required: 91  
 38 A site plan prepared in accordance with 92  
 39 section 66.1050 [See page 139] of this 93  
 40 chapter is required for all uses. 94  
 41 (f) Setbacks: 95  
 42 There shall be at least a 25-foot setback 96  
 43 from the crest of the bluff. The crest shall 97  
 44 be established by means of a site inspec- 98  
 45 tion by the Village, the location of which 99  
 46 will be plotted by the applicant on the site 100  
 47 plan based upon the zoning map. 101  
 48 (g) Special requirements: 102  
 49 (1) No roads or driveways shall be 103  
 50 placed on slopes of 30-39 percent 104  
 51 unless the roads or driveways are 105  
 52 placed parallel to the bluff face. No 106  
 53 roads or driveways shall be placed 107  
 54 on slopes of 40 percent or greater.

(2) The clearing of trees, shrubbery, 108  
 undergrowth, and other ground 109  
 cover located within bluff protec- 110  
 tion areas shall be permitted for:  
 a. Building footprints. 111  
 b. Sites for wastewater disposal 112  
 systems. 113  
 c. Driveways, not to exceed 20 114  
 feet in width. 115  
 d. The area on a lot, excluding 116  
 the bluff crest and face, ex- 117  
 tending not more than 15 118  
 feet from the exterior walls of 119  
 principal buildings and ten 120  
 feet from accessory build- 121  
 ings. 122  
 (3) Tree topping. Tree topping which is 123  
 defined as tree cutting or sculptur- 124  
 ing where only a portion of the tree 125  
 is removed to improve the view is 126  
 prohibited within the bluff protec- 127  
 tion overlay district. 128  
 (4) In the area on the balance of the lot, 129  
 selective removal of trees, shrub- 130  
 bery, under growth and other 131  
 ground cover is permitted provided 132  
 that:  
 a. No more than 30 percent of 133  
 this area on the lot shall be 134  
 cleared. 135  
 b. The clearing of the 30 per- 136  
 cent described above shall 137  
 not result in strips of cleared 138  
 openings of more than 30 139  
 feet in any 100-foot wide 140  
 strip nor create a cleared 141  
 opening strip greater than 30 142  
 feet wide. 143  
 c. In the remaining 70 percent 144  
 of this area, cutting and 145  
 pruning shall leave sufficient 146  
 cover to screen vehicles, 147  
 dwellings, and other struc- 148  
 tures. Even though vegetation 149  
 removal is permitted by this 150  
 Code, the Village strongly 151  
 recommends that the existing 152  
 vegetation, including trees, 153  
 shrubbery, undergrowth and 154  
 ground cover, be preserved 155  
 to the greatest extent possible 156  
 to protect the ecosystem of 157  
 the bluff. 158

- 1 (5) Pruning of trees is not permitted,  
2 except for the removal of dead, dis-  
3 eased or dying trees.
- 4 (6) Special cutting plan. A special cut-  
5 ting plan allowing greater cutting  
6 may be permitted by the Plan  
7 Commission by issuance of a condi-  
8 tional use permit. In applying for  
9 such a permit, the commission may  
10 require the lot owner to submit a  
11 drawing of his/her lot including the  
12 following information: location of  
13 all structures, location of parking,  
14 and gradient of the land, existing  
15 vegetation, proposed cutting and  
16 proposed replanting. The commis-  
17 sion may grant such a permit only if  
18 it finds that such special cutting  
19 plans:
  - 20 a. Will not cause undue erosion  
21 or destruction of scenic  
22 beauty.
  - 23 b. Will provide substantial  
24 shielding from the water of  
25 dwellings, accessory struc-  
26 tures and parking area. The  
27 commission may condition  
28 such a permit upon a guaran-  
29 tee of tree planting by the lot  
30 owner. Such an agreement  
31 shall be enforceable in court.
  - 32 c. Is consistent with established  
33 forest management practices.  
34

# VILLAGE OF SISTER BAY ZONING CODE Page 86

SEC. 66.0344 BP BLUFF PROTECTION OVERLAY  
DISTRICT

SEC. 66.0344 BP BLUFF PROTECTION OVERLAY  
DISTRICT

---

1

1 **Sec. 66.0345 WHP Wellhead Protection Dis-** 57  
2 **trict** 58  
3 The Wellhead Protection district (WHP) is intend- 59  
4 ed to insure the provision of a safe and sanitary 60  
5 drinking water supply for the Village by estab- 61  
6 lishment of a Wellhead Protection Area surround- 62  
7 ing the wellheads for all wells which are the sup- 63  
8 ply sources for the Village water system and by 64  
9 the designation and regulation of property uses 65  
10 and conditions which may be maintained within 66  
11 such zones to minimize public and private losses 67  
12 due to contamination of the public water supply. 68  
13 These regulations are established pursuant to the 69  
14 authority granted by the Wisconsin Legislature in 70  
15 1983, Wisconsin Act 410 (effective May 11, 71  
16 1994), which specifically added groundwater pro- 72  
17 tection to the statutory authorization for municipal 73  
18 planning and zoning in order to protect the public 74  
19 health, safety, and welfare. 75  
20 (a) Establishment of wellhead protection area. 76  
21 There is hereby established a use district to 77  
22 be known as the Wellhead Protection Area, 78  
23 identified and described as all the areas 79  
24 including those of the cone of depression 80  
25 due to the average pumping capacity of the 81  
26 wells, the areas encompassing the zone of 82  
27 contribution for a five year time of travel to 83  
28 the wells, and the recharge areas influenc- 84  
29 ing the wells. 85  
30 (1) The area(s) designated as the Zone 86  
31 of Influence for the well(s) is hereby 87  
32 known as the Primary Protection 88  
33 Zone(s). It begins at the wellhead 89  
34 and extends radially outward a dis- 90  
35 tance of 500 feet from the well. Ad- 91  
36 ditional protection beyond the Pri- 92  
37 mary Protection Zone shall be ac- 93  
38 complished by the establishment of 94  
39 Management Zones. 95  
40 (b) Boundaries. The boundaries of the Primary 96  
41 Management Zone shall begin at a point or 97  
42 points along the outer perimeter of the 98  
43 Primary Protection Zone and extend out- 99  
44 ward to all points within and including the 100  
45 designated Zone of Contribution for the 101  
46 five-year time of travel to each of the wells. 102  
47 Furthermore, as the annual average pump- 103  
48 ing capacity of the wells is changed, the 104  
49 Primary Management Zone boundaries 105  
50 shall be changed in like manner. 106  
51 (1) The boundaries of the Secondary 107  
52 Management Zone shall include all 108  
53 the area extending between the 109  
54 Primary Management Zone outer 110  
55 perimeter and a minimum of one 111  
56 mile radially or the Village limits 112

boundaries (whichever is less) from 57  
any well supplying water to the 58  
aforementioned community water 59  
system. 60  
(2) Subsequent and additional Man- 61  
agement Zones may be established 62  
whenever it is found that the Well- 63  
head Protection Zone needs to be 64  
expanded to provide adequate pro- 65  
tection for the groundwater within 66  
and/or adjacent to the Wellhead 67  
Protection Area. 68  
(3) Location of requirements. The fol- 69  
lowing protection requirements 70  
shall be based upon the location of 71  
the Village wells located at the fol- 72  
lowing: 73  
a. Well Number 1: Scandia 74  
Road at Bay Shore Drive; 75  
b. Well Number 2: Smith Drive 76  
at Highway 57; 77  
c. Well Number 3: Hill Road at 78  
North Spring Road. 79  
(4) A detailed map of the different 80  
zones shall be maintained by the 81  
Zoning Administrator and shall be 82  
incorporated on the Official Zoning 83  
Map of the Village. 84  
(c) Substances regulated. 85  
The materials regulated by this chapter 86  
shall consist of the following: 87  
(1) Petroleum products as defined in 88  
66.2100 [See page 173]. 89  
(2) Substances listed in the Federal 90  
Hazardous Waste List. 91  
(3) Substances other than those listed 92  
on the Federal Hazardous Waste 93  
List that are determined by State or 94  
Federal agencies to pose a signifi- 95  
cant threat to any community water 96  
supply well or well field. 97  
(d) Restrictions within the wellhead protection 98  
area. 99  
Restrictions within each Zone of the Well- 100  
head Protection Area shall be determined 101  
by the Village Board or their appointee. 102  
The Board or their appointee shall conduct 103  
a survey of the Wellhead Area and identify 104  
the potential sources of contamination 105  
therein. After assessing the local ground- 106  
water protection needs, the method or 107  
combination of management methods shall 108  
be submitted for approval. The restrictions 109  
within each Zone may be modified period- 110  
ically to provide additional protection or to 111  
prevent future contamination. 112

- 1 (1) The following uses or conditions 57
- 2 shall be and are hereby prohibited 58
- 3 within the Primary Protection Zone. 59
- 4 Existing uses or conditions that are 60
- 5 prohibited under this section that 61
- 6 desire to continue shall comply with 62
- 7 the requirements of section 63
- 8 66.0345(f). (Amended Ordinance 64
- 9 No. 176-091410) 65
- 10 a. Agricultural activities. 66
- 11 b. Feedlots or other concentrat- 67
- 12 ed animal facilities. 68
- 13 c. Gas Stations. 69
- 14 d. Vehicle repair establish- 70
- 15 ments, including auto body 71
- 16 repair. 72
- 17 e. Junk yards or auto salvage 73
- 18 yards. 74
- 19 f. Bus or truck terminals. 75
- 20 g. Impervious surfaces other 76
- 21 than roofs of buildings, and 77
- 22 streets, parking lots, drive- 78
- 23 ways and sidewalks. 79
- 24 h. Dry cleaning businesses. 80
- 25 i. Any manufacturing or indus- 81
- 26 trial business. 82
- 27 j. Electroplating facilities. 83
- 28 k. Exterminating businesses. 84
- 29 l. Sanitary landfills. 85
- 30 m. Sanitary sewer lines within 86
- 31 100 feet of a wellhead. 87
- 32 n. Animal waste spreading. 88
- 33 o. Septic tanks or drain fields 89
- 34 appurtenant thereto. 90
- 35 p. Storm water infiltration ba- 91
- 36 sins. 92
- 37 q. Hazardous waste disposal 93
- 38 sites. 94
- 39 r. Surface use or storage of 95
- 40 hazardous material, includ- 96
- 41 ing commercial use of agri- 97
- 42 cultural pesticides. 98
- 43 s. Underground storage. 99
- 44 t. Salt storage. 100
- 45 u. Bulk herbicide and/or pesti- 101
- 46 cide storage and use. 102
- 47 (2) The following uses or conditions 103
- 48 shall be and are hereby prohibited 104
- 49 within Management Zone 1. 105
- 50 a. Junk yards and auto salvage 106
- 51 yards. 107
- 52 b. Sanitary landfills. 108
- 53 c. Hazardous waste disposal 109
- 54 sites. 110
- 55 d. Storm water infiltration ba- 111
- 56 sins. 112

- (3) The following uses or conditions are 57
- permitted within Management Zone 58
- One only as a special exception. A 59
- conditional use permit may be 60
- granted to an individual and/or fa- 61
- facility to allow a special exception 62
- use. In order to receive a condition- 63
- al use permit, an individual and/or 64
- facility must demonstrate compli- 65
- ance with applicable Federal, State 66
- and County requirements. 67
- a. Feedlots or other concentrat- 68
- ed animal activities. 69
- b. Gas stations. 70
- c. Vehicle repair establish- 71
- ments, including auto body 72
- repair. 73
- d. Bus or truck terminals. 74
- e. Dry cleaning businesses. 75
- f. Any manufacturing or indi- 76
- vidual business. 77
- g. Electroplating facilities. 78
- h. Exterminating businesses. 79
- i. Animal waste spreading. 80
- j. Septic tanks or drain fields. 81
- k. Bulk salt storage. 82
- l. Surface use or storage of 83
- hazardous materials. 84
- (4) The area within Management Zone 85
- Two shall be managed by conduct- 86
- ing a public education program to 87
- inform the property owners of the 88
- need for and methods of wellhead 89
- protection. If additional manage- 90
- ment methods are necessary, the 91
- appropriate governing bodies with 92
- jurisdiction over the area within the 93
- Management Zone Two shall be no- 94
- tified. 95
- (e) Exemptions. 96
- Individuals and/or facilities may request 97
- the Village to issue a conditional use per- 98
- mit for a special exception use in the 99
- Wellhead Protection Area. All requests 100
- shall be in writing either on or in substan- 101
- tial compliance with forms to be provided 102
- by the Village and shall include an envi- 103
- ronmental assessment report prepared by a 104
- licensed environmental engineer. The re- 105
- port shall be forwarded to the Village Engi- 106
- neer and/or designee(s) for recommenda- 107
- tion and final decision by the Village 108
- Board. The individual/facility shall reim- 109
- burse the Village for all consultant fees as- 110
- sociated with this review at invoiced 111
- amount plus administrative costs. Any uses 112

1 shall be conditional and may include re- 55  
 2 quired environmental and safety monitor- 56  
 3 ing consistent with local, state, and federal 57  
 4 requirements, and/or bonds and/or sureties 58  
 5 satisfactory to the Village. 59  
 6 (1) The following activities or uses are 60  
 7 exempt from the provision of this 61  
 8 chapter. 62  
 9 a. The transportation of any 63  
 10 hazardous substance through 64  
 11 the wellhead protection area 65  
 12 provided the transporting ve- 66  
 13 hicle provides adequate pri- 67  
 14 mary and secondary con- 68  
 15 tainment and is in-transit. 69  
 16 b. The use of herbicides and 70  
 17 pesticides is allowed within 71  
 18 the Management Zones, pro- 72  
 19 vided best management 73  
 20 practices are used or it is de- 74  
 21 termined that the use of such 75  
 22 herbicides and pesticides 76  
 23 does not pose a serious 77  
 24 threat to the groundwater. 78  
 25 c. The use of any hazardous 79  
 26 substance solely as fuel in a 80  
 27 vehicle fuel tank or as a lub- 81  
 28 ricant in a vehicle. 82  
 29 d. Fire, police, emergency med- 83  
 30 ical services, emergency 84  
 31 management center facilities 85  
 32 or public utility transmission 86  
 33 facilities. 87  
 34 e. Retail sales establishments 88  
 35 that store and handle haz- 89  
 36 ardous substances for resale 90  
 37 in their original unopened 91  
 38 containers. 92  
 39 f. Consumer products limited 93  
 40 to use at a facility solely for 94  
 41 janitorial or minor mainte- 95  
 42 nance purposes. 96  
 43 g. Consumer products located 97  
 44 in the home, which are used 98  
 45 for personal, family or 99  
 46 household purposes. 100  
 47 h. The storage and use of haz- 101  
 48 ardous substances as fuel or 102  
 49 lubricant to provide auxiliary 103  
 50 power for emergency use to 104  
 51 the well field provided an 105  
 52 enclosed secondary con- 106  
 53 tainment system be provided 107  
 54 for the substance. 108  
 109  
 110

i. Any water treatment chemi-  
 cals connected with the op-  
 eration of the wells.  
 j. Storm water retention ponds  
 constructed in a manner ap-  
 proved by the Village and/or  
 Village Engineer may be  
 placed in the management  
 zone. The soil beneath the  
 retention pond shall have a  
 low rate of water transmis-  
 sion, less than 0.15 inches  
 per hour.

(f) Requirements for existing facilities.  
 The following requirements are to be met  
 by existing facilities wishing to continue  
 with activities prohibited under section  
 66.0345(c).

- (1) Facilities shall provide copies of all federal, state and county operation approvals or certificates and ongoing environmental monitoring results to the Village.
- (2) Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include but are not limited to storm water runoff management and monitoring.
- (3) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (4) Facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification to Village officials in the event of an emergency.

(g) Penalties.  
 In the event of the release of any contaminants, which endanger the Wellhead Protection Area, the activity causing said release shall cease immediately and a cleanup satisfactory to the Village shall occur. The individual/facility participating in such activity shall be responsible for all costs of cleanup, Village consultant fees at the invoice amount plus administrative costs for oversight review, and documentation. These costs may include but are not limited to:

- (1) The cost of Village employees' time associated in any way with the cleanup based on the hourly rate

- 1            paid to the employee multiplied by
- 2            a factor determined by the Village
- 3            representing the Villages cost for
- 4            expenses, benefits, insurance, sick
- 5            leave, holidays, overtime, vacation,
- 6            and similar benefits.
- 7            (2)    The cost of Village equipment em-
- 8            ployed.
- 9            (3)    The cost of mileage reimbursed to
- 10           Village employees attributed to the
- 11           cleanup.
- 12           (4)    The costs recoverable as provided
- 13           herein shall be in addition to the
- 14           penalty for this section.
- 15

1

1 **Sec. 66.0346 RS Ridges and Swales** 57  
2 The purpose of the Ridges and Swales Overlay 58  
3 district (RS-1) is to recognize and protect land- 59  
4 forms that owe their existence to the dynamic 60  
5 forces of water acting upon the land during vari- 61  
6 ous periods of rising and falling lake levels. The 62  
7 events that produced these landforms apparently 63  
8 occurred during approximately the last 4,000 64  
9 years. These geologic features and the wild plant 65  
10 and animal life supported on them are of signifi- 66  
11 cant scientific interest. The ridges and swales 67  
12 complexes also contribute to the special aggregate 68  
13 landscape of the Village. 69  
14 (a) Determination. 70  
15 The location of ridges and swales com- 71  
16 plexes shall be determined by a trained  
17 expert or geologist acceptable to the Plan  
18 Commission.  
19 (b) Requirements.  
20 (1) Buildings and structures shall be  
21 placed, to the greatest practical ex-  
22 tent, on the uppermost ground sur-  
23 faces of ridges.  
24 (2) No buildings and structures, except  
25 roads constructed in accordance  
26 with subsection (5), shall be placed  
27 in swales.  
28 (3) The ridges ground surfaces shall not  
29 be reshaped by excavation, except  
30 for customary excavation necessary  
31 to construct roads and foundations  
32 of buildings and structures; by grad-  
33 ing; or by filling, except for custom-  
34 ary backfilling around foundation  
35 walls of buildings and structures,  
36 construction of roads in accordance  
37 with subsection (5), and construc-  
38 tion of parking areas.  
39 (4) The swales ground surfaces shall  
40 not be reshaped by excavating,  
41 grading or filling, except as neces-  
42 sary for road construction in ac-  
43 cordance with subsection (5).  
44 (5) Road construction in ridges and  
45 swales complexes shall occur in ac-  
46 cordance with the following:  
47 a. Roads shall be placed, to the  
48 greatest practical extent, on  
49 the uppermost ground sur-  
50 faces of the ridges.  
51 b. Roads shall not be placed in  
52 swales, except for that por-  
53 tion which is the minimum  
54 necessary to continue a road  
55 from one ridge to the adja-  
56 cent ridge. The road portion

in the swale shall be con-  
structed to allow free and  
continuous movement of sur-  
face water through the road  
by means of culverts and/or  
bridges.  
c. The road shall be construct-  
ed with the minimum cross-  
sectional area necessary to  
serve the intended use.  
d. Road construction activities  
shall be carried out in the  
immediate area of the road  
only.

1

1 **Sec. 66.0350 RO Restaurant Overlay District** 53  
 2 **RO-1** 54  
 3 Note: This entire section was added by Ordinance 55  
 4 No. 172-081010. 56  
 5 Purpose. The purpose of the standards in this Sec- 57  
 6 tion is to regulate the number, location and opera- 58  
 7 tion of various types of restaurants in order to 59  
 8 maintain the Village’s unique character, the vitali- 60  
 9 ty of the commercial districts, and the quality of 61  
 10 life of Sister Bay residents. 62  
 11 (a) Definitions. 63  
 12 General Restaurant means an eating-place, 64  
 13 whether a principal use or accessory use, 65  
 14 selling a full line of prepared food and 66  
 15 drinks using non-disposable plates, glasses 67  
 16 and utensils for immediate consumption on 68  
 17 the site. The business provides tables and 69  
 18 chairs, table service, and is available to 70  
 19 persons of all ages. The use shall not ex- 71  
 20 hibit the characteristics of a drive-in, for- 72  
 21 mula or fast food establishment. Customers 73  
 22 shall be provided with individual menus 74  
 23 while seated at a table or counter. Food 75  
 24 sold for consumption off the premises shall 76  
 25 be incidental to the primary use. Such food 77  
 26 shall be placed in covered containers or 78  
 27 wrappings, and all house-brand labeled 79  
 28 food store goods such as vinegars, oils and 80  
 29 salad dressings shall be prepackaged and 81  
 30 sealed. 82  
 31 Drive-In Restaurant means an eating place, 83  
 32 whether a principal use or accessory use, 84  
 33 which sells: (a) prepares food intended for 85  
 34 consumption in vehicles that may or may 86  
 35 not be parked on the site; or (b) provides 87  
 36 for the ordering of food while the custom- 88  
 37 ers are seated in vehicles. 89  
 38 Formula Restaurant means an eating-place, 90  
 39 whether a principal use or accessory use, 91  
 40 that is one of a chain or group of three or 92  
 41 more establishments and which satisfies at 93  
 42 least two of the following three descrip- 94  
 43 tions: 95  
 44 (1) It has the same or similar name, 96  
 45 brand, trade name, or trademark as 97  
 46 others in the chain or group; 98  
 47 (2) It offers any of the following charac- 99  
 48 teristics in a style which is distinc- 100  
 49 tive to and standardized among the 101  
 50 chain or group: (a) Exterior design 102  
 51 or architecture; (b) Uniforms, except 103  
 52 that a personal identification or 104

simple logo will not render the clothing a uniform; (c) Standardized menus, ingredients, food preparation or food presentation format which causes it to be substantially identical to another restaurant regardless of ownership or location.

(3) It is a fast food restaurant.

Fast Food Restaurant means an eating-place, whether a principal use or accessory use, selling food to be consumed on or off the site and (a) food is quickly made upon the customer’s order or pre-made and wrapped before customers place orders, and/or (b) food is served with disposable tableware for on-site food consumption. A Fast Food restaurant also exhibits two or more of the following characteristics: food is ordered from a wall menu at a service counter; food consumed on the premises is ordered while customers are standing; payment is made by customers before food is consumed; the service counter is closer to an entry/exit than is the seating/dining area; the business interior is brightly illuminated (greater than 8 candle foot power as measured in a horizontal plane three feet above the floor).

Take-Out Restaurant means an eating place, whether a principal use or accessory use, selling ready-to- eat, prepared snack food and full meals for immediate consumption off the site while patrons are walking or standing in the public right-of-way or are seated in vehicles.

Drive-up Window - Restaurant in this section means a window opening to the outdoors designed to furnish food or beverages to motorists.

Walk-up Window - Restaurant means a window opening to the outdoors designed to furnish food or beverages to pedestrians.

Drive-through - Restaurant in this section means a paved area serving as a queuing or staging area for motorist to receive food that they have ordered.

(b) Applicability.

The regulations in this section shall apply as an overlay district for the B-1 General Business, B-2 Downtown Transition District, B-3 Downtown Business District and I-1 Institutional Districts.

1 (c) Permitted Uses. 56  
 2 A general restaurant whether a principal 57  
 3 use or accessory use, shall be permitted 58  
 4 subject to the following requirements. 59  
 5 (1) Underlying district lot area and 60  
 6 width; building height and area; 61  
 7 setbacks; special standards and 62  
 8 parking. 63  
 9 (2) Site plan and architectural review 64  
 10 and such others as apply. 65  
 11 (d) Conditional Uses. 66  
 12 A fast food, drive-in or take-out restaurant 67  
 13 whether a principal use or accessory use 68  
 14 may be granted a conditional use permit 69  
 15 subject to the following requirements. 70  
 16 (1) Underlying district lot area and 71  
 17 width; building height and area; 72  
 18 setbacks; special standards and 73  
 19 parking. 74  
 20 (2) Site plan and architectural review. 75  
 21 (3) Approval of the fast food, drive-in or 76  
 22 take-out restaurant with or without a 77  
 23 walk-up window – restaurant will 78  
 24 contribute to a diverse and appro- 79  
 25 priate blend of businesses in the Vil- 80  
 26 lage; 81  
 27 (4) Approval of the fast food, drive-in or 82  
 28 take-out restaurant will complement 83  
 29 those businesses already in the Vil- 84  
 30 lage and help promote and foster 85  
 31 the local economic base as a whole. 86  
 32 (5) The fast food, drive-in or take-out 87  
 33 restaurant will be compatible with 88  
 34 existing surrounding uses; has been 89  
 35 designed and will be operated in a 90  
 36 non-obtrusive manner to preserve 91  
 37 the community’s character and am- 92  
 38 biance; and the proposed intensity 93  
 39 of uses on the site is appropriate 94  
 40 given the uses permitted on the site 95  
 41 and on adjoining sites, including 96  
 42 but not limited to the following: 97  
 43 a. The size of any individual 98  
 44 fast food, drive-in or take-out 99  
 45 restaurant shall not to exceed 100  
 46 two thousand five hundred 101  
 47 (2,500) square feet of gross 102  
 48 floor area. 103  
 49 b. The street frontage of any in- 104  
 50 dividual fast food, drive-in or 105  
 51 take-out restaurant shall not 106  
 52 exceed sixty-five feet (65') in 107  
 53 width. 108  
 54 c. So long as the Planning 109  
 55 Commission finds that estab- 110  
 78

lishing or relocating the fast food, drive-in or take-out restaurant will not increase the intensity of use on the site to a level that will adversely impact:

1. Land uses in the area;
2. Pedestrian or motor vehicle traffic; or
3. The public welfare.

d. There shall not be a substantial impact to the public safety from increased traffic. At the discretion of the Plan Commission, the applicant may be required to submit a traffic study, prepared by a Wisconsin Registered Professional Engineer, approved by the Plan Commission.

e. There shall not be any impacts to the roadway or abutting properties from the loading area.

f. Approval of the fast food, drive-in or take-out restaurant will be consistent with the policies and standards of the Comprehensive Plan as approved and amended.

(e) Excluded Uses.  
 The following uses are excluded from the overlay district.

- (1) Formula restaurants, drive-up windows - restaurants and drive-through - restaurants are prohibited;
- (2) Reserved.

(f) Change of occupancy or intensity of use.  
 A change of occupancy, change of intensity of use, or a change in type of restaurant shall require Plan Commission review and approval. A change of business model shall not require Plan Commission review and approval unless the change is deemed significant by the Zoning Administrator. Change of ownership shall not, by itself, require Plan Commission approval unless there is a change of occupancy, change of intensity of use, change of business model or a change in type of restaurant. The regulations in this Section shall be used by the Planning Commission in reviewing an application or an application for occupancy.

- 1 (g) Existing Restaurants.
- 2 All formula restaurants with their respec-
- 3 tive business models as of July 1, 2010, fast
- 4 food restaurants, drive-in restaurants and
- 5 take-out restaurants shall be grandfathered
- 6 non-conforming uses if they do not meet
- 7 any of the regulations in this Section.
- 8

1

**SECTION 400 -TRAFFIC,  
LOADING, PARKING AND  
ACCESS**

**1 Sec. 66.0401 Traffic Visibility**

2 No obstructions, such as structures, parking, or  
3 vegetation, shall be permitted in any district be-  
4 tween the heights of two and one-half feet and ten  
5 feet above the plane through the mean curb  
6 grades (See Illustration No. 1) within the triangular  
7 space formed by any two existing or proposed in-  
8 tersecting street or alley right-of-way lines and a  
9 line joining points on such lines located a mini-  
10 mum of 15 feet from their intersection. (See Illus-  
11 tration No. 2). In the case of arterial streets inter-  
12 secting with other streets, the corner cut-off dis-  
13 tances establishing the vision triangle clearance  
14 space shall be increased to 50 feet. (See Illustration  
15 No. 2).

**16 Sec. 66.0402 Loading Requirements**

17 On every lot on which a business use is hereafter  
18 established, space with access to a public street or  
19 alley shall be provided as specified below for the  
20 loading and unloading of vehicles off the public  
21 right-of-way.

22 (a) Number of loading and unloading spaces  
23 required:

<i>Gross Floor Area of Building</i>	
<i>In Square Feet</i>	<i>Number of Spaces</i>
Under 5,000	1
5,000-24,999	2
25,000-49,999	3
50,000-99,999	4

24 (b) For each additional 25,000 square feet (or  
25 fraction thereof) of gross floor area, one  
26 additional loading and unloading space  
27 shall be provided.

28 (c) Each loading and unloading space shall  
29 have access to a public dedicated street or  
30 alley.

31 (d) The minimum area for each loading and  
32 unloading space, excluding the area need-  
33 ed to maneuver, shall be 250 square feet.

34 (e) At no time shall any part of a truck or van  
35 be allowed to extend into the right-of-way  
36 of a public thoroughfare while the truck or  
37 van is being loaded or unloaded.

**38 Sec. 66.0403 Parking Requirements**

39 In all districts and in connection with every use,  
40 there shall be provided at the time any use is

41 erected, enlarged, extended or increased, off-  
42 street parking spaces and lots for all vehicles in  
43 accordance with the following:

44 (a) Access.

45 Adequate access to a public street shall be  
46 provided for a parking space, and drive-  
47 ways shall be at least ten feet wide for one  
48 and two-family dwellings, and a minimum  
49 of 24 feet wide at the property line for all  
50 other uses. [See section 66.0406 Highway  
51 Access page 89, for more detailed re-  
52 strictions.]

53 (b) Parking space size.

54 The minimum dimensions of each parking  
55 space shall be nine feet by 20 feet, except  
56 for spaces provided for use by physically  
57 disabled persons.

58 (c) Parking spaces for use by physically dis-  
59 abled persons.

60 All open off-street parking areas providing  
61 more than 20 parking spaces, except for  
62 parking areas restricted to use by employ-  
63 ees only, shall provide parking spaces for  
64 use by motor vehicles, which transport  
65 physically disabled persons in accordance  
66 with the requirements of section 346.503  
67 of the Wisconsin Statutes.

68 (d) Parking lot geometrics.

69 The minimum length of parking stalls shall  
70 be modified in parking lots based on the  
71 aisle width and the angle of parking. Park-  
72 ing stalls shall conform to the following  
73 minimum dimensions:  
74

<i>Parking Angle</i>	<i>Minimum Stall Width</i>	<i>Minimum Perpendicular Stall Width</i>	<i>Mini- mum Aisle Width</i>
90°	9 ft.	20 ft.	22 ft.
75°	9 ft.	20 ft.	19 ft.
60°	9 ft.	19 ft. 6 in.	16 ft.
45°	9 ft.	19 ft. 6 in.	13 ft.
30°	9 ft.	66 ft.	10 ft.

75 (e) Location.

76 Location of parking spaces is to be on the  
77 same lot as the principal use except as  
78 provided in section 66.0405 [See page 88]  
79 of this chapter. (NOTE: Residential parking  
80 shall be located in a garage or carport or  
81 on a driveway that does not exceed 24 feet  
82 in width, except for a spur that is a maxi-  
83 mum of ten feet by 20 feet or the flare to

1 access a parking area in the side or rear  
 2 yard.)  
 3 (NOTE: Business parking lots and drive-  
 4 ways adjacent to a residential zoning dis-  
 5 trict line shall, at a minimum, provide buff-  
 6 er yards as required by section 66.0303  
 7 [See page 6 of the Municipal Code.]  
 8 (NOTE: Business and institutional parking  
 9 lots and driveways shall be located no  
 10 closer than 15 feet to a residential zoning  
 11 district line.)  
 12 (f) Surfacing.  
 13 (1) Parking Lots and other areas. In all  
 14 zoning districts other than P-1, R-1,  
 15 R-3, R-4 and CS-1 all off-street park-  
 16 ing lots, driveways, service roads,  
 17 storage areas and such other areas  
 18 determined by the Plan Commission  
 19 shall be surfaced with an asphaltic  
 20 concrete or Portland cement pave-  
 21 ment; to provide a durable and  
 22 dust-free surface and shall be so  
 23 graded and drained as to dispose of  
 24 all surface water in accordance with  
 25 the requirements of the Municipal  
 26 Code of the Village. Brick, block or  
 27 open block or other materials de-  
 28 signed to be permeable and de-  
 29 signed to carry the load of the vehi-  
 30 cles shall be allowed with the ap-  
 31 proval of the Plan Commission. The  
 32 required off-street parking lots,  
 33 driveways, service roads, storage  
 34 areas and such other areas shall be  
 35 completely paved prior to the issua-  
 36 nce of the occupancy permit for all  
 37 new buildings and prior to the final  
 38 inspection of all building additions.  
 39 However if the new building or  
 40 building addition is completed dur-  
 41 ing the November to March period,  
 42 the pavement shall be completed by  
 43 July 1 of the following year.  
 44 (Amended Ordinance 154-071409)  
 45 (2) All driveways serving single-family  
 46 residences in all zoning districts  
 47 shall be surfaced with asphaltic  
 48 concrete or Portland cement pave-  
 49 ment from the edge of the pavement  
 50 to edge of the right-of-way within  
 51 one year of the issuance of the ini-  
 52 tial occupancy permit. (Amended  
 53 Ordinance 154-071409)  
 54 (3) All Driveway Approaches shall be  
 55 installed in accord with the provi-  
 56 sions of the Municipal Code.

57 (g) Landscape area.  
 58 All off-street parking lots, which serve four  
 59 vehicles or more and are created or ex-  
 60 tended subsequent to the adoption of this  
 61 chapter, shall provide accessory land-  
 62 scaped areas; which may be landscape is-  
 63 lands, landscape peninsulas or peripheral  
 64 plantings totaling not less than five percent  
 65 of the surfaced area. For parking lots de-  
 66 signed for 20 parking spaces or more, at  
 67 least one-half of the minimum five percent  
 68 landscaped area shall be within the park-  
 69 ing lot. When parking lots are extended,  
 70 these regulations shall apply only to the ex-  
 71 tended portion of the parking lot. Location  
 72 of landscape areas, plant materials and  
 73 protection afforded the plantings, including  
 74 curbing and provision for maintenance  
 75 shall be subject to approval by the Plan  
 76 Commission. Landscape islands or penin-  
 77 sulas shall be dispersed throughout the off-  
 78 street parking area. All plans for such pro-  
 79 posed parking areas shall include a topo-  
 80 graphic survey or grading plan, which  
 81 shows existing and proposed grades and  
 82 location of improvements. The preserva-  
 83 tion of existing trees, shrubs, and other  
 84 natural vegetation in the parking area may  
 85 be included in the calculation of the re-  
 86 quired minimum landscape area. (See Illus-  
 87 trations No. 3 and No. 4)  
 88 (h) Parking lot screening.  
 89 Those parking areas for four or more vehi-  
 90 cles, if adjoining a residential zoning dis-  
 91 trict line or public right-of-way, shall be  
 92 screened from casual view by an earth  
 93 berm, a stonewall, fence, evergreen plant-  
 94 ing of equivalent visual density or other ef-  
 95 fective means approved by the Plan Com-  
 96 mission. Such fence or berm and landscap-  
 97 ing together shall be an average of three  
 98 feet in height between the parking and the  
 99 street right-of-way and six feet in height be-  
 100 tween the parking and any adjacent resi-  
 101 dential property line. All screening materi-  
 102 als shall be placed and maintained at a  
 103 minimum height of three feet. The Plan  
 104 Commission may require greater screening  
 105 requirements for parking of large trucks,  
 106 semi-trailers and large equipment.  
 107 (i) Residential parking.  
 108 Single-family and two-family residential  
 109 parking shall be limited to parking within  
 110 garages and upon residential driveways.  
 111 Paving beyond driveways to cover all or

1 substantial portions of a residential front 57  
 2 yard shall be prohibited. 58  
 3 (j) Parking space requirements. 59  
 4 The following guide specifies the minimum 60  
 5 number of parking spaces required. In the 61  
 6 case of structures or uses not specified 62  
 7 herein, the number of spaces specified as 63  
 8 the general standard for the use class or the 64  
 9 number of spaces specified for similar use 65  
 10 shall apply. In developments involving the 66  
 11 establishment or addition of two or more 67  
 12 uses on one lot or parcel, the cumulative 68  
 13 number of spaces required for each use 69  
 14 shall determine the total number of spaces 70  
 15 required. (Amended Ordinance 128- 71  
 16 061207) 72  
 17 In the B-1, B-2 and B-3 districts, the num- 73  
 18 ber of parking spaces required by this sec- 74  
 19 tion shall be reduced by a credit of three 75  
 20 spaces. In granting the credit, the Plan 76  
 21 Commission will take into account, all of 77  
 22 the proposed required parking for all of the 78  
 23 businesses or uses on the parcel(s) or build- 79  
 24 ing(s) that comprise the development. If a 80  
 25 single development, building or parcel 81  
 26 contains multiple businesses, the three 82  
 27 parking space credit shall only be provided 83  
 28 once. The credit shall be applicable to fu- 84  
 29 ture business additions to existing busi- 85  
 30 nesses. (Amended Ordinance 128-061207) 86  
 31 In the B-3 district, the number of residen- 87  
 32 tial parking spaces required by this section 88  
 33 shall be reduced by a credit of one space. 89  
 34 In granting the credit, the Plan Commission 90  
 35 will take into account, all of the proposed 91  
 36 required parking for all of the residential 92  
 37 uses on the parcel(s) or building(s) that 93  
 38 comprise the development. If a single de- 94  
 39 velopment, building or parcel contains 95  
 40 multiple residential units, the one parking 96  
 41 space credit shall only be provided once. 97  
 42 The credit shall be applicable to future res- 98  
 43 idential unit additions to existing business- 99  
 44 es. (Amended Ordinance 128-061207) 100  
 45 (1) Residential Uses (including garage 101  
 46 spaces): 102  
 47 a. Single-family dwellings, two 103  
 48 spaces per dwelling unit. 104  
 49 b. Multiple-family dwellings: 105  
 50 1. In the R-2 district, one 106  
 51 and one-half spaces 107  
 52 per efficiency and 108  
 53 one-bedroom dwell- 109  
 54 ing unit, two spaces 110  
 55 per two-bedroom 111  
 56 dwelling unit, and 112

two and one-half  
 spaces per three-  
 bedroom or larger  
 dwelling unit.  
 2. In the B-2 and B-3  
 districts, one space  
 per bedroom.  
 (Amended Ordinance  
 120-061306)  
 c. Condominiums, Residential:  
 One space per one bedroom  
 unit, one and a half space  
 per two-bedroom unit and  
 two spaces per three-  
 bedroom unit.  
 (2) Retail sales and customer service  
 uses, and places of entertainment,  
 except as specifically set forth be-  
 low, one space per 150 square feet  
 of gross floor area of customer sales  
 and service, plus one space per em-  
 ployee for the work shift with the  
 largest number of employees. In the  
 B-3 district the requirement shall be  
 one space per 300 square feet of  
 gross floor area of customer sales  
 and service, plus one space per em-  
 ployee for the work shift with the  
 largest number of employees:  
 a. Financial Institutions, one  
 space for each 150 square  
 feet of gross floor area of cus-  
 tomer service, plus one  
 space per employee for the  
 work shift with the largest  
 number of employees. Fi-  
 nancial institutions with  
 drive-in facilities shall pro-  
 vide sufficient space for at  
 least four waiting vehicles at  
 each drive-in service device  
 and no queuing spaces shall  
 preclude the use of any park-  
 ing spaces, nor shall any  
 queuing take place in the  
 public right-of-way.  
 b. Funeral Homes, one space  
 for each four patrons at max-  
 imum capacity, whichever is  
 greater, plus one space per  
 employee for the work shift  
 with the largest number of  
 employees.  
 c. Grocery Stores, Food Stores  
 or Supermarkets, one space  
 per 150 square feet of gross

# VILLAGE OF SISTER BAY ZONING CODE Page 101

## SEC. 66.0403 PARKING REQUIREMENTS

## SEC. 66.0403 PARKING REQUIREMENTS

1		57	
2	floor area of customer sales	58	non-employee parking upon
3	and service area, plus one	59	request. (Amended Ordinance
4	space per employee for the	60	172-081010).
5	work shift with the largest	61	i. Restaurants, Fast Food,
6	number of employees.	62	Drive-in and Take-out, one
7	d. Convenience Grocery Stores,	63	space per 50 square feet of
8	one space per 150 square	64	gross dining area, plus one
9	feet of gross floor area of cus-	65	space per employee for the
10	tomers sales and service, plus	66	work shift with the largest
11	one space per employee for	67	number of employees.
12	the work shift with the largest	68	(Amended Ordinance 172-
13	number of employees.	69	081010)
14	(Amended Ordinance 120-	70	j. Repair Services, one space
15	061306)	71	per 300 square feet of gross
16	e. Condominiums Hotels, one	72	floor area, plus one space
17	space per one bedroom unit,	73	per employee for the work
18	one and a half spaces per	74	shift with the largest number
19	two bedroom unit and two	75	of employees.
20	spaces per three bedroom	76	k. Theaters, Auditoriums and
21	unit, plus one space per em-	77	Other Places of Public As-
22	ployee for the work shift with	78	sembly, one space per three
23	the largest number of em-	79	patrons based on the maxi-
24	ployees, plus one space per	80	imum capacity of the facility
25	three persons, based on max-	81	plus one space per employee
26	imum capacity for each pub-	82	for the work shift with the
27	lic meeting room and/or	83	largest number of employees.
28	banquet room.	84	l. Personal Services, one space
29	f. Motels and Hotels, one	85	per employee for the work
30	space per room or suite, plus	86	shift with the largest number
31	one space per employee for	87	of employees and one and a
32	the work shift with the largest	88	half space for every chair or
33	number of employees, plus	89	customer service location in
34	one space per three persons,	90	a barbershop, nail salon,
35	based on maximum capacity,	91	tanning salon, hair salon or
36	for each public meeting	92	beauty parlor. (Amended
37	room and/or banquet room.	93	Ordinance 061306)
38	g. Lodges and Clubs, one space	94	m. Taverns, Dance Halls, Night
39	per three persons, based on	95	Clubs and Lounges, one
40	the maximum capacity of the	96	space per 100 square feet of
41	facility, plus one space per	97	gross dining area or one
42	employee for the work shift	98	space per three seats, which-
43	with the largest number of	99	ever is greater, plus one
44	employees.	100	space per employee for the
45	h. Restaurants – General, one	101	work shift with the largest
46	space per 150 square feet of	102	number of employees.
47	gross dining space or one	103	n. Motor Vehicle Sales Estab-
48	space per four seats which-	104	lishments, two customer
49	ever is greater, plus one	105	parking spaces per salesper-
50	space per employee for the	106	son, plus one space per em-
51	work shift with the largest	107	ployee for the work shift with
52	number of employees. In the	108	the largest number of em-
53	B-2 and B-3, districts when	109	ployees.
54	the general restaurant is an	110	o. Motor Vehicle Repair,
55	accessory use to the retail	111	Maintenance, and Service
56	use on the property the Plan	112	Stations, four spaces per in-
	Commission may waive the		door service bay, plus one

1 space per employee for the 57  
 2 work shift with the largest 58  
 3 number of employees, plus 59  
 4 parking for all vehicles used 60  
 5 directly in the conduct of the 61  
 6 business. 62  
 7 p. Car Washes, one space per 63  
 8 employee for the work shift 64  
 9 with the largest number of 65  
 10 employees. Car washes shall 66  
 11 provide sufficient space for at 67  
 12 least four waiting vehicles at 68  
 13 each washing stall and suffi- 69  
 14 cient space for drying two 70  
 15 vehicles after each washing 71  
 16 stall so as not to allow any 72  
 17 queuing of vehicles to take 73  
 18 place in the public right-of- 74  
 19 way. 75  
 20 q. Animal Hospitals, three pa- 76  
 21 tron parking spaces per doc- 77  
 22 tor, plus one space per em- 78  
 23 ployee for the work shift with 79  
 24 the largest number of em- 80  
 25 ployees. 81  
 26 r. Plant Nurseries, Lawn and 82  
 27 Garden Supply Stores and 83  
 28 Lumberyards, one space per 84  
 29 200 square feet of gross in- 85  
 30 door sales and display area, 86  
 31 plus one space per 500 87  
 32 square feet of gross outdoor 88  
 33 sales and display area, plus 89  
 34 one space per employee for 90  
 35 the work shift with the largest 91  
 36 number of employees. 92  
 37 s. Shopping Centers (Gross 93  
 38 Leasable Area of Less Than 94  
 39 50,000 Square Feet), seven 95  
 40 spaces per 1,000 square feet 96  
 41 of gross leasable area plus 97  
 42 one space per employee for 98  
 43 the work shift with the largest 99  
 44 number of employees in the 100  
 45 B-1 district only. 101  
 46 t. Shopping Centers (Gross 102  
 47 Leasable Area of 50,000 103  
 48 Square Feet or More), five 104  
 49 and one-half spaces per 105  
 50 1,000 square feet of gross 106  
 51 leasable area, plus one space 107  
 52 per employee for the work 108  
 53 shift with the largest number 109  
 54 of employees in the B-1 dis- 110  
 55 trict only. 111  
 56 112

- (3) Offices:
  - a. Medical, Dental and Similar Professional Health Service Offices, five patron spaces per doctor, plus one space per employee for the work shift with the largest number of employees.
  - b. Government, Professional and Business Offices, one space per 200 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees, plus one space for every three meeting room seats.
- (4) Business/Recreational Uses, except as specifically set forth below, one space per four patrons, plus one space per employee for the work shift with the largest number of employees.
  - a. Bowling Alleys, five spaces for each lane, plus one space per employee for the work shift with the largest number of employees.
  - b. Golf Courses, 90 spaces per nine holes plus one space per employee for the work shift with the largest number of employees.
  - c. Golf Driving Ranges, one space per tee, plus one space per employee for the work shift with the largest number of employees.
  - d. Marinas, one space per five boat berths, plus 15 spaces per boat launching ramp, plus one space per 500 square feet of dry boat storage area, plus one space per employee for the work shift with the largest number of employees. At least 20 percent of the spaces required for boat launching ramps shall be at least nine feet by 35 feet to accommodate cars with boat trailers.
  - e. Miniature Golf Course, one and one-half (1½) spaces per hole, plus one space per employee for the work shift with

1 the largest number of em- 56  
 2 ployees. 57  
 3 f. Racquetball and Handball 58  
 4 Courts, three spaces per 59  
 5 court, plus one space per 60  
 6 employee for the work shift 61  
 7 with the largest number of 62  
 8 employees, plus parking for 63  
 9 other uses. 64  
 10 g. Skating Rinks, Ice or Roller, 65  
 11 one space per 200 square 66  
 12 feet of gross floor area, plus 67  
 13 one space per employee for 68  
 14 the work shift with the largest 69  
 15 number of employees. 70  
 16 h. Tennis Courts, four spaces 71  
 17 per court, plus one space per 72  
 18 employee for the work shift 73  
 19 with the largest number of 74  
 20 employees. 75  
 21 i. Volleyball Courts, 15 spaces 76  
 22 per court, plus one space per 77  
 23 employee for the work shift 78  
 24 with the largest number of 79  
 25 employees. 80  
 26 (5) Institutional and Related Uses: 81  
 27 a. Churches, one space per two 82  
 28 seats in the main worship ar- 83  
 29 ea. 84  
 30 b. Libraries, one space per 250 85  
 31 square feet of gross floor area 86  
 32 or one space per four seats 87  
 33 based on maximum capacity, 88  
 34 whichever is greater plus one 89  
 35 space per employee for the 90  
 36 work shift with the largest 91  
 37 number of employees. 92  
 38 c. Museums, one space per 250 93  
 39 square feet of gross floor area 94  
 40 plus one space per employee 95  
 41 for the work shift with the 96  
 42 largest number of employees. 97  
 43 d. Rooming and Boarding 98  
 44 Houses, Bed and Breakfasts, 99  
 45 one space per bedroom plus 100  
 46 two spaces per owner. 101  
 47 e. Convents, Rectories and 102  
 48 Monasteries, one space per 103  
 49 three residents plus one 104  
 50 space per employee for the 105  
 51 work shift with the largest 106  
 52 number of employees, plus 107  
 53 one space per five chapel 108  
 54 seats if the public may at- 109  
 55 tend. 110

f. Nursing Homes, one space 61  
 per five patient beds, plus 62  
 one-half space per employee 63  
 for the work shift with the 64  
 largest number of employees, 65  
 plus one per living unit. 66  
 g. Hospitals, two spaces per 67  
 three patient beds, plus one 68  
 space per staff doctor, plus 69  
 one space per employee, ex- 70  
 cluding doctors, for the work 71  
 shift with the largest number 72  
 of employees. 73  
 h. Children’s Nursery Schools 74  
 and Day-Care Centers, one 75  
 space per employee for the 76  
 work shift with the largest 77  
 number of employees, and 78  
 one space for every seven 79  
 students allowed under the 80  
 State license. 81  
 (6) Light Assembly and Light Manufac- 82  
 turing Uses. 83  
 a. Light Assembly and manu- 84  
 facturing, one space per em- 85  
 ployee for the work shift with 86  
 the largest number of em- 87  
 ployees plus one space for 88  
 every 500 square feet of 89  
 gross office space. (Amended 90  
 Ordinance 128-061207). 91

**Sec. 66.0404 Adjustments to Required Park-  
 ing**

The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of excess off-street parking facilities is intended to provide for more cost-efficient site development, to eliminate constructing more imper- vious surface than necessary, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on business sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this section.

(a) Adjustments.  
 In the R-2, B-1, B-2, B-3, P-1 and I-1 dis- tricts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Com-

# VILLAGE OF SISTER BAY ZONING CODE Page 104

## SEC. 66.0404 ADJUSTMENTS TO REQUIRED PARKING

## SEC. 66.0404 ADJUSTMENTS TO REQUIRED PARKING

1 mission that adequate parking will be pro- 57  
2 vided for customers, clients, visitors and 58  
3 employees. The following provisions and 59  
4 factors shall be used as a basis to adjust 60  
5 parking requirements: (Amended Ordina- 61  
6 nance 120-061306) 62  
7 (1) Evidence that actual parking de- 63  
8 mands will be less than chapter re- 64  
9 quirements. The petitioner shall 65  
10 submit written documentation and 66  
11 data to the satisfaction of the Plan 67  
12 Commission that the operation will 68  
13 require less parking than the chapter 69  
14 requires. (Amended Ordinance 120- 70  
15 061306) 71  
16 (2) Availability of shared parking. 72  
17 The petitioner shall submit written 73  
18 documentation to the satisfaction of 74  
19 the Plan Commission that off-site 75  
20 shared parking spaces are available 76  
21 within 400 feet of the lot line and 77  
22 within the same block to satisfy the 78  
23 parking demand. When a reduction 79  
24 of parking spaces attributable to 80  
25 shared parking is requested, the pe- 81  
26 titioner shall submit written verifica- 82  
27 tion that such parking is available 83  
28 and shall include copies of any con- 84  
29 tracts, joint lease agreements, pur- 85  
30 chase agreements and other such 86  
31 documentation to show that such 87  
32 shared parking can be accom- 88  
33 plished. All such agreements shall 89  
34 be recorded with the Door County 90  
35 Register of Deeds, at the applicant's 91  
36 expense, and a copy of the recorded 92  
37 agreement shall be filed with the 93  
38 Village Clerk. The off-site shared 94  
39 parking spaces shall be clearly post- 95  
40 ed for the joint use of employees, 96  
41 and/or tenants, or customers of each 97  
42 respective use sharing those spaces. 98  
43 (Amended Ordinance 120-061306) 99  
44 (3) Use of optional modes of transpor- 100  
45 tation. 101  
46 Upon demonstration to the Plan 102  
47 Commission that effective alterna- 103  
48 tive transportation to the automobile 104  
49 will occur within 12 months follow- 105  
50 ing the issuance of the certificate of 106  
51 compliance, the Plan Commission 107  
52 may reduce parking requirements. 108  
53 Optional modes of transportation 109  
54 may include, but are not limited to, 110  
55 bus transit, vanpool operations, car 111  
56 pool/ride sharing, moped, scooters 112

and bicycles. (Amended Ordinance  
120-061306)  
(b) Fee In Lieu of Creating Parking Spaces.  
A developer who chooses to not construct  
the required parking spaces on the parcel  
may be allowed to pay to the Village a  
one-time fee into a fund established by the  
Village to construct and maintain common  
transition parking spaces. A developer who  
cannot construct the required spaces on  
the parcel shall as a condition of approval  
pay to the Village a one-time fee into a  
fund established by the Village to construct  
and maintain common transition parking  
spaces. The payment of the fee to the Vil-  
lage in either instance shall absolve the  
developer from constructing the required  
number of spaces on their property. The  
fee shall be established annually by the  
Village Board of Trustees and reflect the  
cost of constructing and maintaining public  
parking lots. (Amended Ordinance 120-  
061306)  
(c) Large vehicles.  
All businesses that cater to customers, who  
drive vehicles larger than what can be ac-  
commodated in a 9' X 20' parking space,  
shall provide the appropriate number of  
parking spaces and access aisles to ac-  
commodate these vehicles. (Amended Or-  
dinance 120-061306)  
(d) Space to be set aside for reduced parking.  
The site plan for the business use in the R-  
2, B-1, P-1 and I-1 districts shall be de-  
signed to provide sufficient open space on  
the subject site to accommodate the addi-  
tional parking spaces otherwise required  
by this chapter. Such open space shall be  
in addition to required yards, setbacks,  
driveways, private streets, loading and ser-  
vice areas. Sufficient open space shall be  
provided which, if converted to parking  
spaces, would provide off-street parking to  
meet the full requirements of this chapter  
at the time of application. (Amended Ordi-  
nance 120-061306)  
(e) Changes in occupancy or use.  
When the use of a building, structure, or  
land is changed to another use or occu-  
pancy that requires more parking spaces  
than required for the use existing immedi-  
ately prior to such change, additional park-  
ing spaces shall be constructed for the new  
use or occupancy in the amount necessary  
to conform to this chapter prior to the issu-  
ance of a Certificate of Occupancy for the

# VILLAGE OF SISTER BAY ZONING CODE Page 105

## SEC. 66.0405 PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS

## SEC. 66.0405 PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS

1 new use. [See section 66.1532(a) page  
2 158] (Amended Ordinance 120-061306)  
3 (f) Changes in intensity of use.  
4 When the intensity of use of a building,  
5 structure or land is increased by an addi-  
6 tion of employees, gross floor area, seating  
7 capacity, or other unit of measurement,  
8 additional parking spaces shall be con-  
9 structed for such additions in the amount  
10 necessary to conform to this chapter. [See  
11 section 66.1532(b) page 158] (Amended  
12 Ordinance 120-061306)  
13 (g) Plan Commission review and verification.  
14 The Plan Commission shall review the ad-  
15 equacy of parking where an adjustment to  
16 parking requirements has been granted  
17 within one year following such parking  
18 modification grant and periodically there-  
19 after to determine that the conditions justi-  
20 fying the parking requirement still exist. If  
21 the parking is found to be in-adequate, the  
22 Plan Commission shall order the use of the  
23 property to comply with the parking re-  
24 quirements set forth in section 66.0403  
25 [See page 81] of this chapter. (Amended  
26 Ordinance 120-061306)  
27 (h) B-3 District Exemption.  
28 The exemption from certain parking re-  
29 quirements granted by this section shall au-  
30 tomatically expire 48 months from the date  
31 of the adoption of the enabling ordinance.  
32 The parking exemption and related re-  
33 quirements shall only apply to the B-3 dis-  
34 trict. (Amended Ordinance 201-091112)  
35 (1) Subject to the requirements of site  
36 and zoning approval all proposed  
37 new uses, new buildings, expan-  
38 sions of existing buildings, expand-  
39 ed uses, changes in intensity of use  
40 or changes in occupancy shall be  
41 evaluated for the required number  
42 of customer and employee parking  
43 spaces.  
44 (2) A calculation would be done to de-  
45 termine the amount of parking re-  
46 quired to achieve compliance with  
47 the open space and related re-  
48 quirements.  
49 (3) The business shall be given the op-  
50 tion of installing the required park-  
51 ing or leaving the equivalent area as  
52 landscaped open space except for:  
53 a. All required parking for resi-  
54 dential dwelling units or mo-

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tel/hotel spaces must be con-  
structed.  
b. All required parking spaces  
for more than four employ-  
ees must be constructed.  
c. All required parking in ex-  
cess of forty (40) spaces must  
be constructed.  
(4) Other credits and adjustments relat-  
ed to parking spaces provided for in  
the Code would also apply.  
(i) B-2 District Exemption.  
If a development project includes contigu-  
ous parcels zoned both B-3 and B-2 the  
exemption from certain parking require-  
ments granted by section (h) shall apply to  
that portion of the project in the B-2 district  
in the same manner. (Amended Ordinance  
157-120809)  
**Sec. 66.0405 Parking of Vehicles in Residen-  
tial Districts**  
(a) General restrictions.  
No car, truck, construction equipment or  
commercial truck shall be parked regularly  
upon a driveway or front yard in any resi-  
dential zoning district except as provided  
herein. Properties currently zoned resi-  
dential and still used for agricultural purposes  
shall be exempt from the provisions of this  
section.  
(1) Vehicles that do not exceed 12,000  
lb. manufacturer's gross vehicle  
weight may be parked on a drive-  
way. Parking on lots that are used as  
a one or two-family residence shall  
be limited to parking within garag-  
es, carports and upon residential  
driveways consisting of crushed  
stone, asphalt, concrete, brick or  
other similar hard surface material.  
(2) Additional vehicles may be parked  
or stored on the lot within a fully  
enclosed building.  
(3) Vehicles shall be located outside of  
all ultimate right-of-ways, vision  
clearance triangles and drainage  
and utility easement areas.  
(4) A semi-tractor or vehicles over  
12,000 lb. manufacturer's gross ve-  
hicle weight may be parked in a res-  
idential district if it is parked on the  
owner's developed property and the  
property is located along and hav-  
ing access to a Class A highway.

1 a. Vehicles over 12,000 lb. 57  
 2 manufacturer's gross vehicle 58  
 3 weight which were parked 59  
 4 prior to the adoption of this 60  
 5 chapter or prior to the 61  
 6 change in the class designa- 62  
 7 tion of the highway on prop- 63  
 8 erty fronting a road that had 64  
 9 been changed from a Class A 65  
 10 Highway to a Class B High- 66  
 11 way or is changed in the fu- 67  
 12 ture from a Class A Highway 68  
 13 to a Class B Highway, may 69  
 14 be parked on the owner's 70  
 15 property, subject to the regu- 71  
 16 lations in this section. 72

17 (b) Boat and trailer parking. 73  
 18 No boat, boat trailer, mobile home, motor 74  
 19 home, motor coaches, truck campers, 75  
 20 camping trailers, travel trailers, fifth-wheel 76  
 21 trailers, large utility trailers, race cars and 77  
 22 their trailers, sport aircraft and their trailer, 78  
 23 canoes or kayaks and their trailers, all- 79  
 24 terrain vehicles and their trailers, tent 80  
 25 campers, folding campers, snow mobiles 81  
 26 and their trailers, cases or boxes used to 82  
 27 transport recreational vehicles or their 83  
 28 equipment, yard maintenance equipment 84  
 29 and similar equipment or vehicles shall be 85  
 30 parked or stored outside on a residentially 86  
 31 zoned lot for more than 24 hours, except 87  
 32 as provided herein: 88

33 (1) They shall be located in the rear or 89  
 34 side yard and not closer than ten 90  
 35 feet to a side or rear lot line. 91

36 (2) Front yard location shall only be al- 92  
 37 lowed on a driveway or turnaround, 93  
 38 parked as close to the home as possi- 94  
 39 ble except for the following which 95  
 40 are prohibited in the front yard past 96  
 41 the 24-hour limit: mobile homes, 97  
 42 motor homes, motor coaches, truck 98  
 43 campers and large utility trailers. 99

44 (3) They shall be located outside of all 100  
 45 ultimate right-of-ways, vision clear- 101  
 46 ance triangles and drainage and 102  
 47 utility easement areas. 103

48 (4) The recreational vehicle shall be 104  
 49 maintained in operable condition. 105

50 (5) Recreational vehicles that require 106  
 51 registration shall be properly regis- 107  
 52 tered. 108

53 (6) No recreational vehicles or equip- 109  
 54 ment shall be stored in any open 110  
 55 space outside a building unless such 111  
 56 equipment is owned by the property

owner or children of the property  
 owner or resident at the property in  
 question. If the property is rented,  
 such storage shall be permitted for  
 the tenant only if such equipment is  
 owned by the tenant.

(7) All equipment shall be parked or  
 stored as inconspicuously as possi-  
 ble on the property. The area  
 around the equipment or vehicle  
 must be kept weed-free and free of  
 accumulation of other stored mate-  
 rial.

(c) Recreation vehicle parking.  
 One major recreational vehicle may be  
 stored outside in the rear or side yard of an  
 occupied residential or agricultural lot of  
 20,000 square feet or more provided it  
 shall not exceed 8.5 feet in width, 13 feet  
 in height and 32 feet in overall length.

(d) Living in trailers.  
 Except within an approved campground or  
 mobile home park, no recreational vehicle  
 shall be used for the purpose of permanent  
 habitation, living or housekeeping purpos-  
 es in the Village. Permanent habitation is  
 defined as living in one place for more  
 than ten consecutive days.

(e) Private parking restrictions.  
 This chapter is not intended to allow park-  
 ing and storage of recreational vehicles or  
 equipment where they may be otherwise  
 prohibited by deed restriction, covenant,  
 prior orders, developer's agreement, or  
 otherwise limited to topography or envi-  
 ronmental restrictions.

(f) Semi-trailer parking.  
 No semi-trailers or tractors are allowed to  
 be parked in any residential zoning district.

**Sec. 66.0406 Highway Access**

No direct private access (driveway) shall be per-  
 mitted to the existing or proposed rights-of-way of  
 any controlled access arterial street without per-  
 mission of the Plan Commission and the highway  
 agency that has access control jurisdiction. In ad-  
 dition, direct public or private access (driveway)  
 to streets and highways shall be permitted in ac-  
 cordance with the following:

(a) Driveways on arterial streets.  
 Driveways on arterial streets shall be locat-  
 ed a minimum of 100 feet from a street in-  
 tersection unless the lot width is less than  
 100 feet, in which case the Plan Commis-  
 sion shall determine the driveway location.  
 The setback shall be measured from the in-

1           tersection of the right-of-way on the two  
2           streets.  
3 (b)   Driveways on collector or local streets.  
4           Driveways on collector or local streets  
5           shall be located a minimum of 50 feet from  
6           a street intersection. The setback shall be  
7           measured from the intersection of the right-  
8           of-way on the two streets.  
9 (c)   Driveways on corner lots.  
10          Driveways on corner lots shall be located  
11          on the less traveled street based on the lo-  
12          cal, collector or arterial designation of the  
13          streets. (Amended Ordinance 202-091112)  
14 (d)   Driveway widths.  
15          Driveways shall not exceed 24 feet in  
16          width on residential lots and 35 feet in  
17          width on business lots. Driveways on thru  
18          lots shall be no less than 15 feet if they are  
19          one way and not exceed 24 feet if they are  
20          two way. (Amended Ordinance 202-  
21          091112)  
22 (e)   Driveway locations. (Amended Ordinance  
23          202-091112)  
24          (1)    Driveways for R-1, R-3, R-4 and CS-  
25                1 parcels must be at least ten feet  
26                away from the side lot line. Vehicle  
27                parking on those parcels must be at  
28                least ten feet away from the side lot  
29                line.  
30          (2)    Driveways for all other zoned par-  
31                cels must be at least five feet away  
32                from the side lot line. Parking on  
33                those parcels is not allowed within  
34                the area defined as the side, rear or  
35                front yard area on the lot, except as  
36                specifically authorized.  
37 (f)    Numbers of driveways allowed.  
38          Lots in the R-1, R-3, R-4, B-2 and B-3 dis-  
39          tricts shall be limited to one driveway un-  
40          less a second one is approved by the Plan  
41          Commission. Lots in all other districts shall  
42          be limited to two driveways.  
43 (g)    Access barriers.  
44          Access barriers, such as curbing, fencing,  
45          ditching, landscaping or other topographic  
46          barriers, shall be placed to prevent unau-  
47          thorized vehicular ingress or egress along  
48          the segments of street frontage correspond-  
49          ing to the minimum distances from street  
50          intersections as specified above in items  
51          (a), (b) and (c).  
52 (h)    Temporary access.  
53          Temporary access to the above rights-of-  
54          way may be granted by the Zoning Admin-  
55          istrator and Village Engineer after review  
56          and recommendation by the other highway

57          agencies having jurisdiction. Such access  
58          permit shall be temporary, revocable, and  
59          subject to any conditions required.  
60    **Sec. 66.0407 Other Parking Restrictions**  
61 (a)    Vehicle and implements.  
62          No visible unlicensed vehicle or unser-  
63          viceable implements or equipment is per-  
64          mitted within the Village limits.  
65 (b)    Business districts.  
66          In the B-1, B-2, B-3, P-1 and I-1 districts no  
67          part of the front yard and side yards shall  
68          be used for the temporary or permanent  
69          storage of boats, vehicles, equipment or  
70          materials, except for the parking of li-  
71          censed motor vehicles in permitted parking  
72          lots. (Amended Ordinance 202-091112)  
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**SECTION 500 - ACCESSORY USES,  
HOME OCCUPATIONS, FENCES,  
AND ANTENNAS**

**1 Sec. 66.0501 Accessory Uses and Structures**

2 Accessory uses and structures are those that are  
3 usually and customarily incidental to the principal  
4 use that is located on the same property as the ac-  
5 cessory use or structure. Accessory uses shall be  
6 permitted in any district as may be specified in the  
7 appropriate district regulations or herein.

8 (a) General regulations.

9 Accessory structures shall be subject to the  
10 following regulations:

- 11 (1) Permit required. Accessory struc-  
12 tures shall require a regular zoning  
13 permit except: minor structures such  
14 as birdhouses, yard light poles,  
15 birdbaths, doghouses (housing dogs  
16 which are licensed as the personal  
17 pets of the residents of the property),  
18 tree houses, noncommercial fuel  
19 storage tanks and pumps, clothes-  
20 line poles, lawn ornaments, flag  
21 poles, mailboxes, garbage contain-  
22 ers, ice fishing shanties, school bus  
23 waiting shelters, and farm livestock  
24 hutches. Accessory buildings greater  
25 than 120 square feet in area shall  
26 also require the issuance of a build-  
27 ing permit.
- 28 (2) Living quarters prohibited. Accessory  
29 structures shall not contain living  
30 quarters.
- 31 (3) Accessory structures shall be locat-  
32 ed on the same lot as the principal  
33 use to which it is accessory.
- 34 (4) Accessory structures shall not be  
35 permitted until its associated princi-  
36 pal structure is present or under  
37 construction, except that one acces-  
38 sory building may be permitted pri-  
39 or to the erection of a principal  
40 structure only in the CS-1, R-1, R-3  
41 and R-4 districts. (Amended Ordi-  
42 nance 117-041806).
- 43 (5) No pole or block buildings with  
44 smooth faced block or standing rib  
45 metal siding will be permitted in  
46 any district.
- 47 (6) Design guidelines. All accessory  
48 structures except on residential par-  
49 cels shall comply with the architecte-

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tural standards, as provided in sec-  
tion 66.1055. [See page 139]

- (7) The installation of sanitary sewer  
service and water service to an ac-  
cessory building shall be permitted  
for a toilet and sink(s), upon the is-  
suanace of a zoning permit, subject  
to the following requirements:  
(Amended Ordinance 144-081208)
  - a. The installation shall be sub-  
ject to building code permit-  
ting and inspection under  
Chapter 14 Building Code.
  - b. The installation shall be sub-  
ject to standards, policies,  
fees and charges in Chapter  
62 Utilities.
  - c. The accessory building shall  
not contain living quarters.
  - d. The violation of the provi-  
sions of this subsection shall:
    - 1. Result in a fine of  
\$5,000 per month ret-  
roactive to date the  
living quarters were  
found to have been  
created in the build-  
ing; and
    - 2. The removal of the  
water and sanitary  
sewer service from the  
building; and
    - 3. The removal of the  
living quarters found  
in the building; and
    - 4. In addition, the pay-  
ment of all fees and  
penalties associated  
with impact fees, zon-  
ing permits, building  
permits and other ap-  
plicable fees if not  
paid at the time the  
installation occurred.
  - e. If the violation of this subsec-  
tion does not involve living  
quarters (7)(c) then the fol-  
lowing shall apply:
    - 1. Result in a fine of  
\$500 per month ret-  
roactive to date the  
improperly installed  
installation was found  
to have been created  
in the building; and

1		2.	The inspection of the	57					
2			installation under the	58					
3			then current building	59					
4			code; and	60					
5		3.	In addition, the pay-	61					
6			ment of all fees and	62		2.	An accessory building		
7			penalties associated	63			over 120 square feet		
8			with impact fees, zon-	64			may be erected, al-		
9			ing permits, building	65			tered or moved to a		
10			permits and other ap-	66			location within ten		
11			licable fees if not	67			(10) feet of the nearest		
12			paid at the time the	68			wall of the principal		
13			installation occurred.	69			building.		
14	(b)		<u>Setback requirements.</u>	70		c.	Side yard setback.		
15		(1)	All accessory structures except the	71			1. See district require-		
16			minor structures in subsection (a)(1)	72			ment for primary		
17			shall comply with all setback and	73			structures. ( <i>Amended</i>		
18			yard requirements for accessory	74			<i>Ordinance 207-</i>		
19			structures. ( <i>Amended Ordinance</i>	75			<i>100912</i> )		
20			<i>207-100912</i> )	76		d.	Rear yard setback.		
21		(2)	If the Plan Commission establishes a	77			1. See district require-		
22			large project setback as specified in	78			ment for primary		
23			Section 66.0307(d) that setback	79			structures. ( <i>Amended</i>		
24			shall also apply to all accessory	80			<i>Ordinance 207-</i>		
25			buildings. ( <i>Amended Ordinance</i>	81			<i>100912</i> )		
26			<i>207-100912</i> )	82		e.	Front yard setback.		
27		(3)	All accessory buildings for all zon-	83			1. No accessory building		
28			ing districts, shall comply with the	84			shall be placed in a		
29			following setback requirements.	85			front yard setback ar-		
30			( <i>Amended Ordinance 207-100912</i> )	86			ea.		
31			(Entire subsection amended Ordina-	87			2. Existing single-family		
32			nance 146-110408)	88			homes as of July 1,		
33		a.	Setback from easements.	89			2008, in the R-1 dis-		
34			1. No accessory building	90			trict located within		
35			shall be placed over	91			one hundred (100)		
36			an easement that pro-	92			feet of the ordinary		
37			hibits such placement.	93			high water mark may		
38			No accessory building	94			be permitted to have		
39			shall encroach into	95			one accessory build-		
40			the public right-of-	96			ing located in the		
41			way. No accessory	97			front yard area set-		
42			building shall en-	98			back area. The acces-		
43			croach upon the street	99			sory building may not		
44			yard of a corner lot.	100			be located any closer		
45		b.	Setback from principal build-	101			than forty (40) feet		
46			ings.	102			from the edge of the		
47			1. An accessory building	103			pavement and fifteen		
48			of 120 square feet or	104			(15) feet from the side		
49			less may be erected,	105			lot line. Any modifica-		
50			altered or moved to a	106			tions to non-		
51			location that is not	107			conforming accessory		
52			less than five (5) feet	108			buildings subject to		
53			from the nearest wall	109			this exemption shall		
54			of a principal build-	110			comply with		
55			ing; if it is constructed	111			§66.0903. If an exist-		
56			with a one-hour fire	112			ing home is demol-		



1 shall not exceed the total footprint 57  
 2 of the principal building(s) without 58  
 3 Plan Commission permit approval. 59  
 4 (4) Buildings accessory to general agri- 60  
 5 cultural uses on farms or orchards 61  
 6 shall not be restricted in floor area. 62  
 7 Golf courses consisting of at least 9 63  
 8 holes and 2,500 playable yards, the 64  
 9 total floor area of all accessory 65  
 10 buildings on the lot shall not exceed 66  
 11 3,000 square feet. 67  
 12 (d) Height, Architectural and Site Plan Re- 68  
 13 quirements. *(Amended Ordinance 207-* 69  
 14 *100912)* 70  
 15 (1) The maximum height of an accesso- 71  
 16 ry building shall not exceed the 72  
 17 height of the principal building to 73  
 18 which it is accessory, without Plan 74  
 19 Commission permit approval, up to 75  
 20 a maximum height of 35 feet. 76  
 21 (2) Accessory buildings on R-2, B-1, B- 77  
 22 2, B-3, I-1 and P-1 lots shall con- 78  
 23 form to the established architectural 79  
 24 appearance, which exists for the 80  
 25 primary structure(s). 81  
 26 (3) Accessory buildings on R-2, B-1, B- 82  
 27 2, B-3, I-1 and P-1 lots, which do 83  
 28 not appear on an approved site 84  
 29 plan, in excess of 120 square feet, 85  
 30 require an amendment to the ap- 86  
 31 proved site plan by the Plan Com- 87  
 32 mission, before a zoning permit can 88  
 33 be issued. 89  
 34 (e) Home occupations. 90  
 35 Home occupations are permitted accessory 91  
 36 uses in any residential district and shall be 92  
 37 approved by the Plan Commission. Home 93  
 38 occupations and professional home offices 94  
 39 shall be permitted when incidental to the 95  
 40 principal residential use, situated upon the 96  
 41 same premise (inside and/or outside) and 97  
 42 carried on by the residential occupant, 98  
 43 subject to the following conditions, pro- 99  
 44 vided that: 100  
 45 (1) The primary use of the structure 101  
 46 shall be a dwelling unit. 102  
 47 (2) The following standards shall be 103  
 48 complied with in full at all times: 104  
 49 a. No more than one full time 105  
 50 equivalent person who is not 106  
 51 a resident of the dwelling 107  
 52 unit shall be engaged or em- 108  
 53 ployed in the home occupa- 109  
 54 tion on the premises. 110  
 55 b. No mechanical equipment 111  
 56 shall be utilized except that 112

which is necessarily, cus-  
 tomarily, or ordinarily used  
 for household or leisure pur-  
 poses.  
 c. No toxic, explosive, flamma-  
 ble, combustible, corrosive,  
 etiologic, radioactive, or oth-  
 er restricted materials shall  
 be used or stored on the site  
 except those, which are nec-  
 essarily, customarily, or or-  
 dinary used for household  
 or leisure purposes.  
 d. There shall be no outside  
 operations, storage, or dis-  
 play of materials or products.  
 e. The home occupation shall  
 not occupy more than 20  
 percent of the square footage  
 of the primary residence. The  
 20 percent can be utilized  
 inside and/or outside. The  
 space, either inside or out-  
 side, cannot exceed 20 per-  
 cent of the square footage of  
 the primary residence.  
 f. No alteration of the residen-  
 tial appearance of the prem-  
 ises shall occur, including  
 the creation of a separate en-  
 trance for the home occupa-  
 tion.  
 g. No process shall be used  
 which is hazardous to public  
 health, safety, or welfare or  
 would create a nuisance or  
 be otherwise incompatible to  
 the surrounding residential  
 area; nor the removal of  
 sand, gravel, stone, topsoil or  
 peat moss for commercial  
 purposes.  
 h. Visitors, customers, or deliv-  
 eries shall not exceed that  
 normally and reasonably oc-  
 ccurring for a residence in-  
 cluding not more than two  
 business visitors per hour,  
 not to exceed eight visitors  
 per day, and not more than  
 two deliveries of product or  
 material per week.  
 i. The home occupation shall  
 not displace or impede use  
 of required parking spaces,  
 including any business stor-

- 1 age in required garage park- 57
- 2 ing areas. 58
- 3 j. All signage shall comply with 59
- 4 section 66.0730(c). [See 60
- 5 page 107]. 61
- 6 k. Any off-street parking area 62
- 7 provided shall be maintained 63
- 8 reasonably dustless and ade- 64
- 9 quately screened from ad- 65
- 10 joining residential properties. 66
- 11 One off-street parking space 67
- 12 shall be provided per 150 68
- 13 square feet of floor area used 69
- 14 for the household occupa- 70
- 15 tion. 71
- 16 l. The home occupation shall 72
- 17 not include the conduct of 73
- 18 any retail or wholesale busi- 74
- 19 ness on the premises, except 75
- 20 for the sale of products pro- 76
- 21 duced by the home occupa- 77
- 22 tion. 78
- 23 (3) The following uses are examples of 79
- 24 permitted home occupations: 80
- 25 a. Architectural services. 81
- 26 b. Art restoration. 82
- 27 c. Art studios. 83
- 28 d. Babysitting. 84
- 29 e. Cake decorating. 85
- 30 f. Consulting services. 86
- 31 g. Contracting, except car- 87
- 32 pentry, masonry services, 88
- 33 electrical services, plumbing, 89
- 34 and painting; 90
- 35 h. Data processing. 91
- 36 i. Direct sales representative. 92
- 37 j. Drafting and graphic ser- 93
- 38 vices. 94
- 39 k. Dressmaking, sewing, tailor- 95
- 40 ing, contract sewing (no 96
- 41 more than one type of any 97
- 42 machine). 98
- 43 l. Engineering services. 99
- 44 m. Financial planning and in- 100
- 45 vestment services. 101
- 46 n. Flower arranging. 102
- 47 o. Gardening and grass cutting. 103
- 48 p. Home crafts (including ce- 104
- 49 ramics with a kiln up to six 105
- 50 cubic feet). 106
- 51 q. House cleaning services. 107
- 52 r. Interior design. 108
- 53 s. Jeweler and jewelry making. 109
- 54 t. Laundry and ironing services. 110
- 55 u. Locksmith. 111
- 56 v. Millinery.

- w. Private educational, musical or artistic lessons.
- x. Professional home offices.
- y. Sales representative (office only).
- z. Tutoring.
- aa. Typing and word processing services.
- bb. Wallpapering.
- cc. Watch repair;
- dd. Writing and computer programming.
- ee. Home occupations shall not be considered a non-conforming use should the regulations of this chapter be revised or amended.
- (f) Rummage Sales.  
Rummage sales shall not exceed three days in length nor occur more than six times per year and may be conducted in any residential, institutional or the B-2 district.

**Sec. 66.0502 Fences**

Fences are a permitted accessory use in any district and may be erected provided, that fences comply with the following requirements:

- (a) Fencing in general.  
All fencing shall be placed on the property or properties being screened and shall not project into a public right-of-way, shall not obstruct the vision clearance triangle, and shall not extend over side or rear property lines. Planted fences shall be located away from the property line in locations where natural growth will not extend beyond the property lines, or the plantings shall be maintained at these lines.
- (b) Fencing locations.  
Fences are permitted up to the lot line in the side and rear yards of all districts. Fences along the side and rear lot lines shall not exceed a height of six feet and shall not extend into the street yard. Fences paralleling any street shall not exceed four feet in height, except they may be constructed to a maximum height of six feet if they are constructed within the building envelope, excluding the front yard.
- (c) Fence permits.  
No fence, except an ornamental fence, snow fence or fence constructed by utilities, shall be constructed in the Village without first obtaining a zoning permit from the Zoning Administrator.

- 1 (d) Front yard and street yard fences.  
 2 No fence requiring a permit shall be con-  
 3 structed beyond the front of any building  
 4 or in the street yard, except an ornamental  
 5 fence; or where aesthetic considerations  
 6 may require a fence or wall to screen a  
 7 parking lot; or to screen the impact of a  
 8 State highway; or other unattractive area,  
 9 or to generally improve the aesthetics of a  
 10 development. Such fence or wall may be  
 11 erected by approval of the Plan Commis-  
 12 sion, which approval may include design  
 13 or other architectural requirements.
- 14 (e) Signs on fences.  
 15 Signs on fences shall be permitted accord-  
 16 ing to section 66.0700-66.0791. [See page  
 17 106]
- 18 (f) Fencing orientation.  
 19 Fencing shall be constructed with the fin-  
 20 ished or decorative side facing the adjacent  
 21 or abutting property owner or public street.  
 22 Fence posts shall be on the side of the  
 23 fence facing the permit applicant's proper-  
 24 ty.
- 25 (g) Fencing materials.  
 26 All fences shall be constructed in such a  
 27 manner and of such materials and colors  
 28 so as not to adversely affect the value of  
 29 adjoining property or property in the im-  
 30 mediate neighborhood. All fences shall be  
 31 maintained in good and aesthetic condi-  
 32 tion so as not to adversely affect the value  
 33 of adjoining property or property in the  
 34 immediate neighborhood. Chain link fenc-  
 35 es are not allowed in residential districts.  
 36 No fence may be constructed or main-  
 37 tained in such a manner, which is detri-  
 38 mental to human life or safety or causes a  
 39 traffic hazard.
- 40 (h) Electric fences.  
 41 Electric fences are permitted in the CS-1  
 42 district only. Electric fences are permitted  
 43 adjacent to the lot line and shall not ex-  
 44 ceed four feet in height in the street yard or  
 45 six feet in height in the side and rear yard.  
 46 Underground electric fences are allowed in  
 47 all districts.
- 48 (i) Security fences.  
 49 Security fences are permitted, upon the is-  
 50 suance of a zoning permit, adjacent to the  
 51 property lines in all districts except resi-  
 52 dential districts, and shall not exceed ten  
 53 feet in height. The Plan Commission shall  
 54 determine, before the issuance of a zoning  
 55 permit, on a case-by-case basis the opacity  
 56 of security fences, based upon considera-

- 57 tion of the need to screen materials and  
 58 upon safety considerations. Security fences  
 59 shall comply with the traffic visibility re-  
 60 quirements set forth in section 66.0401  
 61 [See page 81] of this chapter.
- 62 (j) Snow fences.  
 63 Snow fences are permitted without a per-  
 64 mit provided that such snow fence shall  
 65 not be installed prior to November 1 and  
 66 shall be removed no later than April 1 of  
 67 the following year.
- 68 (k) Corner lot fences.  
 69 All fences on corner lots shall comply with  
 70 the other requirements of this section;  
 71 however, the location of corner lot fences  
 72 shall be allowed at the discretion of the  
 73 Zoning Administrator, in conformity with  
 74 reasonable interpretation of this chapter or  
 75 at variance there from after considering the  
 76 location and layout of the residence, gar-  
 77 age, driveways and/or other buildings on  
 78 the lot; general architecture and location of  
 79 buildings on the subject lot as well as on  
 80 surrounding properties; visibility to nearby  
 81 pedestrian and vehicular traffic; and such  
 82 other additional considerations as may be  
 83 peculiar to the subject property and gen-  
 84 eral area. Any person aggrieved by a deci-  
 85 sion of the Zoning Administrator may ap-  
 86 peal for reconsideration by the Plan Com-  
 87 mission, which is hereby empowered to  
 88 hear such appeals. The appeals process  
 89 shall follow the same process as set out for  
 90 appeals to the Board of Appeals under sec-  
 91 tion 66.1601, [See page 163] however,  
 92 publication of notice and appeal fees shall  
 93 be discretionary with the Plan Commis-  
 94 sion.

95 **Sec. 66.0503 Antennas**

- 96 Antennas, including earth station dish antennas,  
 97 are permitted as accessory uses. Terrestrial anten-  
 98 nas may be located in the rear yard or on the roof  
 99 of the principal structure in all residential districts.  
 100 Earth station dish antennas may be located in the  
 101 rear yard in any residential district. Terrestrial an-  
 102 tennas and earth station dish antennas may be lo-  
 103 cated in the side or rear yard or on the roof of the  
 104 principal structure in all agricultural, business, in-  
 105 stitutional or park districts. In addition:
- 106 (a) All antennas, including earth station dish  
 107 antennas, shall be manufactured and in-  
 108 stalled in compliance with Federal Com-  
 109 munications Commission (FCC) and Feder-  
 110 al Aviation Administration (FAA) regula-

1 tions and applicable Village building and  
 2 electrical codes.  
 3 (b) Not more than one terrestrial and one earth  
 4 station dish antenna per dwelling unit shall  
 5 be permitted on a lot or parcel in a resi-  
 6 dential zoning district.  
 7 (c) Earth station dish antennas shall be located  
 8 and designed to reduce their visual impact  
 9 on surrounding properties.  
 10 (d) No form of advertising or identification  
 11 may be displayed on the dish or framework  
 12 of an earth station dish other than the cus-  
 13 tomary manufacturer's identification plates.  
 14 (e) Portable or trailer-mounted antennas are  
 15 not permitted; with the exception of tem-  
 16 porary installation for on-site testing and  
 17 demonstration purposes for a period not to  
 18 exceed two days at any one location.  
 19 (f) Communication structures, such as radio  
 20 and television transmission and relay tow-  
 21 ers, aerials, and radio and television re-  
 22 ceiving and transmitting antennas, not in-  
 23 cluding ground and building-mounted  
 24 earth station dish antennas, shall not ex-  
 25 ceed a height of three times their distance  
 26 from the nearest lot line. Ground-mounted  
 27 earth station dish antennas shall not ex-  
 28 ceed a height of 15 feet. Building-mounted  
 29 earth station dish antennas shall not ex-  
 30 ceed the maximum height regulation of the  
 31 district in which they are located.

32 **Sec. 66.0504 Wireless Telecommunication**  
 33 **Sites**

34 The intent of this regulation is to provide for the  
 35 establishment and or expansion of wireless tele-  
 36 communication services within the Village while  
 37 protecting neighborhoods and minimizing the ad-  
 38 verse visual and operational effects of wireless  
 39 telecommunications facilities through careful de-  
 40 sign, siting and screening. More specifically this  
 41 regulation has been developed in order to:

- 42 • Maximize use of existing and approved  
 43 towers and other structures to accommo-  
 44 date new antennas and transmitters in order  
 45 to reduce the number of communica-  
 46 tion towers needed to serve the communi-  
 47 ty.
- 48 • Encourage providers to co-locate their fa-  
 49 cilities on a single tower.
- 50 • Minimize the location of facilities in visual-  
 51 ly sensitive areas.
- 52 • Encourage creative design measures to  
 53 camouflage facilities.
- 54 • Protect residential areas from potential ad-  
 55 verse impacts of communication towers.

- 56 • Avoid potential damage to adjacent prop-  
 57 erties from tower failure through engineer-  
 58 ing and careful siting of tower structures.  
 59 (a) Location preferences.  
 60 The locations for siting the equipment in-  
 61 volved in receiving or transmitting elec-  
 62 tromagnetic waves associated with wireless  
 63 telecommunication services are listed in  
 64 the following order of preference.  
 65 (1) On existing, towers that otherwise  
 66 meet local, State and Federal regu-  
 67 lations.  
 68 (2) On existing structures such as build-  
 69 ings, water towers and utility poles.  
 70 (3) On new towers less than 100 feet in  
 71 height located in institutional zones.  
 72 (4) On new towers 100 feet or greater  
 73 in height located in institutional  
 74 zones.  
 75 (5) On new towers less than 100 feet in  
 76 height located in a business zone.  
 77 (6) On new towers 100 feet or greater  
 78 in height located in business zones.  
 79 (7) On new towers less than 100 feet in  
 80 height located in residential zones.  
 81 (8) On new towers 100 feet or greater  
 82 in height located in residential  
 83 zones.

84 (b) Permitted uses.  
 85 The following uses which, generally pose  
 86 minimum adverse visual effect, shall be  
 87 permitted without review by the Plan  
 88 Commission. Such permitted uses must ob-  
 89 tain a zoning and building permit, and are  
 90 subject to the submittal requirements es-  
 91 tablished in sections 66.1530 and  
 92 66.0504(e) of the Municipal Code.

- 93 (1) Wireless telecommunications sites  
 94 where the antenna is mounted to  
 95 existing buildings, towers, utility  
 96 poles, water towers, light standards  
 97 or other structures provided the fol-  
 98 lowing standards are met:  
 99 a. No changes are made to the  
 100 height of such structure.  
 101 b. No panel antenna shall ex-  
 102 ceed 72 inches in height and  
 103 24 inches in width.  
 104 c. No dish antenna shall ex-  
 105 ceed three feet in diameter.

106 (c) Uses allowed only by conditional use per-  
 107 mit.  
 108 Wireless telecommunications sites not oth-  
 109 erwise permitted in subsection (c) shall be  
 110 considered conditional uses in all zoning  
 111 districts. All accompanying equipment

# VILLAGE OF SISTER BAY ZONING CODE Page 116

## SEC. 66.0504 WIRELESS TELECOMMUNICATION SITES

## SEC. 66.0504 WIRELESS TELECOMMUNICATION SITES

- 1 buildings or boxes shall be screened and 56  
2 fenced as approved by the Village as part 57  
3 of the site plan review. In addition to spe- 58  
4 cific requirements listed in subsections (f) 59  
5 and (g), the standards provided in section 60  
6 66.1535 [See page 158] shall also apply to 61  
7 applications submitted under this section. 62
- 8 (d) Site Plan Requirements. 63  
9 All proposals to develop a wireless tele- 64  
10 communication site shall be subject to the 65  
11 site plan requirements listed in section 66  
12 66.1050 of these regulations. In addition, 67  
13 the following information shall be submit- 68  
14 ted: 69
- 15 (1) Permitted Use: 70
- 16 a. A plan showing where and 71  
17 how the proposed antenna 72  
18 will be affixed to a building 73  
19 or structure. 74
- 20 b. Details of all proposed an- 75  
21 tenna and mounting equip- 76  
22 ment including size and col- 77  
23 or. 78
- 24 c. An elevation of all proposed 79  
25 equipment buildings or box- 80  
26 es and details of all proposed 81  
27 fencing and screening. 82
- 28 d. A design drawing including 83  
29 cross section and elevation 84  
30 of all proposed towers. A de- 85  
31 scription of the tower's ca- 86  
32 pacity including the number 87  
33 and type of antennas it can 88  
34 accommodate as well as the 89  
35 proposed location of all 90  
36 mounting positions for co- 91  
37 located antennas and the 92  
38 minimum separation dis- 93  
39 tances between antennas. 94  
40 Where a monopole is pro- 95  
41 posed, the design shall illus- 96  
42 trate how the tower will col- 97  
43 lapse upon itself without en- 98  
44 croaching upon any adjoining 99  
45 property line. 100
- 46 e. A report from a licensed en- 101  
47 gineer indicating that the 102  
48 proposed wireless telecom- 103  
49 munication site will comply 104  
50 with the emission standards 105  
51 found in this regulation. Such 106  
52 report shall also certify that 107  
53 the installation of such site 108  
54 will not interfere with public 109  
55 safety communications. 110  
111
- f. An analysis of the fall zone 112  
for the proposed tower pre- 113  
pared by a licensed engineer. 114
- g. Proof that either the appli- 115  
cant or co-applicant holds a 116  
bona fide license from the 117  
Federal Communications 118  
Commission (FCC) to provide 119  
the telecommunications ser- 120  
vices that the proposed tower 121  
is designed to support. 122
- h. A report or letter from the 123  
Federal Aviation Administra- 124  
tion (FAA) that the proposed 125  
tower complies with all air- 126  
port safety requirements of 127  
and for Ephraim-Gibraltar 128  
Airport. 129
- i. A map depicting the extent 130  
of the provider has planned 131  
coverage within the Village 132  
of Sister Bay and the service 133  
area of the proposed wireless 134  
telecommunications site. 135
- j. A map indicating the search 136  
radius for the proposed wire- 137  
less telecommunication site. 138
- (2) Conditional Use Permit. 139
- a. All of the plans and infor- 140  
mation required for Permit- 141  
ted Uses in the previous sub- 142  
section. 143
- b. Upon request of the Plan 144  
Commission, the applicant 145  
shall provide a simulation of 146  
the proposed wireless tele- 147  
communication site in order 148  
to help the Plan Commission 149  
ascertain the visual impacts 150  
associated with such pro- 151  
posal. 152
- c. For towers located in a resi- 153  
dential zoning district or 154  
within 1,000 feet of a resi- 155  
dential zoning district, the 156  
applicant shall provide a 157  
view shed analysis showing 158  
all areas from which the 159  
tower would be visible. 160
- (e) Height and setback requirements. 161
- (1) Height. 162
- a. The maximum height of a 163  
tower proposed under sec- 164  
tion 66.0504 shall be 200 165  
feet including the antenna 166  
and all other appurtenances. 167

1		The height of a tower	57		setback from any property
2		mounted on a building shall	58		line equal to the height of the
3		be measured from the aver-	59		tower.
4		age level of the ground along	60	d.	All equipment build-
5		all walls of the building to	61		ings/boxes or equipment are-
6		the tallest point on the tower	62		as, which are each 50 square
7		including the antenna and all	63		feet or greater in area, shall
8		other appurtenances.	64		comply with the minimum
9	b.	The maximum height of any	65		property line setbacks for a
10		rooftop mounted equipment	66		principal building in the un-
11		building or box shall be 15	67		derlying zone.
12		feet above the roof surface.	68	e.	All equipment build-
13	(2)	Setbacks.	69		ings/boxes or equipment are-
14	a.	All freestanding monopole	70		as which are each less than
15		towers shall comply with the	71		50 square feet in area shall
16		following minimum property	72		comply with the following
17		line setbacks:	73		minimum property line set-
18		1. Front yard or street	74		backs:
19		yard – A distance	75		1. Front yard or street
20		equal to $\frac{3}{4}$ of the	76		yard – Same as for a
21		height of the tower or	77		principal building in
22		the setback required	78		the underlying zone.
23		for the underlying	79		2. Rear and side yards –
24		zone, whichever is	80		five feet.
25		greater.	81	(f)	<u>General requirements.</u>
26		2. Side or rear yards in	82	(1)	No wireless telecommunication site
27		residential zones, 50	83		shall be located within 200 feet of
28		feet for towers less	84		an existing or proposed residence.
29		than 60 feet in height	85	(2)	No lights shall be mounted on pro-
30		and 100 feet for tow-	86		posed towers unless otherwise re-
31		ers equal to or greater	87		quired by the FAA. All strobe light-
32		than 60 feet.	88		ing, except for municipal purposes,
33		3. Side or rear yards in	89		shall be avoided if possible.
34		nonresidential zones,	90	(3)	Towers not requiring special FAA
35		25 feet for towers less	91		painting or markings shall be paint-
36		than 60 feet in height	92		ed a non-contrasting blue or gray.
37		and 50 feet for towers	93	(4)	Towers may not be used to exhibit
38		equal to or greater	94		any signage or other advertising.
39		than 60 feet. Where a	95	(5)	Any proposed tower shall be de-
40		side or rear lot line is	96		signed in all respects to accommo-
41		contiguous to a resi-	97		date both the applicant's antennas
42		dential zone, the set-	98		and comparable antennas for at
43		back for that particu-	99		least two additional users if the
44		lar yard shall be as re-	100		tower is over 100 feet in height or
45		quired for such a tow-	101		for at least one additional compara-
46		er in a residential	102		ble antenna if the tower is between
47		zone.	103		50 and 100 feet in height. The Plan
48	b.	All other towers in residential	104		Commission may require the tower
49		zones shall provide a setback	105		to be of such design as to allow for
50		from any property line that is	106		future rearrangement of antennas
51		equal to 125 percent of the	107		upon the tower and to accommo-
52		proposed tower height or	108		date antennas mounted at varying
53		200 feet, whichever is great-	109		heights.
54		er.	110	(6)	Antennas or equipment build-
55	c.	All other towers in nonresi-	111		ings/boxes mounted to or on build-
56		dential zones shall provide a	112		ings or structures shall, to the great-

1 est degree possible, blend with the 57  
2 color and design of such building or 58  
3 structure. 59  
4 (7) No proposed wireless telecommu- 60  
5 nication site shall be designed, lo- 61  
6 cated or operated as to interfere 62  
7 with existing or proposed public 63  
8 safety communications. 64  
9 (8) The design of all wireless telecom- 65  
10 munication sites shall comply with 66  
11 the standards promulgated by the 67  
12 FCC for emissions. 68  
13 (9) All utilities proposed to serve new 69  
14 wireless telecommunication sites 70  
15 shall be installed underground un- 71  
16 less otherwise approved by the Plan 72  
17 Commission. 73  
18 (10) All generators installed in conjunc- 74  
19 tion with any wireless telecommu- 75  
20 nication site shall comply with all 76  
21 Village noise regulations. 77  
22 (g) Factors upon which conditional use permit 78  
23 decisions of the Plan Commission shall be 79  
24 based. 80  
25 In considering applications for wireless tel- 81  
26 ecommunication sites, the Plan Commis- 82  
27 sion shall also find: 83  
28 (1) In the case where an application for 84  
29 the proposed location of a wireless 85  
30 telecommunication facility is not a 86  
31 preferred site as identified in section 87  
32 66.0504(b)(1) through (8), that the 88  
33 applicant has adequately described 89  
34 the efforts and measures taken to 90  
35 pursue those preferences and why a 91  
36 higher preference location was not 92  
37 technologically, legally or econom- 93  
38 ically feasible. The supplied docu- 94  
39 mentation should evaluate the fol- 95  
40 lowing factors: 96  
41 a. The planned equipment 97  
42 would cause unacceptable 98  
43 interference with the opera- 99  
44 tion of other existing or 100  
45 planned equipment on an 101  
46 existing or approved tower as 102  
47 documented by a qualified 103  
48 licensed engineer and that 104  
49 the interference cannot be 105  
50 prevented or eliminated at a 106  
51 reasonable cost as deter- 107  
52 mined by the Plan Commis- 108  
53 sion. 109  
54 b. The planned equipment can- 110  
55 not be accommodated on ex- 111  
56 isting or approved towers 112

due to structural deficiencies  
as documented by a quali-  
fied licensed engineer and  
that such deficiencies cannot  
be eliminated at a reasonable  
cost as determined by the  
Plan Commission.  
c. The existing or planned  
equipment on an existing or  
approved tower would cause  
unacceptable interference  
with the equipment proposed  
by the applicant as docu-  
mented by a qualified li-  
censed engineer and that the  
interference cannot be pre-  
vented or eliminated at a  
reasonable cost as deter-  
mined by the Plan Commis-  
sion.  
d. Any restriction or limitation  
imposed by the FCC.  
(h) Abandonment.  
A wireless telecommunication site not in  
use for 12 consecutive months shall be re-  
moved by the service facility owner. This  
removal shall occur within 90 days of the  
end of such 12-month period. Upon re-  
moval, the site shall be restored to its pre-  
vious appearance and, where appropriate,  
re-vegetated to blend with the surrounding  
area. If the service facility owner fails to  
remove their facilities within this period,  
after receiving prior written notice from the  
Village, the Village shall remove said facili-  
ties and shall charge the cost of such re-  
moval to the property involved, pursuant to  
Wisconsin Statutes Section 66.0413.  
(i) Expiration of permit.  
The approval of an application for condi-  
tional use permit shall be void and of no  
effect unless construction of the project  
commences within one year and is com-  
pleted within two years from the date of  
the approval granted by the Village Board.  
For purposes of this regulation, start of  
construction shall be defined as the instal-  
lation of a permanent building foundation  
or slab. The Village Board may grant up to  
two six-month extensions of the time to  
start construction upon written request by  
the applicant. The Village Board shall not  
approve an extension unless the develop-  
ment plan is brought into conformance  
with any relevant zoning regulations,  
which have been amended subsequent to

1 the original approval and unless the appli- 56  
 2 cant provides adequate evidence that con- 57  
 3 struction is able to begin within the ex- 58  
 4 tended time period sought. The Village 59  
 5 Board may, as a condition of approval of a 60  
 6 conditional use permit, establish a time 61  
 7 that such conditional use permit shall re- 62  
 8 main in effect. 63

9 **Sec. 66.0505 Wind Power Generating Towers**

10 Wind power generation shall not be permitted in 64  
 11 any district in the Village nor shall it be permitted 65  
 12 on the waters of Green Bay within the jurisdiction 66  
 13 of the Village. 67

14 **Sec. 66.0506 Outdoor Displays**

15 (a) Outdoor displays which are allowed on a 68  
 16 regular basis in the B-1 District and do not 69  
 17 require a permit. 70

18 No permit will be required if the owner of 71  
 19 a business in the B-1 District wishes to dis- 72  
 20 play merchandise which is for sale out- 73  
 21 doors, excluding the items included in (d). 74  
 22 The display must satisfy the following re- 75  
 23 quirements: 76

- 24 (1) The outdoor display of merchandise 77  
 25 shall not extend more than 50 per- 78  
 26 cent from the building into the re- 79  
 27 quired front setback area. 80
- 28 (2) Signs, screening, enclosures, land- 81  
 29 scaping or materials being displayed 82  
 30 shall not interfere in any manner 83  
 31 with either on-site or off-site traffic 84  
 32 visibility, including pedestrian traf- 85  
 33 fic. 86
- 34 (3) The display area shall not inhibit the 87  
 35 use of or number of required park- 88  
 36 ing stalls. 89
- 37 (4) Display areas shall be separated 90  
 38 from any vehicular parking or circu- 91  
 39 lation area and the separation shall 92  
 40 be clearly indicated. 93
- 41 (5) If goods are removed from the dis- 94  
 42 play area, all support fixtures shall 95  
 43 also be removed. 96

44 (b) Outdoor displays which are allowed on a 97  
 45 regular basis in the B-2 and B-3 Districts 98  
 46 and do not require a permit. 99

47 No permit will be required if the owner of 100  
 48 a business in the B-2 District or the B-3 101  
 49 District wishes to display a small amount 102  
 50 of merchandise which is offered for sale 103  
 51 outdoors, excluding the items included in 104  
 52 (d). The display must satisfy the following 105  
 53 requirements: 106

- 54 (1) The appearance of the display must 107  
 55 be proportionate to the size of the 108  
 109

building in which the store is locat-  
 ed.

- (2) The items to be displayed outdoors  
 must be placed at least twenty feet  
 from the face of the curb. If it will  
 be impossible for a business owner  
 to satisfy the twenty-foot regulation  
 a small display will be allowed by  
 the building entrance.

(c) Number of sidewalk sales allowed per cal-  
 endar year.

- (1) No permit will be required for  
 sidewalk sales in any of the business  
 districts, but no more than twelve  
 (12) of such sales will be allowed in  
 a calendar year.
- (2) The appearance of the merchandise  
 displayed during a sidewalk sale  
 must also be proportionate to the  
 size of the building in which the  
 store is located.

(d) Outdoor displays which do require a per-  
 mit in all business districts.

- (1) If the owner of a business in any  
 business district within the Village  
 limits wishes to display larger items  
 such as automobiles, trucks, motor-  
 cycles, RV's, campers, ATV's, boats  
 and the like, a permit which deline-  
 ates the area where the large item  
 display will be allowed is required,  
 but the display must meet the fol-  
 lowing requirements:
- (2) The display shall not extend more  
 than 20 percent from the building  
 into the front yard area, and may  
 not extend into the required side or  
 rear setbacks.
- (3) Automobiles, trucks, motorcycles  
 and boats shall only be displayed or  
 placed on a surface as specified in  
 Section 66.0403(f)(1) of the Zoning  
 Code.
- (4) The display area shall not inhibit the  
 use of or number of required park-  
 ing stalls.
- (5) Display areas shall be separated  
 from any vehicular parking or circu-  
 lation area and the separation shall  
 be clearly indicated.
- (6) If goods are removed from the dis-  
 play area, all support fixtures shall  
 also be removed.

1

SECTION 600 - MODIFICATIONS

Sec. 66.0601 Height Modifications

The district height limitations included elsewhere in this chapter may be exceeded, but 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, but may be regulated by FCC or FAA regulations where applicable. The cupolas shall not exceed 64 square feet in floor area including stairwells and shall not be higher than eight feet above the adjacent roof ridge and not contain any living quarters.
(b) Special structures. Special structures, such as elevator pent-houses, grain elevators, necessary mechanical appurtenances, cooling towers, fire towers, solar collectors, substations and smoke stacks, are exempt from the height limitations of this chapter.
(c) Essential services. Essential services, utilities, water towers and electric power and communication transmission lines are exempt from the height limitations of this chapter.
(d) Observation towers. Observation towers shall not exceed in height two times their distance from the nearest lot line.
(e) Agricultural structures. Agricultural structures, such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.

Sec. 66.0602 Setback Modifications

The setback requirements included elsewhere in this chapter may be modified as follows:

- (a) Architectural projections. Architectural projection, such as eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies and similar architectural features may encroach into setbacks by no more than four feet, subject to compliance with applicable standards of the Building Code and Fire Code. Eaves, overhangs, cornices, awnings, canopies and similar architectural features may encroach into the right-of-way subject to

conditional use approval by the Plan Commission. Walls and fences may be placed on the property line, subject to the requirements of standards on Landscaping and Fences and Walls.

- (b) Essential services. Essential Services, utilities and electric power and communication transmission lines are exempt from the setback requirements of this chapter.

1

**SECTION 700 - SIGNS**

1 Note: This entire section was revised by Ordinance 185-041211.

3 **Sec. 66.0700 Purpose and Intent**

4 (a) The purpose of this Sign Section is to provide the legal framework and minimum standards to safeguard life, property, public welfare and Village aesthetics by regulating and controlling the design, number, size, quality of materials, construction, location, illumination, installation and maintenance of all signs as compatible with zoning regulations.

13 (b) This chapter recognizes the need for well-maintained and attractive sign displays within the Village and the need for adequate business identification, advertising and communication. Because of the unique qualities of the Village of Sister Bay, which need to be protected and enhanced, a high degree of control over the aesthetic nature of signs is deemed to be an important public purpose. It is recognized that while personal preference may be expressed in selecting the size, shape, colors, type style, placement, method of mounting and other components in the design of signs, the Plan Commission is responsible for assuring that only aesthetically pleasing and functionally purposeful signs are displayed in the Village. Therefore, although a proposed sign may meet the basic requirements of this chapter, the ultimate decision concerning its final appearance shall rest with the Plan Commission.

36 (c) This chapter authorizes the use of signs on public and private property, provided the signs are:

- 39 (1) Compatible with the Zoning District regulations.
- 41 (2) Compatible with the approved Architectural Design Manual and other approved guides and manuals.
- 44 (3) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- 48 (4) Legible, readable, visible and well designed for the circumstances in which they are used.
- 51 (5) Respectful of the reasonable rights of other advertisers.

- 53 (6) Not covering any major architectural detail.
- 54

55 **Sec. 66.0701 Design Guidelines**

56 (a) Signs are one of the most prominent visual elements of a street. Well-designed signs add interest and variety to building facades and help to attract customers. In general, the sign is the best representation of the business to the passing pedestrian or motorist. The design guidelines shall be used as an important part of sign review and approval.

65 (b) Before starting to design a sign, take a careful look at the building. Is there an obvious space on the building where the sign would look appropriate without covering architectural details? Some of the Village's older buildings were designed with a horizontal "sign space" stretching across the top of the storefront which should be used. If this "sign space" does not exist perhaps, there is adequate wall area for a wall sign with appropriate space for a projecting sign.

77 (c) Take a look at neighboring buildings. Is there a predominant type of sign or a size precedent? In designing a sign, it is important to have an understanding not only of the building but also of the compatibility within the neighborhood. The basis for decisions on sign type, size and location should come from architectural concerns. The specific definitions and regulations governing the various types of signs in this section should be studied before actual design begins.

89 (d) To achieve the objective of this Chapter, the guidelines for sign details include the following:

- 92 (1) Simplicity.  
An effectively designed sign with bold, easily recognized symbols and clear crisp lettering will identify a business or activity efficiently and attractively, enhance the area in which it is located and complement the general appearance of the street and Village.
- 101 (2) Color.  
Restraint should be exercised when selecting colors. On most signs, no more than three colors should be used: one for background, a contrasting color for lettering, and a third for perhaps emphasis (such as for borders, motifs, or shading of let-

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ters to give it a three-dimensional look). Colors should be chosen which complement each other as well as the general tone of the building. The Plan Commission shall establish a Color Guide, which will reflect various primary colors, and accent colors. The Guide shall be updated periodically.

(3) Messages.  
Messages should be simple for rapid comprehension by the public. Pictures, symbols, and logos can add individuality and character to signs, in addition to making them easier to read.

(4) Materials.  
Sign materials shall be compatible with the surrounding area. Sign materials shall be consistent with or at least complement the original construction materials and architectural style of the building façade on which they are to be displayed.

(5) Lettering.  
Lettering styles should complement the style and period of the building on which they appear. Traditional block and curvilinear styles, which are easy to read, are preferred. Generally, different type styles should not be used on the same sign to avoid a cluttered appearance.

**Sec. 66.0710 Business District Signage with Permit**

(a) In General.  
Signs are permitted in all business districts subject to the requirements in this Chapter.

(b) Determination of allowable signage.  
The area of each building’s signage shall be the lineal feet of the front of the building multiplied by the story factor below. A basement shall not count as a story. See Section 66.0753(g) on the manner to determine the linear front footage. No single projecting or ground sign may exceed 24 square feet in area per side.

The following table shall be used to calculate the area of allowable signage. Measure the width of the building and use the proper multiplier for the building width range to determine the allowable square feet of signage permitted.

Building Width Range in Feet	Multiplier		
	One Story	Two Story	Three Story
0	0.750	0.830	0.900
5	0.750	0.830	0.900
10	0.750	0.830	0.900
15	0.750	0.830	0.900
Building Width Range in Feet	Multiplier		
	One Story	Two Story	Three Story
20	.750	.830	.900
25	.750	.830	.900
30	.750	.830	.900
35	0.721	0.798	0.865
40	0.711	0.787	0.853
45	0.701	0.776	0.842
50	0.692	0.765	0.830
55	0.682	0.754	0.818
60	0.672	0.743	0.807
65	0.663	0.733	0.795
70	0.653	0.722	0.783
75	0.643	0.711	0.772
80	0.633	0.700	0.760
85	0.624	0.689	0.748
90	0.614	0.678	0.737
95	0.604	0.668	0.725
100	0.594	0.657	0.713
105	0.585	0.646	0.702
110	0.575	0.635	0.690
115	0.565	0.624	0.678
120	0.556	0.613	0.667
125	0.546	0.602	0.655
130	0.536	0.592	0.643
135	0.526	0.581	0.632
140	0.517	0.570	0.620
145	0.507	0.559	0.608
150	0.497	0.548	0.597
155	0.488	0.537	0.585
160	0.478	0.527	0.573
165	0.468	0.516	0.562
170	0.458	0.505	0.550
175	0.449	0.494	0.538
180	0.439	0.483	0.527
185	0.429	0.472	0.515
190	0.419	0.462	0.503

195	0.410	0.451	0.492
200	0.400	0.440	0.480
Over 200	0.390	0.429	0.468

- 1
- 2 (c) Window Advertising.
- 3 All businesses are allowed window adver-
- 4 tising, which may be placed only on the
- 5 inside of buildings and shall not exceed 25
- 6 percent of the glass area of the windows
- 7 fronting on a public street. The advertising
- 8 shall not include the store or business
- 9 name. Window advertising as specified
- 10 above shall not require a permit.
- 11 (d) Awning Signage.
- 12 All businesses are allowed signage on awn-
- 13 ings subject to permit. Awning signage
- 14 may include logos, business names, sym-
- 15 bols and wording placed only on the flap.
- 16 Awning/canopy covering pedestrian or ve-
- 17 hicle access areas signs shall provide no
- 18 less than eight feet vertical clearance be-
- 19 tween the bottom of the sign and the
- 20 ground, (finished surface), directly beneath
- 21 the awning/canopy. Signage on awnings
- 22 shall not count towards total signage.
- 23 (e) Directory Signage.
- 24 One entrance directory sign for each sepa-
- 25 rate tenant space in multi-tenant buildings
- 26 may be placed on the building and each
- 27 directory sign shall not exceed two square
- 28 feet per side. In lieu of one entrance direc-
- 29 tory sign for each separate tenant space, a
- 30 single wall sign may be permitted. The ar-
- 31 ea of the wall sign shall be no larger than
- 32 the cumulative amount of the permitted
- 33 separate entrance directory signs. The in
- 34 lieu of sign shall be in addition to the sign
- 35 areas allowed in (b) above and shall con-
- 36 form to all of the requirements of this sec-
- 37 tion.
- 38 (f) Certain Sandwich Board Signs.
- 39 See Section 66.0713.
- 40 (g) Permitted Types of Signs.
- 41 A business may divide the total permitted
- 42 signage into any combination of the four
- 43 types listed below, not to exceed the total
- 44 permitted area limits set forth in (b) above.
- 45 (1) Wall signs placed flat against the
- 46 exterior walls of a building shall not
- 47 extend above the roofline. Wall
- 48 signs shall not extend beyond the
- 49 ends of the wall to which they are
- 50 attached.
- 51 (2) Projecting signs fastened to, sus-
- 52 pended from or supported by struc-

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- tures, shall not extend more than six
- feet into the required yard area,
- shall not extend into any public
- right-of-way, shall not extend over
- any driveway and, shall be at least
- ten feet from all side lot lines. The
- projecting sign shall not be located
- at a point higher than 75% of the
- wall measured from the top of the
- foundation where it is located.
- (3) Ground signs shall not exceed eight
- feet in height. Ground signs shall be
- located at least ten feet from any
- street right-of-way and at least ten
- feet away from any side or rear lot
- line except as specified in (a) below.
- Ground signs shall comply with the
- traffic visibility requirements set
- forth in section 66.0401 [See page
- 81]. All ground signs shall include
- landscaping at the base of the sign.
- a. In the B-3 Downtown Busi-
- ness District ground signs
- may be located no closer
- than ten feet from the face of
- the curb, if the existing build-
- ing and/or terrain is not suit-
- able for the setback as speci-
- fied above.
- b. All parcels shall be limited to
- one ground sign, regardless
- of the number of businesses,
- buildings on the site or the
- number of street frontages
- abutting the property.
- (4) Vending machines.
- Only vending machines without in-
- ternal illumination are permitted in
- all business districts.

**Sec. 66.0711 Shopping Center Signage with Permit**

- A shopping center is defined as a multi-tenant,
- multi-building commercial and retail develop-
- ment under common ownership or management
- that exceeds two acres in size. The shopping
- center may be permitted the following signage in
- addition to the approved building signage as
- specified in Section 66.0710.
- (a) On Premise Master Identification Signage.
- A master identification ground sign may be
- provided which displays the name of the
- shopping center, and may also include in-
- formation such as, but limited to: names or
- lists of individual stores and the hours of
- operation. One master identification sign

# VILLAGE OF SISTER BAY ZONING CODE Page 126

## SEC. 66.0712 BUSINESS OFF-PREMISE SIGNAGE WITH PERMIT

## SEC. 66.0712 BUSINESS OFF-PREMISE SIGNAGE WITH PERMIT

1 may be permitted along the State highway  
2 abutting a shopping center. The master  
3 identification sign shall not exceed 48  
4 square feet per side in total area. The loca-  
5 tion shall be approved by the Plan Com-  
6 mission prior to the issuance of a Sign  
7 Permit.

8 (b) Business or Tenant Signage.  
9 Signage specified in Section 66.0710(g)(1)  
10 and (2) may be provided for each individu-  
11 al tenant business in a shopping center. In  
12 a multi-tenant building, each business shall  
13 be permitted signage up to eight (8) square  
14 feet per side. In a single tenant building the  
15 business shall be permitted signage up to  
16 12 square feet per side

17 (c) Additional On Premise Identification Sign-  
18 age  
19 One additional master identification  
20 ground sign on the shopping center proper-  
21 ty may be permitted which displays the  
22 name of the shopping center subject to the  
23 following restrictions:  
24 (1) The maximum size of the sign shall  
25 not exceed 24 square feet per side.  
26 (2) The location shall be approved by  
27 the Plan Commission prior to the is-  
28 suance of a Sign Permit. (Amended  
29 Ordinance 193-050312)

### 30 **Sec. 66.0712 Business Off-Premise Signage** 31 **with Permit**

32 This section shall only apply to businesses not lo-  
33 cated on a State highway. Off-premise directional  
34 signs shall only be allowed for businesses located  
35 within the Village limits. All off-premise signs  
36 shall require a sign permit and shall be restricted  
37 to the following uses:

38 (a) Off-premise directional signs on Highway  
39 42 or 57.  
40 (1) Off-premise directional signs on  
41 State Highways 42 and 57 indicat-  
42 ing the direction to a business not  
43 located on either state highway re-  
44 quire a permit.  
45 (2) The basis of approval shall be as fol-  
46 lows:  
47 a. It is proven essential to have  
48 a sign to direct the traveling  
49 public to the correct highway  
50 turnoff.  
51 b. The sign must be located  
52 within 300 feet of the inter-

53 section where the turn must  
54 be made.

c. There shall be only one di-  
55 rectional sign for each such  
56 business.  
57

(3) Off-premise sign standards:  
58 a. All such directional signs  
59 shall be attached to the Vil-  
60 lage-owned common posting  
61 standard and shall not ex-  
62 ceed two square feet in area  
63 per side. The Village shall es-  
64 tablish the color and font for  
65 the directional sign.  
66

(b) Off-premise directional signs not located  
67 on a state highway.

(1) Off-premise directional signs on Vil-  
68 lage streets indicating the direction  
69 to a business require a permit.  
70

(2) The basis of approval shall be as fol-  
71 lows:  
72

a. It is proven essential to have  
73 a sign to direct the traveling  
74 public to the correct highway  
75 turnoff.  
76

b. The sign must be located  
77 within 300 feet of the inter-  
78 section where the turn must  
79 be made.  
80

c. There shall be only one di-  
81 rectional sign for each such  
82 business.  
83

(3) Off-premise sign standards:  
84 a. All such directional signs  
85 shall be attached to the Vil-  
86 lage-owned common posting  
87 standard and shall not ex-  
88 ceed two square feet in area  
89 per side. The Village shall es-  
90 tablish the color and font for  
91 the directional sign.  
92

(c) Other Off-premise signs.

The purpose of this section is to allow Vil-  
93 lage businesses to place business signs off  
94 their property subject to the following con-  
95 ditions:  
96

(1) The applicant is not able to obtain a  
97 sign permit under subsection (a) or  
98 (b) above.  
99

(2) The sign shall comply with WisDOT  
100 Trans 201 Scenic Byways regula-  
101 tions.  
102

(3) The applicant shall provide written  
103 documentation from the landowner  
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105  
106

- 1 demonstrating permission for the 56  
 2 location of the off-premise sign. 57  
 3 (4) The overall shape, height, material, 58  
 4 color and setback must have the 59  
 5 approval of the Plan Commission. 60  
 6 (5) The exact location of the sign shall 61  
 7 be approved by the Plan Commis- 62  
 8 sion. 63  
 9 (6) The overall size, shape, height, ma- 64  
 10 terial, color and setback must have 65  
 11 the approval of the Plan Commis- 66  
 12 sion. 67  
 13 (7) Off-premise signs are not permitted 68  
 14 in R-1, R-2, R-3 or R-4 districts. 69

15 **Sec. 66.0713 Sandwich Board Signage with**  
 16 **Permit**

17 Sandwich board signs are permitted subject to the  
 18 following conditions:

- 19 (a) Retail businesses and restaurants may use  
 20 sandwich board signs on their property in  
 21 front of their businesses for advertising  
 22 purposes in the B-1, B-2, B-3, I-1 and P-1  
 23 districts as permitted provided that the  
 24 sandwich board signs will not be located  
 25 on any sidewalk or bikeway if one is pre-  
 26 sent or in any public right-of-way.  
 27 (b) Sandwich board sign impact on total per-  
 28 mitted signage.  
 29 (1) A sandwich board where the mes-  
 30 sages and content change on a  
 31 weekly basis; noticing a special  
 32 event or other activity that is of a  
 33 short duration shall not count to-  
 34 wards the total signage allowed un-  
 35 der Section 77.0710. Any sign  
 36 wording that duplicates other per-  
 37 mitted or allowed signage on a  
 38 property other than the business  
 39 name is not permitted.  
 40 (2) A sandwich board where the word-  
 41 ing or image is unchanging shall  
 42 count towards the total signage al-  
 43 lowed under Section 77.0710. Any  
 44 sign wording that duplicates other  
 45 permitted or allowed signage on a  
 46 property other than the business  
 47 name is not permitted. Any sand-  
 48 wich board permitted under this  
 49 subsection shall also comply with  
 50 (c)—(g) below.  
 51 (c) The sandwich board sign must be located  
 52 in front of the business or restaurant and  
 53 cannot be located closer than ten feet to an  
 54 adjacent property or driveway, and will not  
 55 cause a hazard to traffic or adjoining prop-

- erties. These signs shall require a permit  
 and shall not exceed six (6) square feet in  
 area on one side or 12 square feet on all  
 sides. No more than 25% percent of the  
 area on each side of the sign may be used  
 for name of the business.  
 (d) The sandwich board sign must be removed  
 from its display location whenever the  
 business is not open. Festivals, non-profits,  
 organizations and businesses under con-  
 tract with the Village may use sandwich  
 board signs on Village owned property or  
 other property for advertising purposes in  
 any district as permitted provided that the  
 sandwich board signs will not be located  
 on any sidewalk or bikeway if one is pre-  
 sent or in any public right-of-way.  
 (e) The Plan Commission shall establish a  
 Sandwich Board Design, Guide which will  
 reflect various preferred designs and col-  
 ors. The Guide shall be updated periodi-  
 cally.  
 (f) All existing sandwich board signs are con-  
 sidered temporary and are no longer per-  
 mitted after May 1, 2011.  
 (g) After May 1, 2011, the cost for a temporary  
 sandwich board sign permit shall be  
 \$20.00 except for existing sandwich board  
 permit holders.

85 **Sec. 66.0720 On-Premise Signs without Per-**  
 86 **mit**

87 Except as prohibited in section 66.0770 of this  
 88 chapter, the following signs are permitted in all  
 89 zoning districts without a permit, subject to the  
 90 following regulations:

- 91 (a) Real estate signs.  
 92 Real estate signs, not to exceed six square  
 93 feet in area on one side and 12 square feet  
 94 in area on all sides. Temporary real estate  
 95 signs shall be located no closer than ten  
 96 feet to any street right-of-way, nor closer  
 97 than ten feet to a side or rear lot line.  
 98 (b) Election signs.  
 99 Election campaign signs provided, that  
 100 permission shall be obtained from the  
 101 property owner, renter or lessee; and pro-  
 102 vided that such sign shall not be erected  
 103 prior to the first day of the "election cam-  
 104 paign period" as defined in Section §12.04  
 105 of the Wisconsin Statutes, and shall be re-  
 106 moved within seven days following the  
 107 election. No campaign sign shall be erect-  
 108 ed in a street right-of-way or on any utility  
 109 poles. Campaign signs shall not be located

1 within a vision clearance triangle, and  
 2 shall not exceed 24 square feet in area on  
 3 one side and 48 square feet in area on all  
 4 sides.  
 5 (c) Rummage sale signs.  
 6 Rummage sale and garage sale signs pro-  
 7 vided that no such signs shall be erected or  
 8 placed within a public right-of-way and  
 9 further provided that such signs are re-  
 10 moved within 12 hours following the sale.  
 11 (d) Bulletin boards.  
 12 Bulletin boards for public, charitable or re-  
 13 ligious institutions not to exceed four  
 14 square feet in area on one side located on  
 15 the building.  
 16 (e) Memorial signs.  
 17 Memorial signs, tablets, names of build-  
 18 ings, and date of erection when cut into  
 19 any masonry surface or when constructed  
 20 of metal and affixed flat against a structure.  
 21 (f) Official signs.  
 22 Official signs, such as traffic control, park-  
 23 ing restrictions, Village welcome signs and  
 24 related entrance signs, and public notices  
 25 when approved by the Zoning Administra-  
 26 tor.  
 27 (g) Illuminated Open Signs.  
 28 A single internally illuminated sign with  
 29 the specific word "OPEN" not exceeding  
 30 two square feet.  
 31 (h) Directional signs.  
 32 On-premise directional signs such as "EN-  
 33 TER," "EXIT," and "DO NOT ENTER" signs  
 34 shall not exceed two square feet.  
 35 (i) Parking signs.  
 36 Customer parking signs shall be mounted  
 37 no less than four feet from the ground and  
 38 shall not exceed 24 inches high by 30  
 39 inches wide. The lower one-third of the  
 40 sign shall be lettered with the words "Cus-  
 41 tomer Parking" and may include a direc-  
 42 tional arrow below. The upper two-thirds  
 43 of the sign may be used for the business  
 44 name or logo, but no other advertising  
 45 message.  
 46 (j) Flags.  
 47 One decorative flag, seasonal flag or flag  
 48 containing words no larger than 15 square  
 49 feet per side shall be permitted on a lot. No  
 50 flagpole shall exceed 35 feet in height.  
 51 There shall be no limit on the number or  
 52 size of country, national, state, local or  
 53 government affiliated flags displayed on a  
 54 lot.  
 55

56 (k) Restaurant Menu Boards.  
 57 One menu board is allowed per restaurant.  
 58 The maximum allowable size for a menu  
 59 board is four square feet. If it is over four  
 60 square feet in size the menu board's area  
 61 shall be included in the total signage cal-  
 62 culation. All menu boards must be mount-  
 63 ed on the building and match the design of  
 64 the building and/or any signage displayed  
 65 on that building. Erasable blackboards or  
 66 glass-enclosed cases are acceptable.  
 67 (l) Temporary construction signs.  
 68 Temporary construction signs such as a  
 69 sign identifying a contractor, designer, or  
 70 equipment provider may be place on a  
 71 construction site without a permit, provid-  
 72 ed that there shall be no more than one  
 73 construction sign located on the premises;  
 74 no sign shall exceed 18 square feet in area  
 75 on one side or 36 square feet on all sides;  
 76 and the construction sign shall be removed  
 77 within 72 hours following the issuance of  
 78 an occupancy permit. Temporary signs is-  
 79 sued as part of a development agreement  
 80 shall be removed as specified in that  
 81 agreement.

82 **Sec. 66.0721 On/Off-Premise Signs without**  
 83 **Permit**

84 (a) Seasonal signs.  
 85 Seasonal signs advertising the sale of sea-  
 86 sonal products, including Christmas trees  
 87 and pumpkins, provided that:  
 88 (1) Only one sign per business site will  
 89 be allowed.  
 90 (2) The sign shall be set back a mini-  
 91 mum of 10 feet from all lot lines.  
 92 (3) The sign area shall not exceed 24  
 93 square feet.  
 94 (4) The sign shall not exceed six feet in  
 95 height.  
 96 (5) The sign shall not be posted for  
 97 more than 30 consecutive days in  
 98 any calendar year.  
 99 (b) Special Event and Fund Raising Signage.  
 100 The temporary use of banners, balloons,  
 101 inflatable signs, streamers, pennants, and  
 102 other similar signage used for special  
 103 event, fund raising and other advertising  
 104 purposes in any district may be allowed  
 105 provided that the advertising media will  
 106 not be located on any sidewalk or bikeway  
 107 if one is present or in any public right-of-  
 108 way. Special events or other advertising for  
 109 businesses shall be covered under Section  
 110 66.0722(a) below. The signs cannot be  
 111

SEC. 66.0722 OTHER ON/OFF-PREMISE SIGNS WITH PERMIT

SEC. 66.0731 COUNTRYSIDE DISTRICT SIGNAGE WITH PERMIT

erected more than 14 days before the event and must be removed within 2 days after the event. The property owner must grant permission in writing for the placement of the sign/media. The sign/media, will not be located closer than ten feet to an adjacent property; driveway, and will not cause a hazard to traffic or adjoining properties. These sign/media shall not require a permit and shall not exceed 24 square feet in area on one side or 48 square feet on all sides.

(c) Failure to Comply with Standards.  
Any group, business or entity utilizing (a) or (b) above that fails to follow the standards shall be notified in writing that all future seasonal, special event and fund raising signage shall require a regular sign permit.

**Sec. 66.0722 Other On/Off-Premise Signs with Permit**

(a) Long Duration Special Event and Fund Raising Signage.  
The temporary use of banners, balloons, inflatable signs, streamers, pennants, and other similar signage used for special event or fund raising and other advertising purposes in any district may be permitted provided that the advertising media will not be located on any sidewalk or bikeway if one is present or in any public right-of-way. The signs cannot be erected more than 45 days in a calendar year and must be removed within 2 days after the event. The property owner must grant permission in writing for the placement of the sign/media. The sign/media, will not be located closer than ten feet to an adjacent property; driveway, and will not cause a hazard to traffic or adjoining properties. These sign/media shall require a permit and shall not exceed 24 square feet in area on one side or 48 square feet on all sides.

(b) Time and Temperature signs.  
Time and Temperature signs require a permit but may be erected as wall signs, projecting signs, monument signs, or free-standing signs, provided that they meet the requirements for each of those sign types. The area of the time and temperature sign shall be included in the total permitted signage.

(c) Changeable copy signs.  
Changeable copy signs, fixed or moveable, may be permitted for theaters, churches and schools. If approved by the Plan

Commission, gas station price signs will be considered permitted addition signage.

**Sec. 66.0730 Residential Districts Signage with Permit**

The following signs are permitted in any residential district and are subject to the following regulations:

(a) Residential development signs.  
Single family, two family and multifamily residential development signs, not to exceed six feet in height and 24 square feet in area on one side and 48 square feet in area on all sides, placed at the entrance to a subdivision or development. The sign shall be located no closer than ten feet to any street right-of-way, nor closer than ten feet to any side or rear lot line.

(b) Temporary development signs.  
Temporary development signs for the purpose of designating a new building or development, or for promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed 18 square feet in area on one side and 36 square feet in area on all sides and shall be located not closer than ten feet from any street right-of-way, nor closer than ten feet to any side or rear lot line. The Plan Commission shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development provided that the sign shall not be in place for more than 60 days of the issuance of an occupancy permit. Projects covered by a development agreement shall specify the date for the removal of the sign.

(c) Home occupations signs.  
Home occupation, cottage rental and professional home office signs not to exceed three square feet in area. The signs shall be set back at least six feet from the nearest property line and shall not be over five feet above the ground. No more than one such sign for each use located on the premises shall be permitted.

(d) Other signs.  
Signs over show windows or doors or a non-conforming business establishment announcing without display or elaboration only the names and occupation of the proprietor and not to exceed eight square feet in area.

**SEC. 66.0731 COUNTRYSIDE DISTRICT SIGNAGE WITH PERMIT**

**SEC. 66.0750 SIGN PERMIT**

1 **Sec. 66.0731 Countryside District Signage**  
 2 **with Permit**  
 3 The following on-premise signs are permitted in  
 4 the CS-1 district:  
 5 (a) All signs permitted in the residential dis-  
 6 tricts.  
 7 (b) On-premise signs advertising a public or  
 8 semipublic use or a legal non-conforming  
 9 business establishment, which do not ex-  
 10 ceed 24 square feet in area. There shall be  
 11 no more than one such sign for each high-  
 12 way upon which the property faces. If at-  
 13 tached to the building, such signs shall be  
 14 no higher than the roofline. If located on  
 15 the ground, such signs shall not be higher  
 16 than eight feet above the ground.  
 17 (c) Ground signs advertising the sale of farm  
 18 products produced on the premises, which  
 19 do not exceed 24 square feet in area on  
 20 one side or 48 square feet on all sides.  
 21 **Sec. 66.0732 Institutional and Park Districts**  
 22 **Signage with Permit**  
 23 The following signs are permitted in the Institu-  
 24 tional and Park districts and are subject to the fol-  
 25 lowing regulation:  
 26 (a) Private and public institutional and park  
 27 name signs when approved by the Plan  
 28 Commission.  
 29 (b) Signs containing advertising for placement  
 30 on publicly owned land shall meet the fol-  
 31 lowing criteria:  
 32 (1) Such signs shall be securely fast-  
 33 ened, constructed and continuously  
 34 maintained in such a manner as to  
 35 prevent damage from the natural el-  
 36 ements.  
 37 (2) Such signs shall be located in such  
 38 a manner to minimize visual im-  
 39 pacts to areas located outside of the  
 40 park facilities.  
 41 (3) Such signs shall be permitted for the  
 42 sole purpose of generating funds for  
 43 Village authorized programs and fa-  
 44 cilities. In all cases, the overall aes-  
 45 thetics of the park and the surround-  
 46 ing area shall be significant consid-  
 47 eration in the placement and design  
 48 of the signs.  
 49 (4) An agreement between the Village  
 50 and the sign sponsor shall be exe-  
 51 cuted specifying annual fees and a  
 52 maintenance schedule.

53 (5) Such signs shall be permitted sub-  
 54 ject to Plan Commission discretion.  
 55 **Sec. 66.0750 Sign Permit**  
 56 Application for a sign permit shall be made on  
 57 forms provided by the Zoning Administrator and  
 58 shall contain or have attached thereto at least the  
 59 following information:  
 60 (a) Name, address and telephone number of  
 61 the applicant. Location of building, struc-  
 62 ture, or lot to which or upon which the  
 63 sign is to be attached or erected.  
 64 (b) Name of person, firm, corporation, or as-  
 65 sociation erecting the sign.  
 66 (c) In cases where more than one business oc-  
 67 cupies a single building, the assignment of  
 68 on-building sign area to the various busi-  
 69 nesses shall be at the discretion of the  
 70 property owner. This allocation shall be  
 71 specified in the Sign Application.  
 72 (d) Written consent of the owner or lessee of  
 73 the building, structure, or land to which or  
 74 upon which the sign is to be affixed.  
 75 (e) A scale drawing of such sign indicating the  
 76 dimensions, the materials to be used, the  
 77 colors on the sign, the type of illumination,  
 78 if any, and the method of construction and  
 79 attachment. The drawing shall be drawn at  
 80 a scale no smaller than one-eighth inch  
 81 equals one foot and shall be prepared,  
 82 signed and sealed by a registered profes-  
 83 sional engineer when required by the Zon-  
 84 ing Administrator.  
 85 (f) A scale drawing indicating the location  
 86 and position of such sign in relation to  
 87 nearby buildings or structures. The drawing  
 88 shall be at a scale no smaller than one inch  
 89 equals 50 feet.  
 90 (g) Copies of any other permits required.  
 91 (h) Signs requiring state approval shall provide  
 92 a copy of such approval with the sign per-  
 93 mit application.  
 94 (i) Additional information may be required by  
 95 the Zoning Administrator or Plan Commis-  
 96 sion.  
 97 (j) Sign permit applications shall be filed with  
 98 the Zoning Administrator after review and  
 99 approval by the Plan Commission, if re-  
 100 quired, who shall review the application  
 101 for its completeness and accuracy and ap-  
 102 prove or deny the application, in writing,  
 103 within 15 working days after submittal. A  
 104 sign permit shall become invalid, if work  
 105 authorized under the permit has not been

- 1 completed within six months of the date of  
 2 issuance.  
 3 (k) At the time of the filing of the application  
 4 for a permit, the applicant shall furnish to  
 5 the Zoning Administrator the fee for the  
 6 permit in accordance with the current fee  
 7 schedule set by the Village Board.  
 8 (l) The Commission may specify the size, col-  
 9 or, shape, construction and location of the  
 10 signs as conditions of the permit.  
 11 (m) Waiver of some requirements.  
 12 The Zoning Administrator may waive the  
 13 requirements for certain plans, specifica-  
 14 tion, data, or drawings when the applica-  
 15 tion is to execute minor alterations or re-  
 16 pairs to a sign, provided that the proposed  
 17 construction, alteration, or repair is suffi-  
 18 ciently described in the application for the  
 19 permit.  
 20 (n) The sign permit fee shall be established  
 21 annually by the Village.

22 **Sec. 66.0751 Construction Standards**

- 23 (a) Sign Materials.  
 24 Signs should be constructed predominantly  
 25 of natural materials, such as rough cedar,  
 26 pine or other types of wood. Stained glass  
 27 may also be used. Manufactured materials  
 28 that give the appearance of natural materi-  
 29 als are also permitted. Signs with relief are  
 30 encouraged. Supporting members or brack-  
 31 ets of all signs shall be constructed of ap-  
 32 proved materials.  
 33 (b) Covering Architectural Details.  
 34 Signs shall not cover architectural details  
 35 such as, but not limited to arches, sills,  
 36 moldings, cornices and transom windows.  
 37 It may be required that existing signboards  
 38 or sign bands be used for placement of  
 39 signs.  
 40 (c) Construction Standards.  
 41 The applicant shall be responsible for ob-  
 42 taining the necessary permits to comply  
 43 with Village and State building, electric  
 44 and WisDOT codes.  
 45 (d) Protection of the public.  
 46 The temporary occupancy of a sidewalk or  
 47 street or other public property during con-  
 48 struction, removal, repair, alteration or  
 49 maintenance of a sign is permitted provid-  
 50 ed the space occupied is roped off, fenced  
 51 off or otherwise isolated. The Zoning Ad-  
 52 ministrator shall be notified at least 24  
 53 hours in advance of such proposed ob-  
 54 struction.  
 55

- 56 (e) Sign Location Affecting Egress  
 57 No signs or any part thereof or sign an-  
 58 chors, braces, or guide rods shall be at-  
 59 tached, fastened, or anchored to any fire  
 60 escape, fire ladder, or standpipe and no  
 61 such sign or any part of any such sign or  
 62 any anchor, brace or guide rod shall be  
 63 erected, put up, or maintained so as to  
 64 hinder or prevent ingress or egress through  
 65 such door, doorway, or window or so as to  
 66 hinder or prevent the raising or placing of  
 67 ladders against such building by the Fire  
 68 Department, as necessity may require.

69 **Sec. 66.0752 Color and Lighting**

- 70 (a) The Plan Commission shall approve and  
 71 maintain appropriate sign colors. For all  
 72 signs, the Zoning Administrator shall main-  
 73 tain samples of the approved colors.  
 74 (b) Signs shall not resemble, imitate or approx-  
 75 imate the shape, size, form or color of traf-  
 76 fic signs, signals or devices. Signs may be  
 77 illuminated, but non-flashing.  
 78 (c) Signs in residential districts shall not be il-  
 79 luminated.  
 80 (d) No sign shall be illuminated except as fol-  
 81 lows:  
 82 (1) Natural illumination or background  
 83 illumination from street lighting or  
 84 parking lot lighting.  
 85 (2) Shielded spotlights designed to fo-  
 86 cus the light only on the sign.  
 87 (3) The maximum permitted illumina-  
 88 tion on the face shall not exceed  
 89 five foot-candles.  
 90 (e) Searchlights may not be used in the Village  
 91 without a permit. The Plan Commission  
 92 may permit the temporary use of a search-  
 93 light for advertising purposes in business  
 94 districts, provided that the searchlight will  
 95 not be located in any public right-of-way,  
 96 will not be located closer than twenty feet  
 97 to an adjacent property, and will not cause  
 98 a hazard to traffic or adjoining properties.  
 99 Searchlight permits shall not be granted for  
 100 a period of more than five days in any six-  
 101 month period. If, however, representatives  
 102 of federal, state or local government agen-  
 103 cies wish to operate a searchlight in the  
 104 Village for official business, no permit will  
 105 be required.

106 **Sec. 66.0753 Measuring Signs**

- 107 (a) Area of Sign.  
 108 Measurement of sign area shall be calcu-  
 109 lated as the sum of the area within the  
 110 smallest regular rectangle that will encom-

1 pass all elements of the actual sign face,  
 2 including any writing, logos, representa-  
 3 tions, emblems, or any figures or similar  
 4 characters, together with any material  
 5 forming an integral part of the display or  
 6 forming the backing surface or background  
 7 on which the message or symbols are dis-  
 8 played.

9 (b) Wall Sign.  
 10 For a sign painted on or applied to a build-  
 11 ing or to a freestanding wall, the area shall  
 12 be considered to include all lettering,  
 13 wording, and accompanying designs or  
 14 symbols, together with any background of  
 15 a different color than the natural color, or  
 16 finish material of the building or architec-  
 17 tural wall. The architectural wall shall be  
 18 subject to Plan Commission approval of  
 19 the site and landscaping plan. The main  
 20 supporting sign structure (i.e., brackets,  
 21 posts, foundation, etc.) shall not be includ-  
 22 ed in the area measurement.

23 (c) Letter Signs.  
 24 The gross surface area of a skeleton letter  
 25 wall sign consisting of individual letters  
 26 and/or symbols shall be determined by  
 27 calculating the horizontal length of the  
 28 combined areas of the smallest rectangles,  
 29 which encompass each word, letter, figure  
 30 and emblem on the sign by the vertical  
 31 height of the outside dimensions of the  
 32 whole sign.

33 (d) Two-sided Sign.  
 34 When a sign has two or more faces, the ar-  
 35 ea of all faces shall be included in deter-  
 36 mining the area, except that where two  
 37 faces are placed back to back and the an-  
 38 gle between the faces measures 45 degrees  
 39 or less, the total sign area shall be comput-  
 40 ed by measuring the square footage of a  
 41 single face. When the angle between sign  
 42 faces measures greater than 45 degrees, the  
 43 total sign area shall be computed by add-  
 44 ing the square footage of each face.

45 (e) Sign height.  
 46 Maximum or minimum sign height shall be  
 47 measured from the ground surface adjacent  
 48 to the center of the bottom of the structure  
 49 supporting the sign to the top of the sign  
 50 surface being regulated.

51 (f) Length of Lineal Building Front Foot.  
 52 The length of the front wall of the building  
 53 adjacent and parallel or closely parallel to  
 54 any abutting street or public right-of-way. If  
 55 the building is located on a corner lot then  
 56 the side of the building used for addressing

57 purposes shall be deemed the front of the  
 58 building. If the front of the building is une-  
 59 ven then that portion of the building that is  
 60 adjacent and parallel to the abutting street  
 61 that is within 25 feet of the primary front  
 62 wall shall be included in the total length of  
 63 the lineal building front foot.

64 **Sec. 66.0754 Maintenance of Signs**

65 (a) Maintenance and repair.  
 66 Every sign, including, but not limited to  
 67 those signs for which permits are required,  
 68 shall be maintained in safe, presentable,  
 69 and good structural condition at all times,  
 70 including replacement of defective parts,  
 71 painting (except when a weathered or nat-  
 72 ural surface is intended), repainting, clean-  
 73 ing, and other acts required for the mainte-  
 74 nance of such sign.

75 (b) Compliance standards.  
 76 The Zoning Administrator shall require  
 77 compliance with all standards of this sec-  
 78 tion. If the sign is not modified to comply  
 79 with the standards outlined in this section,  
 80 the Zoning Administrator shall require its  
 81 removal in accordance with subsection (d)  
 82 of this section.

83 (c) Abandoned signs.  
 84 All signs or messages shall be removed by  
 85 the owner or lessee of the premises upon  
 86 which an on-premise sign is located when  
 87 the business it advertises is no longer con-  
 88 ducted or, for an off-premise sign, when  
 89 the lease payment and rental income are  
 90 no longer provided, unless there is evi-  
 91 dence that the owner or agent is marketing  
 92 the property for sale or lease. If the owner  
 93 or lessee fails to remove the sign, the Zon-  
 94 ing Administrator shall give the owner 30  
 95 days written notice to remove such sign.  
 96 Upon failure of the owner or lessee to  
 97 comply with this notice, the Village may  
 98 cause the sign to be removed and all costs  
 99 of such removal shall be collected as a  
 100 special assessment on the next succeeding  
 101 tax roll.

102 (d) Deteriorated or dilapidated signs.  
 103 The Zoning Administrator shall give the  
 104 owner or lessee of any premises on which  
 105 a deteriorated or dilapidated sign is locat-  
 106 ed, 60 days written notice to repair any de-  
 107 teriorated or dilapidated signs and remove  
 108 such condition, without enlarging or struc-  
 109 turally altering such signs.

110 (1) If it is determined that such deterio-  
 111 rated or dilapidated signs cannot be  
 112 repaired without structurally altering  
 115

1 or changing the sign, then the own- 56  
 2 er or lessee of such sign shall obtain 57  
 3 a permit from the Zoning Adminis- 58  
 4 trator for such changes or altera- 59  
 5 tions. 60  
 6 (2) Upon failure of the owner or lessee 61  
 7 to comply with the notice set forth 62  
 8 in subsection (c) of this section, or 63  
 9 in the event of the failure of the 64  
 10 owner or lessee to obtain a permit 65  
 11 as set forth in section 66.0750, [See 66  
 12 page 113] the Village may cause the 67  
 13 sign to be removed and all costs of 68  
 14 such removal shall be collected as a 69  
 15 special assessment on the next suc- 70  
 16 ceeding tax roll. 71

17 **Sec. 66.0770 Prohibited Signs**

18 The following signs are prohibited in all districts:

- 19 (a) Abandoned signs.  
 20 Any sign advertising or identifying a busi-  
 21 ness or organization, which is either de-  
 22 funct or no longer located on the premises.  
 23 Exceptions are granted to landmark signs,  
 24 which may be preserved and maintained  
 25 even if they no longer pertain to the pre-  
 26 sent use of the premises.
- 27 (b) Flashing, alternating, rotating or swinging  
 28 signs or devices, whether illuminated or  
 29 not, visible from the right-of-way.
- 30 (c) Floodlighted or reflection illuminated signs  
 31 of which the light source is positioned so  
 32 that its light sources is visible from a public  
 33 right-of-way by the vehicular traffic or  
 34 which the light source is visible from ad-  
 35 joining property.
- 36 (d) Internally illuminated signs, neon and back  
 37 lighted signs other than OPEN signs.
- 38 (e) Flashing signs, signs with an intermittent or  
 39 flashing light source, signs containing mov-  
 40 ing parts, and signs containing reflective  
 41 elements, which sparkle or twinkle in the  
 42 sunlight.
- 43 (f) Electronic message centers, variable mes-  
 44 sage signs that utilize computer generated  
 45 messages or some other electronic means  
 46 of changing copy, including displays using  
 47 incandescent lamps, LED's, LCD's or a  
 48 flipper matrix.
- 49 (g) Unclassified signs:  
 50 (1) That is a hazard or dangerous dis-  
 51 traction to vehicular traffic or a nui-  
 52 sance to adjoining residential prop-  
 53 erty.  
 54 (2) No sign shall resemble, imitate or  
 55 approximate the shape, size, form

- 56 or color of a traffic sign, signal or  
 57 device.
- 58 (3) No sign shall be located to interfere  
 59 with the visibility or effectiveness of  
 60 any official traffic sign or signal or  
 61 with driver vision at the access  
 62 point of any intersection.
- 63 (4) No sign shall be erected, relocated  
 64 or maintained to prevent free in-  
 65 gress or egress from any door, win-  
 66 dow or fire escape, and no sign  
 67 shall be attached to a standpipe, fire  
 68 escape or utility pole.
- 69 (5) No sign shall contain, include or be  
 70 illuminated by flashing light or by  
 71 any light directed toward a neigh-  
 72 boring residence, roads or high-  
 73 ways.
- 74 (6) No sign shall contain, include or be  
 75 composed of any conspicuous ani-  
 76 mated part.
- 77 (7) No sign shall be painted on rocks.
- 78 (h) Inflatable advertising devices or signs.
- 79 (i) Changeable copy signs, fixed or moveable,  
 80 except for theaters, churches, schools or  
 81 gas station price signs.
- 82 (j) Murals or other artwork painted or applied  
 83 to a building
- 84 (k) Billboard signs larger than the maximum  
 85 permitted square footage per face.
- 86 (l) Painted wall signs, which are painted di-  
 87 rectly on the surface of the building.
- 88 (m) Signs taller than eight feet in height.
- 89 (n) No beacons or laser lights used for promo-  
 90 tional display.
- 91 (o) A "V" sign shall be prohibited unless the  
 92 backs of both signs display no letters or  
 93 symbols and are landscaped to screen their  
 94 backsides.
- 95 (p) Reflective lights.
- 96 (q) Mobile signs unless permitted as a tempo-  
 97 rary use.
- 98 (r) Signs on vehicles. No persons shall park  
 99 any vehicle or trailer on a public right-of-  
 100 way or public property or on private prop-  
 101 erties so as to be seen from a public right-  
 102 of-way which has attached thereto or lo-  
 103 cated thereon any sign or advertising de-  
 104 vice for the basic purpose of providing ad-  
 105 vertisement of projects or directing people  
 106 to a business activity located on the same  
 107 or nearby property or any other premises.  
 108 This section shall not prohibit "For Sale"  
 109 signs on vehicles for sale, provided the ve-  
 110 hicle is not parked on a public right-of-  
 111 way.

1 (s) No sign shall be located, erected, moved,  
2 reconstructed, extended, enlarged, con-  
3 verted or structurally altered in the Wet-  
4 land W-1 district.

5 **Sec. 66.0780 Legal Non-conforming Signs**

6 (a) Notification of non-conformance.

7 Upon determination that a sign is non-  
8 conforming, the sign administrator shall  
9 use reasonable efforts to so notify, in writ-  
10 ing, the user or owner of the property on  
11 which the sign is located of the following:

- 12 (1) The sign’s non-conformity.
- 13 (2) Whether the sign is eligible for  
14 characterization as a legal non-  
15 conforming sign or is unlawful.

16 (b) Signs eligible for characterization as legal  
17 non-conforming.

18 Any sign located within the Village limits  
19 or located in an area annexed to the Vil-  
20 lage hereafter, which does not conform to  
21 the provisions of this chapter, is eligible for  
22 characterization as a legal non-conforming  
23 sign and is permitted, providing it also  
24 meets the following requirements:

- 25 (1) The sign was covered by a sign  
26 permit prior to the date of adoption  
27 of the prior zoning ordinance, this  
28 ordinance or amendment.
- 29 (2) If no permit was required by the Vil-  
30 lage at the time, the sign was erect-  
31 ed, and the sign was not changed or  
32 altered after the effective date of this  
33 ordinance or a prior zoning ordi-  
34 nance in a manner that under this  
35 chapter would have caused a loss of  
36 non-conforming status.
- 37 (3) An existing sign located closer than  
38 ten feet to the street right-of-way in  
39 the B-3 district shall not be deemed  
40 non-conforming solely on that basis.
- 41 (4) Any existing pole sign as of No-  
42 vember 13, 2004, taller than eight  
43 feet shall be deemed non-  
44 conforming after January 1, 2015  
45 and may be replaced at its existing  
46 height, but with the sign in compli-  
47 ance with section 66.0710.

48 (c) Loss of legal non-conforming status.

49 A sign loses its legal non-conforming status  
50 when any one of the following occurs:

- 51 (1) The sign is structurally altered in  
52 any way, except for normal mainte-  
53 nance or repair, which tends to or  
54 makes the sign less in compliance  
55 with the requirements of this section  
56 then it was before alteration.

57 (2) The sign is damaged to such an ex-  
58 tent that the cost to repair or recon-  
59 struct such sign exceeds 50 percent  
60 of the assessed value of the sign.

61 (3) The design, logo or wording of the  
62 sign is altered.

63 (4) The replacement of a non-  
64 conforming sign with an identical  
65 sign may be allowed, subject to ob-  
66 taining a permit. The new sign must  
67 utilize permitted materials.

68 (d) Legal non-conforming sign maintenance  
69 and repair.

70 Nothing in this section shall relieve the  
71 owner or user of a legal non-conforming  
72 sign, or the owner of the property in which  
73 the sign is located, from the provisions of  
74 this section regarding safety, maintenance  
75 and repair of the sign. All work, including  
76 repainting, requires a permit.

77 **Sec. 66.0790 Historic Signs**

78 (a) Signs of historic significance which make a  
79 contribution to the cultural, historic or aes-  
80 thetic quality of the Village because of  
81 their unique construction materials or  
82 unique design, unusual age, prominent lo-  
83 cation within the Village, or unique crafts-  
84 manship from another period of time may  
85 be exempted from any or all size, height,  
86 animation, lighting, or setback require-  
87 ments of the section, when the Plan Com-  
88 mission finds the following conditions ex-  
89 ist:

- 90 (1) The sign is of exemplary technolo-  
91 gy, craftsmanship, or design of the  
92 period in which it was constructed;  
93 uses historic sign materials (wood,  
94 metal, or paint applied directly to a  
95 building) and means of illumination  
96 (neon or incandescent fixtures); and  
97 is not significantly altered from its  
98 historic period. If the sign has been  
99 altered, it must be restored to its his-  
100 toric function and appearance.

101 (2) The sign is integrated into the archi-  
102 tecture of a period building.

103 (3) A sign not meeting the criteria listed  
104 above may be considered if it  
105 demonstrates extraordinary aesthet-  
106 ic quality, creativity or innovation in  
107 design.

108 (b) Historic signs are exempt from the re-  
109 quirements of section 66.0780 “Legal Non-  
110 conforming Signs.” [See page 117]

1 **Sec. 66.0791 Compliance**

2 Except as otherwise authorized, no sign visible  
3 from a state or county road, from any Village  
4 street, from a private street, from a public parking  
5 lot, from a private parking lot, from the water or  
6 from any adjacent property shall be located,  
7 erected, moved, repainted with different colors,  
8 reconstructed, extended, enlarged or structurally  
9 altered, including the placement of various com-  
10 ponents of the sign, until a permit has been re-  
11 viewed and approved by the Plan Commission or  
12 designated representative and a permit has been  
13 issued to the property owner or building occupant  
14 by the Zoning Administrator. Signs located on a  
15 property or location with multiple buildings or  
16 businesses under common or separate ownership  
17 shall not be exempt from the requirements of this  
18 Code. Additions to and alterations of existing  
19 signs and support structures require a new permit.

20 Note: This entire section was revised by Ordi-  
21 nance 185-041211.

22

23

1

SEC. 66.0801 COMPLIANCE

SEC. 66.0806 RADIOACTIVITY AND ELECTRICAL DISTURBANCES

**SECTION 800 - PERFORMANCE STANDARDS**

1 **Sec. 66.0801 Compliance**

2 This chapter permits specific uses in specific dis-  
3 tricts; and these performance standards are de-  
4 signed to limit, restrict and prohibit the effects of  
5 those uses outside their premises or district. All  
6 structures, land, air and waters shall, hereafter, in  
7 addition to their use and site regulations, comply  
8 with the following performance standards.

9 **Sec. 66.0802 Air Pollution**

10 No person or activity shall emit any fly ash, dust,  
11 particulate matter, fumes, vapors, mists or gases in  
12 such quantities that would constitute a nuisance  
13 to surrounding property owners. Dust and other  
14 types of pollution borne by the wind from such  
15 sources as storage areas, yards and roads within  
16 lot boundaries shall be kept to a minimum by ap-  
17 propriate landscaping, paving, fencing or other  
18 acceptable means. The release of materials intrin-  
19 sically odorous or capable of being odorous, by  
20 either bacterial decomposition or chemical reac-  
21 tion, which renders it perceptible from beyond the  
22 lot, shall be prohibited.

23 **Sec. 66.0803 Fire and Explosive Hazards**

- 24 (a) All activities involving the utilization, pro-  
25 cessing, or storage of flammable or explo-  
26 sive materials shall be provided with ade-  
27 quate safety devices against the hazard of  
28 fire and explosion and with adequate fire-  
29 fighting and fire-suppression equipment  
30 and devices that are standard in the indus-  
31 try and approved by the Sister Bay Liberty  
32 Grove Fire Chief or designee.
- 33 (b) All materials that range from active to in-  
34 tense burning shall be utilized, processed  
35 or stored only within completely enclosed  
36 buildings, which have incombustible exte-  
37 rior walls and an automatic fire extinguish-  
38 ing systems as required by Section §14.61.  
39 Storage of flammable and explosive mate-  
40 rial, except as prohibited by subsection (c),  
41 shall be in accordance with the require-  
42 ment of chapter COMM. 10 of the Wiscon-  
43 sin Administrative Code and the require-  
44 ments of chapter NFPA 30 of the National  
45 Fire Protection Association.
- 46 (c) Notwithstanding the requirements of sub-  
47 section (b) the storage or sale of fireworks  
48 as regulated by Wisconsin State Statutes  
49 Section §167.10 shall not be permitted in

- 50 the B-1, B-2 or B-3 zoning districts except  
51 as listed below:  
52 (d) An agent of the Village of Sister Bay with  
53 the appropriate Village issued permit for a  
54 fireworks display done in conjunction with  
55 a Village festival or Village event may store  
56 fireworks for not more than 96 hours con-  
57 sistent with the storage requirements in  
58 §167.10.

59 **Sec. 66.0804 Heat**

60 No activity shall emit heat that is measurable out-  
61 side its premises except activities, which may emit  
62 direct or sky reflected heat, which shall not be felt  
63 outside their district. All operations producing in-  
64 tense heat shall be conducted within a completely  
65 enclosed building.

66 **Sec. 66.0805 Water Quality Protection**

- 67 (a) No activity shall locate, store, discharge, or  
68 permit the discharge of any treated, un-  
69 treated, or inadequately treated liquid, gas-  
70 eous, or solid materials of such nature,  
71 quantity, obnoxiousness, toxicity, or tem-  
72 perature that might run off, seep, percolate,  
73 or wash into surface or subsurface waters  
74 so as to contaminate, pollute, or harm such  
75 waters or cause nuisances such as objec-  
76 tionable shore deposits, floating or sub-  
77 merged debris, oil or scum, color, odor,  
78 taste, or unsightliness or be harmful to hu-  
79 man, animal, plant, or aquatic life.
- 80 (b) In addition, no activity shall withdraw wa-  
81 ter or discharge any liquid or solid materi-  
82 als to exceed, or contribute toward the ex-  
83 ceeding of, the minimum standards set  
84 forth in chapter NR 102 of the Wisconsin  
85 Administrative Code. No use shall dis-  
86 charge across the boundaries of the subject  
87 property, or through percolation into the  
88 subsoil, toxic or noxious material in such  
89 concentration as to be detrimental to, or  
90 endanger, the public health, safety, com-  
91 fort, welfare or cause injury or damage to  
92 any property or business. No use shall dis-  
93 charge at any point into any public or pri-  
94 vate sewage disposal system or stream, or  
95 into the ground, any liquid or solid materi-  
96 al except in accordance with the regula-  
97 tions of the state department of natural re-  
98 sources.

99 **Sec. 66.0806 Radioactivity and Electrical Dis-**  
100 **turbances**

101 No activity shall emit radioactivity or electrical  
102 disturbances outside its premises that affect the  
103 use of neighboring premises.

1 **Sec. 66.0807 Vibration** 55  
 2 No activity in any district shall emit vibrations, 56  
 3 which are discernible by the Zoning Administrator 57  
 4 without instruments outside its premises. Any 58  
 5 construction or utility installation activity that re- 59  
 6 quires blasting of rock shall require a notification 60  
 7 plan for neighboring properties and the issuance 61  
 8 of a permit by the Zoning Administrator. 62  
 9 **Sec. 66.0808 Noise** 63  
 10 Any activity or operation of any use producing 64  
 11 noise, other than ordinary vehicular noise, shall 65  
 12 be conducted so that no noise from the activity or 66  
 13 operation shall exceed the following limits at any 67  
 14 point off the lot on which the use is located: resi- 68  
 15 dential districts—65 decibels and business dis- 69  
 16 tricts—70 decibels. 70  
 17 **Sec. 66.0809 Outdoor Lighting** 71  
 18 (a) Purpose. Purpose and intent: 72  
 19 This section regulates all outdoor lighting 73  
 20 installed on residential, business and insti- 74  
 21 tutional sites, both publicly and privately 75  
 22 owned within the Village, with the excep- 76  
 23 tion of outdoor lighting on public streets, 77  
 24 public bikeways and public walkways. The 78  
 25 purpose of this section is to create stand- 79  
 26 ards for outdoor lighting that do not inter- 80  
 27 fere with the reasonable use of residential, 81  
 28 business and institutional sites, that prevent 82  
 29 light trespass and conserve energy yet 83  
 30 maintain night time safety. If outdoor light- 84  
 31 ing is installed, it shall be in conformance 85  
 32 with the provisions of this section of the 86  
 33 Municipal Code, the building code and all 87  
 34 other codes and regulations as applicable 88  
 35 and under appropriate permit and inspec- 89  
 36 tion. 90  
 37 (b) General requirements: 91  
 38 (1) All outdoor lighting fixtures installed 92  
 39 November 13, 2004 and thereafter 93  
 40 maintained upon private or public 94  
 41 residential, business, and institu- 95  
 42 tional property shall comply with 96  
 43 the following: 97  
 44 a. The maximum allowable 98  
 45 light trespass shall be 0.5 99  
 46 horizontal foot-candles four 100  
 47 feet above ground. The point 101  
 48 of measurement of this of- 102  
 49 fending light shall be at the 103  
 50 property line for residential, 104  
 51 commercial, institutional or 105  
 52 public use. The measurement 106  
 53 shall not include any ambi- 107  
 54 ent natural light. 108  
 109  
 110

b. Light sources shall be shield-  
 ed or installed so that there is  
 not a direct line of sight be-  
 tween the light source and its  
 reflection and at a point five  
 feet or higher above the  
 ground of adjacent property  
 and public streets. The light  
 source shall not be of such  
 intensity to cause discomfort  
 or annoyance.  
 c. Any outdoor lighting fixture  
 installed on a parking lot  
 shall use metal halide lamps.  
 d. The lighting system shall be  
 extinguished or reduced to  
 fifty percent no later than  
 thirty minutes after the close  
 of business for the day. The  
 fifty percent reduction shall  
 be applied to the entire lot or  
 structure.  
 e. All lamp types utilized for  
 search lighting shall not be  
 allowed. Outdoor lighting  
 fixtures used to illuminate  
 sports fields and tennis courts  
 shall be reduced by 50%  
 past 10:00 PM.  
 f. Flashing, flickering, and oth-  
 er distracting lighting, which  
 may distract motorists is pro-  
 hibited.  
 g. Light fixtures shall not be  
 permitted within required  
 buffer yards.  
 (2) All outdoor fixtures installed prior to  
 November 13, 2004 shall be ex-  
 empt from this section except as fol-  
 lows:  
 a. If any modifications, con-  
 struction or changes to an  
 existing outdoor lighting fix-  
 ture system is proposed to af-  
 fect fifty percent or more of  
 the total number of fixtures,  
 then all fixtures shall comply  
 with the provisions of this  
 section.  
 b. All outdoor lighting fixtures  
 installed on R-2 residential  
 projects or sites shall con-  
 form to subsection (c)(3)  
 herein.  
 (3) All outdoor lighting fixtures shall be  
 maintained according to materials

initially submitted to the Plan Commission.

(4) Trees and shrubbery shall not be located where they significantly reduce or block parking lot or roadway lighting.

(5) Outdoor lighting fixtures may be used to illuminate buildings and structures; recreational areas, sports fields and tennis courts, parking lots, parking structures, garages, landscape areas, product display areas, building overheads and open canopies. Outdoor lighting fixtures may be installed to provide building and parking lot security.

(c) Specific design requirements

(1) A lighting system for parking facilities and outdoor merchandising areas in commercial, institutional, agricultural, and recreational areas shall be designed to provide the lighting intensities and uniformities described as follows:

- a. Open Parking Facilities. The illumination requirements of an open parking facility depend on the amount of usage the facility receives. Three levels of activity shall be established as High, Medium and Low, reflecting both traffic and pedestrian activity. The following examples are nonexclusive and include:
  - b. High Activity Facilities: for athletic events or major cultural or civic events.
  - c. Medium Activity: shopping centers, retail parking areas, hospital and clinic parking, cultural civic or recreational events and fast food facilities.
  - d. Low Activity: employee parking, educational facility, office buildings and church parking.

50 Horizontal Illumination for Parking Facilities

51 Open Parking Facilities

	General Parking & Pedestrian Area			Vehicle Use Area (Driveway)			
Level of Activity	Minimum Foot-candle* (FC) on pavement	Maximum Average F-C on pavement	Maximum Uniformity Ratio* (Ave.-Min)	Maximum Watts/Sq. Foot Light Load**	Min. Foot-candles* on pavement	Max. Ave. Foot-candles on pavement	Maximum Uniformity Ratio* (Ave.-Min)
High	0.6fc	3.75fc	5:1	0.12	.67fc	2.5fc	5:1
Med	0.4fc	2.5fc	5:1	0.1	.33fc	1.5fc	5:1
Low	0.2fc	1.5fc	5:1	0.08	.125fc	1.0fc	5:1

52 Covered Parking Facilities

Areas	Minimum Foot-candles Average on Pavement	Minimum Foot-candles on Pavement	Maximum Average Foot-candles on Pavement	Maximum Uniformity Ratio (Ave.-Min.)	Maximum Watts/Sq. Ft. Lighting Load
General Parking and Pedestrian Area	5fc	1.25fc	9fc	4:1	0.2
Private Controlled Entry Parking	3fc	.75fc	6fc	4:1	0.2

53 \*Not mandatory within four feet of the pavement edge

54 \*\*Not mandatory for driveways

55 Watts shall mean lamp wattage and ballast consumption

- 56 (2) An outdoor lighting system for illuminating buildings and structures shall have a maximum connected lighting load of five watts per lineal foot. Watts shall mean lamp wattage and ballast consumption.
- 57 (3) An R-2 residential site shall be lighted to provide at least .25 foot-candle on any surface in the lot with an average illumination level of at least .75 foot-candles.
- 58 (4) Outdoor light fixtures shall be designed and installed to minimize light trespass. The uniformity ratio between the average illumination and minimum illumination shall be no greater than 4:1.
- 59 (5) For an outdoor merchandising area, the maximum level in 75% of the lot shall not exceed 20 foot-candles. A contiguous area not to exceed 25% of the lot may be illuminated

- 1 to a level, which shall not exceed  
 2 40 foot-candles.  
 3 (6) The maximum illumination level  
 4 under an outdoor canopy shall not  
 5 exceed 20 foot-candles at any point.  
 6 (7) Lighting systems that project light  
 7 upwards such as architectural and  
 8 sign lighting shall be designed to  
 9 minimize the amount of light that  
 10 does not illuminate the target area.

11 (d) Approval procedures.

12 Any person desiring to install outdoor light-  
 13 ing fixtures shall submit to the Zoning Ad-  
 14 ministrator and Village Engineer for review  
 15 the following material:

- 16 (1) A catalog page, cut sheet or photo-  
 17 graph of the lighting fixtures, includ-  
 18 ing the mounting method.  
 19 (2) A photometric data test report of the  
 20 proposed lighting fixture graphically  
 21 showing the lighting distribution in  
 22 all angles vertically and horizontally  
 23 around the fixture.  
 24 (3) A plot plan showing the location of  
 25 all outdoor lighting fixtures pro-  
 26 posed, the mounting or installation  
 27 height, the overall illumination lev-  
 28 els and uniformities and the point  
 29 where 0.5 horizontal foot-candles  
 30 occurs on the property or adjacent  
 31 property at a distance four feet  
 32 above the ground. This may be ac-  
 33 complished by means of an isolux  
 34 curve or computer printout project-  
 35 ing the illumination levels.  
 36 (4) A graphic depiction of the lighting  
 37 fixture's lamp concealment and  
 38 light cutoff angles.  
 39 (5) Upon review of the material de-  
 40 scribed above, the Zoning Adminis-  
 41 trator and Village Engineer may au-  
 42 thorize the installation of outdoor  
 43 lighting fixtures.

44 (e) Supplemental Information

45 The following table provides a reference  
 46 point for visualizing low-level foot-candles.  
 47 A 4-watt night lamp was used to determine  
 48 the listed values. The used light meter's  
 49 lowest measurable reading is 0.1 fc (with  
 50 +/- 5% accuracy). Readings were taken 8-  
 51 inches below the 4-watt lamp.  
 52

<i>Table Of Foot-Candle Readings</i>	
<i>Reading Location</i>	<i>Foot-Candle (Fc)</i>
At Lamp	1.5 fc
1-Foot	0.9 fc
2-Foot	0.2 fc
3-Foot	> 0.1 fc < 0.2 fc
46-inch	0.1 fc
> 46-inch	>0.0 fc < 0.1 fc

53

54

1

SECTION 900 - NON-CONFORMING USES, STRUCTURES AND LOTS

1 Note: This entire section was revised by Ordinance 171-071310.

3 Sec. 66.0900 Non-Conforming Use Definitions

5 The following definitions and categories shall apply to non-conforming uses and structures.

7 (a) Detrimental non-conformities are those that have a negative impact on the health and safety of the public. Detrimental non-conformities have the potential for harm.

11 (b) Benign non-conformities are those that do not have a negative impact on the health and safety of the public, but may have a negative impact on public welfare.

15 (c) Health and Safety of the Public is the protection from injury, illness, danger and other harm.

18 (d) Public welfare is the protection from nuisances, economic interest, convenience, community character and the vision expressed in the Village's Smart Growth Plan.

22 (e) Detrimental Non-conforming Uses: Detrimental non-conforming uses are those non-conforming uses, which are not compatible with permitted uses in the zoning district and which, if permitted to continue or expand, would have a detrimental effect on those uses permitted in the zone. Detrimental non-conforming uses shall include the following:

- 31 (1) Commercial and industrial uses in residential and institutional zones.
32 (2) Industrial uses in commercial zones.
33 (3) In commercial zones, residential uses not specifically permitted in the zone

37 (f) Benign Non-conforming Uses: Benign non-conforming uses are those uses other than detrimental non-conforming uses, which are generally not detrimental in the zone where they are located and include the following:

- 43 (1) In residential zones those non-conforming residential uses, which do not conform to the population density standards for the zone in which, they are located.
48 (2) In commercial zones those non-conforming uses, which are of the

50 same general type as those uses
51 permitted in the zone and are de-
52 termined by the Plan Commission to
53 be not incompatible with permitted
54 uses.

55 Sec. 66.0901 Existing Non-Conforming Uses

56 The lawful non-conforming use of land, or water;
57 or a lawful non-conforming use on a conforming
58 or non-conforming lot which existed at the time of
59 the adoption or amendment of this chapter may
60 be continued although the use does not conform
61 with the provisions of this chapter; however,

62 (a) Expansion prohibited. Only that portion of the land or water in actual use may be so continued and the use may not be extended, enlarged, substituted or moved; except when required to do so by law or order or so as to comply with the provisions of this chapter. The expansion of parking or loading space to conform to the code is permitted.

71 (b) Discontinuance. If such non-conforming use is discontinued or terminated for a period of 12 consecutive months, any future use of the land or water shall conform to the provisions of this chapter. When a portion of a non-conforming use ceases on a portion of the land or water that portion of the non-conforming use shall be terminated.

80 (c) Burden of proof. The owners of property claiming to have a legal non-conforming use or a lawful conditional use, have the burden to prove that such use is in fact a non-conforming use or lawful conditional use in accordance with section 66.0922 [See page 127] of this chapter.

88 (d) Changes and substitutions.
89 (1) A non-conforming use of land may be changed to a less intense non-conforming use with the approval of a conditional use permit by the Plan Commission when it can be demonstrated that the new use is in fact less detrimental to the other uses in the area.
96 (2) Once a non-conforming use has been changed to conform, it shall not revert to a non-conforming use.
100 (3) Once the Plan Commission has permitted the substitution of a less restrictive non-conforming use for an existing non-conforming use, the

1 substituted use shall lose its status as  
 2 a legal non-conforming use and be-  
 3 come subject to all the conditions  
 4 required by the Plan Commission.

5 **Sec. 66.0902 Conforming Structures on Non-**  
 6 **Conforming Lots**

- 7 (a) Continued use allowed.  
 8 The use of a conforming structure existing  
 9 at the time of the adoption or amendment  
 10 of this chapter may be continued although  
 11 the lot area or lot width does not conform  
 12 to the requirements of this chapter.  
 13 (b) Additions and enlargements.  
 14 Additions and enlargements to the con-  
 15 forming structures are permitted and shall  
 16 conform to the established building set-  
 17 back, height, parking, loading and access  
 18 provisions of this chapter.  
 19 (c) Existing structures on non-conforming lots.  
 20 Existing conforming structures on non-  
 21 conforming lots, which are damaged or de-  
 22 stroyed by fire, explosion, flood, or other  
 23 calamity, may be reconstructed and shall  
 24 conform to the established building set-  
 25 back, height, parking, loading, and access  
 26 provisions of this chapter.

27 **Sec. 66.0910 Non-Conforming Structure Def-**  
 28 **initions**

29 The following definitions and categories shall ap-  
 30 ply to non-conforming structures.

- 31 (a) Detrimental non-conformities are those  
 32 that have a negative impact on the health  
 33 and safety of the public. Detrimental non-  
 34 conformities have the potential for harm.  
 35 (b) Benign non-conformities are those that do  
 36 not have a negative impact on the health  
 37 and safety of the public, but may have a  
 38 negative impact on public welfare.  
 39 (c) Health and Safety of the Public is the pro-  
 40 tection from injury, illness, danger and  
 41 other harm.  
 42 (d) Public welfare is the protection from nui-  
 43 sances, economic interest, convenience,  
 44 community character and the vision ex-  
 45 pressed in the Village's Smart Growth Plan.  
 46 (e) Detrimental Non-conforming Structures.  
 47 Detrimental non-conforming structures are  
 48 those designed for detrimental uses not  
 49 permitted in the zone and cannot be rea-  
 50 sonably structurally altered to house a con-  
 51 forming use. Such structures include the  
 52 following:

- 53 (1) In residential and institutional  
 54 zones, commercial and industrial  
 55 buildings.  
 56 (2) In commercial zones, industrial  
 57 buildings.  
 58 (3) In commercial zones, residential  
 59 buildings not specifically permitted  
 60 in the zone  
 61 (f) Benign Non-conforming Structures:  
 62 Benign non-conforming structures are  
 63 those structures other than detrimental  
 64 non-conforming structures, which are gen-  
 65 erally not detrimental in the zone where  
 66 they are located and include the following:  
 67 (1) In residential zones, buildings non-  
 68 conforming by reason of being de-  
 69 signed for residential uses which are  
 70 not permitted in the zone in which  
 71 they are located.  
 72 (2) Any building other than a detri-  
 73 mental non-conforming building,  
 74 which does not conform to the  
 75 height, yard, setback, parking load-  
 76 ing, open space requirements of the  
 77 zone where it is located.

78 **Sec. 66.0911 Non-Conforming Structures**

79 The use of a structure existing at the time of the  
 80 adoption or amendment of this chapter may be  
 81 continued although the structure's size or location  
 82 does not conform to the established building set-  
 83 back, height, parking, loading and/or access pro-  
 84 visions of this chapter.

- 85 (a) Discontinuance.  
 86 If such use of a non-conforming structure is  
 87 discontinued or terminated for a period of  
 88 12 consecutive months, any future use of  
 89 the structure shall conform to the provi-  
 90 sions of this chapter. When the use of a  
 91 portion of a non-conforming structure  
 92 ceases that portion of the non-conforming  
 93 use shall be terminated.  
 94 (b) Burden of proof.  
 95 The owners of property claiming to have a  
 96 legal non-conforming structure or a lawful  
 97 conditional use, have the burden to prove  
 98 that such use is in fact a non-conforming  
 99 structure or lawful conditional use in ac-  
 100 cordance with section 66.0922 [See page  
 101 127] of this chapter.  
 102 (c) Additions and enlargements to existing detri-  
 103 mental non-conforming structures.  
 104 Detrimental non-conforming structures  
 105 shall not be moved, enlarged, remodeled  
 106 or modified except for the purpose of mak-

ing them suitable for a conforming use. A detrimental non-conforming structure may be modified to permit a less intense non-conforming use with the approval of a conditional use permit by the Plan Commission when it can be demonstrated that the new use is in fact less detrimental to the other uses in the area.

(d) Additions and enlargements to existing benign non-conforming structures.

Benign non-conforming structures shall not be moved, enlarged or modified unless the structure(s) including the additions and enlargements is made to conform in every respect to the requirements of the zone where the structure is located. However, the Plan Commission may approve conditional use permits for the expansion or redevelopment of properties, which have been previously developed and do not conform to the requirements in this Code, provided that the expansion or redevelopment is designed for a permitted use. The conditional use permits may permit deviation from the regulations, including parking requirements, when it can be found that:

- (1) Strict conformance to the Zoning Code requirements would preclude viable expansion or redevelopment of the site.
- (2) Strict conformance to the Zoning Code would result in disorderly or illogical transitions between existing and expanded areas of the site.
- (3) Deviation from the Zoning Code regulations would not jeopardize the public health, safety and welfare and would produce a quality built environment.
- (4) De-minimis deviations from a dimensional requirement or standard would not have a negative impact on neighborhood character.

(e) Damage to existing non-conforming structures.

Existing benign non-conforming structures which are damaged by fire, explosion, flood, or other calamity may be reconstructed and insofar as is practicable shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter. Existing detrimental non-conforming structures which are damaged by fire, explosion, flood, or other calamity to the extent that such damage is

more than 50 percent of the current equalized assessed value of the structure shall not be reconstructed. (*Amended Ordinance 206-100912*)

(f) Remodeling existing non-conforming structures.

Existing benign non-conforming structures, which are remodeled or reconstructed shall conform to the established building setbacks, height, parking, loading, and access provisions of this chapter. (*Amended Ordinance 206-100912*)

**Sec. 66.0920 Existing Non-Conforming Lots**

A lot which is located in the B-1 business and R-1, R-2 and R-3 residential zoning districts which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 65 feet in width at the building line and 65 feet in width at the ordinary high-water mark or rear lot line, and which is 10,000 square feet in area, may be used as a building site providing that the use is permitted in the zoning district, providing the lot is on record in the county register of deeds office prior to November 16, 1973, and providing the lot is in separate ownership from abutting lands.

**Sec. 66.0921 Wetland Non-Conforming Uses**

Notwithstanding section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling, or expansion of a legal non-conforming structure, or any environmental control facility related to a legal non-conforming structure, located in the W-1 district and in existence at the time of adoption or subsequent amendment of this chapter, or of an environmental control facility in existence on November 13, 2004, related to that structure is permitted pursuant to section 62.231(5) of the Wisconsin Statutes section 62.23(7)(h), however, applies to any environmental control facility that was not in existence on November 13, 2004, but was in existence on the effective date of this chapter or amendment.

**Sec. 66.0922 Interpretation and Proof of Uses**

The owners of property who want to alter their use that they claim is either a legal non-conforming use or a lawful conditional use should apply for the alteration of the use, or the building in which it is located, with the Zoning Administrator. The Zoning Administrator, after a review of Village records, may require documentation of the applicant to prove his/her claim. Based upon a review of the submitted documentation, the Zoning Administrator may approve or deny the appli-

1 cant's claim. If denied, the applicant may seek an  
2 interpretation of the matter from the Plan Com-  
3 mission.

4 Note: This entire section was revised by Ordi-  
5 nance 171-071310.

6

1

**SECTION 1000 – OTHER PERMITS AND REGULATIONS**

**1 Sec. 66.1000 Tree Cutting Regulations**

2 (a) Tree cutting regulations: 57  
 3 Outside of the area delineated as the Bluff 58  
 4 Overlay district, the purpose of tree cutting 59  
 5 regulations applicable to the shorelands 60  
 6 area are to protect scenic beauty, control 61  
 7 erosion and reduce effluent and nutrient 62  
 8 flow from the shore land. 63  
 9 (1) Tree cutting. Tree cutting in a strip 64  
 10 paralleling the shoreline and extending 65  
 11 350 feet inland from all 66  
 12 points along the normal high-water 67  
 13 mark of the shoreline shall be limited 68  
 14 in accordance with the following: 69  
 15  
 16 a. No more than 30 percent of 70  
 17 the length of this strip (as 71  
 18 measured along the ordinary 72  
 19 high-water mark) shall be 73  
 20 clear-cut to the depth of the 74  
 21 strip. 75  
 22 b. Provided, further, that cutting 76  
 23 of this 30 percent shall not 77  
 24 create a clear-cut opening in 78  
 25 this strip greater than 30 feet 79  
 26 wide for every 100 feet of 80  
 27 shoreline measured along the 81  
 28 ordinary high-water mark. 82  
 29 c. In the remaining 70 percent 83  
 30 length of this strip (distance 84  
 31 measured along the ordinary 85  
 32 high-water mark), cutting 86  
 33 shall leave sufficient cover to 87  
 34 screen cars, dwellings, ac- 88  
 35 cessory structures, except 89  
 36 boathouses, as seen from the 90  
 37 water and to control erosion. 91  
 38 (2) Special cutting plan. A special cut- 92  
 39 ting plan allowing greater cutting 93  
 40 may be permitted by the Plan 94  
 41 Commission by issuance of a condi- 95  
 42 tional use permit. In applying for 96  
 43 such a permit, the commission may 97  
 44 require the lot owner to submit a 98  
 45 drawing of his/her lot including the 99  
 46 following information: location of 100  
 47 all structures, location of parking, 101  
 48 and gradient of the land, existing 102  
 49 vegetation, proposed cutting and 103  
 50 proposed replanting. The commis- 104  
 51 sion may grant such a permit only if 105  
 106  
 107

it finds that such special cutting 52  
 plans: 53  
 a. Will not cause undue erosion 54  
 or destruction of scenic 55  
 beauty. 56  
 b. Will provide substantial 57  
 shielding from the water of 58  
 dwellings, accessory struc- 59  
 tures and parking area. The 60  
 commission may condition 61  
 such a permit upon a guaran- 62  
 tee of tree planting by the lot 63  
 owner. Such an agreement 64  
 shall be enforceable in court. 65  
 c. Is consistent with accepted 66  
 forest management practices. 67  
 (3) Tree topping. Tree topping which is 68  
 defined as tree cutting or sculptur- 69  
 ing where only a portion of the tree 70  
 is removed to improve the view is 71  
 prohibited within the shoreland area 72  
 of the Village. 73  
 (b) Tree cutting regulations beyond the shore 74  
land area. 75  
 (1) Purpose. The purpose of these regu- 76  
 lations is to provide for the protec- 77  
 tion and preservation of the trees 78  
 and woodlands of the Village be- 79  
 yond the shoreland area. The Vil- 80  
 lage recognizes in the Village Com- 81  
 prehensive Plan that woodlands, 82  
 wetlands and open space areas 83  
 serve as wildlife habitat, flood stor- 84  
 age areas and provide natural set- 85  
 tings for the Village and that they 86  
 should be protected. In addition, 87  
 woodlands are an integral and im- 88  
 portant part of the Village's attrac- 89  
 tiveness as a residential, recreation- 90  
 al and resort community and as 91  
 such provide an important econom- 92  
 ic asset to the Village. 93  
 (2) Applicability. These tree-cutting 94  
 regulations shall apply to that area 95  
 of the Village in all zoning districts 96  
 outside of the shore land area and 97  
 Bluff Overlay district. These regula- 98  
 tions shall apply to trees or similar 99  
 woody vegetation having at least 100  
 one well-defined stem at least three 101  
 inches in diameter measured at a 102  
 height of 4 1/2 feet above the 103  
 ground. These regulations shall not 104  
 apply to the removal of dead, dis- 105  
 eased or dying trees when removed 106  
 using accepted forest management 107

1 practices and sound soil conserva- 57  
 2 tion practices or the management of 58  
 3 an orchard. 59  
 4 (3) Tree cutting provisions. Trees or 60  
 5 similar woody vegetation shall only 61  
 6 be removed if one or more of the 62  
 7 following conditions are present: 63  
 8 a. Necessity to remove trees, 64  
 9 which pose a safety hazard 65  
 10 to pedestrian or vehicular 66  
 11 traffic or threaten to cause 67  
 12 disruption of public services. 68  
 13 b. Necessity to remove trees 69  
 14 which pose a safety hazard 70  
 15 to buildings. 71  
 16 c. Necessity to remove diseased 72  
 17 trees or trees weakened by 73  
 18 age, storm, fire or other inju- 74  
 19 ry. 75  
 20 d. Necessity to observe good 76  
 21 forestry practices, i.e., the 77  
 22 number of healthy trees that 78  
 23 a given parcel of land will 79  
 24 support. 80  
 25 e. Necessity to remove trees in 81  
 26 order to construct permitted 82  
 27 structures and because of the 83  
 28 need for: access around the 84  
 29 proposed structure for con- 85  
 30 struction equipment; access 86  
 31 to the building site for con- 87  
 32 struction equipment; essen- 88  
 33 tial grade changes, surface 89  
 34 water drainage and utility in- 90  
 35 stallations. Only those areas 91  
 36 approved for the placement 92  
 37 of a physical improvement 93  
 38 may be cleared of trees. 94  
 39 f. Necessity for compliance 95  
 40 with other ordinances. 96  
 41 g. Necessity to provide access 97  
 42 to sunlight for solar collec- 98  
 43 tors. 99  
 44 (4) Cutting plan. As an alternative to 100  
 45 subsection (b) of this section, a spe- 101  
 46 cial cutting plan allowing greater 102  
 47 cutting may be permitted by the 103  
 48 Plan Commission by issuance of a 104  
 49 conditional use permit. In applying 105  
 50 for such a permit, the commission 106  
 51 shall require the lot owner to submit 107  
 52 a drawing of his/her lot, including 108  
 53 the following information: location 109  
 54 of parking, location of improve- 110  
 55 ments, gradient of the land, existing 111  
 56 vegetation, proposed cutting and 112  
 113

proposed replanting. The commis-  
 sion may grant such a permit only if  
 it finds that such special cutting  
 plans:  
 (5) Will not cause undue erosion or de-  
 struction of scenic beauty; and  
 (6) Shall be accomplished using ac-  
 cepted forest management practices  
 and sound soil conservation prac-  
 tices.  
 (c) Compliance with land use disturbance  
 provisions.  
 Tree cutting shall comply with section  
 66.1015 of this section, land disturbance  
 use or activity.

**Sec. 66.1015 Land Disturbance Regulations.**

(a) General design principles.  
 Control measures shall apply to all aspects  
 of the proposed land disturbance use or ac-  
 tivity and shall be in operation during all  
 stages of the disturbance activity. The fol-  
 lowing principles shall apply to soil ero-  
 sion and sediment control:  
 (1) Stripping of vegetation, grading or  
 other soil disturbance shall be done  
 in a manner, which will minimize  
 soil erosion.  
 (2) No site shall be cleared of top soil,  
 trees and other natural features be-  
 fore the zoning and building permits  
 are issued. Whenever feasible, natu-  
 ral vegetation shall be retained and  
 protected. Only those areas ap-  
 proved for the placement of physi-  
 cal improvements may be cleared.  
 The extent of the disturbed area and  
 the duration of its exposure shall be  
 kept within practical limits.  
 (3) Temporary seeding, mulching or  
 other suitable stabilization measures  
 shall be used to protect exposed  
 critical areas during construction or  
 other land disturbance.  
 (4) Drainage provisions shall accom-  
 modate increased runoff resulting  
 from modified soil and surface con-  
 ditions during and after develop-  
 ment or disturbance. Water from the  
 land disturbing activity shall not  
 create a hazard by exceeding the  
 safe capacity of the receiving water  
 body in the area; shall not cause  
 undue channel erosion or an undue  
 increase in water pollution by in-  
 creased scour and transport of parti-  
 cles; shall not otherwise endanger

1 the downstream property owners or 57  
 2 their property; and shall not cause 58  
 3 property damage, nuisance or ero- 59  
 4 sion on adjacent properties. Safe 60  
 5 capacity is defined as the rate of 61  
 6 flow that can be handled without 62  
 7 flooding. Such provisions shall be in 63  
 8 addition to all existing require- 64  
 9 ments. The Village Engineer shall 65  
 10 review and approve all storm water 66  
 11 and drainage plans for the project. 67  
 12 (5) Water runoff shall be minimized 68  
 13 and retained on the site whenever 69  
 14 possible to facilitate groundwater 70  
 15 recharge. 71  
 16 (6) Sediment shall be retained on the 72  
 17 site. 73  
 18 (7) Diversions, sediment basins and 74  
 19 similar required structures shall be 75  
 20 installed prior to any on-site grading 76  
 21 or disturbance. 77  
 22 (b) Maintenance. 78  
 23 All necessary soil erosion and sediment 79  
 24 control measures installed under this chap- 80  
 25 ter shall be adequately maintained until 81  
 26 such measures are permanently stabilized, 82  
 27 as determined by the Zoning Administra- 83  
 28 tor. The Zoning Administrator shall give 84  
 29 the applicant, upon request, a certificate 85  
 30 indicating the date on which the measures 86  
 31 called for in the approved plans were 87  
 32 completed. 88  
 33 (c) Filling and dumping regulations. 89  
 34 In order to promote the health and safety of 90  
 35 the Village, to protect life and property 91  
 36 from flooding, to preserve stormwater re- 92  
 37 tention areas, and to ensure consistency 93  
 38 with the comprehensive plan, filling and 94  
 39 dumping activity shall require a condition- 95  
 40 al zoning permit in the case where a build- 96  
 41 ing permit is not required, when the filling 97  
 42 and dumping increases the original base 98  
 43 elevation more than six inches. 99  
 44 (d) Exemptions. 100  
 45 Agricultural activities are specifically ex- 101  
 46 empt from this section. 102  
 47 **Sec. 66.1020 Pier Permits** 103  
 48 (a) Definitions. The definitions contained 104  
 49 within Wisconsin Statutes Section 30.01 105  
 50 are incorporated in and adopted as part of 106  
 51 this section (Amended Ordinance 112- 107  
 52 102505). 108  
 53 (1) Pier. Means any structure extending 109  
 54 into navigable waters from the shore 110  
 55 with water on both sides, built or 111  
 56 maintained for the purpose of 112

providing a berth for watercraft or  
 for loading or unloading cargo or  
 passengers onto or from watercraft.  
 Such a structure may include a boat  
 shelter, which is removed seasonal-  
 ly. Such a structure may include a  
 boat hoist or boatlift, and the hoist  
 or lift may be permanent or may be  
 removed seasonally. The term  
 "dock" shall also mean pier.  
 (2) Pre-existing Pier. A pier that has  
 been placed in the riparian zone in  
 the same general location and with  
 the same general size and configu-  
 ration during any of the three years  
 prior to the enactment of this sec-  
 tion is considered a pre-existing pier  
 if it is not extended or expanded af-  
 ter the adoption of this section dat-  
 ed October 25, 2005. The seasonal  
 removal of a pier does not affect its  
 status as a permissible pre-existing  
 pier if it is re-established in substan-  
 tially the same form and same gen-  
 eral location.  
 (3) Riparian Zone. The area of water  
 adjacent to a parcel of riparian land  
 within which the riparian owner  
 may place structures. The riparian  
 zone is bounded by the land and  
 the line of navigation. The side  
 boundaries of the riparian zone are  
 to be determined consistent with  
 Wisconsin Administrative Code Sec-  
 tion NR 326.07.  
 (b) Permit Required.  
 (1) No riparian shall construct any pier  
 in the Village without first having  
 secured a permit therefore from the  
 Village. A permit is valid for the life  
 of the pier, whether a permanent or  
 portable pier, as long as its location  
 and construction remain substantial-  
 ly unchanged and the pier and its  
 use comply with the provisions of  
 this section.  
 (2) Any required U.S. Army Corps of  
 Engineers or Department of Natural  
 Resources permit required for the  
 proposed pier shall be obtained pri-  
 or to issuance of a pier permit from  
 the Village of Sister Bay.  
 (3) The applicant for any pier used for  
 commercial purposes, to generate  
 revenue, or in riparian zones abut-  
 ting multiple-family residential

- 1 housing shall make application to 56  
 2 the Plan Commission of the Village 57  
 3 of Sister Bay for a pier permit and 58  
 4 must meet all standards of this sec- 59  
 5 tion. 60  
 6 (4) A pre-existing pier, which fails to 61  
 7 conform to the requirements of this 62  
 8 section, is permissible as a non- 63  
 9 conforming structure. Owners of 64  
 10 nonconforming structures may per- 65  
 11 form repairs and maintenance upon 66  
 12 the nonconforming structure with- 67  
 13 out expanding the structure. A per- 68  
 14 mit shall be required for any modi- 69  
 15 fication of a pre-existing pier. 70
- 16 (c) Application for Permit. 71  
 17 All applications for a permit shall be in 72  
 18 writing on forms provided by the Village 73  
 19 Administrator. The application shall in- 74  
 20 clude a copy of any permit required by the 75  
 21 U.S. Army Corps of Engineers and/or De- 76  
 22 partment of Natural Resources. The appli- 77  
 23 cation shall include the fee as established 78  
 24 by resolution of the Board of Trustees to be 79  
 25 the same as a standard zoning permit. 80
- 26 (d) Determination of Applicability. 81  
 27 The Village may determine that the opin- 82  
 28 ion of a consultant is necessary to deter- 83  
 29 mine whether the pier proposed by the ap- 84  
 30 plicant meets the standards of this ordi- 85  
 31 nance or may have an environmental im- 86  
 32 pact. In such event, the applicant shall be 87  
 33 required to reimburse the Village for all 88  
 34 consulting fees and expenses incurred in 89  
 35 such review. 90
- 36 (e) Standards for Pier Construction 91  
 37 (1) No solid pier or pier that uses rock- 92  
 38 filled cribs as a foundation shall be 93  
 39 allowed unless a permit for such 94  
 40 pier has been issued by the De- 95  
 41 partment of Natural Resources. 96  
 42 (2) No pier shall totally enclose any 97  
 43 portion of navigable waters. 98  
 44 (3) No pier shall be placed less than 25 99  
 45 feet from the side boundaries of the 100  
 46 owner's riparian zone. 101  
 47 (4) No pier may include attached light- 102  
 48 ing in excess of that required in aid 103  
 49 to navigation, or signs unless they 104  
 50 are specifically authorized in per- 105  
 51 mits issued by the Department of 106  
 52 Natural Resources, Wisconsin De- 107  
 53 partment of Transportation or U.S. 108  
 54 Army Corps of Engineers. Low-level 109  
 55 pedestrian lighting shall be permit- 110  
 111
- ted consistent with the requirements 56  
 of Section 66.0809 [See page 121]. 57  
 (5) All pier materials shall be of neutral 58  
 colors so that they blend in with 59  
 surroundings. 60  
 (6) No roofs, canopies, decks, water 61  
 slides or other construction not es- 62  
 sential for mooring watercraft shall 63  
 be permitted. 64  
 (7) No pier shall unreasonably obstruct 65  
 navigation or otherwise interfere 66  
 with public rights in navigable wa- 67  
 ters. 68  
 (8) No pier shall unreasonably interfere 69  
 with the rights of other riparian's. 70  
 (9) No pier shall be constructed or 71  
 maintained with a screen or in any 72  
 other manner, which would trap or 73  
 accumulate aquatic plants. 74  
 (10) Unless they are pre-existing, the to- 75  
 tal number of piers shall not exceed 76  
 one (1) for riparian zones abutting 77  
 parcels with single-family dwellings 78  
 and shall not exceed two (2) for ri- 79  
 parian zones abutting parcels with 80  
 two-family dwellings. The total 81  
 number of piers for riparian zones 82  
 abutting multiple-family residential 83  
 developments, or common areas for 84  
 condominiums or residential subdivi- 85  
 sions, shall be determined by the 86  
 Plan Commission, but shall not ex- 87  
 ceed the total number of dwelling 88  
 units. 89  
 (11) No parcel of land shall have more 90  
 than one pier. The pier shall be 91  
 sized so as to accommodate no 92  
 more than a total of three boats or 93  
 watercraft. 94
- (f) Removal of Unlawful Construction. 95  
 Any pier that is not in compliance with the 96  
 requirements of this section shall constitute 97  
 an unlawful obstruction to navigable wa- 98  
 ters, and the procedures for removal of 99  
 such unlawful structures shall be as pro- 100  
 vided in Wisconsin Statutes Section 30.13. 101  
 Any pier that is not in compliance with the 102  
 provisions of this section shall constitute a 103  
 public nuisance and may be subject to 104  
 abatement procedures as provided by law. 105
- (g) Enforcement; Forfeiture. 106  
 Any person or entity in violation of this 107  
 section may be subject to a forfeiture of up 108  
 to \$100, plus costs, for each violation, with 109  
 each day that the unlawful structure re- 110  
 mains in place constituting a separate of- 111

fense. In addition, the Village may seek an order to abate the public nuisance, seek removal of the unlawful structure under applicable law and may be awarded the costs of prosecution, including reasonable attorney fees, for any proceeding filed hereunder.

(h) Conditional Use Permit.

(1) An applicant for a pier permit may request a conditional use permit to vary from the terms of this section as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship, so that the spirit shall be observed, public safety and welfare secured, and substantial justice done. The request shall be handled in the same manner as a conditional use permit as specified in Section 66.1535 [See page 158].

(2) A request for a conditional use permit from the terms of this section shall be submitted in writing to the Zoning Administrator with payment to the Village of Sister Bay of the conditional use fee.

(3) A request of a conditional use permit shall be forwarded to the Village Marina Committee who shall submit a recommendation to the Plan Commission within 30 days. Upon receipt of the recommendation of the Marina Committee, the conditional use permit shall be considered by the Plan Commission with a conditional use permit to be granted only upon the vote of a majority of the Plan Commission members present. In considering the request for variance the Plan Commission shall consider the factors set forth in Section (h)(1) hereof, as well as other relevant information.

(4) The Plan Commission shall conduct a public hearing on the conditional use permit as required under Section 66. 66. 1801 [See page 168] including notice to adjoining riparian property owners within 300 hundred feet of the subject property. The recommendation of the Plan Commission shall be forwarded to

the Board of Trustees as required in Section 66.1535 [See page 158].

(i) Appeals.

(1) The applicant or any party aggrieved by a decision of the Village Administrator upon a pier permit application may appeal such decision by filing a written request for appeal within 30 days after the determination to issue or deny the application to the Plan Commission of the Village of Sister Bay, with the appeal request to be filed with the Village Clerk.

(2) The applicant or any party aggrieved by a decision of the Plan Commission upon a pier permit application may appeal such decision by filing a written request for appeal within 30 days after the determination to issue or deny the application to the Board of Appeals of the Village of Sister Bay, with the appeal request to be filed with the Village Clerk.

**Sec. 66.1025 Impact on Housing Stock**

(a) Purpose.

The purpose of these regulations is to insure that commercial projects that create employment opportunities for area residents also address the shortage of employee housing and create housing opportunities given the seasonal nature of employment in the Sister Bay area.

(b) Definition.

For the purposes of this section:

(1) The term "housing" shall include dwelling units or rooms in hotels, motels, inns, single-family housing and apartments that are in compliance with the zoning code and if applicable, properly licensed by the State of Wisconsin.

(c) Applicability.

The following standards apply to:

- (1) All new developments in the B-1, B-2 and B-3 districts.
- (2) Projects in the B-1, B-2 or B-3 district that require a Certificate of Compliance.

(d) Requirement.

As a condition of site plan and zoning approval, the Plan Commission shall review the employment being created by the project. The Plan Commission may give consideration to offsetting some of the required

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SEC. 66.1030 IMPACT ON WORKFORCE HOUSING

SEC. 66.1036 CRITERIA FOR ADDRESS NUMBER ASSIGNMENT.

1 employee parking if employee housing  
 2 dwelling units are created on site. The Plan  
 3 Commission may give consideration to off-  
 4 setting some of the required open space to  
 5 a maximum credit of 5% if employee hous-  
 6 ing dwelling units are created on site.  
 7 (Amended Ordinance 163-030910)

8 **Sec. 66.1030 Impact on Workforce Housing**

- 9 (a) Purpose.  
 10 The purpose of these regulations is to in-  
 11 sure that residential projects address the  
 12 need for workforce housing.
- 13 (b) Applicability.  
 14 The following standards apply to new de-  
 15 velopments in the R-2 district.
- 16 (c) Requirements.  
 17 As a condition of site plan and zoning ap-  
 18 proval, the Plan Commission shall review  
 19 the number of housing units being created  
 20 for the project. If the Plan Commission de-  
 21 termines that the need for workforce hous-  
 22 ing remains as outlined in Chapter 3 and 4  
 23 of the 2003 Comprehensive Plan and as  
 24 defined in Section 66.0314, then the Plan  
 25 commission may make certain adjustments  
 26 to the density requirements in Section  
 27 66.0312 of the code. The Plan Commission  
 28 may increase the overall project unit densi-  
 29 ty by 0.2 units for each dwelling unit that  
 30 meets the requirements of workforce hous-  
 31 ing. (Amended Ordinance 163-030910)

32 **Sec. 66.1035 Property Addressing**

- 33 (a) Purpose.  
 34 The purpose is to establish the procedures  
 35 used to implement and administer a uni-  
 36 form addressing system in Village of Sister  
 37 Bay that utilizes address numbers deter-  
 38 mined by the Door County Planning De-  
 39 partment. The basis for the assignment of  
 40 property address numbers shall be the  
 41 Door County baseline system. (Sections  
 42 66.1035-1025) (Amended Ordinance 126-  
 43 051407)
- 44 (b) Responsibilities.  
 45 The Door County Planning Department  
 46 shall be responsible for assigning all prop-  
 47 erty addresses upon submission of the nec-  
 48 cessary information from the Village Admin-  
 49 istrator.
- 50 (c) Fees and Charges.  
 51 The Village Board shall establish such fees  
 52 for the issuance of property addresses.

- 53 (d) Progression and Spacing of Number Lines.  
 54 The property addressing in the Village shall  
 55 comply with a system that assigns numbers  
 56 based upon the following formula:  
 57 (1) 150 even numbers per mile (~35.2-  
 58 foot intervals) on the east and north  
 59 sides of roads.  
 60 (2) 150 odd numbers per mile (~35.2-  
 61 foot intervals) on the west and south  
 62 sides of roads.
- 63 (e) Measurement of Number Line.  
 64 Number lines indicating grid location with  
 65 regard to the appropriate baseline shall be  
 66 measured to the point where the principal  
 67 driveway intersects with the road. Possible  
 68 exceptions may be made for corner lots  
 69 and double frontage lots. Adjustments may  
 70 be made at time of number assignment so  
 71 as to maintain consistent sequencing of  
 72 address numbers.
- 73 (f) Property Address Application.  
 74 All requests for property addresses shall be  
 75 completed on Building Address Permit  
 76 form provided by the Village Administra-  
 77 tor.

78 **Sec. 66.1036 Criteria for Address Number As-**  
 79 **ignment.**

- 80 (a) New Development.  
 81 Addresses are assigned prior to the issu-  
 82 ance of a zoning permit for a principal use.  
 83 Address numbers shall be assigned when  
 84 the principal use of a property or a drive-  
 85 way location has been determined. Issu-  
 86 ance of an address number may also be  
 87 triggered by:  
 88 (1) Driveway permit.  
 89 (2) Requests from builders or public  
 90 utilities.  
 91 (3) Field inspection.  
 92 (4) Requests from property owners.
- 93 (b) Accessory Building Addressing.  
 94 New numbers will generally not be as-  
 95 signed to new buildings accessory to the  
 96 principal use (i.e., a new house will be as-  
 97 signed a number, but a detached garage or  
 98 storage building will not be assigned a  
 99 number). Accessory buildings may be as-  
 100 signed a separate address if accessed by a  
 101 separate driveway or if accessed by the  
 102 principal driveway, but housing a separate  
 103 use.
- 104 (c) Accessory Uses.  
 105 An accessory use with no other accompa-  
 106 nying principal use may also require an  
 107 address.  
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- 1 (d) Driveways.
- 2 (1) Address numbers are generally re-
- 3 quired when there is a driveway
- 4 (existing or proposed) that serves or
- 5 will serve a principal use or acces-
- 6 sory use, as described above in
- 7 66.1036(a). Address numbers shall
- 8 not be assigned until a driveway lo-
- 9 cation has been determined.
- 10 (2) Driveways that do not serve a prin-
- 11 cipal use may not require address
- 12 numbers. Door County will main-
- 13 tain discretion in this matter.
- 14 (3) Each development or lot on a
- 15 shared driveway shall be assigned
- 16 an address. A summary sign display-
- 17 ing the road name and each address
- 18 shall be placed at the intersection of
- 19 the driveway and the road. The cost
- 20 of such sign shall be paid for by the
- 21 affected property owners.
- 22 (e) Condominiums and Apartments.
- 23 (1) Each building shall be assigned one
- 24 address number with each unit fur-
- 25 ther identified by additional num-
- 26 bers or letters.
- 27 (2) Townhouse and duplex units with
- 28 individual driveways and entrances
- 29 may be assigned unique address
- 30 numbers.
- 31 (f) Meandering Roads.
- 32 (1) Assignment of numbers shall be
- 33 based on predominate road direc-
- 34 tion with the numbers per mile
- 35 spacing maintained (see Section
- 36 66.1035(d). Number assignment
- 37 may be adjusted to accommodate
- 38 additional road length.
- 39 (2) Where the road makes a 90° direc-
- 40 tional change for more than one-
- 41 half mile, that road segment may be
- 42 numbered consistent with the direc-
- 43 tional change.
- 44 (g) Looping Roads.
- 45 (1) For roads that begin and end on a
- 46 single road, resulting in two parallel
- 47 sides, the loop road shall be split in
- 48 half and appropriate side designa-
- 49 tions shall be given to the name of
- 50 the road. For example, a loop road
- 51 named Circle Road might be split
- 52 into North Circle Road and South
- 53 Circle Road. Therefore, two devel-
- 54 opments on Circle Road might have
- 55 the same address number, but dif-
- 56 ferent road names.

- 57 (2) The number range on the two sides
- 58 shall be similar. An even and odd
- 59 number shall abut at the change of
- 60 direction.
- 61 (3) Short loop roads may be addressed
- 62 based on primary direction if num-
- 63 ber density allows.
- 64 (h) Cul-de-Sacs.
- 65 An even and an odd number will abut at
- 66 some point on the turning circle of a cul-
- 67 de-sac.

68 **Sec. 66.1037 Address Sign Criteria and**  
69 **Placement**

- 70 (a) Residential Buildings.
- 71 All single family and two family residential
- 72 buildings and all institutional buildings
- 73 shall have street numbers at least three
- 74 inches high, placed on the exterior wall of
- 75 the principal building, or immediate prox-
- 76 imity to the principal building that faces
- 77 the street providing access to the building.
- 78 All such residential units shall also have
- 79 street numbers, not less than two inches
- 80 high, placed on their respective mailbox if
- 81 one exists.
- 82 (b) Multifamily Buildings.
- 83 All multifamily buildings shall have street
- 84 numbers at least three inches high, placed
- 85 on the exterior wall of the principal build-
- 86 ing that faces the street and located adja-
- 87 cent to the individual unit entrances to the
- 88 buildings.
- 89 (c) Business Buildings.
- 90 All business buildings shall have street
- 91 numbers at least six inches high, placed on
- 92 the exterior wall of the principal building
- 93 facing the street, service drive or parking
- 94 lot providing access to that building and
- 95 located adjacent to any primary entrance
- 96 door.
- 97 (d) Other Buildings.
- 98 All business structures, which have a rear
- 99 service door, shall identify the occupant
- 100 and the street address conspicuously on
- 101 the rear door in contrasting and reflective
- 102 letters and numbers at least six inches in
- 103 height, and shall be continually main-
- 104 tained.
- 105 (e) Address Sign Placement for Buildings with  
106 Excessive Setback from the Street.
- 107 Buildings that are setback more than eighty
- 108 (80) feet from the centerline of the street
- 109 shall be required to place an address sign
- 110 as required below, unless a mailbox is
- 111 placed where the address sign would be

placed. The criteria for address signs is a follows:

- (1) Address signs shall be securely fastened. No metal fence posts are to be used for posting address numbers. Alternate methods may be used where ground conditions prohibit placement of a post. The Door County standard green number sign is prohibited.
- (2) Signs shall be placed to the right side of driveways, when viewed from the road, if practical. Signs may be placed to the left side of the driveway if number visibility is better accomplished or if right side installation is not practical. Exceptions may be possible for corner lots or double frontage lots. The sign face shall be toward the road.
- (3) Signs shall be located not greater than twenty feet from the edge of the driveway. Variation may be allowed at the Village’s discretion, such as for, but not limited to, corner lots and double frontage lots.
- (4) Signs shall not be set back further than ten feet from the road right-of-way. The sign shall be in a horizontal position at approximately 4.5 to 5 feet above the road level.
- (5) The address sign numbers shall be at least three inches high.

(f) Sign Standardization.

Property owners are permitted to use any color, material, size (meeting or exceeding the minimums), shape, or style of sign for the addressing as required in (a) – (e) above as long as no prohibited types are used.

**Sec. 66.1038 Street and Road Naming**

(a) Administration.

The Plan Commission shall approve all public and private street and road names. The Plan Commission may name and or rename roads when deemed appropriate. Requests for new road names may come from the Village Board, land developers, or private citizens.

(b) Official Street Map.

There is hereby established an Official Street Map of the Village of Sister Bay. The Plan Commission shall designate all public and private streets on an Official Street Map. [Note Refer to Section 54.050 for the

requirements of the Official Map, which is a different type of mapping.]

(c) Street Naming Criteria.

All public and private roads serving four or more principal uses or intended principal uses shall be named and addressed using the following criteria:

- (1) New road names shall be easy to pronounce and easily recognizable in emergency situations. Each road name shall be unique in spelling and sound. The Plan Commission shall base acceptance of a proposed road name on whether or not the proposed name is already in use within the Village and seek to avoid duplicate names already in existence in the County, including incorporated areas.
- (2) Road names shall not contain hyphens.
- (3) 1st, 2nd, etc. shall not be used.
- (4) Alphabetical characters shall not be allowed as road names.
- (5) New road names shall not include compass directions or abbreviated directions.
- (6) New road names shall not exceed 18 characters in length including the road type.
- (7) New roads that are an extension of existing roads shall maintain the same road name.

(d) Road Types.

Road type designations (Road, Lane, Circle, etc.) shall adhere to the Urban and Regional Information Systems Association’s (URISA) policies and procedures.

(e) Street Name Sign Standards.

The Plan Commission shall establish a standard type of sign for street names. The standard shall include the sign location and type of post. No other signage shall be allowed on street name signposts. All material and labor costs associated with the purchase and installation of street name signs for private developments and private streets shall be borne by the property owner or developer.

**Sec. 66.1039 County Administration of Village Numbering**

The Door County Planning Department shall maintain a record of all assigned addresses and of all road names and their locations. The Door County Planning Department may adopt policies

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1 and practices as necessary to manage the County  
2 addressing system and to insure fulfillment of the  
3 purpose of the Uniform Addressing System Ordinance.  
4

5 **Sec. 66.1040 Property Address Reassignment**  
6 **Implementation**

- 7 (a) Any new building addresses assigned after  
8 the effective date of this ordinance shall be  
9 based upon the County numbering system.
- 10 (b) Existing properties with addresses assigned  
11 to buildings shall be converted to the  
12 County numbering system no later than  
13 April 1, 2008. Door County shall provide  
14 the Village with electronic data file incorporating the existing property address, proposed property address and mailing address for each property in the Village with an existing property address no later than  
15 August 1, 2007. Door County will be responsible for all notifications to businesses and agencies affected by the wholesale conversion of Village Addresses.  
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1 **Sec. 66.1050 Site Plan and Architectural Re-** 56  
 2 **view** 57  
 3 For the purpose of promoting compatible devel- 58  
 4 opment, stability of property values, and to pre- 59  
 5 vent impairment or depreciation of property val- 60  
 6 ues, no person shall commence any use or erect 61  
 7 any structure without first obtaining the approval 62  
 8 of detailed site and architectural plans, as set forth 63  
 9 in this section and Section 66.1050, prior to the 64  
 10 issuance of a zoning permit. The Plan Commis- 65  
 11 sion shall review architectural plans and site plans 66  
 12 showing existing and proposed structures, neigh- 67  
 13 boring uses, parking areas, driveway locations, 68  
 14 loading and unloading areas, highway access, 69  
 15 traffic generation and circulation, drainage, the 70  
 16 utilization of landscaping, existing natural re- 71  
 17 sources and the proposed operation in all districts. 72  
 18 However, this process shall not be required in the 73  
 19 CS-1 district, unless the development site contains 74  
 20 wetlands as shown on either the July 1, 1992, Fi- 75  
 21 nal Wetlands Inventory Map issued by the Wis- 76  
 22 consin Department of Natural Resources or wet 77  
 23 areas as shown on the Village's latest topographic 78  
 24 maps or woodlands as shown on the most recent 79  
 25 aerial photos of the Village. Single-family and 80  
 26 two-family dwellings shall not be subject to site 81  
 27 plan and architectural review by the Plan Com- 82  
 28 mission, however, if in the opinion of the Zoning 83  
 29 Administrator, such residential plans exhibit de- 84  
 30 sign or appearance characteristics to require ar- 85  
 31 chitectural review, the Zoning Administrator shall 86  
 32 refer the application and such written opinion to 87  
 33 the Plan Commission for review. (Amended Ordi- 88  
 34 nance 162-011210) 89  
 35 (a) Principles. 90  
 36 To implement and define criteria for the 91  
 37 purposes set forth above, the following 92  
 38 principles are established to apply to all 93  
 39 new structures and uses and to changes or 94  
 40 additions to existing structures and uses. 95  
 41 (1) (9) Reserved for future use. 96  
 42 (10) No building or use shall be permit- 97  
 43 ted that would have a negative im- 98  
 44 pact on the maintenance of safe and 99  
 45 healthful conditions for the Village. 100  
 46 (11) Buildings and uses shall maintain 101  
 47 existing topography, drainage pat- 102  
 48 terns and vegetative cover insofar as 103  
 49 is practical. The Plan Commission 104  
 50 may require that drainage ease- 105  
 51 ments be executed. 106  
 52 (12) Appropriate buffers shall be provid- 107  
 53 ed between dissimilar uses as set 108  
 54 forth in section 66.0303(d) [See 109  
 55 page 6] of the Municipal Code. 110  
 111

(13) Buildings and uses shall provide for safe and efficient traffic circulation and driveway locations as set forth in section 66.0406 (Highway Access) [See page 89] of the Municipal Code.

(14) Fire protection and hydrants. The intent of this section is to insure adequate water supply for fire-fighting purposes to structures and buildings. The Village Engineer and Fire Chief shall certify in writing that sufficient water flow and pressure exists to serve the project for fire protection. For the purpose of placing hydrants, normal access routes are defined as pavement, sidewalks, streets, driveways and paths leading to the building that are clear and maintained year round. The normal access route does not include grass, parking stalls, ditches, hills, shrub beds, fences, walls or any other area not typically used for ingress or regress to a building. (Amended Ordinance 134-121107)

a. Buildings Where Required. Any building, except single- and two-family dwellings, hereafter erected, shall provide, at the owner's expense, approved water hydrants. Hydrants shall be located so that no part of a building is more than 300 feet from an approved hydrant by normal access routes. This requirement may be modified upon written request by the owner to both the Fire Chief and Utility Manager who must both concur in writing why the modification should be permitted. The request may be approved only if the fire protection provided to the building is not reduced by the modification. Required hydrants shall be free standing and shall be installed not more than 50 feet or less than 25 feet from the building exterior wall. No hydrant shall be placed closer than 50 feet to any other hydrant. The Fire Department Fire In-

1                   spector and Utility Manager           57  
 2                   will approve the actual loca-       58  
 3                   tion of all fire hydrants. Two       59  
 4                   copies of the building plans       60  
 5                   including site plan, shall be       61  
 6                   provided to the Zoning Ad-       62  
 7                   ministrator for Fire Depart-       63  
 8                   ment use, in addition to any       64  
 9                   copies of building plans re-       65  
 10                  quired by the Zoning Admin-       66  
 11                  istrator. (Amended Ordi-       67  
 12                  nance 134-121107)           68  
 13                  b.    Accessibility.           69  
 14                  All developments in districts       70  
 15                  other than R-1, R-3, R-4 and       71  
 16                  CS-1, the buildings, grading       72  
 17                  and landscaping shall be       73  
 18                  constructed, installed and       74  
 19                  maintained in such a fashion       75  
 20                  that the Fire Department can       76  
 21                  have access around the en-       77  
 22                  tire building(s) during the en-       78  
 23                  tire year. The Fire Chief shall       79  
 24                  provide written confirmation       80  
 25                  of such access to the Plan       81  
 26                  Commission prior to site plan       82  
 27                  approval. (Amended Ordi-       83  
 28                  nance 120-061306)       84  
 29                  (15) Buildings and uses shall be provid-   85  
 30                  ed with adequate access to the Vil-   86  
 31                  lage’s street and highway system as   87  
 32                  set forth in the Municipal Code. Ade-   88  
 33                  quate street cross-sections appro-   89  
 34                  priate to the permitted use shall be   90  
 35                  provided by the developer.       91  
 36                  a.    Access onto major streets       92  
 37                  should be held to the mini-       93  
 38                  mum necessary to provide       94  
 39                  safe and efficient traffic flow       95  
 40                  as determined by the Plan       96  
 41                  Commission.           97  
 42                  b.    Provisions shall be made for       98  
 43                  cross access between com-       99  
 44                  patible business develop-       100  
 45                  ments.           101  
 46                  c.    Primary access to business       102  
 47                  developments shall not be       103  
 48                  through residentially zoned       104  
 49                  areas.           105  
 50                  d.    The Plan Commission may       106  
 51                  require that dedications of       107  
 52                  right-of-way be executed for       108  
 53                  the public streets serving the       109  
 54                  property.       110  
 55                  (16) Buildings and uses shall provide ad-   111  
 56                  equate parking and loading areas.   112

a.    No loading dock or overhead        doors shall face upon a street        right-of-way in business dis-        tricts unless no practical al-        ternative exists.  
 b.    Uninterrupted parking lots        along the full street frontage        of business developments abut-        ting a public right-of-way are        inappropriate, and will not be        permitted, except where the        physical orientation of the lot        makes it necessary. Parking        should be directed to the side        or rear of the lot, where it is        less visually intrusive. In the        B-2 and B-3 districts, none of        the off-street parking for        business developments directly        abutting a public right-of-way        shall be located between the        front of the building and the        primary abutting street.        (Amended Ordinance 128-        061207).  
 (17) Each retail or service building    in excess of 15,000 square feet    gross floor area must contribute    to the establishment or enhance-    ment of community and public    spaces by providing a commu-    nity amenity on the premises    such as a patio/seating area,    water feature, clock tower, or    pedestrian plaza with benches.    Retail buildings in excess of    30,000 square feet gross floor    area must provide at least two    of these amenities.  
 (18) Sidewalks shall be provided    along all sides of the lot that    abut a public street, and a con-    tinuous internal pedestrian    walkway must be provided from    the perimeter public sidewalk    to the principal customer en-    trance. The internal pedestrian    walkways must be distinguished    from driving surfaces with con-    trasting materials to enhance    pedestrian safety. Examples of    acceptable materials include,    but are not limited to special    pavers, bricks, or scored con-    crete. A bikeway shall be pro-    vided along the side of a lot    designated as a bikeway route    by the Village or Door County.    The Plan

1 Commission may require that ease- 57  
 2 ments be executed for the public 58  
 3 sidewalk and bikeway on the prop- 59  
 4 erty. 60  
 5 (19) All signs must be designed and con- 61  
 6 structed in accordance with section 62  
 7 66.0700 [See page 107] of the Mu- 63  
 8 nicipal Code. 64  
 9 (20) Buildings and uses shall be provid- 65  
 10 ed with adequate public sanitary 66  
 11 sewer and water services as ap- 67  
 12 proved by the appropriate utility. 68  
 13 Storm water drainage facilities may 69  
 14 be required. The Plan Commission 70  
 15 may require that easements be exe- 71  
 16 cuted for water and sanitary lines on 72  
 17 the property. 73  
 18 (21) Buildings and uses shall be provid- 74  
 19 ed with adequate lighting installed 75  
 20 in a manner that does not interfere 76  
 21 with users of adjacent properties. 77  
 22 (22) Buildings and uses shall be provid- 78  
 23 ed with dumpsters and trash recep- 79  
 24 tacles in a number and location ap- 80  
 25 propriate for the use as determined 81  
 26 by the Plan Commission. All dump- 82  
 27 sters shall be fenced and/or 83  
 28 screened from view from street 84  
 29 rights-of-way and adjacent residen- 85  
 30 tial uses. 86  
 31 (23) The required open space shall be 87  
 32 designed as an integral part of the 88  
 33 site, and may not include those are- 89  
 34 as required for parking, loading or 90  
 35 other impervious surfaces. This re- 91  
 36 quirement does not apply to the re- 92  
 37 development of sites, including, but 93  
 38 not limited to, the construction of a 94  
 39 new building, additional building, 95  
 40 building addition or expanded park- 96  
 41 ing lot, which do not meet this min- 97  
 42 imum requirement at the time of the 98  
 43 adoption of this ordinance. In those 99  
 44 cases, the minimum amount of 100  
 45 open space may not be reduced be- 101  
 46 yond that which exists on the prop- 102  
 47 erty at the time of the adoption of 103  
 48 this ordinance. (Amended Ordina- 104  
 49 nance 159-120809) 105  
 50 (24) Wetlands shall not be cleared, filled 106  
 51 or drained if the development will 107  
 52 result in significant adverse impacts 108  
 53 to the functional values of the af- 109  
 54 fected wetlands, significant adverse 110  
 55 impacts to water quality or other 111  
 56 environmental consequences. They 112

shall be protected within an overall  
 development plan for the property.  
 In order to make this determination,  
 the owner or developer of any  
 property or properties that are in-  
 volved with any of the following  
 shall have any wetland on the prop-  
 erty, as outlined on the 1992 Final  
 Wetland Inventory Map or as sub-  
 sequently identified, staked and le-  
 gally described:  
 a. Rezoning  
 b. Subdivision Plat  
 c. Conditional Use  
 d. Official Map Amendment  
 e. Certified Survey Map  
 f. Building Permit  
 (25) Woodlands shall, to the greatest  
 practical extent possible, be pro-  
 tected within an overall develop-  
 ment plan for the property. In order  
 to make this determination, the  
 owner or developer of any property  
 or properties that are involved with  
 any of the following shall have any  
 woodland on the property, as  
 shown on the most recent aerial  
 photo of the Village, staked, inven-  
 tories and legally described:  
 a. Rezoning  
 b. Subdivision Plat  
 c. Conditional Use  
 d. Official Map Amendment  
 e. Certified Survey Map  
 f. Building Permit  
 (26) From a practical standpoint, devel-  
 opment may occur on a cleared or  
 restored site, with appropriate gov-  
 ernmental permits, of up to 20,000  
 square feet in area; if the wetland  
 and woodland property is at least  
 five acres in area and is at least 150  
 feet in width.  
 (27) Wetlands may be used in the den-  
 sity calculation of a development, but  
 in no case shall they constitute  
 more than 25 percent of the mini-  
 mum lot area required.  
 (b) Sureties.  
 The Plan Commission shall impose time  
 schedules for the completion of buildings,  
 parking areas, open space utilization, and  
 landscaping. The Plan Commission may  
 require appropriate sureties to guarantee  
 that improvements will be completed on  
 schedule; as well as the approved protec-

1 tion of the identified wetlands and wood-  
 2 lands on the approved plan.  
 3 (c) Appeals.  
 4 Any person or persons aggrieved by any  
 5 decisions of the Plan Commission related  
 6 to plan review may appeal the decision to  
 7 the Zoning Board of Appeals. Such appeal  
 8 shall be filed with the Village Clerk within  
 9 30 days after filing of the decision with the  
 10 Zoning Administrator.  
 11 (d) Modification of Standards.  
 12 The Plan Commission may modify any of  
 13 the above standards by a 3/4-majority vote  
 14 of the Commissioners, but only if supple-  
 15 mental design elements or improvements  
 16 are incorporated into the project, which  
 17 compensate for the modifications of the  
 18 particular standard.  
 19 **Sec. 66.1055 Architectural Review Criteria.**  
 20 (Amended Ordinance 162-011210)  
 21 (a) Purpose and intent.  
 22 Section 66.1050 was adopted by the Vil-  
 23 lage, for all zoning districts, to promote the  
 24 health, safety, aesthetics, and general wel-  
 25 fare in and of the Village, by:  
 26 (1) Protecting the general appearance  
 27 of buildings, structures, and open  
 28 areas; and  
 29 (2) Ensuring adequate light, air and pri-  
 30 vacy for property; and  
 31 (3) Encouraging architectural standards  
 32 that promote high quality design  
 33 and use of quality materials, and  
 34 composition of materials, that are  
 35 attractive and compatible with exist-  
 36 ing buildings, and to maintain prop-  
 37 erty values.  
 38 (b) Architectural Review Board  
 39 (1) The Village shall appoint an Archi-  
 40 tectural Review Board to assist and  
 41 provide recommendation to the Vil-  
 42 lage plan commission based on the  
 43 conditions of the Village Architec-  
 44 tural Standards.  
 45 (2) The Village Plan Commission mem-  
 46 bers shall serve as the Architectural  
 47 Review Board unless the Board of  
 48 Trustees appoints five residents with  
 49 one-year terms to serve as the Ar-  
 50 chitectural Review Board. Unless  
 51 the Board of Trustees appoints an  
 52 Architectural Review Board all ref-  
 53 erences in this section shall be to  
 54 the Village Plan Commission.

55 (c) Architectural review process.  
 56 The Village Plan Commission shall be re-  
 57 sponsible and have authority to hear, re-  
 58 view and act upon proposed commercial,  
 59 multi-family residential and mixed-use ar-  
 60 chitectural plans for new construction,  
 61 renovation, remodeling and restoration  
 62 work, based on the provided recommenda-  
 63 tion of the Architectural Review Board.  
 64 (1) Plans for architectural review shall  
 65 be submitted in accordance with  
 66 this section and administered by the  
 67 Zoning Administrator.  
 68 (2) The Village Plan Commission shall  
 69 not permit the design or exterior  
 70 appearance, which is of such unorthodox  
 71 or abnormal character in relation to the  
 72 surroundings as to be unsightly or  
 73 offensive to generally accepted taste.  
 74 Additionally, the Village Plan Commission  
 75 shall not permit the design or exterior ap-  
 76 pearance, which is so identical with  
 77 those adjoining to create excessive  
 78 monotony and drabness.  
 79 (d) Design criteria.  
 80 In making its findings and determination  
 81 concerning each proposed project, the Ar-  
 82 chitectural Review Board shall review each  
 83 plan based on the conditions of the Village  
 84 Architectural Standards, including but not  
 85 limited to the following to create:  
 86 (1) A high-quality design, composi-  
 87 tion/usage of materials, colors, and  
 88 construction; and  
 89 (2) A diversity of architectural styles,  
 90 building scale and massing, build-  
 91 ing roof lines and shape; and  
 92 (3) A compatibility with surrounding  
 93 land uses and geographic location.  
 94 (e) Manual of Design.  
 95 The Architectural Review Board shall es-  
 96 tablish a Manual of Design that includes  
 97 photographs, drawings and color samples  
 98 that represent preferred designs. The Man-  
 99 ual of Design shall be updated periodical-  
 100 ly.  
 101 (f) Architectural Standards.  
 102 The purpose of these standards is to assist  
 103 the Village Plan Commission, Architectural  
 104 Review Board, and the public with a  
 105 standard to achieve quality in architectural  
 106 design and to create a sense of place  
 107 through appropriate use and composition  
 108 of materials, architectural styles, and land  
 109 use planning and design.  
 110

1	(1) Exterior Architectural Treatment.	56	4.	Avoid vast blank	
2	The image of the Village is influ-	57		building walls in areas	
3	enced to a large degree by the de-	58		visible from the street	
4	sign, character and architectural	59		or adjacent residential	
5	aesthetics of its buildings. Architec-	60		areas. Design facades	
6	tural treatment must be addressed	61		must convey human-	
7	by the following standards:	62		scale through fenestra-	
8	a. Massing/Scale. The massing	63		tion, building articula-	
9	of a building refers to the	64		tion, or detailing.	
10	overall size, bulk or volume	65	b.	Form/Proportion. The form	
11	of space, which a building	66		and proportion of a build-	
12	encloses. Scale is conveyed	67		ing's elevation and roof are	
13	by elements or parts of the	68		basic form-giving character-	
14	building facade where door-	69		istics that are important in re-	
15	ways, windows, and details	70		lating a new building to oth-	
16	enable people to gauge its	71		er buildings and to its setting.	
17	relative size and character in	72		1. Elements of a building	
18	relationship to the size of the	73		must be emphasized	
19	human form.	74		to clearly show the	
20	1. The scale of the build-	75		division of roof and	
21	ings must be compat-	76		walls. Color, materials	
22	ible with the overall	77		and/or details must be	
23	massing and the indi-	78		utilized to express this	
24	vidual parts of adja-	79		division.	
25	cent buildings, espe-	80		2. Building components	
26	cially adjacent to res-	81		and appurtenances,	
27	idential areas.	82		including doors, win-	
28	2. Building heights of	83		dows, canopies and	
29	new construction	84		trim, must maintain	
30	must not exceed the	85		this proportion to	
31	maximum building	86		each other and to the	
32	height of each zoning	87		building as a whole.	
33	district.	88	c.	Fenestration/Entrances. The	
34	a. A gradual tran-	89		fenestration of building fa-	
35	sition to the	90		acades is the orderly arrange-	
36	maximum	91		ment of openings within the	
37	building height	92		elevations of the building.	
38	is permitted.	93		1. Design openings must	
39	b. The relation-	94		form a unified com-	
40	ship between	95		position in proportion	
41	façade height	96		to the building eleva-	
42	and width must	97		tion.	
43	be maintained.	98		2. Large blank walls,	
44	3. Transitions between	99		which are exposed to	
45	adjacent residential	100		view, must be avoid-	
46	structures and new	101		ed by creating hori-	
47	non-residential struc-	102		zontal and vertical in-	
48	tures to be construct-	103		terest. Utilize fenestra-	
49	ed must also be	104		tion, related detailing,	
50	achieved by the in-	105		and articulation to	
51	corporation of hori-	106		provide scale and re-	
52	zontal human-scale	107		lief to the building fa-	
53	features in rooflines	108		çade. These architec-	
54	and building eleva-	109		tural characteristics	
55	tions.	110		shall be easily identi-	
		111		fied by the viewer.	

1		57	and other exterior
2		58	building components
3		59	such as dumpster fa-
4		60	cilities or other acces-
5		61	sory structures, such
6		62	as signage.
7		63	3. In any building in
8		64	which the structural
9		65	frame is exposed to
10		66	public view, the struc-
11		67	tural materials must
12		68	also meet these stand-
13		69	ards.
14		70	4. A primary facade ma-
15		71	terial must be used
16		72	consistently on all
17		73	building elevations to
18		74	limit the number of
19		75	compatible secondary
20		76	facade materials.
21		77	5. The sides and rear of
22		78	buildings shall be as
23		79	visually attractive as
24		80	the front through the
25		81	design of roof lines,
26		82	use of similar archi-
27		83	tectural detailing, and
28		84	building materials.
29		85	e. Permitted Primary Façade
30		86	Materials. Exterior building
31		87	materials and features for
32		88	new buildings or additions:
33		89	1. Examples of appropri-
34		90	ate façade materials:
35		91	a. Brick
36		92	b. Non-reflective
37		93	glass
38		94	c. Wood
39		95	d. Stucco
40		96	e. Decorative archi-
41		97	tectural tile
42		98	f. Integrally col-
43		99	ored textured
44		100	concrete
45		101	g. Natural or Cul-
46		102	tured Stone
47		103	h. Architectural
48		104	Block
49		105	2. Examples of prohibit-
50		106	ed primary façade ma-
51		107	terials:
52		108	a. Particleboard
53		109	b. Shingle siding
54		110	(roof applica-
55		111	tions only), ex-
56			

1                                   cept for cedar           57  
 2                                   shake siding           58  
 3                                   c. Wood siding,       59  
 4                                   i.e., plywood       60  
 5                                   paneling and       61  
 6                                   T-111               62  
 7                                   d. Highly reflec-   63  
 8                                   tive or glare-       64  
 9                                   producing glass   65  
 10                                  with a 0.25 or   66  
 11                                  greater reflec-   67  
 12                                  tive factor       68  
 13                                  e. Industrial metal   69  
 14                                  panels with or   70  
 15                                  without ex-       71  
 16                                  posed fasteners   72  
 17                                  f. Concrete ma-   73  
 18                                  sonry units       74  
 19                                  g. Exposed aggre-   75  
 20                                  gate pre-cast   76  
 21                                  concrete       77  
 22                                  h. Soft Coat Exte-   78  
 23                                  rior insulation   79  
 24                                  finish systems   80  
 25                                  i. Metal           81  
 26                   f. Exemptions.   82  
 27                    1. Additions to existing   83  
 28                    buildings that are   84  
 29                    presently made of the   85  
 30                    prohibited building   86  
 31                    materials must comply   87  
 32                    with the provisions of   88  
 33                    this section for the   89  
 34                    addition. The appli-   90  
 35                    cant may request an   91  
 36                    exemption to allow   92  
 37                    the addition to consist   93  
 38                    of the same material   94  
 39                    as the existing build-   95  
 40                    ing. The exemption   96  
 41                    must be approved by   97  
 42                    a 3/4 majority vote of   98  
 43                    the Architectural Re-   99  
 44                    view Board and the   100  
 45                    Plan Commission pre-   101  
 46                    sent at the respective   102  
 47                    meeting and would be   103  
 48                    subject to the Archi-   104  
 49                    tectural Review Board   105  
 50                    requiring enhance-   106  
 51                    ments to the façade,   107  
 52                    additional landscap-   108  
 53                    ing, or other means to   109  
 54                    improve the aesthetics   110  
 55                    of the building. The   111  
 56                    exemption will be   112

- based on examination  
 of the following crite-  
 ria:  
 a. The prevailing  
 material(s) used  
 on buildings in  
 the same area.  
 b. Visibility. The  
 building should  
 be well  
 screened. The  
 Architectural  
 Review Board  
 may require  
 the façade of  
 the highly visi-  
 ble areas be  
 improved or  
 screened with  
 landscaping or  
 other means.  
 (2) An exemption to the prohibited ma-  
 terials may be obtained from the  
 Architectural Review Board for ex-  
 ceptional designs.  
 (3) Architectural Requirements. Build-  
 ing materials are critical in estab-  
 lishing the character and aesthetic  
 for the area. Buildings require ap-  
 propriate and respectful attention in  
 the materials selected for facades.  
 The following uses shall be con-  
 sistent with the following standards  
 for all buildings and building com-  
 plexes:  
 a. Building designs shall mini-  
 mize the effects of size and  
 scale by highlighting indi-  
 vidual dwelling units using  
 separate entrances and inte-  
 grating garages (for multi-  
 family buildings), use of vari-  
 able roof lines, door and  
 window openings, façade  
 protrusions or recesses, and  
 use of porticos, overhangs,  
 arcades, arches and outdoor  
 patios.  
 b. Accessory structures must be  
 compatible with the primary  
 building in terms of its char-  
 acter, roof shapes, building  
 materials, colors and archi-  
 tectural details.  
 c. Building facades must incor-  
 porate unified and compli-

1	mentary finished materials,	57	e.	Variation in architectural de-
2	and to promote longevity	58		tail, mass and proportion of
3	and durability. Materials that	59		individual buildings may be
4	are appropriate or prohibited	60		used to provide visual inter-
5	are stated in Section (e)(1)f.	61		est where more than one
6	d. Colors shall be compatible,	62		building is located on a sin-
7	coherent and harmonious	63		gle parcel or multiple build-
8	with existing materials in the	64		ings, which are part of a de-
9	immediate area. Color	65		velopment.
10	schemes shall be used con-	66	f.	Roofs are elements of build-
11	sistently throughout the	67		ings, which significantly af-
12	property, including on both	68		fect the architectural charac-
13	the upper and lower portions	69		ter. The roof is vital to the
14	of the buildings, and on all	70		overall design theme of a
15	facades of a building or	71		building since it is related to
16	structure. The following pro-	72		its mass, scale, form, and
17	visions must be adhered to	73		proportion.
18	unless the review of the Plan	74	1.	For all visible roofs,
19	Commission states otherwise:	75		roofing materials and
20	1. Primary building fa-	76		construction must be
21	cade colors on all four	77		high quality, such as
22	sides, including build-	78		but not limited to,
23	ing accents, fixtures	79		standing-seam metal,
24	and signage, must be	80		slate, cedar, or archi-
25	non-reflective and	81		tectural shingles.
26	subtle.	82		Roofing materials and
27	2. Fluorescent, day-glow	83		shape must be com-
28	and/or neon colors	84		patible with the archi-
29	shall not be permitted.	85		tectural style of the
30	3. Colors must be select-	86		building and with sur-
31	ed relative to the cho-	87		rounding buildings
32	sen exterior building	88		and roofs.
33	materials since it is a	89	g.	Corner Lot Buildings. Build-
34	critical design element	90		ing on large corner lots have
35	relating to adjacent	91		a tendency to create the ap-
36	buildings and to cre-	92		pearance of a single massive
37	ate a compatible visu-	93		building in conflict with the
38	al environment within	94		goals of (f)(1)(a)
39	an area. In general,	95		Massing/Scale. The building
40	colors must be inte-	96		shall:
41	gral to a selected ma-	97	1.	Incorporate design
42	terial rather than ap-	98		factors in the building
43	plied on (painted) ex-	99		footprint to step back
44	terior building materi-	100		or change the angle of
45	als.	101		the building to reduce
46	4. Colors for secondary	102		the appearance of a
47	facade materials shall	103		long wall and
48	be compatible with	104	2.	Incorporate architec-
49	the predominant col-	105		tural features in that
50	ors, including accent	106		portion of the building
51	colors. When such	107		to create the appear-
52	contrasting colors are	108		ance of a different
53	utilized, the colors	109		building.
54	must not dominate the	110	h.	Service and Utility Areas.
55	visual character of the	111		Buildings require mechanical
56	setting.	112		equipment and service areas,

1	which are normally unsightly	57			
2	and noisy. These areas in-	58			
3	clude, but are not limited to,	59			
4	loading docks, exterior stor-	60			
5	age areas, dumpsters and	61			
6	mechanical equipment such	62			
7	as plumbing vent stacks,	63			
8	transformers, fans and cool-	64			
9	ing towers. The following	65			
10	standards address the treat-	66			
11	ment of service and utility	67			
12	areas in order to reduce the	68			
13	negative visual impact of	69			
14	such areas:	70			
15	1. All service and utility	71			
16	areas shall be located	72			
17	away from the street	73			
18	and concealed from	74			
19	building entrances,	75			
20	pedestrian areas, and	76			
21	adjacent residential	77			
22	buildings.	78			
23	2. Service areas and re-	79			
24	lated mechanical	80			
25	equipment shall be	81			
26	screened (100%) with	82			
27	materials to match the	83			
28	primary exterior mate-	84			
29	rials. Trash com-	85			
30	pactors and dumpsters	86			
31	shall be located adja-	87			
32	cent to truck loading	88			
33	areas and screened	89			
34	hundred percent	90			
35	(100%) with the pri-	91			
36	mary exterior materi-	92			
37	als.	93			
38	3. Where dumpsters are	94			
39	not fully screened by	95			
40	the overall building	96			
41	envelope, the follow-	97			
42	ing standards must be	98			
43	applied:	99			
44	a. Dumpsters	100			
45	must be	101			
46	screened on all	102			
47	sides.	103			
48	b. Dumpster en-	104			
49	losures must	105			
50	be compatible	106			
51	in design with	107			
52	the architectur-	108			
53	al style of the	109			
54	primary build-	110			
55	ing in terms of	111			
56	its scale, exte-	112			
					rior materials
					used and color.
					c. Dumpster en-
					losures must
					not violate the
					building set-
					back and park-
					ing require-
					ments of the
					zoning district
					in which the
					enclosure is lo-
					located.
					4. All above grade utility
					connections, vents,
					and other projections
					must be located along
					exterior walls away
					from high visibility ar-
					reas, such as front fa-
					acades or pedestrian
					areas. These vents al-
					so include, but are not
					limited to, air condi-
					tioning units, air ex-
					changers and under-
					ground utility vaults.
					5. Rooftop mechanical
					equipment shall not
					be mounted on build-
					ings unless the roof
					parapet (cornice)
					screens such equip-
					ment 100% from pub-
					lic view, as measured
					from grade elevation,
					from a minimum dis-
					tance of 500 feet from
					the building.
					a. The roof para-
					pet shall be in-
					tegrated as part
					of the build-
					ing's overall
					design.
					b. Each plan (in-
					cluding re-
					modeling exist-
					ing buildings)
					must be re-
					viewed indi-
					vidually based
					on location,
					finished grade
					elevation and
					the surround-

1 ing terrain to  
2 determine the  
3 view of rooftop  
4 mechanical  
5 equipment.

6 i. Building vistas. All buildings,  
7 or groupings or nodes of  
8 buildings and structures,  
9 shall be designed to be sensi-  
10 tive to existing views, or  
11 view corridors, and the con-  
12 texts of the surrounding natu-  
13 ral and built environment.

14 (g) Amendments.  
15 The Village Plan Commission or Architec-  
16 tural Review Board may adopt and amend,  
17 from time to time, as appropriate and to be  
18 consistent with the contents of this section,  
19 the written design guidelines and design  
20 manual of the Village of Sister Bay Archi-  
21 tectural Standards.  
22

1  
 2 **Sec. 66.1060 Landscaping**  
 3 The Plan Commission shall review landscaping  
 4 plans for all new structures, uses and changes or  
 5 additions to existing structures and uses in all zon-  
 6 ing districts except for single-family homes in the  
 7 CS-1, R-1, R-3 and R-4 districts. Landscape stand-  
 8 ards are established to ensure that landscaping  
 9 becomes an integral part of development in the  
 10 business and residential districts. When buildings  
 11 or parking lots are extended, these regulations  
 12 shall apply to the extended portion of the building  
 13 or parking lot. Location of landscape areas, plant  
 14 materials, and protection afforded the plantings,  
 15 including curbing and provision for maintenance  
 16 shall be subject to approval by the Plan Commis-  
 17 sion. The preservation of existing trees, shrubs,  
 18 and other natural vegetation in the parking area  
 19 may be included in the calculation of the required  
 20 minimum landscape area. (Amended Ordinance  
 21 159-120809)

22 (a) Street tree plantings in right-of-way.  
 23 All projects, developments and subdivi-  
 24 sions shall provide street trees planted eve-  
 25 ry 35 feet along the right-of-way. The trees  
 26 shall be of a species suitable for the loca-  
 27 tion. This provision may be waived by the  
 28 Plan Commission if in its opinion the par-  
 29 cel or lot is already wooded.

30 (b) Parking Lot Screening.  
 31 Those parking areas for four or more vehi-  
 32 cles if adjoining a residential zoning dis-  
 33 trict line or public right-of-way shall be  
 34 screened from casual view by an earth  
 35 berm, a solid wall, fence, evergreen plant-  
 36 ing of equivalent visual density or other ef-  
 37 fective means approved by the Plan Com-  
 38 mission. Such fence or berm and landscap-  
 39 ing together shall be an average of three  
 40 feet in height between the parking and the  
 41 street right-of-way and six feet in height be-  
 42 tween the parking and any adjacent resi-  
 43 dential property line. All screening materi-  
 44 als shall be placed and maintained at a  
 45 minimum height of three feet. The Plan  
 46 Commission may require greater screening  
 47 requirements for parking of large trucks,  
 48 semi-trailers and large equipment.

- 49 (1) At least one ornamental deciduous  
 50 tree, no less than 2.5" caliper, shall  
 51 be incorporated into the design for  
 52 every 35 linear feet of public street  
 53 frontage.  
 54 (2) At least 25% of the total green  
 55 space area shall be landscaped uti-

56 lizing plant materials, other than  
 57 maintained turf, that contributes to  
 58 ground coverage. For purposes of  
 59 determining the number of plants  
 60 necessary to meet the minimum  
 61 25% ground coverage requirement,  
 62 plant types are categorized by their  
 63 general size and potential mature  
 64 at-grade coverage area.  
 65

Area of Coverage
Plant Type Provided
Evergreen Tree (>8' Dia. 75 sq. ft.
Large Shrub (6-8' Dia. 38 sq. ft.
Medium Shrub (4-6' Dia. 20 sq. ft.
Small Shrub (2-4' Dia. 12 sq. ft.
Perennial (4.5" Pot 6 sq. ft.

66  
 67 \*Note shade and ornamental trees are not consid-  
 68 ered a plant type contributing to "at grade" cover-  
 69 age.

70 (3) To assure a diversity of color, tex-  
 71 ture and year-round interest, the to-  
 72 tal number of plant materials must  
 73 be comprised of minimum 25% ev-  
 74 ergreens, but no more than 70%.

75 (c) Interior landscaping area.  
 76 All public off-street parking lots, which  
 77 serve five vehicles or more and are created  
 78 or extended after November 13, 2004,  
 79 shall be provided with accessory land-  
 80 scaped areas; which may be landscape is-  
 81 lands, landscape peninsulas or peripheral  
 82 plantings totaling not less than five percent  
 83 of the surfaced area. Landscape islands or  
 84 peninsulas shall be dispersed throughout  
 85 the off-street parking areas. Landscape is-  
 86 lands shall provide a minimum 30-inch  
 87 clear area for vehicle overhang and snow  
 88 storage. One shade tree shall be provided  
 89 within the interior planting area for every  
 90 300 square feet of interior landscaping. For  
 91 parking lots designed for 25 parking spaces  
 92 or more, interior parking lot landscaping  
 93 shall be provided at the following rates:  
 94

Percentage of Parking Lot to be Covered by Interior Plantings

Total paved area of lot	Percent of total paved area which must be interior planting area
0-49,999 sq. ft.	5%
50,000 sq. ft. or larger	10%

- 1
- 2 (d) Perimeter landscape area.
- 3 In an effort to prevent adjacent parking lots
- 4 from becoming one large expanse of pav-
- 5 ing, perimeter landscaping shall be re-
- 6 quired. The perimeter strip shall be a min-
- 7 imum five feet in width. A minimum of one
- 8 tree and five shrubs are required for every
- 9 35 linear feet of the perimeter of the park-
- 10 ing area and located within the perimeter
- 11 landscape area.
- 12 (e) Landscaping adjacent to buildings.
- 13 There shall be at least a three-foot land-
- 14 scape area provided between the edge of
- 15 pavement and the entrance elevation of the
- 16 building. In the B-3 district, the front yard
- 17 setback area shall be landscaped.
- 18 (f) Screening of trash.
- 19 Trash receptacles shall not be located with-
- 20 in the front or street yard, and shall be
- 21 screened from casual view by means of
- 22 screening that is compatible with the main
- 23 building/structure and landscaping.
- 24 (g) Screening of ground mounted mechanical
- 25 equipment.
- 26 Ground mounted mechanical equipment
- 27 shall not be located within the front or
- 28 street yard, shall be screened from casual
- 29 view by means of screening that is compat-
- 30 ible with the main building/structure and
- 31 landscaping.
- 32 (h) Screening of roof mounted mechanical
- 33 equipment.
- 34 Roof mounted mechanical equipment shall
- 35 be screened from casual view.
- 36 (i) Retaining walls.
- 37 No retaining wall shall exceed four feet in
- 38 height unless it has been designed and its
- 39 construction supervised by a Professional
- 40 Engineer or registered landscape architect.
- 41 A retaining wall may be stepped to achieve
- 42 greater height. Each step of the wall shall
- 43 be no more than four feet in height. A four-
- 44 foot high retaining wall shall be set back a
- 45 minimum of three feet from the previous
- 46 step. Retaining walls less than four feet tall
- 47 shall be stepped back at least the same dis-
- 48 tance as the wall's height. Acceptable ma-

- 49
- 50
- 51
- 52
- 53
- 54 (j) Berms.
- 55 Side slopes of berms shall not exceed a
- 56 gradient of one foot vertical to three foot
- 57 horizontal unless approved by the Village
- 58 Engineer.
- 59 (k) Buffer yards.
- 60 Appropriate buffers shall be provided be-
- 61 tween dissimilar uses as set forth in section
- 62 66.0303(d) [See page 6] of the Municipal
- 63 Code.
- 64 (l) Submittal requirements.
- 65 A landscape plan (to scale) must be sub-
- 66 mitted which includes details of all pro-
- 67 posed landscaping, buffering and screen-
- 68 ing, including estimated cost of the land-
- 69 scape. These plans shall be prepared by
- 70 a landscape professional and show the lo-
- 71 cation and dimensions of all existing and
- 72 proposed structures, parking, drives, rights-
- 73 of-way and any other permanent features,
- 74 and all other information required by the
- 75 Plan Commission, including but not lim-
- 76 ited to the following:
- 77 (1) A plant list and coverage chart
- 78 showing the location, quantity, size
- 79 (at time of planting and at maturity),
- 80 spacing and common names of all
- 81 landscape materials used.
- 82 (2) The location and type of existing
- 83 trees over four inches in diameter
- 84 (measured six inches above the
- 85 ground) within the area to be devel-
- 86 oped.
- 87 (3) The location and percent of slope of
- 88 all proposed berms using one-foot
- 89 contours.
- 90 (4) Detailed sections showing eleva-
- 91 tions of all proposed architectural
- 92 features, such as walls, lighting or
- 93 water features.
- 94 (5) The Plan Commission shall impose
- 95 time schedules for the completion
- 96 of buildings, parking areas, open
- 97 space utilization, and landscaping.
- 98 The Plan Commission may require
- 99 appropriate sureties to guarantee
- 100 that improvements will be complet-
- 101 ed on schedule; as well as the ap-
- 102 proved protection of the identified
- 103 wetlands and woodlands on the ap-
- 104 proved plan.

1 (m) Modification of standards.  
2 The Plan Commission may modify any of  
3 the above standards by a <sup>3</sup>/<sub>4</sub>-majority vote  
4 of the Commissioners, but only if supple-  
5 mental design elements or improvements  
6 are incorporated into the project, which  
7 compensate for the modification of the par-  
8 ticular standard.

9 (n) Compliance.  
10 Landscaping shall be completed within 12  
11 months of a certificate of occupancy in ac-  
12 cordance with the approved landscaping  
13 and site plan. All landscaped and open  
14 space areas shall be continually main-  
15 tained in accordance with the approved  
16 landscaping and site plan. It is the respon-  
17 sibility of the owner to ensure that the  
18 premises are properly maintained. Mature  
19 vegetative screens shall be maintained by  
20 the property owner to retain the required  
21 spacing and height characteristics. Howev-  
22 er, trees may be thinned provided an  
23 opaque screening is still maintained.  
24

25  
26

1

SECTION 1500 - ADMINISTRATION

Sec. 66.1500 Plan Commission

(a) Composition.

The Village Plan Commission shall consist of the President, who shall be its presiding officer, one (1) Trustee who shall be chosen by the President at the first meeting in May of each year, five (5) citizens of recognized experience and qualifications. The citizen members of the Plan Commission shall be appointed by the President, subject to confirmation by the Board of Trustees, for staggered terms of three (3) years commencing on May 1st of each year. (Amended Ordinance 111-051005)

(b) Powers and Duties.

The Plan Commission shall perform such duties as are prescribed by Section 62.23, Wisconsin Statutes, and has such further powers as may be delegated to it by the Wisconsin Statutes and Village ordinances. The Plan Commission shall have the duties of making reports and recommendations related to the planning and development of the Village to public officials, agencies, public utility companies, civic, educational, and professional and other organizations, and citizens. The Plan Commission may employ consultants, to the extent that the Village budget allows, who may prepare surveys and studies, prepare plans and recommendations, and perform other duties assigned by the Plan Commission. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning.

Sec. 66.1505 Public Information

To the fullest extent possible, the Plan Commission and Zoning Administrator shall make available to the public, all reports and documents concerning the Village Comprehensive Plan and any component thereof. In addition:

(a) All available information in the form of reports, bulletins, maps and engineering data shall be readily available and widely distributed.

(b) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the 100-year recurrence interval floodplain at appropriate locations within the floodplain.

(c) Where useful, wetland boundaries may be staked in the field and said boundaries may be identified on a plat of survey.

(d) Information regarding the location of flood lands and wetlands shall be provided to realtors, lenders, and the public. All legal descriptions of property containing flood lands or wetlands should include information designating the flood land or wetland areas when property is transferred.

(e) Fees necessary to recover the costs of providing information to the public may be established by the Village.

Sec. 66.1510 Zoning Administrator Designated

The Village Zoning Administrator, or designee, is hereby designated as the administrative and enforcement officer for the provisions of this chapter. The duty of the Zoning Administrator, or designee, shall be to interpret and administer this chapter and to:

(a) Maintain permanent and current records of all approvals and other actions, including, but not limited to, all maps, zoning ordinance amendments, zoning permits, conditional use permits, planned unit development approvals, temporary use approvals, sign permits, site plans, certificates of compliance, variances, appeals, interpretations, and applications therefore.

(b) Determine that all zoning permit applications and their constituent plans, certificate of occupancy applications, sign permit applications and their constituent plans, and site plans comply with all the provisions of this chapter.

(c) Make interpretations regarding the provisions of this chapter.

(d) Receive, file and forward (to the appropriate person, committee or agency) all applications for any permit or procedure provided for in this chapter.

(e) Inspect all structures, lands and waters as often as necessary, to assure compliance with this chapter.

(f) Issue permits as required by this chapter.

(g) Record the lowest floor elevations of all structures erected, moved, altered or improved in the flood land districts.

(h) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this chapter to the owner, resident, agent, or occupant of the premises.

- 1 (i) Is permitted access to premises and struc- 56
- 2 tures during reasonable hours to make 57
- 3 those inspections as deemed necessary by 58
- 4 the Zoning Administrator to ensure com- 59
- 5 pliance with this chapter. If, however, 60
- 6 he/she is refused entry after presentation of 61
- 7 his/her identification, he/she may procure a 62
- 8 special inspection warrant in accordance 63
- 9 with section 66.122 of the Wisconsin Stat- 64
- 10 utes. 65
- 11 (j) Prohibit the use or erection of any structure 66
- 12 until he/she has inspected and approved 67
- 13 such use or erection. 68
- 14 (k) Institute, in the name of the Village, any 69
- 15 appropriate action or proceeding against a 70
- 16 chapter violator, as provided by law. 71
- 17 (l) Request Assistance and cooperation from 72
- 18 the Door County Sheriff's Department and 73
- 19 Village Attorney as deemed necessary. 74
- 20 (m) Attend all meetings of the Plan Commis- 75
- 21 sion and the Village Zoning Board of Ap- 76
- 22 peals. 77

23 **Sec. 66.1520 Development Agreement Re-**

24 **quired.**

25 (Amended Ordinance 137-021208)

- 26 (a) The Applicant shall enter into a Develop- 82
- 27 ment Agreement with the Village at the 83
- 28 time of submission of an application for a 84
- 29 Zoning Permit for all projects and devel- 85
- 30 opments listed below: 86
- 31 (1) All new construction other than in- 87
- 32 dividual single-family homes, which 88
- 33 are not part of an active subdivision. 89
- 34 (2) All projects that require a condi- 90
- 35 tional use permit. 91
- 36 (3) Commercial projects in existing 92
- 37 buildings involving a change of use 93
- 38 or occupancy where the building is 94
- 39 non-conforming for setback, height 95
- 40 or parking. 96
- 41 (b) Applicants shall agree to reimburse the Vil- 97
- 42 lage for all costs incurred by the Village for 98
- 43 engineering, inspection, planning, legal 99
- 44 and administrative expenses in: 100
- 45 (1) Processing, reviewing, revising, and 101
- 46 approving conceptual, preliminary 102
- 47 or final development plans, includ- 103
- 48 ing meeting time, regardless of 104
- 49 whether the developer attended or 105
- 50 participated in the meeting; 106
- 51 (2) Processing, reviewing, revising, 107
- 52 drafting and approving any agree- 108
- 53 ments, easements, deed restrictions 109
- 54 or other documents associated with 110
- 55 the proposed use; and, 111

- (3) Inspection and approval of con- 56
- struction and installation of all im- 57
- provements provided for in the de- 58
- velopment, including but not lim- 59
- ited to, consultation reasonably re- 60
- quired to address issues and prob- 61
- lems encountered during the course 62
- of design and construction of the 63
- development. Such costs shall in- 64
- clude the costs of Village consult- 65
- ants, including engineers, attorneys, 66
- inspectors, planners, ecologists, 67
- agents, sub-contractors and the Vil- 68
- lage's own employees. Such costs 69
- shall also include those for attend- 70
- ance at meetings. The cost for out- 71
- side services shall be the direct 72
- costs incurred by the Village. The 73
- cost for Village employees' time 74
- shall be based upon the classifica- 75
- tion of the employee and the rates 76
- established by the Village Board, 77
- from time to time, for each such 78
- classification. 79

- (c) At the time of filing of the application, the 80
- Applicant shall deposit with the Vil- 81
- lage Treasurer the sum of Two Thousand Dol- 82
- lars (\$2,000.00) in the form of cash. The 83
- Village shall apply such funds toward 84
- payment of the above costs. If at any time 85
- the deposit becomes insufficient to pay ex- 86
- penses incurred by the Village for the 87
- above costs, the Applicant shall deposit re- 88
- quired additional amounts within fifteen 89
- (15) days of written demand by the Village 90
- Administrator. Until the required funds are 91
- received, no additional work or review will 92
- be performed by the Village as to the plan 93
- under consideration. Within 60 days after 94
- any final action by the Village and execu- 95
- tion of any documents by all parties, or 96
- upon abandonment of the plan, the Village 97
- shall furnish the Applicant with a statement 98
- of all such costs incurred by it with respect 99
- to such plan. Any excess funds shall be 100
- remitted to Applicant, and any costs in ex- 101
- cess of such deposit shall be paid by the 102
- Applicant. Any interest earned on the de- 103
- posit shall re-main the property of the Vil- 104
- lage to partially offset administrative ex- 105
- penses associated with planning and de- 106
- velopment. 107

1 **Sec. 66.1525 Terms of Development Agree-**  
 2 **ment.**  
 3 The Development Agreement shall also include  
 4 the following terms and conditions: (Amended  
 5 Ordinance 137-021208)

6 (a) The site plan, grading plan, lighting plan,  
 7 stormwater management plan, landscaping  
 8 plan, building architectural plans, phasing  
 9 plan and such other requirements as estab-  
 10 lished by the Plan Commission.

11 (b) Any necessary streets and appurtenances  
 12 thereto, shall be constructed at the expense  
 13 of the Applicant in accordance with the  
 14 provisions of Chapter 54 of the Code of  
 15 Ordinances, which are in effect at the time  
 16 of such construction.

17 (c) Sanitary and water mains and laterals, and  
 18 storm water drainage facilities, and any re-  
 19 lated off-site improvements shall be paid  
 20 for, constructed and installed by Applicant  
 21 as required by the Village, the provisions of  
 22 Chapter 62 of the Code of Ordinances at  
 23 applicant's expense.

24 (d) Assignment of landscape maintenance re-  
 25 sponsibilities to the owner(s) of the proper-  
 26 ty in accordance with the submitted land-  
 27 scape plan and the ability of the Village to  
 28 conduct such work and charge all costs in-  
 29 curred by the Village as a special charge  
 30 against the real estate upon owner's failure  
 31 to maintain.

32 (e) Applicant shall agree to indemnify and  
 33 hold the Village and its agents harmless  
 34 from and against claims related to the per-  
 35 formance of work at or for the site.

36 (f) Applicant's principals shall be personally  
 37 responsible for reimbursement of costs to  
 38 the Village in the event the Applicant does  
 39 not proceed with the actual installation as  
 40 approved by the Village.

41 (g) Applicant shall be responsible for payment  
 42 of the Village's costs, disbursements and  
 43 attorney's fees in the event the Village  
 44 brings legal action to enforce compliance  
 45 with this agreement and a final determina-  
 46 tion is made in favor of the Village.

47 (h) The terms and conditions of the agreement  
 48 shall extend to the heirs, administrators,  
 49 successors in title and assigns of the appli-  
 50 cant, including personal liability. However,  
 51 Applicant may not assign its rights, duties  
 52 and responsibilities under this Agreement  
 53 to any other third party without first obtain-  
 54 ing the prior written consent of the Village.

55 (i) The Applicant shall convey all necessary  
 56 easements to the Village.

57 (j) As a condition precedent to the execution  
 58 of the Development Agreement, the Appli-  
 59 cant shall post a cash deposit or file a letter  
 60 of credit with the Village guaranteeing  
 61 compliance with the Village Ordinances  
 62 and provisions of the Development  
 63 Agreement. The security shall be such  
 64 amount as to cover 100% of the estimated  
 65 costs of storm water drainage, lot grading,  
 66 landscaping, and any street construction  
 67 work as provided for under the Develop-  
 68 ment Agreement. The estimated costs shall  
 69 be provided by the Applicant or his engi-  
 70 neer and shall be subject to the approval of  
 71 the Village.

72 (k) Other terms that the Village and Applicant  
 73 shall deem appropriate.

74 **Sec. 66.1530 Zoning Permit Required**

75 All zoning permits for new construction, recon-  
 76 struction and remodeling are issued under the  
 77 condition that such construction shall comply  
 78 with all applicable state and federal standards and  
 79 local building codes. No structure shall hereafter  
 80 be located, erected, moved, reconstructed, ex-  
 81 tended, enlarged, or structurally altered until after  
 82 the owner or his/her agent has secured a zoning  
 83 permit, if required, from the Zoning Administrator,  
 84 or his/her designee, unless otherwise exempted  
 85 pursuant to section 66.0501 [See page 92] of this  
 86 chapter. Applications for zoning permit shall be  
 87 made in duplicate to the Zoning Administrator on  
 88 forms furnished by the Zoning Administrator and  
 89 shall include the following where applicable:

- 90 (a) Name and address.  
 91 Name and addresses of the applicant,  
 92 owner of the site, architect, professional  
 93 engineer and contractor.
- 94 (b) Lot description.  
 95 Description of the subject site by lot, block  
 96 and recorded subdivision, or metes and  
 97 bounds; address of the subject site; type of  
 98 structure; existing and proposed operation  
 99 or use of the structure or site; number of  
 100 employees; and the zoning district within  
 101 which the subject site lies.
- 102 (c) Plat of survey.  
 103 Plat of survey prepared by a registered land  
 104 surveyor showing the following infor-  
 105 mation:
  - 106 (1) Location of the lot referenced to the  
 107 U.S. Public Land Survey.
  - 108 (2) North arrow and graphic scale.
  - 109 (3) Dimensions of the lot.

- |    |      |                                         |     |      |                                                   |
|----|------|-----------------------------------------|-----|------|---------------------------------------------------|
| 1  | (4)  | Street names of abutting streets and    | 57  | (18) | The extent and elevation of flood-                |
| 2  |      | the name of the nearest intersecting    | 58  |      | plains and wetlands on the lot and                |
| 3  |      | street.                                 | 59  |      | within 40 feet of the lot.                        |
| 4  | (5)  | The distance from the corner of the     | 60  | (19) | Location of hydrants, streetlights                |
| 5  |      | lot to the nearest intersecting street. | 61  |      | and street trees.                                 |
| 6  | (6)  | The widths of abutting streets, side-   | 62  | (20) | If the property is in an area with a              |
| 7  |      | walks and alleys.                       | 63  |      | master grading plan, the existing                 |
| 8  | (7)  | Location of easements; their pur-       | 64  |      | and proposed grades of all corners                |
| 9  |      | pose and their width.                   | 65  |      | of the lot and the grade of the struc-            |
| 10 | (8)  | Location and dimensions of all          | 66  |      | ture controlled by such master                    |
| 11 |      | structures on the lot, both existing    | 67  |      | drainage plan.                                    |
| 12 |      | and proposed.                           | 68  | (21) | The seal and signature of the sur-                |
| 13 | (9)  | Existing lot grade and street grade,    | 69  |      | veyor.                                            |
| 14 |      | referenced to Village of Sister Bay     | 70  | (d)  | <u>Compliance with building codes.</u>            |
| 15 |      | datum.                                  | 71  |      | All construction and remodeling activity          |
| 16 | (10) | Proposed lot grades and structure       | 72  |      | that requires building permits and inspec-        |
| 17 |      | grades, referenced to Village of Sis-   | 73  |      | tion shall comply with the Village and            |
| 18 |      | ter Bay datum.                          | 74  |      | State building codes. All utilities including     |
| 19 | (11) | A pre-construction grade elevation      | 75  |      | electric, telephone, cable television, water      |
| 20 |      | shall be submitted for all principal    | 76  |      | and sanitary sewers shall be buried for all       |
| 21 |      | buildings and structures. Existing el-  | 77  |      | new structures. Utilities shall also be bur-      |
| 22 |      | elevations, obtained by field observa-  | 78  |      | ied for remodeling projects where the val-        |
| 23 |      | tion, shall be provided to adequately   | 79  |      | ue of the project is in excess of 50% of the      |
| 24 |      | portray drainage patterns on and        | 80  |      | equalized value. (Amended Ordinance               |
| 25 |      | adjacent to the parcel for which the    | 81  |      | 134-121107)                                       |
| 26 |      | grading plan is submitted. Such ex-     | 82  | (e)  | <u>Setback and footing inspection and permit.</u> |
| 27 |      | isting elevations shall include, at a   | 83  |      | The owner, tenant, contractor or agent            |
| 28 |      | minimum, a sufficiently tight grid      | 84  |      | shall notify the Zoning Administrator in          |
| 29 |      | pattern of elevations, existing grades  | 85  |      | writing or on forms provided by the Zoning        |
| 30 |      | at lot corners, at grade breaks, adja-  | 86  |      | Administrator 48 hours (excluding Satur-          |
| 31 |      | cent top of curbs, ground elevations    | 87  |      | days, Sundays and legal holidays) prior to        |
| 32 |      | at on-site and adjacent structure       | 88  |      | the pouring of footings so that the Zoning        |
| 33 |      | foundations, elevations at least 25     | 89  |      | Administrator may inspect the location of         |
| 34 |      | feet outside the parcel alongside       | 90  |      | the footings for compliance with the set-         |
| 35 |      | and rear lot lines, ditch flow lines    | 91  |      | back provisions of this chapter and zoning        |
| 36 |      | and culverts where applicable, and      | 92  |      | permit. No footings shall be poured or oth-       |
| 37 |      | all storm runoff receiving structures   | 93  |      | erwise made permanent until such inspec-          |
| 38 |      | and drainage ways. In addition,         | 94  |      | tion and approval of the footings for com-        |
| 39 |      | cross-sections of the principal build-  | 95  |      | pliance with this chapter has been given by       |
| 40 |      | ing or structure shall be submitted     | 96  |      | the Zoning Administrator. The Zoning Ad-          |
| 41 |      | indicating the preconstruction grade    | 97  |      | ministrato shall conduct the setback and          |
| 42 |      | elevation, and the highest and low-     | 98  |      | footing inspection within 48 hours of being       |
| 43 |      | est finished grade elevations.          | 99  |      | notified. However, if it is shown for good        |
| 44 |      | (Amended Ordinance 164-120809)          | 100 |      | cause that the inspection cannot be made          |
| 45 | (12) | Setbacks of structures on adjacent      | 101 |      | within the 48 hours, the inspection may be        |
| 46 |      | lots.                                   | 102 |      | delayed by the Zoning Administrator an            |
| 47 | (13) | Existing and proposed driveway lo-      | 103 |      | additional 48 hours (excluding Saturdays,         |
| 48 |      | cations and widths.                     | 104 |      | Sundays and legal holidays) upon verbal or        |
| 49 | (14) | Existing and proposed street and        | 105 |      | written notification of the owner, tenant,        |
| 50 |      | highway access restrictions.            | 106 |      | contractor or agent by the Zoning Adminis-        |
| 51 | (15) | Location of existing and proposed       | 107 |      | trator. Failure to provide the required no-       |
| 52 |      | parking and loading areas.              | 108 |      | tice to the Zoning Administrator or pouring       |
| 53 | (16) | Type of monument at each corner         | 109 |      | of footings or otherwise making them per-         |
| 54 |      | of the lot.                             | 110 |      | manent without the approval of the Zoning         |
| 55 | (17) | Watercourses or existing drainage       | 111 |      | Administrator shall result in an immediate        |
| 56 |      | ditches.                                |     |      |                                                   |

- 1 penalty of \$500.00 in addition to the provisions of section 66.1550. [See page 161]
- 2
- 3 (f) Waiver of some requirements.
- 4 In the sole discretion of the Zoning Administrator he/she may waive the requirements for certain plans, specification, data, or the plat of survey when the application is to execute minor alterations or repairs to a building or structure, provided that the proposed construction, alteration, or repair is sufficiently described in the application for the permit.
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- 13 (g) Proposed sewage disposal plan if municipal sewerage service is not available.
- 14 This plan shall include a copy of the permit issued by the appropriate regulatory agency for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
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- 21 (h) Proposed water supply plans if municipal water service is not available.
- 22 This plan shall be in accordance with chapter NR 112 of the Wisconsin Administrative Code and shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.
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- 29 (i) Condominium declaration.
- 30 Any developer of land in the Village who elects to create a condominium pursuant to chapter 703 of the Wisconsin Statutes shall submit a copy of the Condominium Declaration, and any amendment thereto, to the Zoning Administrator to be attached to the file copy of the Zoning Permit application.
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- 37 (j) Estimate of the cost of completing the site plan improvements including, but not limited to, landscaping, paving, drainage facilities, sign installation, and lighting.
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- 41 (k) Environmental Assessment.
- 42 The developer shall provide an evaluation of the site for wetlands, woodlands, ridges or swales, natural landforms or other natural areas if so directed by the Zoning Administrator.
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- 47 (l) Additional information as may be required by the Plan Commission, Village Engineer, Zoning Administrator, Wastewater Superintendent, or Fire Inspector.
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- 51 (m) No zoning permit shall be issued for the erection or construction of any building or structure on platted or unplatted land along a public or private street with roadside ditches, unless the owner or agent has arranged, with the Village Engineer, for the
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- 57 installation of a culvert of such size and length to preserve the capacity and grade of any drainage ditch laid alongside the public street or public service drive abutting the property. The Village shall determine the size and length of the culvert required, but in no case shall the culvert be less than 12 inches in diameter and 20 feet in length.
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- 66 (n) No zoning permit shall be issued until the Village has investigated the fact that all outstanding connection and development fees and special assessments levied against the property have been fully paid or an agreement for payment to the Village by the property owner has been executed.
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- 73 (o) Zoning permit for use expiration.
- 74 Regular zoning permits to establish a use shall expire 24 months from the date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this chapter.
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- 80 (p) Zoning permit for construction expiration.
- 81 Regular zoning permits for construction of a structure shall expire 24 months from the date of issuance or at the same time as the building permit. Any exterior construction after the expiration of a zoning permit shall be considered a violation of this chapter.
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- 87 (q) A zoning permit shall be granted or denied in writing by the Zoning Administrator or designee.
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- 90 (r) Grading Plan Review.
- 91 A grading plan is an important element in preventing property damage, flooding and view vistas. A grading plan takes into account the existing topography of the development and its relationship with adjacent properties. Proper grading avoids the need for retaining walls, storm drainage systems, swales on the development and adjacent properties. (Amended Ordinance 164-120809)
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- 101 (1) Building construction projects that have less than a two-foot change in elevation between the preconstruction grade and finished grade are not required to have engineering review of the grading plan.
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- 107 (2) Building construction projects that are not otherwise exempt shall have a grading plan prepared by a qualified professional engineer. The proposed project shall comply with the Village's Grading Standards as de-
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1 developed by the Village Engineer. A  
 2 zoning permit shall not be issued for  
 3 a project requiring a grading plan  
 4 until it is approved by the Village  
 5 Engineer.

6 **Sec. 66.1531 Zoning Permit Not Required**

7 No zoning permit shall be required for any of the  
 8 following activities; provided that any work that  
 9 does qualify for an exemption under this section  
 10 shall be required to comply with the applicable  
 11 setback, height, and other requirements set forth  
 12 in this chapter:

- 13 (a) Accessory structures shall require a regular  
 14 zoning permit except: minor structures  
 15 such as birdhouses, yard light poles, bird-  
 16 baths, doghouses (housing dogs which are  
 17 licensed as the personal pets of the resi-  
 18 dents of the property), tree houses, chil-  
 19 dren’s play apparatus, home heating oil  
 20 storage tanks, clothesline poles, lawn or-  
 21 naments, flag poles, mailboxes, garbage  
 22 containers and ice fishing shanties. Acces-  
 23 sory buildings greater than 120 square feet  
 24 in area shall also require the issuance of a  
 25 building permit. (Amended Ordinance  
 26 120-061306)
- 27 (b) For repairs that do not alter the size or po-  
 28 sition of an existing structure on a lot.  
 29 (Amended Ordinance 120-061306)

30 **Sec. 66.1532 Certificates of Occupancy and**  
 31 **Compliance Required**

- 32 (a) Certificate of occupancy.  
 33 No vacant land shall be occupied or used;  
 34 and no building or premises shall be erect-  
 35 ed, altered, or create a change in use; and  
 36 no non-conforming use shall be changed,  
 37 or extended until a certificate of occupan-  
 38 cy has been issued by the Zoning Adminis-  
 39 trator or designee. Such certificate shall  
 40 show that the building, premises or part  
 41 thereof complies with the provisions of this  
 42 chapter. Such certificate shall be applied  
 43 for prior to the time of occupancy of any  
 44 land and/or building.
- 45 (b) Certificate of compliance.  
 46 No building located in a business district  
 47 and used for business purposes shall have  
 48 the use changed without the issuance of a  
 49 new certificate of compliance by the Zon-  
 50 ing Administrator or designee. Such certi-  
 51 ficate shall show that the building or prem-  
 52 ises or part thereof is in compliance with  
 53 the provisions of the Zoning Code, Build-  
 54 ing Code, Electrical Code, Fire Prevention

55 Code and the Plumbing Code of the Vil-  
 56 lage and State of Wisconsin. Application  
 57 for a certificate of compliance shall be  
 58 made in the same manner as for a zoning  
 59 permit pursuant to section 66.1530 [See  
 60 page 155] of this chapter.

61 **Sec. 66.1535 Conditional Use Permit**

62 Note: This section was amended in its entirety by  
 63 Ordinance 173-081010)

64 The Village Board may authorize the Zoning Ad-  
 65 ministrator to issue a conditional use permit for a  
 66 conditional use after a review and recommenda-  
 67 tion by the Plan Commission. The request for a  
 68 permit for a conditional use shall be filed with the  
 69 Zoning Administrator on an official application  
 70 form and shall be accompanied by the required  
 71 fee and detailed written and graphic materials ful-  
 72 ly explaining the proposed development. The ap-  
 73 plicant shall explain in writing why a conditional  
 74 use permit should be issued addressing the criteria  
 75 in subsection (i) below. A public hearing shall be  
 76 conducted by the Plan Commission.

- 77 (a) Applicant.  
 78 Names and addresses of the applicant,  
 79 owner of the site, architect, professional  
 80 engineer, contractor and all opposite and  
 81 abutting property owners of record.
- 82 (b) Project Description.  
 83 Description of the subject site by lot,  
 84 block, and recorded subdivision or by  
 85 metes and bounds; address of the subject  
 86 site; type of structure; proposed operation  
 87 or use of the structure or site; number of  
 88 employees; and the zoning district within  
 89 which the subject site is located.
- 90 (c) Plat of Survey.  
 91 Plat of survey prepared by a registered land  
 92 surveyor showing all of the information re-  
 93 quired under section 66.1530(c) for a zon-  
 94 ing permit and, in addition, the ordinary  
 95 high water mark, and existing and pro-  
 96 posed landscaping.
- 97 (d) Additional Information Required.  
 98 Additional information as may be required  
 99 by the Plan Commission, Village Engineer,  
 100 Zoning Administrator, Utility Manager or  
 101 Fire Inspector.
- 102 (e) Conditional Uses Will be Reviewed as to  
 103 Intent.  
 104 A conditional use is development, which  
 105 would not generally be appropriate within  
 106 a district, but might be allowed in certain  
 107 locations within the district, if specific re-  
 108 quirements are met. The compatibility  
 109 must be judged on the basis of the particu-  
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lar circumstances and may require the imposing of conditions before the use, development or occupancy is permitted. The intent is to allow a reasonable degree of discretion to the Plan Commission in determining the suitability of a particular use or development at a specific location.

(f) Plan Commission Action.  
The Plan Commission is empowered to recommend a development agreement for a conditional use if the following requirements are met. Uses, which require such a permit, are identified in the respective district regulations. The Plan Commission may make such recommendation as it deems appropriate regarding approval of the request. The Board of Trustees shall approve or deny all conditional use permits and related development agreements as submitted.

(g) Conditions.  
Conditions related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, setbacks and yards, sewerage disposal, water supply, storm water management and parking requirements may be required by the Village Plan Commission upon its finding that such conditions are necessary to fulfill the purposes and intent of this chapter.

(h) Issuance and Safeguards.  
If a development agreement is required, the permit for a conditional use shall be part of the development agreement, and shall be attached thereto. In recommending any conditional use, the Plan Commission may prescribe appropriate conditions and safeguards in conformity with this chapter. The Plan Commission may request that the Village be provided with either a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to issuance of the conditional use permit. The security shall be used to guarantee compliance with the conditions of the permit and shall be returned to the developer when an occupancy permit is issued.

(i) Decision Criteria.  
In making a determination on an application for a conditional use, the Plan Commission shall consider all relevant factors specified in other sections of this chapter

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including standards for specific requirements for certain land uses and activities. The Plan Commission shall consider the following criteria:

(1) Compatibility.  
The compatibility of the proposed use with existing development within 300 feet of the proposed use and within 500 feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions, which would make the use more compatible. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

(2) Consistency with the Comprehensive Plan.  
The relationship of the proposed use to the objectives of the Village of Sister Bay comprehensive plan. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(3) Importance of Services to the Community.  
The importance of the services provided by the proposed use to the community, if any, and the requirements of the use for certain locations, if any, and without undue inconvenience to the developer and the availability of alternative locations equally suitable.

(4) Neighborhood Protections.  
The sufficiency of the terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the surrounding area.

(5) Conformance with other Requirements of the Chapter.  
The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and the Plan

1 Commission shall find that there is a  
 2 public necessity for the conditional  
 3 use.  
 4 (j) Other Factors.  
 5 Other factors pertinent to the proposed  
 6 use, site conditions or surrounding area  
 7 considerations, which the Plan Commis-  
 8 sion feels, are necessary for review in order  
 9 to make an informed and just decision.  
 10 (k) Public Hearing.  
 11 Whenever a conditional use permit is re-  
 12 quested and the required public hearing is  
 13 scheduled and noticed by the Village as a  
 14 Class 2 notice, the Village shall give no-  
 15 tice, by regular mail, of the proposed con-  
 16 ditional use to all property owners whose  
 17 property lies within 300 feet measured in a  
 18 straight line from the exterior boundary of  
 19 the property subject to the proposed condi-  
 20 tional use permit. The notice shall be  
 21 mailed at least ten days prior to the hear-  
 22 ing; however, failure of a neighboring  
 23 property owner to receive such mailed no-  
 24 tice shall not invalidate a public hearing. If  
 25 action is delayed more than 120 days from  
 26 the date of public hearing, a new public  
 27 hearing shall take place. In addition to the  
 28 notification requirements listed above, ap-  
 29 plicant shall post signage visible to every  
 30 facing street at least ten days prior to the  
 31 hearing. The signage shall identify the  
 32 property as being the subject of a public  
 33 hearing and identify the appropriate Vil-  
 34 lage office that may be contacted for in-  
 35 formation.  
 36 (l) Resubmissions.  
 37 A conditional use permit application that  
 38 has been heard and denied shall be eligi-  
 39 ble to be resubmitted only if the applicant  
 40 submits an affidavit to the Plan Commis-  
 41 sion identifying how the new application  
 42 materially differs from the previous appli-  
 43 cation or identifying substantial new evi-  
 44 dence that will be offered. The Plan Com-  
 45 mission shall review the affidavit and then  
 46 vote by simple majority of the members  
 47 present on the question of whether the  
 48 changes or new evidence would be of such  
 49 significance that the Plan Commission may  
 50 consider changing the previous decision. If  
 51 the resubmission is accepted, the Plan  
 52 Commission shall schedule a hearing on  
 53 the entire resubmitted application. If the  
 54 Plan Commission rejects the resubmitted  
 55 application, a new application shall not be  
 56 submitted during the following 12 months.

57 (m) Notice to DNR.  
 58 The Plan Commission shall transmit a copy  
 59 of each application for a wetland condi-  
 60 tional use in the W-1 district to the Wis-  
 61 consin Department of Natural Resources  
 62 (DNR) by certified mail at least ten days  
 63 prior to the public hearing. Final action on  
 64 the application by the Village Board shall  
 65 not be taken for 30 days from the date the  
 66 DNR receives notice of public hearing by  
 67 certified mail or until the DNR has made  
 68 its recommendation, whichever comes  
 69 first. A copy of all wetland conditional use  
 70 decisions shall be transmitted to the DNR  
 71 within ten days following the decision.  
 72 (n) Conditional Use for Use Expiration.  
 73 Conditional use permits to establish a use  
 74 shall expire 12 months from the date of is-  
 75 suance if no action has commenced to es-  
 76 tablish the use, unless a different time is es-  
 77 tablished as a condition of granting the  
 78 conditional use permit. Any change of land  
 79 use after the expiration of a conditional use  
 80 permit shall be considered a violation of  
 81 this chapter.  
 82 (o) Conditional Use for Construction Expira-  
 83 tion  
 84 Conditional use permits for construction of  
 85 a structure shall expire 12 months from the  
 86 date of issuance, unless a different time pe-  
 87 riod is established as a condition of grant-  
 88 ing the conditional use permit. Any exteri-  
 89 or construction after the expiration of a  
 90 conditional use permit shall be considered  
 91 a violation of this chapter and shall warrant  
 92 consideration for revocation of the Condi-  
 93 tional Use permit in accordance with sec-  
 94 tion 66.1535(l) of this chapter.  
 95 (p) Amendments.  
 96 Changes subsequent to the initial issuance  
 97 of a conditional use permit, which would  
 98 substantially affect the conditions listed in  
 99 section 66.1535(e) of this chapter, shall re-  
 100 quire an amendment to the conditional use  
 101 permit. The process for amending a permit  
 102 shall generally follow the same procedures  
 103 as those required for granting a conditional  
 104 use permit as set forth in this section.  
 105 (q) Revocation of Conditional Use Permit.  
 106 Should a permit applicant, his/her heirs or  
 107 assigns, fail to comply with the conditions  
 108 of the permit issued by the Zoning Admin-  
 109 istrator or should the use or characteristics  
 110 of the use be changed without prior ap-  
 111 proval by the Village Board, the Condi-  
 112 tional Use Permit may be revoked. The

1 process for revoking a permit shall general-  
2 ly follow the same procedures as those re-  
3 quired for granting a conditional use per-  
4 mit as set forth in this section.

5 (r) Existing Conditional Uses.

6 All uses existing on the effective date of  
7 this chapter, which would be classified as  
8 conditional uses in the particular districts  
9 concerned, if they were to be established  
10 after the effective date of this chapter, are  
11 hereby declared conforming conditional  
12 uses. Any proposed change or expansion,  
13 including signage and parking, of the exist-  
14 ing operation shall be subject to the condi-  
15 tional use procedures and regulations in  
16 this section, as if such use was being newly  
17 established.

18 **Sec. 66.1540 Other Permits**

19 It is the responsibility of the permit applicant to  
20 secure all other necessary permits required by any  
21 state, federal, or county agency. This includes, but  
22 is not limited to, a water use permit pursuant to  
23 Chapter 30 of the Wisconsin Statutes, a water  
24 quality certification pursuant to Chapter NR 103  
25 of the Wisconsin Administrative Code, or a wet-  
26 land fill permit pursuant to section 404 of the  
27 Federal Water Pollution Act.

28 **Sec. 66.1545 Permit Fees**

29 All persons, firms, or corporations performing  
30 work, which by this chapter requires the issuance  
31 of a permit, shall pay a fee for such permit to the  
32 Village Clerk to help defray the cost of administra-  
33 tion, investigation, advertising, and processing of  
34 permits and variances. The permits for which a  
35 fee is required are the Building Permit, Certificate  
36 of Occupancy, Conditional Use Permit and Sign  
37 Permit. A fee shall also be required for a zoning  
38 text or map amendment, and zoning appeal or  
39 variance. The fees shall be set forth in the Munic-  
40 ipal Code of the Village, or by resolution as  
41 amended from time to time.

42 **Sec. 66.1550 Violations**

43 It shall be unlawful to construct or use any struc-  
44 ture, land or water in violation of any of the provi-  
45 sions of this chapter. Failure to secure the neces-  
46 sary permits prior to commencing construction  
47 shall also constitute a violation. In case of any  
48 violation, the Village Board, the Zoning Adminis-  
49 trator, the Plan Commission or any property own-  
50 er who would be specifically damaged by such  
51 violation may institute appropriate action or pro-  
52 ceedings to enjoin or abate a violation of this  
53 chapter.

54 **Sec. 66.1560 Remedial Action**

55 Whenever an order of the Zoning Administrator  
56 has not been complied with within 30 days after  
57 written notice has been mailed to the owner, resi-  
58 dent agent, or occupant of the premises, the Vil-  
59 lage Board, the Plan Commission, the Zoning  
60 Administrator, or the Village Attorney may insti-  
61 tute appropriate legal action or proceedings to  
62 prohibit such owner, agent, or occupant from us-  
63 ing such structure, land, or water; and to cause to  
64 remove such structure or use.

65 **Sec. 66.1570 Penalties**

66 Penalties for violation of the provisions of this  
67 chapter shall be in accordance with the provisions  
68 of the Municipal Code.

69 **Sec. 66.1575 Renewal of Permits**

70 If construction has commenced prior to the expi-  
71 ration of a regular zoning permit, but is not com-  
72 pleted prior to such expiration, a 12-month re-  
73 newal regular zoning permit shall be issued by the  
74 zoning administrator upon submittal of a renewal  
75 application and fee. Additional renewals shall be  
76 granted by the zoning administrator upon a find-  
77 ing that substantial progress had been made dur-  
78 ing the previous year toward completion of the  
79 structure. If a 12-month period passes without evi-  
80 dence of substantial progress towards comple-  
81 tion, the zoning administrator shall advise the  
82 Plan Commission of such fact and the Plan Com-  
83 mission may call a public hearing on the matter  
84 and may impose a completion schedule. A struc-  
85 ture shall be deemed completed when the roof,  
86 exterior walls, doors, windows and sub-floors are  
87 in place and finished and utility connections have  
88 been made and required landscaping and site im-  
89 provements have been made.

90

1

1600 - ZONING BOARD OF APPEALS

1 Sec. 66.1601 Establishment

2 There is hereby established a Zoning Board Ap-
3 peals for the Village for the purpose of hearing
4 appeals and applications, and for granting vari-
5 ances and exceptions to the provisions of this
6 Zoning Code. The Zoning Board of Appeals shall
7 consist of five members plus two alternates ap-
8 pointed by the Village President and confirmed by
9 the Village Board.

10 Sec. 66.1602 Organization

11 The Zoning Board of Appeals shall organize and
12 adopt rules of procedure for its own governance
13 in accordance with the provisions of the Municip-
14 al Code of the Village and this chapter.

15 (a) Meetings.

16 Meetings shall be held at the call of the
17 chairperson and shall be open to the pub-
18 lic.

19 (b) Minutes.

20 Written minutes of the proceedings and a
21 record of all actions shall be kept by the
22 Zoning Administrator, or other designated
23 person, showing the vote of each member
24 upon each question, the reasons for the
25 Board's determination, and its finding of
26 facts. These records shall be immediately
27 filed in the office of the Village Clerk and
28 shall be a public record.

29 (c) Voting.

30 The concurring vote of four members of
31 the Board shall be necessary to reverse any
32 order, requirement, decision or determina-
33 tion of any administrative official; grant a
34 variance; or make an interpretation.

35 Sec. 66.1603 Powers

36 The Zoning Board of Appeals shall have the fol-
37 lowing powers:

38 (a) Errors:

39 To hear and decide appeals when it is al-
40 leged there is error in any order, require-
41 ment, decision or determination made by
42 any administrative official in the enforce-
43 ment of this chapter.

44 (b) Variances:

45 To hear and grant appeals for area vari-
46 ances as will not be contrary to the public
47 interest, when, owing to special condi-
48 tions, a literal enforcement will result in
49 practical difficulty or unnecessary hard-
50 ship, so that the spirit and purposes of this

chapter shall be observed and the public
safety and welfare secured and substantial
justice done. Use variances shall not be
granted.

55 (c) Permits:

56 The Board may reverse, affirm wholly or
57 partly, or may modify the order, require-
58 ments, or decision or determination ap-
59 pealed from, and may issue or direct the is-
60 suance of a permit.

61 (d) Assistance:

62 The Board may request assistance from
63 other Village officials, departments, com-
64 missions and boards.

65 (e) Oaths:

66 The chairperson or vice-chairman may
67 administer oaths and compel the attend-
68 ance of witnesses.

69 Sec. 66.1604 Appeals and Applications

70 Appeals of the decision of the Zoning Administra-
71 tor or any administrative official concerning the
72 literal enforcement of this chapter may be made
73 by any person aggrieved or by any officer, de-
74 partment or board of the Village. Such appeals
75 shall be filed with the Village Clerk within 30
76 days after the filing of the decision or order of the
77 Zoning Administrator or any administrative offi-
78 cial. Applications may be made by the owner or
79 lessee of the structure, land or water to be affected
80 at any time and shall be filed with the Village
81 Clerk. Such appeals and applications shall include
82 the following:

83 (a) Name and address of the appellant or ap-
84 plicant and all abutting and opposite prop-
85 erty owners of record.

86 (b) Plat of survey prepared by a registered land
87 surveyor showing all of the information re-
88 quired under section 66.1530(c) [See page
89 155] for a Zoning Permit when required by
90 the Zoning Administrator or a
91 firm/individual designated by the Village or
92 a sketch drawn to a recognized map scale
93 may be submitted.

94 (c) Additional information required by the
95 Plan Commission, Village Engineer, Zoning
96 Board of Appeals, or Zoning Administrator.

97 (d) A filing fee, as set forth in the Municipal
98 Code, shall be submitted with the applica-
99 tion.

100 Sec. 66.1605 Hearings

101 The Zoning Board of Appeals shall fix a reasona-
102 ble time and place for the hearing, shall give pub-
103 lic notice thereof as specified in section
104 66.1301(a) [See page 168] of this chapter, and

1 shall give due notice to the parties in interest, and  
2 the Zoning Administrator. At the hearing, the ap-  
3 pellant may appear in person, by agent, or by at-  
4 torney.

5 **Sec. 66.1606 Notice to DNR**

6 The Zoning Board of Appeals shall transmit a  
7 copy of each application for an area variance to  
8 regulations of the W-1 district to the Wisconsin  
9 Department of Natural Resources (DNR) by certi-  
10 fied mail at least ten day prior to the public hear-  
11 ing. Copies of appeals in the W-1 district shall al-  
12 so be submitted to the DNR by certified mail at  
13 least ten days prior to any public hearing. Final  
14 action on the variance application or appeal shall  
15 not be taken for 30 days or until the DNR has  
16 made its recommendation, whichever comes first.  
17 A copy of all decisions relating to variances to  
18 conservancy district regulations or to floodland  
19 regulations, and a copy of all decisions to con-  
20 servancy district and floodland district appeals,  
21 shall be transmitted to the DNR within ten days  
22 following the date of such decision.

23 **Sec. 66.1607 Findings**

24 No area variance to the provisions of this chapter  
25 shall be granted by the Board unless it finds by a  
26 preponderance of the evidence that all the follow-  
27 ing facts and conditions exist and so indicates  
28 such in the minutes of its proceedings.

29 (a) Preservation of intent.  
30 No area variance shall be granted that is  
31 not consistent with the purpose and intent  
32 of the regulations for the district in which  
33 the development is located.

34 (b) Exceptional circumstances.  
35 There must be unique circumstances or  
36 conditions applying to the lot or parcel or  
37 structure that do not apply generally to  
38 other properties or uses in the same zoning  
39 classification within 1,000 feet of the sub-  
40 ject property and the granting of the area  
41 variance should not be of so general or re-  
42 current nature as to suggest that the zoning  
43 chapter should be changed.

44 (c) Hardship.  
45 Economic hardship and self-imposed hard-  
46 ship are not grounds for an area variance:  
47 No area variance shall be granted solely  
48 based on economic gain or loss. The hard-  
49 ship must be based upon conditions  
50 unique to the property rather than consid-  
51 erations personal to the owner.

52 (d) Preservation of property rights.  
53 The variance must be necessary for the  
54 preservation and enjoyment of substantial

55 property rights possessed by other proper-  
56 ties in the same zoning district and same  
57 vicinity.

58 (e) Absence of detriment.  
59 No area variance shall be granted that will  
60 create substantial detriment to adjacent  
61 property or that will materially impair or be  
62 contrary to the purpose and spirit of this  
63 chapter or the public interest.

64 (f) Additional requirements in wetland district.  
65 No variance shall be granted where:  
66 (1) Filling and development contrary to  
67 the purpose and intent of the W-1  
68 district would result.  
69 (2) A change in the boundaries of the  
70 any wetland district would result.  
71 (3) Any action contrary to the provi-  
72 sions of chapter NR 116 or chapter  
73 NR 166 of the Wisconsin Adminis-  
74 trative Code would result.

75 **Sec. 66.1608 Wetland Mapping Disputes**

76 Whenever the Board of Appeals is asked to inter-  
77 pret a W-1 district boundary where an apparent  
78 discrepancy exists between the Village's Final  
79 Wetland Inventory Map and actual field condi-  
80 tions, the Village shall contact the Wisconsin De-  
81 partment of Natural Resources (DNR) to deter-  
82 mine if the wetland inventory map is in error. If  
83 the DNR staff concurs that the particular area was  
84 incorrectly mapped as a wetland, the Board of  
85 Appeals shall direct the Plan Commission to initi-  
86 ate appropriate action to rezone the property  
87 within a reasonable amount of time. If the DNR  
88 staff does not concur that the particular area is in-  
89 correctly mapped, the Zoning Board of Appeals  
90 shall affirm the Zoning Administrator's interpreta-  
91 tion.

92 **Sec. 66.1609 Decision**

93 The Zoning Board of Appeals shall decide all ap-  
94 peals and applications within a reasonable period  
95 of time after the public hearing and shall transmit  
96 a signed copy of the Board's decision to the ap-  
97 pellant or applicant, Zoning Administrator, and  
98 Plan Commission.

99 (a) Modifications or additions to any condition  
100 attached to a permit may be made by the  
101 Zoning Board of Appeals, which shall be  
102 enforced by the Zoning Administrator.

103 (b) Variances granted by the Board, relating to  
104 the commencement of construction of a  
105 building or structure, shall expire within a  
106 period of time established by the Board,  
107 but in no case shall such period exceed 12  
108 months unless substantial work has com-

1 menced pursuant to such variance as de-  
2 termined by the Zoning Administrator. If  
3 the variance expires, it is invalid and the  
4 applicant must reapply for a variance.

5 **Sec. 66.1610 Review by Court of Record**

6 Any person or persons, jointly or severally ag-  
7 grieved by any decision of the Zoning Board of  
8 Appeals, or any taxpayer, or any officer, depart-  
9 ment, or board of the Village may, within 30 days  
10 after the filing of the decision in the office of the  
11 Zoning Board of Appeals, commence an action  
12 seeking the remedy available by certiorari.

13

1

**SECTION 1700 - CHANGES AND AMENDMENTS**

1 **Sec. 66.1701 Authority**  
 2 The Village Board may, by Ordinance, change the  
 3 district boundaries or amend, change, or supple-  
 4 ment the regulations established by this chapter or  
 5 amendments thereto.

6 **Sec. 66.1702 Initiation**  
 7 A change or amendment may be initiated by the  
 8 Village Board or Plan Commission or by an appli-  
 9 cation of one or more of the owners, lessees or  
 10 contract purchasers of the property subject to the  
 11 proposed change.

12 **Sec. 66.1703 Applications**  
 13 Applications for any change to the district bound-  
 14 aries or amendments to the regulations shall be  
 15 filed with the Zoning Administrator, and shall  
 16 contain a legal description of the premises to be  
 17 rezoned or the regulations to be amended. If the  
 18 application is submitted by a contract purchaser,  
 19 a copy of the offer to purchase shall be included  
 20 with the application. The application shall list the  
 21 reasons, which justify the application, and specify  
 22 the proposed use, or provide the proposed  
 23 amended wording in the regulation.

24 **Sec. 66.1704 Review and Recommendations**  
 25 The Plan Commission shall review all proposed  
 26 changes and amendments within the corporate  
 27 limits and shall recommend that the petition be  
 28 granted as requested, modified and granted, or  
 29 denied.

30 **Sec. 66.1705 Hearings**  
 31 The Plan Commission shall hold a public hearing  
 32 upon each application giving public notice there-  
 33 of as specified in section 66.1801 [See page 168]  
 34 of this chapter, listing the time, place and the  
 35 changes of amendments proposed. The Plan  
 36 Commission shall also give at least ten days' prior  
 37 written notice to the clerk of any municipality  
 38 within 1,000 feet of any land to be affected by the  
 39 proposed change or amendment. (Amended Or-  
 40 dinance 117-041806).

41 **Sec. 66.1706 Village Board's Action**  
 42 As soon as possible after such public hearing, and  
 43 after careful consideration of the Plan Commis-  
 44 sion's recommendations, the Village Board shall  
 45 act on the application approving, either modifying  
 46 and approving, or disapproving of the same.

47 **Sec. 66.1708 Wetland Amendments**

48 (a) Notice to DNR.  
 49 The Village shall transmit a notice of any  
 50 proposed change (text or map) in the W-1  
 51 district to the Wisconsin Department of  
 52 Natural Resources (DNR). Notice require-  
 53 ments shall be as follows:  
 54 (1) A copy of every application for a  
 55 text or map change shall be mailed  
 56 within five days of filing with the  
 57 Zoning Administrator.  
 58 (2) At least ten days prior notice of any  
 59 public hearing on a wetland zoning  
 60 amendment shall be provided.  
 61 (3) Notice of a Plan Commission rec-  
 62 ommendation no later than ten days  
 63 following the recommendation shall  
 64 be provided.  
 65 (4) Notice of a Village Board decision  
 66 no later than ten days following the  
 67 decision shall be provided.

68 (b) Review standards.  
 69 No wetland in the W-1 district shall be re-  
 70 zoned if the rezoning results in a signifi-  
 71 cant adverse impact on storm or floodwa-  
 72 ter storage capacity; maintenance of dry  
 73 season stream flow, the discharge of  
 74 groundwater from the wetland to another  
 75 area, or the flow of groundwater through a  
 76 wetland; filtering or storage of sediments,  
 77 nutrients, heavy metals, or organic com-  
 78 pounds that would otherwise drain into  
 79 navigable waters; shoreline protection  
 80 against soil erosion; fish spawning, breed-  
 81 ing, nursery or feeding grounds; wildlife;  
 82 habitat; or areas of special recreational,  
 83 scenic or scientific interest, including  
 84 scarce wetland types.

85 (c) DNR objections.  
 86 If the DNR has notified the Plan Commis-  
 87 sion that an amendment to the W-1 district  
 88 may have a significant adverse impact up-  
 89 on any of the criteria listed in subsection  
 90 (b) above, that amendment, if approved by  
 91 the Village Board, shall not take effect until  
 92 more than 30 days have elapsed since writ-  
 93 ten notice of the Village Board's approval  
 94 of this amendment was mailed to the De-  
 95 partment of Natural Resources. During that  
 96 30-day period, the Department of Natural  
 97 Resources may notify the Village Board  
 98 that it will adopt a superseding shoreland  
 99 ordinance for the Village pursuant to sec-  
 100 tion 62.231 of the Wisconsin Statutes. If  
 101 the Department does so notify the Village  
 102 Board, the effect of this amendment shall

1 be stayed until the section 62.231 adoption  
 2 procedure is completed or otherwise ter-  
 3 minated.

4 **Sec. 66.1709 Protest**

5 In the event of a protest against a district change  
 6 duly signed and acknowledged by the owners of  
 7 20 percent or more, either of the areas of the land  
 8 included in such proposed change, or by the  
 9 owners of 20 percent or more of the land imme-  
 10 diately adjacent extending 100 feet there from, or  
 11 by the owners of 20 percent or more of the land  
 12 directly opposite thereto extending 100 feet from  
 13 the street frontage of such opposite land, such  
 14 changes or amendments shall not become effec-  
 15 tive except by the favorable vote of three-fourths  
 16 (3/4) of the Village Board membership of the pro-  
 17 posed change.

18 **Sec. 66.1710 Map and Text Amendments**

19 This section contains a chronological record of  
 20 changes to the Zoning District map, Official Map  
 21 or the text of the Zoning Code. It also contains a  
 22 chronological listing of all conditional use per-  
 23 mits.

24 July 13, 2004: Ordinance 102 changing the com-  
 25 position of the Plan Commission to five members,  
 26 Superseded by later revisions.

27 November 9, 2004: Ordinance 102 adopted the  
 28 revised Zoning Code as a major update.

29 May 10, 2005: Ordinance 111 changed the com-  
 30 position of the Plan Commission back to seven  
 31 members. 66.1500.(a).

32 October 25, 2005: Ordinance 112 added pier  
 33 permits and dock construction standards 66.1020.

34 April 18, 2006: Ordinance 116 changing the zon-  
 35 ing on three parcels of land from R-1 to R-2.

36 April 18, 2006: Ordinance 117 amending seven  
 37 different sections of the code. 66.0323(a)(25,  
 38 66.0323(a)(38), 66.0322(a)(37), 66.0501(b)(5),  
 39 66.0501(a)(4), 66.0710(b), 66.1205.

40 June 13, 2006: Ordinance 120 amending 18 dif-  
 41 ferent sections of the code 66.0307-.0310,  
 42 66.0322(e)(7), 66.0322(i)(6), 66.0404,  
 43 66.0331(a)(5), 66.0331(a)(5), 66.0342(d),  
 44 66.0403(j)(2)(d), 66.0403(j)(2)(l), 66.0406(d),  
 45 66.0706(b), 66.1530(d), 66.1531, 66.1050(a)(14),  
 46 66.2100, 66.0716(c)(5), 66.0704(f),  
 47 66.0403(j)((1)(b)(2), 66.0708(c).

48 October 10, 2006: Ordinance 122 changing the  
 49 zoning for a parcel on North Woods Road from R-  
 50 1 to B-1.

51 May 14, 2007: Ordinance 126 creating 66.1035  
 52 establishing street names and repealing  
 53 66.0704(c)

54 June 12, 2007: Ordinance 128 amending sections  
 55 66.1050(a)(16(b), 66.0403(j), 66.0320(b)(3),  
 56 66.0320(a)(76), 66.0320(c)(24), 66.0403(j)(6)(a)

57 July 10, 2007: Ordinance 130 amending sections  
 58 66.0404(g), 66.0320(c)(25), 66.0320(g)(6)

59 July 10, 2007: Ordinance 131 amending the en-  
 60 tire sign chapter 66.0701-.0718

61 December 11, 2007: Ordinance 134 amending  
 62 sections 66.1050, 66.0702, 66.1530 and 66.0501  
 63 regarding propane tanks and fire hydrant place-  
 64 ment.

65 February 12, 2008: Ordinance 137 amending R-4  
 66 Standards and development agreements  
 67 66.0310(E)(2), 66.0310(G), 66.0314, 66.1510.1,  
 68 66.1510.2

69 August 12, 2008: Ordinance 141 Amending  
 70 Chapter 66 of the Municipal Code Regarding Ar-  
 71 chitectural Standards 66.0310(G)(5)

72 August 12, 2008: Ordinance 143 Amending Sec-  
 73 tion 66.0302(b)(8) the Zoning Code regarding  
 74 business activities during festivals.

75 August 12, 2008: Ordinance 144 Amending Sec-  
 76 tion 66.0501(a)(7) the Zoning Code permitting  
 77 utility service to accessory buildings.

78 November 4, 2008: Ordinance 146 Amending  
 79 Chapter 66 regarding accessory building setbacks  
 80 and sandwich board special event signage sec-  
 81 tions 66.0501(b) and 66.0710.

82 May 04, 2009: Ordinance 150 Amending Section  
 83 66.0331(a)(b) Chapter 66 regarding farm markets,  
 84 garden plots and the definition of farm market.

85 July 14, 2009: Ordinance 154 amending chapter  
 86 66 of the municipal code regarding on premise  
 87 signs §66.0704, adjustments to required parking  
 88 §66.0404, parking requirements §66.0403, fire  
 89 and explosive hazards fireworks §66.0803 and re-  
 90 zoning the former Helms Four Season resort prop-  
 91 erty to P-1.

92 July 14, 2009: Ordinance 154 rezoning the former  
 93 Helms Four Season resort property to P-1.

94 December 8, 2009: Ordinance 157 Amending  
 95 Chapter 66 of the Municipal Code Regarding Sec-  
 96 tion 66.0404 Regarding Parking Exemptions.

97 December 8, 2009: Ordinance 158 Amending  
 98 Chapter 66 of the Municipal Code Regarding Sec-  
 99 tion 66.0323 Regarding B-3 Professional Offices.

- 1 December 8, 2009: Ordinance 159 Amending  
2 Chapter 66 of the Municipal Code Regarding  
3 Open Space.
- 4 December 8, 2009: Ordinance 160 Amending  
5 Chapter 66 of the Municipal Code Regarding Sec-  
6 tion 66.0322 B-2 and 66.0323 B-3 Districts Re-  
7 garding Building Heights.
- 8 December 8, 2009: Ordinance 161 Amending  
9 Chapter 66 of the Municipal Code Regarding Sec-  
10 tions 66.0322 and 66.00323 Regarding Building  
11 Side Setbacks in the B-2 and B-3 Districts.
- 12 December 8, 2009: Ordinance 164 Amending  
13 Chapter 66 of the Municipal Code Regarding Sec-  
14 tion 66.1530 Regarding Zoning Permits and Grad-  
15 ing Plan Approval.
- 16
- 17 December 8, 2009: Ordinance 165 Amending  
18 Chapter 66 of the Municipal Code Regarding Sec-  
19 tions 66.0320 Regarding Housing in the B-1 Dis-  
20 trict.
- 21 December 8, 2009: Ordinance 166-Amending  
22 Chapter 66 of the Municipal Code Regarding Sec-  
23 tion 66.0323 Regarding Gas Stations in B-3.
- 24 January 12, 2010: Ordinance 162-Amending  
25 Chapter 66 of the Municipal Code Establishing  
26 Section 66.1055 creating architectural review cri-  
27 teria.
- 28 March 09, 2010: Ordinance 163-Amending  
29 Chapter 66.1025 of the Municipal Code regarding  
30 the impact on housing stock by commercial pro-  
31 jects and establishing Section 66.1030 creating  
32 incentives for workforce housing for R-2 district  
33 projects.
- 34 April 13, 2010: Ordinance 168 Amending the  
35 Zoning Map to permit a B-1 conditional use for  
36 the parcel located at 10578 Applewood Road.
- 37 April 13, 2010: Ordinance 169 established a zon-  
38 ing permit moratorium on certain types of resta-  
39 urants.
- 40 July 13, 2010: Ordinance 170 Amending Chapter  
41 66.0313 of the Municipal Code permitting the  
42 keeping of non-domestic animals in the R-3 dis-  
43 trict.
- 44 July 13, 2010: Ordinance 171 Amending Chapter  
45 66.0900-.0922 of the Municipal Code recreating  
46 the entire section on non-conforming uses and  
47 structures.
- 48 August 10, 2010: Ordinance 172 Amending  
49 Chapter 66.350 of the Code and multiple other  
50 sections to create a Restaurant Overlay District  
51 RO-1.
- 52 August 10, 2010: Ordinance 173 Amending  
53 Chapter 66.1535 of the Municipal Code recreat-  
54 ing the entire section on conditional uses.
- 55 August 10, 2010: Ordinance 174 Amending  
56 Chapter 66.0706 if the Municipal Code permitted  
57 ground signs in the B-3 to be closer to the curb.
- 58 September 14, 2010: Ordinance 176 Amending  
59 Chapter 66 Section 66.0345(d)(1) regarding well-  
60 head protection overlay districts.
- 61 October 12, 2010: Ordinance 178 Amending the  
62 Zoning Map for the Village of Sister Bay for the  
63 Parcel Located at 10674 North Bay Shore Drive to  
64 Include Certain Wetlands Areas as W-1.
- 65 December 14, 2010: Ordinance 180 Amending  
66 Chapter 66 of the Zoning Code regarding Section  
67 66.0710(c) Sandwich Boards and Section  
68 66.0705(c) Home Occupation Signs.
- 69 December 14, 2010: Ordinance 181 Approving  
70 the Frisoni Door County Ice Cream Factory condi-  
71 tional use permit.
- 72 December 14, 2010: Ordinance 182 Amending  
73 the Zoning Map for the Village of Sister Bay for  
74 the Parcel Located at 10674 North Bay Shore  
75 Drive to Include Certain Wetlands Areas as W-1.
- 76 April 12, 2011: Ordinance 185 Amending Section  
77 700 Regarding Signage of Chapter 66 Zoning  
78 Code and Repealing Section 58.4 of the Municipi-  
79 pal Code
- 80 June 14, 2011: Ordinance 186 Amending Section  
81 66.0322(i)(11) Regarding Special Standards for  
82 Garages in the B-2 District
- 83 July 12, 2011: Ordinance 187 Amending Sections  
84 66.0320 —66.0323 the B-1, B-2 and B-3 Districts  
85 permitted, accessory and conditional uses and  
86 Section 66.0315(c) CS-1 Countryside District  
87 Conditional Uses for hotels and motels
- 88 September 13, 2011: Ordinance 191 Amending  
89 the Zoning map for a parcel located at 2399 ma-  
90 ple drive to grant a conditional use permit as a  
91 garage — Hubertz
- 92 March 13, 2012: Ordinance 192 amending the  
93 Zoning map for certain parcels located on Field-  
94 crest Road to include certain wetlands areas as  
95 W-1 — Schuyler
- 96 May 8, 2012: Ordinance 193 creating Section  
97 66.0711(c) establishing standards for additional  
98 shopping center identification signs.

- 1 September 9, 2012: Ordinance 200 amending  
2 Section 66.0330(f) setbacks for the Institutional  
3 District I-1.
- 4 September 9, 2012: Ordinance 201 amending  
5 Section 66.0405(h) amending the time period for  
6 the Downtown Business District B-3 parking ex-  
7 emption
- 8 September 9, 2012: Ordinance 202 amending  
9 Section 66.0405 and 66.0406 amending highway  
10 access and other parking restrictions
- 11 September 9, 2012: Ordinance 203 amending  
12 certain requirements for the Multifamily District  
13 R-2
- 14 September 9, 2012: Ordinance 204 amending  
15 various sections of the code, which was renum-  
16 bered
- 17 October 09, 2012: Ordinance 205 changing the  
18 zoning for the parcel located at 10547 Koessl  
19 Lane from I-1 to B-1
- 20 October 09, 2012: Ordinance 206 amending Sec-  
21 tion 66.0911 removing the 50% valuation re-  
22 quirement
- 23 October 09, 2012: Ordinance 207 amending Sec-  
24 tion 66.0501 Accessory Uses and the accessory  
25 use requirements in the following sections:  
26 66.0310(f), 66.0311(f), 66.0312(f), 66.0313(f),  
27 66.0314(f), 66.0315(f), 66.0320(f), 66.0330(f),  
28 AND 66.0331(f).
- 29 October 09, 2012: Ordinance 208 amending Sec-  
30 tion 66.0506 Outdoor Displays
- 31 May 14, 2013: Ordinance 210 Amending the Of-  
32 ficial Map in the area bounded by Maple Drive,  
33 Highway 57, Flint Ridge Road and Woodcrest  
34 Road
- 35 May 14, 2013: Ordinance 211 recreating Section  
36 66.0310 Creating a Residential Second Dwelling  
37 Overlay District
- 38 May 14, 2013: Ordinance 212 Amending the  
39 Zoning Map for a Parcel Located at 10621 N.  
40 Highland Road to Grant a Conditional Use Permit  
41 as an Outdoor Recreation Facility and a Fast Food  
42 Restaurant
- 43 August 13, 2013: Ordinance 215 Amending the  
44 Zoning Map for Parcel No. 181-42-30001 located  
45 at 10604 STH 57, and Parcel Nos. 181-42-30008,  
46 181-42-30006A and 181-42-30005 to R-2 Multi-  
47 family.
- 48 August 13, 2013: Ordinance 216 Amending the  
49 Zoning Map for Parcel No. 181-00-05312833D
- 50 Located at 10625 N. Highland Road to R-2 Multi-  
51 family.
- 52 August 13, 2013: Ordinance 217 Repealing and  
53 Recreating Sections 66.0322 and 66.0323 Regard-  
54 ing B-2 Downtown Business Transition District  
55 and B-3 Downtown Business Transition District  
56 Regulations Permitting Hotel Condominiums.
- 57
- 58

**SECTION 1800 - PUBLIC  
HEARINGS**

1 **Sec. 66.1801 Public Hearings**

2 Notice of any public hearing which the Village  
3 Board, Plan Commission, or Zoning Board of Ap-  
4 peals is required to hold under the terms of this  
5 chapter shall specify the date, time and place of  
6 hearing, and the matter to be presented at the  
7 hearing. Pursuant to chapter 985 of the Wisconsin  
8 Statutes, the notice may be published as a Class 1  
9 notice or Class 2 notice, to-wit:

10 (a) Zoning Board of Appeals hearings.  
11 The notice of public hearing for a variance  
12 or appeal before the Zoning Board of Ap-  
13 peals shall be published in a newspaper of  
14 general circulation in the Village as a Class  
15 1 notice that is, published once at least one  
16 week before the public hearing. Notice of  
17 the public hearings shall be mailed to all  
18 parties-in-interest at least ten days before  
19 the hearing. Parties-in-interest shall be de-  
20 fined as the applicant, the clerk of any mu-  
21 nicipality whose boundaries are within  
22 1,000 feet of any lands included in the ap-  
23 plication and the owners of all lands in-  
24 cluded in the application and all lands ly-  
25 ing within 300 feet of lands included in the  
26 application. The failure to give any notice  
27 to any property owner shall not invalidate  
28 the action taken by one of the aforemen-  
29 tioned bodies.

30 (b) Zoning related hearings.  
31 The notice of public hearing for a Zoning  
32 Amendment (text or map) or a conditional  
33 use permit shall be published in a newspa-  
34 per of general circulation in the Village as  
35 a Class 2 notice that is at least once each  
36 week for two consecutive weeks, the last  
37 publication of which shall be at least one  
38 week before the public hearing. Notice of  
39 the public hearings shall be mailed to all  
40 parties-in-interest at least ten days before  
41 the hearing. Parties-in-interest shall be de-  
42 fined as the applicant, the clerk of any mu-  
43 nicipality whose boundaries are within  
44 1,000 feet of any lands included in the ap-  
45 plication and the owners of all lands in-  
46 cluded in the application and all lands ly-  
47 ing within 300 feet of lands included in the  
48 application. The failure to give any notice  
49 to any property owner shall not invalidate  
50 the action taken by one of the aforemen-  
51 tioned bodies.

1

SECTION 2000 - DEFINITIONS

1 Sec. 66.2001 General Definitions

2 For the purpose of this chapter, certain words or  
3 phrases shall have meanings that either vary  
4 somewhat from their customary dictionary mean-  
5 ings or are intended to be interpreted to have a  
6 specific meaning. Words used in the present tense  
7 in this chapter include the future. The word "per-  
8 son" includes a firm, association, partnership,  
9 trust, company, or corporation as well as an indi-  
10 vidual. The word "he" includes the word "she."  
11 The word "shall" is mandatory, the word "should"  
12 is advisory and the word "may" is permissive. Any  
13 words not defined in this section shall be pre-  
14 sumed to have their customary dictionary defini-  
15 tions.

16 Sec. 66.2100 Specific Words and Phrases

17 Abutting. Having common border with, or being  
18 separated from such common border by an  
19 alley or easement other than publicly dedi-  
20 cated and approved rights-of-way.

21 Accessory Structure. Building or other structure  
22 which is customary, incidental and subor-  
23 dinate to a permitted principal use of a lot  
24 and located on the same lot as the princi-  
25 pal use and does not meet the definition of  
26 a principal structure. (Amended Ordinance  
27 120-061306)

28 Accessory Use. A use or detached structure sub-  
29 ordinate to the principal use of a structure,  
30 land, water, or air and located on the same  
31 lot or parcel, and serving a purpose cus-  
32 tomarily incidental to the principal use or  
33 the principal structure.

34 Adult Family Home. A private residence to which  
35 all of the following apply: : (a) care and  
36 maintenance above the level of room and  
37 board but not including nursing care are  
38 provided in the private residence by the  
39 care provider whose primary domicile is  
40 this residence for 3 or 4 adults, or more  
41 adults if all of the adults are siblings, each  
42 of whom has a developmental disability, as  
43 defined in Wisconsin Statutes §51.01(5),  
44 or, if the residence is licensed as a foster  
45 home, care and maintenance are provided  
46 to children, the combined total of adults  
47 and children so served being no more than  
48 4, or more adults or children if all of the  
49 adults or all of the children are siblings;  
50 and (b) the private residence was licensed  
51 under Wisconsin Statutes § 48.62 as a fos-

52 ter home for the care of the adults specified  
53 in sub(a) at least 12 months before any of  
54 the adults attained 18 years of age.

55 Aggrieved Person. One whose application for a  
56 permit is denied, one whose permit is re-  
57 voked, and in some instances, taxpayers.  
58 An adjacent property owner is not an ag-  
59 grieved person unless suffering some spe-  
60 cific ascertainable damage or is specifically  
61 injured by the actions of a neighbor.

62 Alley. A public right-of-way affording only sec-  
63 ondary access to abutting properties and  
64 not intended for general traffic circulation.

65 Amusement Park. A commercially operated facili-  
66 ty with various devices for entertainment,  
67 which are located primarily outdoors, in-  
68 cluding miniature golf.

69 Animals, domestic shall refer to animals kept pri-  
70 marily in the home, such as dogs, cats,  
71 snakes, small rodents, rabbits, pigmy goats,  
72 pot-bellied pigs. (Amended Ordinance  
73 170-071310)

74 Animals, non-domestic shall include, but not be  
75 limited to horses, mules, alpacas, llamas,  
76 swine, cows, goats, donkeys, chickens,  
77 ducks and any endangered or exotic spe-  
78 cies of animal, including wild animals.  
79 (Amended Ordinance 170-071310)

80 Animals, wild shall include, but not be limited to  
81 monkeys, non-human primates, raccoons,  
82 skunks, fox, wolf, poisonous snakes, leop-  
83 ard, panther, tiger, lynx, and any warm  
84 blooded animal found normally in a wild  
85 state. (Amended Ordinance 170-071310)

86 Animal Hospital. A place where animals or pets  
87 are given medical or surgical treatment and  
88 the boarding of animals is limited to short-  
89 term care incidental to the hospital use.

90 Antenna, Earth Station Dish. A dish-shaped an-  
91 tenna designed to receive television broad-  
92 casts relayed by microwave signals from  
93 earth-orbiting communication satellites  
94 (Also see section 66.0203).

95 Antenna, Terrestrial. Any antenna designed to re-  
96 ceive television and radio signals relayed  
97 from one ground location to another  
98 ground location. Such antennas are typi-  
99 cally mounted on a tower or support on  
100 the rooftop of a structure, or on freestand-  
101 ing towers.

- 1 Antenna. A specific device the surface of which is  
 2 used to receive or capture incoming and/or  
 3 to transmit outgoing radio-frequency (RF)  
 4 signals, microwave signals, or other com-  
 5 munications energy transmitted from or to  
 6 be received by other antennas, including,  
 7 but not limited to the following: (a) Direc-  
 8 tional (or “panel”) antennas, designed to  
 9 receive and/or transmit signals in a direc-  
 10 tional pattern which is less than 360 de-  
 11 grees, typically an arc of approximately  
 12 120 degrees; (b) Parabolic (or “dish”) an-  
 13 tennas, generally bowl-shaped devices that  
 14 are designed to receive and/or transmit  
 15 signals in an approximate specific direc-  
 16 tion; (1) Microwave parabolic antennas are  
 17 designed to transmit and/or receive micro-  
 18 wave signals to or from other microwave  
 19 parabolic antennas; (2) Satellite parabolic  
 20 antennas are designed to transmit and/or  
 21 receive audio and/or video or data signals  
 22 from satellites orbiting the earth; (3) Other  
 23 devices designed for the reception and/or  
 24 transmission of radio-frequency (RF) signals  
 25 or other communication technologies.
- 26 Aquifer. A geologic formation, group of for-  
 27 mations, or part of a formation that con-  
 28 tains sufficient saturated, permeable mate-  
 29 rial to yield significant quantities of water  
 30 to wells and springs.
- 31 Art Gallery. An institution or business exhibiting  
 32 or dealing with works of art.
- 33 Art Studio. An establishment engaged in the sale  
 34 or exhibit of art works such as paintings,  
 35 sculpture, macramé, knitted goods, stitch-  
 36 ery or pottery. Art studios are also engaged  
 37 in the creations of such art works and often  
 38 offer instruction in their creation.
- 39 Art. The conscious use of skill, taste and creative  
 40 imagination in the production of objects  
 41 whose primary or sole value is intended to  
 42 be aesthetic. Art is distinct from other  
 43 forms of production by its application of  
 44 personal, un-analyzable creative power,  
 45 not merely expertness in workmanship.
- 46 Arterial Highway. A public street or highway used  
 47 or intended to be used primarily for fast or  
 48 heavy through traffic. Arterial streets and  
 49 highways include freeways and express-  
 50 ways, state trunk and county trunk high-  
 51 ways, and other heavily traveled streets.
- 52 Attainable Housing. Attainable housing shall be  
 53 defined as housing for individuals actively  
 54 working within the boundaries of the Gi-  
 55 braltar School District, who meet the in-  
 56 comes levels for individuals and families,  
 57 which do not exceed the average median  
 58 earned income level for Door County.
- 59 Audio/Video Production. An activity, not in con-  
 60 junction with adult-oriented facilities, in-  
 61 volving the production, including scripting,  
 62 recording, editing and postproduction of  
 63 audio and visual taped media for educa-  
 64 tional, entertainment or promotional pur-  
 65 poses.
- 66 Automotive Body Repair. Activities involving the  
 67 repair, painting or undercoating of the  
 68 body or frame of vehicles with a gross ve-  
 69 hicle weight of 10,000 pounds or less.  
 70 Body and frame repair does not include  
 71 mechanical engine or power train repair.
- 72 Automotive Mechanical Repair. Activities involv-  
 73 ing the maintenance, servicing or repair of  
 74 automotive engines, power train, suspen-  
 75 sion and exhaust system on vehicles with a  
 76 gross vehicle weight of 10,000 pounds or  
 77 less. Mechanical repair does not include  
 78 body and frame repair, painting or under-  
 79 coating.
- 80 Automotive Sales and Service. Any building, land  
 81 area, or other premises for the display and  
 82 sale of new or used automobiles, pickup  
 83 trucks or vans, lawn and garden imple-  
 84 ments, trailers, boats, or other recreational  
 85 vehicles and including any warranty repair  
 86 work and other repair service conducted as  
 87 an accessory use.
- 88 Awning. See “Marquee.”
- 89 Baby Sitting. The act of providing care and super-  
 90 vision for fewer than four children. This  
 91 definition does not apply when the baby  
 92 sitter is related to the child, or when more  
 93 than four children in one household are re-  
 94 lated.
- 95 Basement. That portion of any structure, which is  
 96 below grade, or which is partly below and  
 97 partly above grade but so located that the  
 98 vertical distance from the grade to the floor  
 99 is greater than the vertical distance from  
 100 the grade to the ceiling.
- 101 Bed and Breakfast. Any place of lodging that pro-  
 102 vides four or fewer rooms for rent for more  
 103 than 10 nights in a 12-month period, is the  
 104 owner’s personal residence, is occupied by  
 105 the owner during the time of rental, and in

- 1 which the only meal served to guests is  
2 breakfast.
- 3 Bedroom. A private room, 100 square feet or  
4 more in area, planned for sleeping and  
5 separable from other rooms by a door.
- 6 Benign non-conformities are those that do not  
7 have a negative impact on the health and  
8 safety of the public, but may have a nega-  
9 tive impact on public welfare. (Amended  
10 Ordinance 171-071310)
- 11 Billboard. See "Sign, Off-Premise."
- 12 Boardinghouse. A place in which lodging, with or  
13 without meals, is offered for compensation  
14 to non-transient guests, that provides four  
15 or less rooms for rent, is the owner's per-  
16 sonal residence, and is occupied by the  
17 owner during the time of rental.
- 18 Boathouse. An accessory structure, which is ac-  
19 cessible by boats from navigable water, is  
20 designed, constructed and used solely for  
21 the purpose of protecting or the storing of  
22 boats used for noncommercial purposes in  
23 conjunction with a residence.
- 24 Buffer Yard. An area of land containing sufficient  
25 area and width, landscape plantings, earth  
26 berms, fencing, walls, or other visual  
27 and/or sound barriers intended to eliminate  
28 or minimize land use conflicts between ad-  
29 jacent land uses.
- 30 Buildable Area. The area of the lot remaining after  
31 the minimum front setback, side setbacks,  
32 rear setback, and other open space re-  
33 quirements, such as wetlands, have been  
34 met. (See Illustration No. 5)
- 35 Building Footprint. The ground area covered by  
36 and including the exterior dimensions of a  
37 building, including enclosed porches, at-  
38 tached garages and carports.
- 39 Building Height. The vertical distance above the  
40 finished lot grade at the front of the build-  
41 ing measured to the highest point of the  
42 coping of a flat roof or to the deck line of a  
43 mansard roof or to the average height be-  
44 tween the eaves and the ridge of the high-  
45 est gable, hip or gambrel roof. The finished  
46 lot grade shall be the average grade across  
47 the front of the building measured five feet  
48 away. The height of a stepped or terraced  
49 building is the maximum height of any  
50 segment of the building. Not included in  
51 the maximum height are chimneys, bell  
52 towers, steeples, roof equipment, flagpoles
- 53 and similar features, which are not for hu-  
54 man occupancy.
- 55 Building Separation. The narrowest distance be-  
56 tween two buildings.
- 57 Building Setback Line. A line within a lot or par-  
58 cel of land designated, pursuant to Village  
59 Zoning Code requirements, on a plat of a  
60 proposed subdivision within which, and  
61 the adjacent boundary of the street upon  
62 which the lot abuts, the erection of an en-  
63 closed structure or portion thereof is pro-  
64 hibited.
- 65 Building, Accessory. Any building except the  
66 principal building on a lot, and located on  
67 the same lot as the principal building. In  
68 the case of a house and detached garage  
69 on a lot, the accessory building is the gar-  
70 age.
- 71 Building, Principal. The main building or struc-  
72 ture as distinguished from a secondary or  
73 accessory building. This includes a house  
74 in a residential district, a store in a business  
75 district, or farm buildings in an agricultural  
76 district.
- 77 Building, Temporary. Any building not designed  
78 to be permanently located in the place  
79 where it is currently located, or where it is  
80 intended to be located.
- 81 Building. Any structure having a roof supported  
82 by columns or walls used or intended to be  
83 used for the shelter or enclosure of per-  
84 sons, animals, equipment, machinery, ve-  
85 hicles or materials.
- 86 Bulletin Board. See "Sign, Bulletin."
- 87 Camping Unit. Any single shelter, except sleeping  
88 bags, bedrolls and hammocks, used for  
89 camping by a camping party.
- 90 Camping. The placement of a temporary shelter  
91 used as, or designed to be used for sleep-  
92 ing purposes. Examples of shelters used for  
93 camping include tents, trailers, motor  
94 homes, recreational vehicles, tarpaulins,  
95 bedrolls and sleeping bags.
- 96 Candela. A measure of light intensity. A candela  
97 is equal to 1/60 of the luminous intensity  
98 per square centimeter of a blackbody radi-  
99 ating at the temperature of solidification of  
100 platinum (2,046° K.) By comparison, a  
101 "foot-candle" is the illumination of a sur-  
102 face one-foot distant from a source of one  
103 candela, or one lumen per foot.

- 1 Canopy. See "Marquee."  
 2 Car or Truck Wash. Any facility used for the  
 3 washing of vehicles requiring the installa-  
 4 tion of special equipment.  
 5 Casual non-commercial use. Transient rental of  
 6 property for periods of 30 days or less, not  
 7 to exceed 16 weeks per calendar year.  
 8 One day of rental in a period of a week  
 9 shall count as a full week of rental.  
 10 Channel. Those flood lands normally occupied by  
 11 a stream, lakebed, or other body of water  
 12 under average annual high-water flow  
 13 conditions while confined within generally  
 14 well established banks.  
 15 Clearing. The act of removing trees or brush from  
 16 any part of a wooded lot for the purpose of  
 17 building development or the creation of  
 18 non-wooded areas.  
 19 Co-Location. Locating wireless communication  
 20 facilities from more than one provider on a  
 21 single site.  
 22 Business Site. A tract consisting of one or more  
 23 contiguous lots or parts of lots which are  
 24 used for inter-dependent ingress and egress  
 25 of vehicles and containing one or more off-  
 26 street loading or parking facilities; or any  
 27 business site having five or more parking  
 28 stalls.  
 29 Commercial Transient Lodging. The provision of  
 30 furnished lodging on a transient basis as  
 31 defined for state sales tax purposes, that is,  
 32 occupancy for periods of 30 days or less.  
 33 Rental on a casual, non-commercial basis  
 34 of residential dwelling units is not consid-  
 35 ered commercial transient lodging.  
 36 Commercial Vehicle Sales and Service. Any  
 37 building, land area, or other premises for  
 38 the display and sale of large trucks and  
 39 equipment, typically used in commercial  
 40 operations, and including any warranty re-  
 41 pair work and other repair service con-  
 42 ducted as an accessory use. For the pur-  
 43 pose of this chapter, commercial trucks are  
 44 trucks with a gross vehicle weight in excess  
 45 of 10,000 pounds.  
 46 Community Living Arrangement. Means any of  
 47 the following facilities: child welfare agen-  
 48 cies group home for children and commu-  
 49 nity-based residential facilities; but does  
 50 not include adult family homes, day care  
 51 centers, nursing homes, general hospitals,  
 52 special hospitals, prisons and jails.  
 53 Community Water System. A public water system  
 54 that serves at least fifteen service connec-  
 55 tions used by year-round residents or regu-  
 56 larly serves at least twenty-five year round  
 57 residents.  
 58 Community-based Residential Facility. A place  
 59 where three or more unrelated adults re-  
 60 side in which care, treatment or services  
 61 above the level of room and board but not  
 62 including nursing care are provided to per-  
 63 sons residing in the facility as a primary  
 64 function of the facility.  
 65 Conditional Uses. Uses of a special nature as to  
 66 make impractical their predetermination as  
 67 a permitted use in a district. Conditional  
 68 uses have been used in zoning ordinances  
 69 as flexible devices, which are designed to  
 70 cover situations where a particular use,  
 71 although not inherently inconsistent with  
 72 the use classification of a particular zoning  
 73 district, may create special problems and  
 74 hazards if allowed to develop and locate as  
 75 a matter of right in a particular zoning dis-  
 76 trict. Conditional uses are issued to proper-  
 77 ties, not individuals, and their continued  
 78 use runs with the property, not with the  
 79 owner.  
 80 Condominium, Hotel/Motel. A condominium  
 81 ownership property where more than 25  
 82 percent of the units are available for rent  
 83 for more than 30 days per year or on a  
 84 commercial transient lodging basis.  
 85 Condominium, Residential. A condominium  
 86 ownership property where more than 75  
 87 percent of the units are owner occupied  
 88 and the casual non-commercial use does  
 89 not exceed 30 days per year per unit.  
 90 Cone of Depression. A depression in the water  
 91 table that occurs when a pumping well  
 92 withdraws water as a rate faster than the  
 93 aquifer can supply water to the well.  
 94 Convenience Food Store. A retail establishment of  
 95 less than 3,000 square feet in area where  
 96 food products and related household prod-  
 97 ucts are sold.  
 98 Corner Lot. A lot abutting on two streets at their  
 99 intersection, where the angle of intersec-  
 100 tion is not more than 135 degrees.  
 101 Covenant. A contract or other written agreement  
 102 between two parties, which constitutes a  
 103 restriction on a particular parcel of land.

- 1 Curb Elevation. The elevation of the established  
2 curb in front of a building or structure gener-  
3 ally used as a reference point in estab-  
4 lishing yard grades. Where curb has not  
5 been installed, the mean centerline eleva-  
6 tion of the street in front of the building or  
7 structure shall be used as the reference  
8 point.
- 9 Cutting plan. A plan for the removal of vegetation  
10 including any proposed replanting of vege-  
11 tation.
- 12 Day Care Center. See “Family Day Care Home”  
13 and “Group Day Care Center.”
- 14 Deck. An unenclosed, unroofed exterior platform  
15 structure, with or without railings, which is  
16 elevated above preconstruction grade, is  
17 typically of wood construction, either at-  
18 tached to a building or freestanding. A  
19 deck shall be considered a structure not  
20 building.
- 21 Density. A number expressing the relationship of  
22 the number of dwelling units to land area.
- 23 Detrimental non-conformities are those that have  
24 a negative impact on the health and safety  
25 of the public. Detrimental non-  
26 conformities have the potential for harm.  
27 (Amended Ordinance 171-071310)
- 28 Development Project: Any residential, commer-  
29 cial, business or mixed-use subdivision  
30 plan or development plan submitted to the  
31 Village for approval.
- 32 Development. Any man-made change to im-  
33 proved or unimproved real estate, includ-  
34 ing but not limited to construction of or  
35 addition or substantial improvements to  
36 buildings, other structures, or accessory  
37 uses, mining, dredging, filling, grading,  
38 paving, excavation or drilling operations,  
39 or disposition of materials.
- 40 Diffuse: To spread or scatter widely, or thinly.
- 41 Direct Illumination: Illumination resulting from  
42 light emitted directly from a lamp or lumi-  
43 naire, not light diffused through translucent  
44 signs or reflected from other surfaces such  
45 as the ground or building facades.
- 46 Display Lot or Area: Outdoor areas where active  
47 nighttime sales activity occurs and where  
48 accurate color perception of merchandise  
49 by customers is required. To qualify as a  
50 Display Lot, one of the following specific  
51 uses must occur: Automobile sales, boat  
52 sales, tractor sales, building supply sales,  
53 gardening or nursery sales, assembly lots,  
54 swap meets. Uses not on this list must be  
55 approved as display lot uses by the munic-  
56 ipality.
- 57 District, Basic. A part or parts of the Village for  
58 which the regulations of this chapter gov-  
59 erning the use and location of land and  
60 buildings are uniform (such as the residen-  
61 tial and business district classifications).
- 62 District, Overlay. Overlay districts provide for the  
63 possibility of superimposing certain addi-  
64 tional requirements upon a basic zoning  
65 district.
- 66 Driveway: Every way or area used for vehicular  
67 travel back of the street right-of-way.
- 68 Dryland Access. A vehicular access route which  
69 is above the regional flood elevation and  
70 which connects land located in the flood-  
71 plain to land, which is outside the flood-  
72 plain, such as a road with its surface above  
73 the regional flood elevation and wide  
74 enough to accommodate wheeled vehi-  
75 cles.
- 76 Dune. A mound, hill or ridge of sand piled by  
77 wind.
- 78 Dwelling Unit, Efficiency. A dwelling unit consist-  
79 ing of not more than one habitable room  
80 together with kitchen or kitchenette facili-  
81 ties and sanitary facilities.
- 82 Dwelling Unit. A group of rooms including at  
83 least a kitchen or kitchenette, sanitary facil-  
84 ities, and a bedroom; and providing, or in-  
85 tended to provide, living quarters for not  
86 more than one family.
- 87 Dwelling, Bi-Level. A two-level dwelling with one  
88 level above grade, and the other level par-  
89 tially above grade and partially below  
90 grade. The lowest level may or may not  
91 have exterior access. For the purpose of  
92 measuring living area, the Zoning Adminis-  
93 trator will determine functional areas as set  
94 forth in the definition of “living area” and  
95 the first floor area will be considered the  
96 first level that is entirely above grade.
- 97 Dwelling, Detached. A dwelling, which is entirely  
98 surrounded by open space on the same lot.
- 99 Dwelling, Multiple-Family. A residential building  
100 designed for or occupied by three or more  
101 families, with the number of families in a

1	residence not to exceed the number of	53	toring of noise, air or water pollutants, sol-
2	dwelling units provided.	54	id waste or thermal pollution, radiation or
3	Dwelling, Single-Family. A building designed for	55	other pollutants, including facilities in-
4	or occupied exclusively by one family.	56	stalled principally to supplement or to re-
5	Dwelling, Tri-Level. A three-level dwelling with	57	place existing property or equipment not
6	two levels above grade, and a third level	58	meeting or allegedly not meeting accepta-
7	partially above grade and partially below	59	ble pollution control standards or which
8	grade. The lowest level may or may not	60	are to be supplemented or replaced by
9	have exterior access. For the purpose of	61	other pollution control facilities.
10	measuring living area, the Zoning Adminis-	62	Essential Services. Services provided by public
11	trator will determine functional areas as set	63	and private utilities necessary for the exer-
12	forth in the definition of "living area" and	64	cise of the principal use or service of the
13	the first floor area will be considered the	65	principal structure. These services include
14	first level that is entirely above grade.	66	underground, surface, or overhead facili-
15	Dwelling, Two-Family. A building, also called a	67	ties such as gas, electrical, steam, water,
16	duplex, containing two separate dwelling	68	sanitary sewerage, storm water drainage,
17	(or living) units, designed for occupancy by	69	and communication systems and accesso-
18	not more than two families, and having	70	ries thereto, such as poles, towers, wires,
19	separate entrances and kitchen facilities.	71	mains, drains, vaults, culverts, laterals,
20	Dwelling. A building designed or used exclusive-	72	sewers, pipes, detention basins, drainage
21	ly as a residence or sleeping place, but	73	channels, catch basins, water storage
22	does not include boarding or lodging	74	tanks, conduits, cables, fire alarm boxes,
23	houses, motels, hotels, tents, cabins, or	75	police call boxes, traffic signals, pumps, lift
24	travel trailers.	76	stations, and hydrants, but not including
25	Election Campaign Period. In the case of an elec-	77	buildings.
26	tion for office, the period beginning on the	78	Facility. A building or buildings, appurtenant
27	first day of circulation of nomination pa-	79	structures, and surrounding land used by a
28	pers by candidates or the first day that	80	single business, private entity, or govern-
29	candidates would circulate nomination	81	mental unit or sub-unit at a single location
30	papers were papers to be required, and	82	or site.
31	ending the day of the election. In the case	83	Family Day Care Home. A dwelling licensed as a
32	of a referendum, the period beginning on	84	day care center by the State of Wisconsin
33	the day on which the question to be voted	85	pursuant to section 48.65 of the Wisconsin
34	upon is submitted to the electorate and	86	Statutes, where care is provided for not
35	ending on the day on which the referen-	87	more than eight children under the age of
36	dum is held.	88	7 years for less than 24 hours per day. All
37	Enclosed Structure. A structure consisting of a sol-	89	structures shall be located a minimum of
38	id roof, a permanent foundation, a floor	90	100 feet from any residentially zoned
39	and solid walls extending from the floor to	91	property.
40	the roof. Solid doors, windows or other	92	Family. The group of persons related by blood,
41	glazing are allowed in the walls. Open	93	marriage or adoption, or not more than
42	breezeways or screen walls do not qualify	94	four unrelated persons who live together in
43	as enclosed structures.	95	one dwelling unit as a single housekeeping
44	Environmental Contractor. Offices, laboratories	96	entity.
45	and support facilities for the testing or	97	Farm. A parcel of land used for agricultural activi-
46	evaluation of soil, air or water, not includ-	98	ties including, but not limited to, the rais-
47	ing any on-site storage or remediation of	99	ing and harvesting of field crops; the rais-
48	materials.	100	ing of livestock; and the raising and har-
49	Environmental Control Facility. Any facility, tem-	101	vesting of trees, orchards, or vineyards.
50	porary or permanent, which is reasonably	102	Farmers' or Growers' Market is defined as a pub-
51	expected to abate, reduce or aid in the	103	lic market place where fresh foods are sold
52	prevention, measurement, control or moni-	104	by the residents of Door County who have
		105	grown, gathered, raised or produced them.

- 1 Markets where crafts and other items are  
2 sold can be eligible as farmers' markets, as  
3 long as the total number of craft vendors  
4 does not exceed the total number of farm-  
5 ers. (Amended Ordinance 150-050409)
- 6 Fence, Ornamental. A fence intended to decorate,  
7 accent, or frame a feature of the landscape.  
8 Ornamental fences are often used to identi-  
9 fy a lot corner or lot line; or frame a drive-  
10 way, walkway or planting bed. Ornamen-  
11 tal fences are often of the rail, or wrought  
12 iron type. A chain link fence is not consid-  
13 ered an ornamental fence.
- 14 Fence, Residential. A fence intended to identify  
15 residential property lines, provide for priv-  
16 acy, and/or to protect members of a  
17 household, especially children. A residen-  
18 tial fence may also secure a private swim-  
19 ming pool against unauthorized entry. Res-  
20 idential fences are usually four to six feet in  
21 height. Residential fences are often of the  
22 picket, rail, stockade, board-on-board,  
23 board and batten, basket weave, or lou-  
24 vered type, and do not include chain link  
25 fences.
- 26 Fence, Security. A fence intended to guard prop-  
27 erty against unauthorized entry, and to pro-  
28 tect stored goods and products from theft  
29 and other unauthorized handling. Security  
30 fences usually exceed six feet in height, are  
31 often made of wrought iron or chain link,  
32 and may incorporate additional security  
33 features such as barbed wire.
- 34 Fence. An artificially constructed barrier of any  
35 material or combination of materials erect-  
36 ed to enclose, decorate, or screen areas of  
37 land. A fence shall also be defined to in-  
38 clude rock walls and plantings of bushes or  
39 trees.
- 40 Five-Year Time of Travel (TOT). The five-year  
41 time of travel is the recharge area up gradi-  
42 ent of the cone of depression, the outer  
43 boundary of which it is determined or es-  
44 timated that groundwater and potential  
45 contaminants will take five years to reach a  
46 pumping well.
- 47 Flea Market. Any premises where the principal  
48 use is the sale of new or used household  
49 goods, personal effects, tools, art work,  
50 small household appliances, and similar  
51 merchandise, equipment or objects, in  
52 small quantities, in broken lots or parcels,  
53 not in bulk, for use or consumption by the
- 54 immediate purchaser. Flea markets may be  
55 conducted within a structure or in the open  
56 air. Rummage sales and garage sales are  
57 not considered flea markets.
- 58 Flood Lamp: A specific lamp form designed to di-  
59 rect its output in a specific direction (a  
60 beam) but with a diffusing glass envelope.  
61 Such lamps are so designated by the manu-  
62 facturers and are typically used in residen-  
63 tial outdoor area lighting.
- 64 Floor. A floor (synonymous with a story) in a mul-  
65 ti-story building is defined as a horizontal  
66 open and occupiable space divided from  
67 other such spaces within the building by  
68 horizontal plates. The floor count shall be  
69 defined by determining the highest and  
70 lowest above ground floors and counting  
71 all stories from one to the other. Each floor  
72 level must be at least seven feet in height.  
73 Floor levels may be classified as above  
74 ground or below ground. An above ground  
75 floor is a level whose ceiling is at least sev-  
76 en feet above the ground. If a building is  
77 set on sloping ground, then the first level  
78 flush with or higher than the lowest imme-  
79 diately, surrounding ground level shall be  
80 considered the first above ground floor.  
81 Floors, which are above the soil line, but  
82 below an elevated street, which passes or  
83 approaches the main entrance, shall be  
84 considered underground; likewise floors  
85 which open to the outside only through a  
86 sunken plaza shall be considered below  
87 ground. If the floor levels within a building  
88 do not match at all points, then aside from  
89 counting all legitimately independent mez-  
90 zanines, only one vertical set of levels shall  
91 count in determining the floor count. In  
92 this case, the set, which yields the highest  
93 number, shall be used.
- 94 Floor Area Ratio. The gross floor area of all build-  
95 ings on the lot divided by the lot area. This  
96 is often expressed as a percentage of the  
97 lot. Floor area ratio differs from lot cover-  
98 age in that the floor area of all floors of  
99 each building is used in making the calcu-  
100 lation.
- 101 Floor Area, Gross. The sum of the gross horizontal  
102 areas of the floors of a building measured  
103 from the exterior face of exterior walls, or  
104 from the centerline of a wall separating  
105 two buildings, but not including interior  
106 parking spaces, loading space for motor  
107 vehicles, attics, unfinished basement

- 1 rooms, garages, breezeways and unen- 55  
 2 closed porches or terraces or any space 56  
 3 where the floor-to-ceiling height is less 57  
 4 than six feet. 58
- 5 Floor Area, Net. The total of all floors areas of a 59  
 6 building, excluding stairwells and elevator 60  
 7 shafts, equipment rooms, interior vehicular 61  
 8 parking or loading space; and all floors be- 62  
 9 low the first or ground floor, except when 63  
 10 used or intended to be used for human 64  
 11 habitation or service to the public. Very of- 65  
 12 ten, for ease of administration, net floor ar- 66  
 13 ea is expressed as gross floor area minus a 67  
 14 certain percentage. Empirically, stairwells, 68  
 15 elevator shafts, equipment rooms and utili- 69  
 16 ty rooms generally average out to about 15 70  
 17 percent of the gross floor area. 71
- 18 Foot-Candle (fc): A unit of illuminance equal to 1 72  
 19 lumen/ft<sup>2</sup>, the illumination of a surface 73  
 20 one-foot distant from a point source having 74  
 21 a uniform luminous intensity of 1 candela 75  
 22 (cd). One- (1) foot-candle equals approxi- 76  
 23 mately 0.1 (0.093) lux (metric). Full Cutoff 77  
 24 Luminaire: A luminaire light distribution 78  
 25 where no light is emitted above the hori- 79  
 26 zontal, and where the intensity at 80 de- 80  
 27 grees from nadir is no greater than 100 81  
 28 candelas per 1000 lamp lumens. 82
- 29 Foster Home. Any facility operated by a person 83  
 30 required to be licensed by section 48.62 84  
 31 that provides care and maintenance for no 85  
 32 more than four children unless all children 86  
 33 are siblings. 87
- 34 Freeboard. A flood protection elevation require- 88  
 35 ment designed as a safety factor, which is 89  
 36 usually expressed in terms of a specified 90  
 37 number of feet above a calculated flood 91  
 38 level. Freeboard compensates for the ef- 92  
 39 fects of any factors that contribute to flood 93  
 40 heights greater than those calculated. 94  
 41 These factors include, but are not limited 95  
 42 to, ice jams, debris accumulation, wave 96  
 43 action, obstruction of bridge openings and 97  
 44 floodways, the effects of urbanization on 98  
 45 the hydrology of a watershed, loss of flood 99  
 46 storage areas due to development and ag- 100  
 47 gregation of the river or stream bed. (See Il- 101  
 48 lustration No. 7) 102
- 49 Front Setback. A line established on a parcel of 103  
 50 land for the purpose of identifying the 104  
 51 nearest point a principal or accessory 105  
 52 structure may be placed to a lot line or 106  
 53 right-of-way line. The minimum required 107  
 54 horizontal distance between the front 108
- property line and the nearest foundation 109  
 wall of a principal or accessory building, 110  
 excluding overhangs, uncovered steps and 111  
 stoops, gutters and awnings. Where the 112  
 street line is an arc, the setback shall be 113  
 measured from the arc. (See Illustration 114  
 No. 9) 115
- Front Yard. A regulated area on a developed par- 116  
 cel of land. The yard area bounded by the 117  
 front lot line, the side lot lines and the front 118  
 foundation wall of a principal building , 119  
 excluding overhangs, uncovered steps and 120  
 stoops, gutters and awnings. (See Illustra- 121  
 tion No. 10) 122
- Frontage. The dimension of a lot abutting a public 123  
 street measured along the street right-of- 124  
 way line. For lots abutting a lake or stream, 125  
 the dimension measured along the shore- 126  
 line. 127
- Fully Shielded Luminaires: Outdoor luminaire uti- 128  
 lizing flat, clear lenses with no refractoriz- 129  
 ing elements and which operates in a hori- 130  
 zontal position with nonadjustable mount- 131  
 ing hardware or brackets. Light is distrib- 132  
 uted by means of internal reflector. The light 133  
 source is totally concealed by the lumi- 134  
 naire housing when the observation posi- 135  
 tion is at an angle less than fifteen degrees 136  
 (15°) above horizontal. Light is not permit- 137  
 ted at an angle less than four degrees (4°) 138  
 above horizontal. 139
- Garage Attached. A garage that is connected to 140  
 the principal structure by a doorway lead- 141  
 ing directly into the interior of the principal 142  
 structure. The connection must have walls 143  
 and a roof and shall not be exposed to the 144  
 outdoors. A covered breezeway is not a 145  
 permitted connection. (Amended Ordinance 146  
 120-061306) 147
- Garage Sale. See "Rummage Sale." 148
- Garage, Private. A structure primarily intended for 149  
 and used for the enclosed storage or shelter 150  
 of the private motor vehicles of the family's 151  
 resident upon the premises. 152
- Garage, Public or Commercial. A structure or por- 153  
 tion thereof, other than a private garage, 154  
 used primarily for the parking and storage 155  
 of motor vehicles and available to the pub- 156  
 lic. A public garage may or may not charge 157  
 a fee for such use. 158
- Garage, Repair. See "Automobile Body Repair" 159  
 and "Automobile Mechanical Repair." 160

- 1 Gasoline Service Stations. Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing and sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories. Contemporary service stations may specialize in a singular service such as providing fast oil changes. Contemporary services may also be associated with another principal use such as a convenience food store. In such instance, the facility is to comply with both the service station and food store requirements of this chapter.
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- 16 Glare: A light ray emanating directly from a lamp, reflector or lens that falls directly on the observer's eye.
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- 19 Grade, Established. The elevation of the finished street at the centerline or curb as fixed by such authority as shall be designated by law to determine such an elevation.
- 20  
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- 23 Grocery Store. A retail establishment of at least 25,000 square feet in area, where food products and related household products are sold.
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- 27 Groundwater Divide. A ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.
- 28  
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- 33 Groundwater. The water in a saturated zone or stratum beneath the surface of land or water, whether or not it is flowing through known and definite channels.
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- 37 Group Day Care Center. An establishment providing care and supervision for four or more persons under the age of seven and licensed by the State of Wisconsin pursuant to section 48.65 of the Wisconsin Statutes.
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- 42 Group Home. Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to section 48.62 of the Wisconsin Statutes for the care and maintenance of five to eight children.
- 43  
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- 47 Hazardous Substance. Any waste or material which because of its quantity, concentration or physical chemical or infectious characteristics may: cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.
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- 58 Health and Safety of the Public is the protection from injury, illness, danger and other harm. (Amended Ordinance 171-071310)
- 59  
60
- 61 Height of Tower. The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.
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- 70 Home Occupation. Any occupation for financial gain or support conducted entirely within the premises by resident occupants; which is customarily incidental to the principal use of the premises. [See also section 66.0501(D) of this chapter]
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- 76 Hotel. An establishment, licensed pursuant to Chapter 50 of the Wisconsin Statutes, wherein sleeping accommodations are offered for pay to transients, in five or more rooms, and all places used in connection therewith. The terms "Hotel," "Motel," and "Inn" are synonymous.
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- 83 IESNA: Illuminating Engineering Society of North America, an organization that establishes updated standards and illumination guidelines for the lighting industry.
- 84  
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86
- 87 Impervious Surface. Surfaces which do not absorb precipitation including buildings, structures, parking lots, driveways, roads, sidewalks and any areas in concrete, asphalt or packed stone.
- 88  
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- 92 Inoperative Vehicle. Any motor vehicle, which lacks a current registration, two or more wheels, or any other component part, which renders the vehicle illegal for use on highways.
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- 97 Installation. Shall mean the attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device.
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- 102 Installation: The assembly or attachment, whether or not connected to a power source, of an outdoor luminaire affixed to the ground, a
- 103  
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1	building, a pole, or other supporting structure or device.	53	requirements of the district in which it is located.
2		54	
3	Jump Balcony. A horizontal platform affixed to the exterior wall of a structure, which is readily accessible from an upper story door or window and which serves as a place from which rescue can be achieved in the event of fire or similar hazard.	55	Legal Non-conforming Use. Any use of land, or land and buildings in combination, lawfully existing at the time of adoption of the Zoning Ordinance, which does not comply with the use regulations for the district in which it is located.
4		56	
5		57	
6		58	
7		59	
8		60	
9	Junk or Salvage Yard. An area consisting of buildings, structures, or premises where junk, waste, and discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards and house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.	61	Light Pollution: Light directed upward to the sky or reflected from surfaces, interfering with astronomical observations or night sky appreciation.
10		62	
11		63	
12		64	
13		65	Light Trespass: Unwanted light that falls beyond the adjacent property line or the area intended to be illuminated. Light trespass falls into two categories: Unwanted light received in adjacent properties (high illuminance levels), and excessive brightness occurring in the normal field of vision (nuisance glare).
14		66	
15		67	
16		68	
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18		70	
19		71	
20	Kennel, Private. A place where no more than two dogs are housed for personal use.	72	
21		73	Lighting Source: Lamp or manufactured device emitting energy that is capable of exciting the retina and producing a visual sensation. Emitted energy falls within the electromagnetic spectrum having a length of between 380 and 770 nanometers. Such devices include, but are not limited to incandescent, fluorescent, LED, carbon arc, quartz-iodine/tungsten halogen, low-pressure sodium, high-pressure sodium, metal halide and mercury vapor lamps.
22	Kennel. Any establishment wherein or whereon eight or more dogs over the age of five months are kept for breeding, sale, sporting purposes or where boarding care is provided for compensation. All structures associated with kennels shall be a minimum of 100 feet from side and rear property lines.	74	
23		75	
24		76	
25		77	
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27		79	
28		80	
29	L(v): Veiling luminance, expressed in cd/ft <sup>2</sup> , is reflected glare - the reflection of incident light that partially or totally obscures the details to be seen on a surface due to contrast reduction.	81	
30		82	
31		83	
32		84	Lineal Building Front Foot. The length of the front wall of the building adjacent and parallel or closely parallel to any abutting street or public right-of-way.
33		85	
34	Land Disturbance Use or Activity. Any land alterations or disturbances which may result in soil erosion, sedimentation and/or the increase in runoff, including but not limited to tilling, removal of ground cover, grading, excavating and filling of land, except that the term shall not include such minor land disturbing activities as home gardens. Additionally, this term does not include agricultural land uses.	86	
35		87	
36		88	Living Area. The total area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, porches, breezeways, and unfinished attics.
37		89	
38		90	
39		91	
40		92	
41		93	Loading Area. A completely off-street space or berth on the same lot as the principal use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
42		94	
43		95	
44	Landscaping. Alteration of the natural terrain and cover, including the planting of trees, grass, shrubs and ground cover.	96	
45		97	
46		98	Loading Space. That portion of a lot or space accessible from a street, alley or way, in or outside of a building, designed to serve the purpose of loading or unloading for all types of vehicles.
47	Legal Non-conforming Structure. A building or structure lawfully existing at the time of adoption of the Zoning Ordinance which houses a use which is permitted in the district, but does not comply with all the applicable area, height, yard, and/or parking	99	
48		100	
49		101	
50		102	
51		103	Lot Area, Gross. The total area within the lot lines of a lot, including any street rights-of-way.
52		104	

- 1 Lot Area, Net. The total area within the lot lines of  
2 a lot, excluding any street rights-of-way.
- 3 Lot Coverage. That portion of the lot that is covered by buildings, structures, and paved surfaces. This is often expressed as a percentage of the lot. Lot coverage differs from floor area ratio in that only the ground floor of each building is used in making the calculation.
- 10 Lot Line, Front. The lot line nearest to the centerline of the public or private road from which the lot takes access. In the case of a double frontage lot, each lot line along the public or private road shall be considered a front lot line.
- 16 Lot Line, Rear. In the case of rectangular or mostly trapezoidal shaped lots, that lot line which is in general parallel to and most distance from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front lot line shall be considered the rear lot line.
- 25 Lot Line, Side. Any lot line other than a front or rear lot line.
- 27 Lot Line. A line dividing one lot from another or from a street or alley.
- 29 Lot of Record Any lot, the description of which is properly recorded with the county register of deeds, which at the time of its recordation complied with all applicable laws, ordinances and regulations.
- 34 Lot Width. The horizontal distance between side lot lines of a lot measured at right angles to its depth along a straight line and parallel to the front lot line, or its chord if on a curve. Lot widths may vary in width, especially on cul-de-sac lots and lots on curved streets, from the front of the lot to the back of the lot. A lot is not considered buildable unless the minimum lot width required for the district in which the lot is located is maintained at the front setback line and for a distance of 30 feet immediately behind the front setback line.
- 47 Lot, Corner. A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees. (See Illustration No. 11)
- 53 Lot, Double Frontage. A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. (See Illustration No. 11)
- 58 Lot, Interior. A lot abutting a single street and which is bounded by adjacent lots along its side and rear lot lines. (See Illustration No. 11)
- 62 Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon.
- 66 Lumen: Unit of luminous flux – used to measure the actual amount of light produced by the lamp(s).
- 69 Luminaire: Lighting unit consisting of a lamp or lamps and ballast(s) when applicable, together with the parts designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the power supply, less the support assembly. Consider lighting assemblies that includes multiple unshielded or partially shielded lamps on a single pole or standard as a single unit.
- 79 Lux: Unit of illuminance equal to one- (1) lumen per square foot. One-(1) lux equals approximately 10 (10.8) foot-candles.
- 82 Machine Shops. Establishments where various types of materials are subjected to drilling, boring, turning, milling, grinding or EDMs to create a component or end product.
- 86 Major Recreational Equipment. Means and includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, snowmobiles and snowmobile trailers and the like.
- 91 Management Zones. A zone or zones established to provide protection to the area surrounding a well or well field from potential contaminant sources. Management options may include limits on certain activities, more stringent design and operating standards, strict monitoring of potential pollution sources, promoting best management practices, and/or implementing education programs. Multiple protection zones may be established for different management strategies based on proximity to the well field.

1	Manufactured Dwelling. Any structure or component thereof which is intended for use as a dwelling and (1) is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation on the building site; or (2) is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer pursuant to the Wisconsin Uniform Dwelling Code. A single or double width manufactured (mobile) home is not considered a manufactured dwelling.	54	by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction. A mobile home exceeding statutory size limits under section 348.07(2) of the Wisconsin Statutes shall be considered a primary housing unit. A mobile home not exceeding the statutory size under section 348.07(2) shall be considered a touring or recreational vehicle. [SOURCE: section 340.01(29), Wis. Stat.]
2		55	
3		56	
4		57	
5		58	
6		59	
7		60	
8		61	
9		62	
10		63	
11		64	
12		65	Modification. A departure from the rules and regulations set forth in this chapter where a particular use is not required to meet the stated requirements of the chapter. Examples would include not requiring steeples and antenna to comply with the stated building height requirements for principal buildings; or not requiring roof overhangs, fences or accessory buildings to comply with side or rear setback requirements for principal buildings. The chapter may limit the amount of modification from the stated requirements for given structures or uses.
13		66	
14		67	
15		68	
16		69	
17		70	
18	Manufactured Home. A structure transportable in one or more sections, which is built on a permanent chassis and is, designed to be used with or without a permanent foundation when connected to required utilities. A manufactured home may also be known as a mobile home. A recreational vehicle or travel trailer is not a manufactured home.	71	
19		72	
20		73	
21		74	
22		75	
23		76	
24		77	
25		78	Modular Unit. A factory fabricated transportable building unit designed to be used by it or to be incorporated with similar units at a building site into a modular structure to be used for residential, business or educational purposes.
26		79	
27	Manufactured/Mobile Home means the same as defined in Wisconsin Statutes § 101.91(2), (10).	80	
28		81	
29		82	
30	Manufacturing. Activities involving the mechanical or chemical transformation of materials or substances into new products.	83	
31		84	Motor Home. A vehicle designed to be operated upon a highway or as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
32		85	
33	Marquee. A roof-like structure of a permanent nature, which projects from the wall of a building and may overhang the street right-of-way. A marquee may also be called a canopy or an awning.	86	
34		87	
35		88	
36		89	Multi-Class or Multi-Use Lighting: Outdoor lighting used for more than one purpose, such as security and decoration.
37		90	
38	Material Shipment Center. An establishment primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire transportation route, and in turn, making use of services of other transportation establishments.	91	
39		92	Natural Feature. A geologic formation, vegetative area or other feature of the landscape, which is protected by this chapter or state statute.
40		93	
41		94	
42		95	
43		96	Navigable Water. Lake Michigan, Green Bay and all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.
44		97	
45	Mobile Home Park. A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.	98	
46		99	
47		100	
48		101	
49		102	
50		103	Neighborhood Food Store. A retail establishment of at least 3,000 square feet in area, but less than 25,000 square feet in area, where
51		104	
52	Mobile Home. A vehicle designed to be towed as a single unit or in sections upon a highway	105	
53			

- 1 food products and related household prod- 53  
 2 ucts are sold. 54
- 3 Non-conforming Lot. A lot, which does not 55  
 4 contain sufficient area and/or width to meet 56  
 5 the requirements of the zoning district in  
 6 which it is located.
- 7 Non-conforming Uses or Structures. Any struc- 57  
 8 ture, land or water lawfully used, occupied 58  
 9 or erected before November 15, 1973 59  
 10 which does not conform to the regulations 60  
 11 of this chapter or amendments thereto. Any 61  
 12 such structure conforming in respect to use 62  
 13 but not in respect to frontage, width, 63  
 14 height, area, yard, parking, loading or dis- 64  
 15 tance requirements shall be considered a 65  
 16 non-conforming structure and not a non- 66  
 17 conforming use. 67
- 18 Non-Shielded or Non-Cutoff Lighting Fixtures. 68  
 19 Shall mean all types of outdoor lighting fix- 69  
 20 tures other than shielded or cutoff lighting 70  
 21 fixtures and includes any lighting fixture 71  
 22 that employs an adjustable bracket, refrac- 72  
 23 torizing glassware or lenses, non-shielding 73  
 24 lamp or light source and distributes light at 74  
 25 any angle less than four degrees above hor- 75  
 26 izontal. 76
- 27 Non-Shielded or Non-Cutoff Luminaire: Outdoor 77  
 28 luminaire, other than shielded or shutoff 78  
 29 type, that employs an adjustable bracket, a 79  
 30 refractorizing glassware or lenses, a non- 80  
 31 shielded lamp or light source, and distrib- 81  
 32 utes light at any angle less than four de- 82  
 33 grees above horizontal. 83
- 34 Nuisance. Anything that interferes with the use or 84  
 35 enjoyment of property, endangers personal 85  
 36 health or safety, or is offensive to the sens- 86  
 37 es. 87
- 38 Nursing Home. Any facility which provides 24 88  
 39 hour services, including room and board, 89  
 40 to three or more unrelated residents; who 90  
 41 because of their mental or physical condi- 91  
 42 tion require nursing care or personal care 92  
 43 in excess of seven hours a week.
- 44 Obstruction to Flow. Any development, which 93  
 45 physically blocks the conveyance of 94  
 46 floodwaters such that this development by 95  
 47 itself or in connection with any future sim- 96  
 48 ilar development will cause an increase in 97  
 49 regional flood height. 98
- 50 Opaque: Material that does not transmit light 99  
 51 from an internal illumination source. Ap- 100  
 52 plied to sign backgrounds, it is the area 101  
 102
- 53 surrounding the letters or symbols on the 103  
 54 sign that is either not lighted from within, 104  
 55 or it does not allow light from an internal 105  
 56 source to shine through it.
- 57 Open Parking Facilities. Shall mean a parking fa-  
 58 cility without an overhead covering and  
 59 shall include the roof level of a multilevel  
 60 parking structure or ramp.
- 61 Open Space. A permanently dedicated area of  
 62 open, undeveloped land consisting of  
 63 lawns, shrubs, trees or other natural vege-  
 64 tation capable of absorbing storm water.  
 65 Rain gardens, vegetated wet and dry deten-  
 66 tion basins and related vegetated drainage  
 67 swales shall be considered open space.  
 68 (Amended Ordinance 159-120809)
- 69 Ordinary High-water Mark. The point on the bank  
 70 or shore of a body of water up to which the  
 71 presence and action of surface water is so  
 72 continuous as to leave a distinctive mark  
 73 such as by erosion, destruction or preven-  
 74 tion of terrestrial vegetation, predominance  
 75 of aquatic vegetation, or other easily rec-  
 76 ognized characteristic. The ordinary high-  
 77 water mark shall be established by a sur-  
 78 veyor.
- 79 Outdoor Canopy. Shall mean a freestanding roof  
 80 structure without side walls which may or  
 81 may not be attached to the roof of an adja-  
 82 cent building and shall include but not be  
 83 limited to canopies over gas stations or  
 84 canopies at convenience stores.
- 85 Outdoor Light Output, Total: The maximum total  
 86 amount of light, measured in lumens, from  
 87 all outdoor luminaires. For lamp types that  
 88 have their outputs vary with age (high-  
 89 pressure sodium, metal halide, fluores-  
 90 cent), use the initial output, as defined by  
 91 the lamp manufacturer, for calculations.
- 92 Outdoor Lighting Fixtures. Shall mean lighting  
 93 sources, which are electrically powered il-  
 94 luminating devices, lighted or reflective  
 95 surface lamps and similar devices perma-  
 96 nently installed or portable used for illumi-  
 97 nation or for advertisement. Such device  
 98 shall include, but not be limited to search-  
 99 lights, spotlights, floodlights, streetlights,  
 100 sign lights, security lights, wall lights, and  
 101 porch lights, area lights, parking lights and  
 102 sign panels.
- 103 Outdoor Luminaire: Lighting source which is an  
 104 electrically powered illuminating device,  
 105 lighted or reflective surface, lamp(s) and  
 185

- 1 similar devices, permanently installed or  
 2 portable used for illumination or for adver-  
 3 tisement. Such devices include, but not  
 4 limited to searchlights, spotlights, flood-  
 5 lights, streetlights, product display area  
 6 lights, security lights, wall lights, porch  
 7 lights, area lights, parking lot lights, and  
 8 billboards and other signs.
- 9 Outdoor Merchandising. Shall mean car sales  
 10 lots, equipment sales lot, retail gasoline  
 11 stations, garden centers and other similar  
 12 areas where products are permanently dis-  
 13 played or dispensed outdoors.
- 14 Parking Lot. An off-street, ground level area, usu-  
 15 ally surfaced and improved, for the tempo-  
 16 rary storage of motor vehicles. Parking lots  
 17 includes rows of parking spaces, the aisles  
 18 from which motor vehicles enter and leave  
 19 the spaces. Ingress and egress drives from  
 20 the parking lot to the public street are not  
 21 part of the parking lot.
- 22 Parking Space. An all-weather area not in a street  
 23 or alley right-of-way, exclusive of drive-  
 24 ways, permanently reserved for the tempo-  
 25 rary storage of one motor vehicle, and  
 26 connected with a street or alley by a  
 27 driveway which provides ingress and  
 28 egress for a motor vehicle without requir-  
 29 ing another vehicle to be moved.
- 30 Pier. Means any structure extending into naviga-  
 31 ble waters from the shore with water on  
 32 both sides, built or maintained for the pur-  
 33 pose of providing a berth for watercraft or  
 34 for loading or unloading cargo or passen-  
 35 gers onto or from watercraft. Such a struc-  
 36 ture may include a boat shelter, which is  
 37 removed seasonally. Such a structure may  
 38 include a boat hoist or boatlift, and the  
 39 hoist or lift may be permanent or may be  
 40 removed seasonally. The term "dock" shall  
 41 also mean pier.
- 42 Pier - Pre-existing. Means a pier that has been  
 43 placed in the riparian zone in the same  
 44 general location and with the same general  
 45 size and configuration during any of the  
 46 three years prior to the enactment of this  
 47 section is considered a pre-existing pier if it  
 48 is not extended or expanded after the  
 49 adoption of this section dated October 25,  
 50 2005. The seasonal removal of a pier does  
 51 not affect its status as a permissible pre-  
 52 existing pier if it is re-established in sub-  
 53 stantially the same form and same general  
 54 location.
- 55 Performance Standard. A criterion to control  
 56 noise, odor, smoke, toxic or noxious mat-  
 57 ter, vibration, fire and explosive hazards,  
 58 glare or heat, and lighting intensity or spill-  
 59 over generated by or inherent in uses of  
 60 land and buildings.
- 61 Person. Shall mean any individual, tenant, lessee,  
 62 owner operator or any public, private,  
 63 nonprofit or commercial entity including,  
 64 but not limited to, a firm, business, partner-  
 65 ship, joint venture, association, corpora-  
 66 tion, municipality, agency or governmental  
 67 agency.
- 68 Personal service. Exclusively indoor uses of which  
 69 their primary function is the provision of  
 70 nonprofessional services directly to an in-  
 71 dividual on a walk-in or on-appointment  
 72 basis. Examples include barbershops,  
 73 beauty shops, tanning salons and the like.
- 74 Petroleum Product. Any fuels (gasoline, diesel  
 75 fuel, kerosene and mixtures of these prod-  
 76 ucts), lubricating oils, motor oils, hydraulic  
 77 fluids and other similar products.
- 78 Planned Residential Unit Development. A form of  
 79 development characterized by a united site  
 80 design for a number of housing units, clus-  
 81 tering buildings and providing common  
 82 open space, density increases and a mix of  
 83 residential building types and residential  
 84 uses, having a minimum size of ten acres.
- 85 Potable Water. Any water that is satisfactory for  
 86 drinking, culinary and domestic purposes  
 87 meeting current State and Federal drinking  
 88 water standards.
- 89 Premises. A lot, parcel, tract or plot of land to-  
 90 gether with the buildings and structures  
 91 thereon.
- 92 Primary Containment. The first level of product  
 93 tight containment, i.e., the inside portion of  
 94 that container which comes into immedi-  
 95 ate contact on its inner surface with the  
 96 hazardous material being contained.
- 97 Primary Protection Zone. An area calculated as  
 98 the zone of influence characteristic to each  
 99 individual well supplying potable water to  
 100 any community water system.
- 101 Principal Use. See "Use, Principal."
- 102 Professional Home Offices. Residences of cler-  
 103 gymen, architects, landscape architects,  
 104 professional engineers, registered land sur-  
 105 veyors, lawyers, real estate agents, artists,

1 teachers, authors, musicians, or persons in  
2 other recognized professions used to con-  
3 duct their professions where the office use  
4 is incidental to the residential use of the  
5 premises.

6 Public Utility. Any utility (gas, water, sewer, elec-  
7 trical, telephone, cable television, etc.)  
8 whether publicly owned or privately  
9 owned.

10 Public welfare is the protection from nuisances,  
11 economic interest, convenience, commu-  
12 nity character and the vision expressed in  
13 the Village's Smart Growth Plan. (Amend-  
14 ed Ordinance 171-071310)

15 Publishing House. A facility where books, maga-  
16 zines, periodicals, maps, etc. are printed  
17 and issued.

18 Rear Setback. A line established on a parcel of  
19 land for the purpose of identifying the  
20 nearest point a principal or accessory  
21 structure may be placed to a lot line or  
22 right-of-way line. The minimum required  
23 horizontal distance between the rear inter-  
24 nal lot line and a line parallel thereto  
25 through the nearest foundation wall of the  
26 principal or accessory structure, excluding  
27 overhangs, uncovered steps and stoops,  
28 gutters and awnings. (See Illustration No.  
29 12)

30 Rear Yard. A regulated area on a developed par-  
31 cel of land. The yard area bounded by the  
32 rear lot line, the side lot lines and the rear  
33 foundation wall of the principal structure,  
34 excluding overhangs, uncovered steps and  
35 stoops, gutters and awnings. (See Illustra-  
36 tion No. 13)

37 Recharge Area. An area in which water reaches  
38 the zone of saturation by surface infiltra-  
39 tion and encompasses all areas or features  
40 that supply groundwater recharge to a  
41 well.

42 Recreational Vehicle. A vehicular, portable struc-  
43 ture built on a chassis which can be self-  
44 transported or by any motor vehicle and is  
45 designated to be used as a temporary  
46 dwelling for travel, recreation and vacation  
47 use, which does not fall within the defini-  
48 tion of a manufactured/mobile home.

49 Regulatory Agency. Any governmental agency  
50 with jurisdiction over hazardous waste as  
51 defined herein.

52 Residential Site: A single parcel in a residential  
53 zone containing a residential structure with  
54 one or more dwelling units with parking  
55 areas for one or more cars.

56 Restaurant - General means an eating-place,  
57 whether a principal use or accessory use,  
58 selling a full line of prepared food and  
59 drinks using non-disposable plates, glasses  
60 and utensils for immediate consumption  
61 on the site. The business provides tables and  
62 chairs, table service, and is available to  
63 persons of all ages. The use shall not ex-  
64 hibit the characteristics of a drive-in, for-  
65 mula or fast food establishment. Customers  
66 shall be provided with individual menus  
67 while seated at a table or counter. Food  
68 sold for consumption off the premises shall  
69 be incidental to the primary use. Such food  
70 shall be placed in covered containers or  
71 wrappings, and all house-brand labeled  
72 food store goods such as vinegars, oils and  
73 salad dressings shall be prepackaged and  
74 sealed.

75 Restaurant - Drive-In means an eating place,  
76 whether a principal use or accessory use,  
77 which sells: (a) prepares food intended for  
78 consumption in vehicles that may or may  
79 not be parked on the site; or (b) provides  
80 for the ordering of food while the custom-  
81 ers are seated in vehicles.

82 Restaurant - Formula means an eating-place,  
83 whether a principal use or accessory use,  
84 that is one of a chain or group of three or  
85 more establishments and which satisfies at  
86 least two of the following three descrip-  
87 tions:

88 (1) It has the same or similar name, brand,  
89 trade name, or trademark as others in the  
90 chain or group;

91 (2) It offers any of the following character-  
92 istics in a style which is distinctive to and  
93 standardized among the chain or group: (a)  
94 Exterior design or architecture; (b) Uni-  
95 forms, except that a personal identification  
96 or simple logo will not render the clothing  
97 a uniform; (c) Standardized menus, ingre-  
98 dients, food preparation or food presenta-  
99 tion format which causes it to be substan-  
100 tially identical to another restaurant regard-  
101 less of ownership or location.

102 (3) It is a fast food restaurant.

103 Restaurant - Fast Food means an eating-place,  
104 whether a principal use or accessory use,  
187

1 selling food to be consumed on or off the  
 2 site and (a) food is quickly made upon the  
 3 customer's or-der or pre-made and  
 4 wrapped before customers place orders,  
 5 and/or (b) food is served with disposable  
 6 tableware for on-site food consumption. A  
 7 Fast Food restaurant also exhibits two or  
 8 more of the following characteristics: food  
 9 is ordered from a wall menu at a service  
 10 counter; food consumed on the premises is  
 11 ordered while customers are standing;  
 12 payment is made by customers before food  
 13 is consumed; the service counter is closer  
 14 to an entry/exit than is the seating/dining  
 15 area; the business interior is brightly illu-  
 16 minated (greater than 8 candle foot power  
 17 as measured in a horizontal plane three  
 18 feet above the floor).

19 Restaurant - Take-Out means an eating place,  
 20 whether a principal use or accessory use,  
 21 selling ready-to- eat, prepared snack food  
 22 and full meals for immediate consumption  
 23 off the site while patrons are walking or  
 24 standing in the public right-of-way or are  
 25 seated in vehicles.

26 Restaurant - Drive-up Window means a window  
 27 opening to the outdoors designed to fur-  
 28 nish food or beverages to motorists.

29 Restaurant - Walk-up Window means a window  
 30 opening to the outdoors designed to fur-  
 31 nish food or beverages to pedestrians.

32 Restaurant - Drive-through means a paved area  
 33 serving as a queuing or staging area for  
 34 motorist to receive food that they have or-  
 35 dered.

36 Right-of-way. A strip of land acquired by a public  
 37 entity and intended to accommodate a  
 38 specific public purpose or use.

39 Riparian Zone. Means the area of water adjacent  
 40 to a parcel of riparian land within which  
 41 the riparian owner may place structures.  
 42 The riparian zone is bounded by the land  
 43 and the line of navigation. The side  
 44 boundaries of the riparian zone are to be  
 45 determined consistent with Wisconsin  
 46 Administrative Code Section NR 326.07.

47 Roadside Stand. A farm building used or intended  
 48 to be used solely by the owner or tenant of  
 49 the farm on which such building is located  
 50 for the sale of farm products raised on such  
 51 farm.

52 Rummage Sale. The occasional sale of personal  
 53 property at a residence conducted by one  
 54 or more families in a neighborhood. Rum-  
 55 mage sales are also known as "garage  
 56 sales." Flea markets, defined elsewhere in  
 57 this section, are not rummage sales.

58 Sanitary Landfill. A disposal site where solid  
 59 wastes, including putrescible wastes, or  
 60 hazardous wastes, are disposed of on land  
 61 by placing earth cover thereon.

62 Seat and Seating. Furniture upon which to sit hav-  
 63 ing a linear measurement not less than 24  
 64 inches across the surface used for sitting.

65 Secondary Containment. The level of product  
 66 tight containment external to and separate  
 67 from the primary containment. Secondary  
 68 containment shall consist of leak-proof  
 69 trays under containers, floor curbing or  
 70 other containment systems and shall be an  
 71 adequate state-approved size and design to  
 72 handle all spills, leaks, overflows, specific  
 73 design and election of materials shall be  
 74 sufficient to preclude any substance loss.  
 75 Containment systems shall be sheltered so  
 76 that the intrusion of precipitation is effec-  
 77 tively prevented.

78 Setback. The minimum required horizontal dis-  
 79 tance between an internal lot line or the  
 80 street right-of-way and the regulated struc-  
 81 ture or item. (See also front setback, side  
 82 setback, and rear setback)

83 Setbacks from a Street. The minimum horizontal  
 84 distance from the centerline of a street or  
 85 private road to the nearest part of a struc-  
 86 ture, measured at right angles to the center-  
 87 line or right-of-way line.

88 Shielded or Cutoff Lighting Fixtures. Shall mean  
 89 outdoor lighting fixtures that utilize flat,  
 90 clear lenses with no refractorizing elements  
 91 and which operate in a horizontal position  
 92 with nonadjustable elements, which oper-  
 93 ate in a horizontal position with nonad-  
 94 justable mounting hardware or brackets.  
 95 Such fixtures distribute light by means of  
 96 an internal reflector only. The light source  
 97 is totally concealed by fixture housing of  
 98 an internal reflector only. The light source  
 99 is totally concealed by the fixture housing  
 100 when the position of observation is at an  
 101 angle less than fifteen degrees above hori-  
 102 zontal. No light is permitted at an angle  
 103 less than four degrees above horizontal.

- 1 Shopping Center. A group of business establish-  
2 ments planned, constructed and managed  
3 as a total entity with ample customer and  
4 employee parking provided on-site, with  
5 provision for goods delivery separated from  
6 customer access, and with aesthetic con-  
7 siderations and protection from the ele-  
8 ments.
- 9 Shorelands. Those lands lying within the follow-  
10 ing distances from the ordinary high-water  
11 mark of navigable waters: 1,000 feet from  
12 a lake, pond or flowage; and 300 feet from  
13 a river or stream; or to the landward side of  
14 the floodplain, whichever distance is  
15 greater. Shorelands shall not include those  
16 lands adjacent to farm drainage ditches  
17 where (a) such lands are not adjacent to a  
18 navigable stream or river; (b) those parts of  
19 such drainage ditches adjacent to such  
20 lands were non- navigable streams before  
21 ditching or had no previous stream history;  
22 and (c) such lands are maintained in non-  
23 structural agricultural use. (See Illustration  
24 No. 14)
- 25 Side Setback. A line established on a parcel of  
26 land for the purpose of identifying the  
27 nearest point a principal or accessory  
28 structure may be placed to a lot line or  
29 right-of-way line. The minimum required  
30 horizontal distance between the side inter-  
31 nal lot line and a line parallel thereto  
32 through the nearest foundation wall of the  
33 principal or accessory structure, excluding  
34 overhangs, uncovered steps and stoops,  
35 gutters and awnings. (See Illustration No.  
36 15)
- 37 Side Yard. A regulated area on a developed par-  
38 cel of land. The yard area bounded by the  
39 side lot line, the side foundation wall of the  
40 principal structure, excluding uncovered  
41 steps and stoops, gutters and awnings, the  
42 front yard and the rear yard. (See Illustra-  
43 tion No. 16)
- 44 Sign Copy. The message or advertisement, and  
45 any other symbols on the face of a sign.
- 46 Sign Face. The area or display surface used for the  
47 message.
- 48 Sign, Abandoned. Any sign, which has been dis-  
49 continued for a period of 12 consecutive  
50 months, which sign, advertises or identifies  
51 an activity that has been discontinued for  
52 12 consecutive months, shall be consid-  
53 ered abandoned.
- 54 Sign, Awning. A sign that is mounted or painted  
55 on, or attached to an awning, canopy or  
56 marquee. (See Illustration No. 66)
- 57 Sign, Bulletin. A sign which directs attention to  
58 municipal, civic, educational, religious or  
59 other nonprofit organizational buildings or  
60 activities; that is located or to be located  
61 upon the premises where the sign is locat-  
62 ed or is located upon a premises other than  
63 where the sign is located.
- 64 Sign, Directional. A sign that does not advertise,  
65 but merely draws attention to a business or  
66 development by indicating, no more than,  
67 the direction and distance it is from the  
68 sign.
- 69 Sign, Externally Illuminated: A sign illuminated by  
70 light sources from the outside.
- 71 Sign, Ground. Any sign placed upon a pole or  
72 other support independent of any other  
73 structure, where the sign height does not  
74 exceed 10 feet. (See Illustration No. 21)
- 75 Sign, Internally Illuminated: A sign illuminated by  
76 light sources enclosed entirely within the  
77 sign cabinet and not directly visible from  
78 outside the sign.
- 79 Sign, Neon: A sign with luminous gas-filled tubes  
80 formed into text, symbols, or decorative el-  
81 ements and directly visible from outside  
82 the sign cabinet.
- 83 Sign, Off Premise. A sign, which directs attention  
84 to a business, commodity, service or enter-  
85 tainment, conducted, sold or offered at a  
86 location other than the premises on which  
87 the sign is located.
- 88 Sign, Pole. A sign that is mounted on a freestand-  
89 ing pole or other support so that the bot-  
90 tom of the sign is 12 feet or more above  
91 grade. (See Illustration No. 28)
- 92 Sign, Portable. A sign that is not permanently af-  
93 fixed to a building, structure, or to the  
94 ground. Such sign is sometimes mounted  
95 on wheels to make it transportable. (See Il-  
96 lustration No. 29)
- 97 Sign, Projecting. A sign that is wholly or partly  
98 dependent upon a building for support and  
99 which projects more than 12 inches from  
100 such building. (See Illustration No. 30)
- 101 Sign, Roof. A sign that is mounted on the roof of a  
102 building or which is wholly dependent up-  
103 on a building for support and which pro-  
104 jects above the point of a building with a  
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- 1 flat roof, the eave line of a building with a  
 2 gambrel, gable, or hip roof, or the deck  
 3 line of a building with a mansard roof. (See  
 4 Illustration No. 33)
- 5 Sign, Wall. A sign fastened to or painted on the  
 6 wall of a building or structure in such a  
 7 manner that the wall becomes the support-  
 8 ing structure for, or forms the background  
 9 surface of the sign and which does not pro-  
 10 ject more than 12 inches from such build-  
 11 ing or structure. (See Illustration No. 36)
- 12 Sign, Window. Wording or advertising that is ap-  
 13 plied or attached to the interior of a win-  
 14 dower or located in such manner within the  
 15 building that it can readily be seen from  
 16 the exterior of the building through a win-  
 17 dower. (See Illustration No. 38)
- 18 Sign. Any medium, including sign face, words,  
 19 letters, figures, numerals, phrases, sentenc-  
 20 es, emblems, devices, designs, trade  
 21 names, or trademarks by which anything is  
 22 made known and which are used to adver-  
 23 tise or promote an individual, firm, asso-  
 24 ciation, corporation, profession, business,  
 25 commodity, or product and which is visi-  
 26 ble from any public street or highway.
- 27 Spot Lamp: A specific lamp form designed to di-  
 28 rect its output in a specific direction (a  
 29 beam) and with a clear or nearly clear  
 30 glass envelope. Such lamps are so desig-  
 31 nated by the manufacturers and are typi-  
 32 cally used in residential outdoor area light-  
 33 ing.
- 34 Story. That part of a building included between  
 35 the surface of a floor and the surface of the  
 36 floor next above it, or, if there is no floor  
 37 above it, then the space between the floor  
 38 and the ceiling next above it.
- 39 Stream Reach. A longitudinal segment of a stream  
 40 generally including those flood lands  
 41 wherein flood stages are primarily and  
 42 commonly controlled by the same manu-  
 43 factured or natural obstructions to flow.  
 44 (See Illustration No. 7)
- 45 Street Setback. A line established on a parcel of  
 46 land for the purpose of identifying the  
 47 nearest point a principal or accessory  
 48 structure may be placed to a lot line or  
 49 right-of-way line. The minimum required  
 50 horizontal distance between the right-of-  
 51 way line of the second street of a corner lot  
 52 and a line parallel thereto through the  
 53 nearest foundation wall of the principal or  
 54 accessory structure, excluding overhang,  
 55 uncovered steps and stoops, gutters and  
 56 awnings. (See Illustration No. 39)
- 57 Street Yard. A regulated area on a developed par-  
 58 cel of land. The yard area bounded by the  
 59 second street right-of-way of a corner lot,  
 60 the front yard, the foundation wall of the  
 61 principal structure and the lot line opposite  
 62 the front lot line. (See Illustration No. 40)
- 63 Street, Private. A roadway created by an easement  
 64 for use only by the abutting property own-  
 65 ers, which is not dedicated to the Village.
- 66 Street. A public right-of-way not less than 50 feet  
 67 wide providing primary vehicular access to  
 68 abutting properties.
- 69 Strip Shopping Center. A complex of buildings  
 70 containing business development located  
 71 on property along one or both sides of a  
 72 street that is generally one lot in depth and  
 73 is has multiple and relatively closely  
 74 spaced driveways, low open space and  
 75 landscaping ratios, and high floor area ra-  
 76 tios.
- 77 Structural Alterations. Any change in the support-  
 78 ing members of a structure, such as founda-  
 79 tions, bearing walls, columns, beams, or  
 80 girders.
- 81 Structure, Accessory. A structure or portion of a  
 82 structure used for a purpose customarily  
 83 incidental to a permitted principal use of a  
 84 lot and located on the same lot as the prin-  
 85 cipal use.
- 86 Structure, Permanent. A structure placed on or in  
 87 the ground or attached to another structure  
 88 in a fixed position, and intended to remain  
 89 in place for a period of more than nine  
 90 months.
- 91 Structure, Principal. The building or structure  
 92 containing the primary use of a property.
- 93 Structure, Temporary. A structure placed on or in  
 94 the ground or attached to another structure  
 95 in a fixed position and intended to remain  
 96 in place for a period not to exceed nine  
 97 months.
- 98 Structure. Anything erected or constructed, such  
 99 as buildings, prefabricated or pre-built  
 100 buildings, towers, masts, poles, booms,  
 101 signs and carports. Appurtenances con-  
 102 structed at or below grade such as patios,  
 103 driveways, or sidewalks are not considered  
 104 to be structures.

- 1 Subordinate. Means all components of the facility, in total occupy less street frontage than the primary commercial or public institutional building. (*Amended Ordinance 217-081313*)
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- 6 Sustained Yield Forestry. Management of forested lands to provide annual or periodic crops of forest products.
- 7  
8
- 9 Swimming Pool. An outdoor structure containing a body of water in a receptacle or other container having a depth for water of 18 inches or more with a minimum surface of 48 square feet, located above or below the surface of ground elevation and includes all structural facilities, appliances, appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a pool.
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- 19 Temporary Lighting: Non-conforming lighting, not used from more than one 30 day period within a calendar year, with one 30 day extension. Temporary lighting is intended for uses, which by their nature are of limited duration. For example: Holiday decorations, civic events or construction projects.
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- 27 Temporary. A period defined as no more than 45 days in a calendar year unless a shorter period is specified in the section.
- 28  
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- 30 Tower. A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.
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- 35 Translucent: The permitting of light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.
- 36  
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- 39 Truck Sales and Service. See "Commercial Vehicle Sales and Service."
- 40
- 41 Turning Lane. An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.
- 42  
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- 46 Uniformity Ratio: Ratio between the average illumination and the minimum illumination as determined by measurements taken on a four-foot grid throughout the lighted area.
- 47  
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49
- 50 Unnecessary Hardship. The circumstance where special conditions, which were not self-
- 51
- 52 created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of this chapter.
- 53  
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- 59 Use, Abandonment of: The relinquishment of a property, or the cessation of a use or activity by the Owner or Tenant for a period of twelve months, excluding temporary, short-term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions constituting the principle use of the property.
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- 70 Use, Accessory. A use customarily incidental to the principal use and on the same lot as the principal use. In buildings, customary family occupations and workshops not conducted for compensation shall be deemed accessory uses.
- 71  
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- 76 Use, Conditional. A use, which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use.
- 77  
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79
- 80 Use, Principal. The main use of land, or land and buildings in combination, as distinguished from a secondary or accessory building, including, but not limited to, a house in a residential district, a store in a business district, or crops or farm buildings in an agricultural district. Within the zoning districts in this chapter, the principal use is also referred to as the "permitted use."
- 81  
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- 89 Use. The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
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- 93 Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, municipal warehouses, municipal shops, and municipal storage yards.
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- 1 Variance. An authorization granted by the Zoning  
2 Board of Appeals to construct or alter a  
3 building or structure in a manner that devi-  
4 ates from the dimensional standards of this  
5 chapter. A variance may not permit the use  
6 of a property that is otherwise prohibited  
7 by this chapter or allow floodland con-  
8 struction that is not protected to the flood  
9 protection elevation.
- 10 Vision Clearance Triangle. A triangular shaped  
11 portion of land established at street inter-  
12 sections in which nothing is erected,  
13 placed, planted, or allowed to grow in  
14 such a manner as to limit or obstruct the  
15 sight distance of motorists entering or leav-  
16 ing the intersection. (See Illustration No. 1  
17 and 2)
- 18 Well. Any excavation that is drilled, cored, bored,  
19 washed, driven, dug, jetted, or otherwise  
20 constructed when the intended use of such  
21 excavation is to conduct groundwater from  
22 an aquifer system to the surface by pump-  
23 ing or natural flow, or to monitor the char-  
24 acteristics of groundwater within an aquifer  
25 system.
- 26 Wellhead Protection area. The surface or subsur-  
27 face area surrounding a water well or well  
28 field, supplying a public water system, an  
29 area through which contaminants are rea-  
30 sonably likely to move toward and reach  
31 such water well or well field.
- 32 Wellhead. The upper terminal of a well, including  
33 adapters, ports, seals, valves, and other at-  
34 tachments.
- 35 Wetland. An area where water is at, near, or  
36 above the land surface long enough to be  
37 capable of supporting aquatic or hydro-  
38 phytic vegetation and which has soils in-  
39 dicative of wet conditions.
- 40 Wireless Telecommunication Services. Licensed  
41 wireless telecommunication services in-  
42 cluding, but not necessarily limited to, cel-  
43 lular, personal communication services  
44 (PCS), specialized mobilized radio (SMR),  
45 enhanced specialized mobilized radio  
46 (ESMR), paging and similar services that  
47 are marketed to the general public.
- 48 Wireless Telecommunication Site. A facility oper-  
49 ated by a licensed wireless telecommuni-  
50 cation service provider, which consists of  
51 the equipment and structures involved in  
52 receiving or transmitting electromagnetic
- 53 waves associated with wireless telecom-  
54 munication services.
- 55 Woodland. An area of wooded land at least one  
56 acre in size and containing deciduous or  
57 coniferous trees; that, at least 50 percent of  
58 which are either 20 feet or more in height  
59 or have a trunk diameter, six inches above  
60 the ground, of at least four inches.
- 61 Yard, Corner Side. Means a side yard, which fac-  
62 es a public or private street.
- 63 Yard, Front. A yard extending the full width of the  
64 lot on which a building is located and situ-  
65 ated between the front lot line and a line  
66 parallel thereto and passing through the  
67 nearest point of the building.
- 68 Yard, Interior Side. A side yard located immedi-  
69 ately adjacent to another lot or to an alley  
70 separating such side yard from another lot.
- 71 Yard, Rear. A yard extending the full width of the  
72 lot on which a building is located and situ-  
73 ated between the rear lot line and a line  
74 parallel thereto and passing through the  
75 nearest point of the building.
- 76 Yard, Side. A yard on the same lot as a building  
77 situated between the side lot line and a  
78 line parallel thereto, passing through the  
79 nearest point of a building and extending  
80 from the front yard to the rear.
- 81 Yard. An open space on the same lot with a struc-  
82 ture, unoccupied and unobstructed from  
83 the ground upward except the vegetation.  
84 Front yards and rear yards extend the full  
85 width of the lot. (Also, see "Front Yard,"  
86 "Rear Yard," "Side Yard," and "Setback")
- 87 Zone of Contribution. The land area over which  
88 water can infiltrate and move toward the  
89 well.
- 90 Zone of Influence. The land area above the cone  
91 of depression that results after thirty days of  
92 continuous pumping of a well.
- 93 Zoning Map. The map showing the location and  
94 boundaries of the zoning districts estab-  
95 lished by this chapter.
- 96  
97  
98

1

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1

SECTION 4000 – ARCHITECTURAL GUIDE

1 Sec. 66.4200 Illustrations

<b>Sister Bay Commercial Architectural Style Guide</b>	
<p>In general, the architectural style would be categorized as “Turn of the Century” with Scandinavian, Swedish and German themes. See Section 66.1050 for the detailed requirements.</p>	
<p><b>Windows:</b> Grilled</p>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p><b>Figure 1</b></p> </div> <div style="text-align: center;">  <p><b>Figure 2</b></p> </div> </div>
<p><b>Doors:</b> Double entrance Recessed entrance</p>	 <p><b>Figure 3</b></p>
<p><b>Exterior Colors:</b> Contrasting trim</p>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p><b>Figure 4</b></p> </div> <div style="text-align: center;">  <p><b>Figure 5</b></p> </div> </div>

**Trim and Moldings:**

Decorative  
Detailed



Figure 6



Figure 7



Figure 8

**Shutters:**



Figure 9



Figure 10

**Siding:**

Stone  
Cedar shakes  
Cedar siding  
Cement board  
Hardy plank



Figure 11



Figure 12



Figure 13



Figure 14

**Landscaping:**  
 No bare lawn  
 Benches, patios  
 Shrubs, trees  
 Flowers



Figure 15



Figure 16

**Corner Lot Buildings:**  
Cut-outs



Figure 17

**Other amenities:**  
Flower boxes below windows  
Porches  
Verandas  
Windows walk  
Enclosed porch  
Balconies  
Awnings



Figure 18



Figure 19



Figure 20



Figure 21

SECTION 4200 – SANDWICH BOARD GUIDE

1 Sec. 66.4200 Illustrations

Examples of Unacceptable Designs

**Unacceptable Designs:**

Figures 1 through 5 represent examples of sandwich board signs that the Plan Commission has deemed unacceptable. The reasons include plain letters on a completely white background sign-board, unchanging messages and lack of character.



Figure 22



Figure 2



Figure 3



Figure 4



Figure 5

Examples of Acceptable Designs

Acceptable Designs:

Figures 6 through 16 represent examples of sandwich boards that the Plan Commission feels are acceptable. The shape of each board is unique or different enough to create an eye-catching message. Even though some of the figures do not contain changeable messages they are included because of the shape of the board, the colors and fonts used to create visual appeal.



Figure 6



Figure 7



Figure 8



Figure 9



Figure 10

Examples of Acceptable Designs



Figure 11



Figure 12



Figure 13



Figure 14



Figure 15



Figure 16

**SECTION 4300 - APPENDIX OF ZONING ILLUSTRATIONS**

1 **Sec. 66.4300 Illustrations**

2

3 Illustration #1

4

5