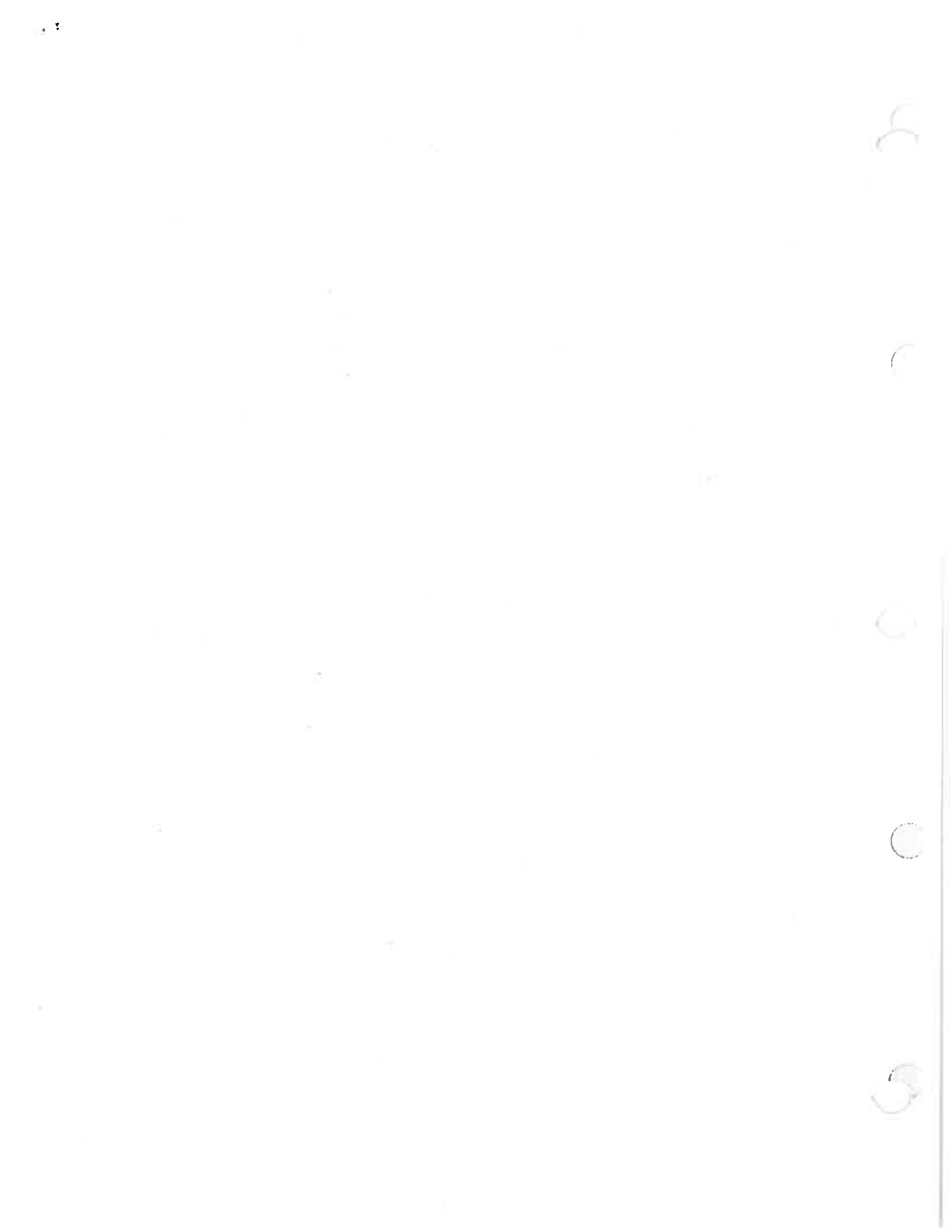


TITLE 13

Zoning

- | | |
|------------------|--------------------------|
| Chapter 1 | Zoning Code |
| Chapter 2 | Floodplain Zoning |
| Chapter 3 | Shoreland-Wetland Zoning |



Title 13 ► Chapter 1

Zoning Code

Article A Introduction

13-1-1	Authority
13-1-2	Short Title
13-1-3	Purpose
13-1-4	Intent
13-1-5	Abrogation and Greater Restrictions
13-1-6	Interpretation
13-1-7	Effective Date
13-1-8	Definitions
13-1-9 through	
13-1-19	Reserved for Future Use

Article B General Provisions

13-1-20	Jurisdiction and Compliance
13-1-21	Use Regulations
13-1-22	Reduction or Joint Use
13-1-23	Site Regulations
13-1-24	Dwelling Design and Construction
13-1-25	Setbacks
13-1-26 through	
13-1-39	Reserved for Future Use

Article C Zoning Districts

13-1-40	Zoning Districts Designated
13-1-41	District Boundaries
13-1-42	R-1 Single Family Residential District
13-1-43	R-2 Single-Family Residential (Medium Density)
13-1-44	R-3 Two-Family Residential District
13-1-45	R-4 Multiple Family Residential District
13-1-46	R-5 Mobile Home Park District

13-1-47	R-6 Residential Estate District
13-1-48	C-1 Conservancy District
13-1-49	B-1 General Commercial District
13-1-50	B-2 Highway Commercial District
13-1-51	B-3 Business Park District
13-1-52	I-1 Industrial District
13-1-53	PF Public Facilities District
13-1-54	PUD Planned Unit Development Overlay District
13-1-55	WP Wellhead Protection Overlay District
13-1-56	AEO Adult Entertainment Overlay District
13-1-57	E-1 Mineral Extraction or Landfill Overlay District
13-1-58 through	
13-1-59	Reserved for Future Use

Article D Conditional Uses

13-1-60	Statement of Purpose — Conditional Uses
13-1-61	Authority of the Plan Commission and Village Board; Requirements
13-1-62	Initiation of Conditional Use
13-1-63	Application for Conditional Use
13-1-64	Hearing on Application
13-1-65	Notice of Hearing on Application; Determination
13-1-66	Standards — Conditional Uses
13-1-67	Denial of Application for Conditional Use Permit
13-1-68	Conditions and Guarantees
13-1-69	Validity of Conditional Use Permit
13-1-70	Complaints Regarding Conditional Uses
13-1-71	Bed and Breakfast Establishments
13-1-72	Home Occupations/Professional Home Offices
13-1-73 through	
13-1-79	Reserved for Future Use

Article E Nonconforming Uses, Structures and Lots

13-1-80	Existing Nonconforming Uses
13-1-81	Existing nonconforming Structures
13-1-82	Changes and Substitutions
13-1-83	Pre-Existing Substandard Lots
13-1-84 through	
13-1-89	Reserved for Future Use

Article F Traffic Visibility, Loading, Parking and Access

- 13-1-90** Traffic Visibility
- 13-1-91** Loading Requirements
- 13-1-92** Parking Requirements
- 13-1-93** Highway Access
- 13-1-94** Storage and Parking of Recreational Vehicles
- 13-1-95** Storage of Tractors and Road Machinery
- 13-1-96 through**
- 13-1-99** Reserved for Future Use

Article G Signs and Billboards

- 13-1-100** Purpose of Sign, Canopy and Awning Regulations
- 13-1-101** Signs, Canopies, Awnings and Billboards — Definitions
- 13-1-102** Required Permits for Signs, Canopies, Awnings and Billboards
- 13-1-103** Signs Not Requiring a Permit
- 13-1-104** Residential Signs Requiring a Permit
- 13-1-105** Commercial and Industrial Signs Requiring a Permit
- 13-1-106** Special Sign Requirements
- 13-1-107** Awnings and Canopies
- 13-1-108** Prohibited Features
- 13-1-109** Prohibited or Restricted Signs
- 13-1-110** Nonconforming Signs
- 13-1-111** Dangerous and Abandoned Signs
- 13-1-112** Construction and Maintenance Regulations for Signs
- 13-1-113** Variances or Exceptions
- 13-1-114** Violations of Sign Code
- 13-1-115 through**
- 13-1-119** Reserved for Future Use

Article H Performance Standards — Industrial Developments

- 13-1-120** Article Intent
- 13-1-121** Noise
- 13-1-122** Vibration
- 13-1-123** Glare and Heat

- 13-1-124 Odor
- 13-1-125 Fire and Explosive Hazards
- 13-1-126 Air Pollution
- 13-1-127 Hazardous Pollutants
- 13-1-128 Radioactivity and Electrical Disturbances
- 13-1-129 Refuse

**Article I Signal Receiving Antennas; Wind Energy Systems;
Wireless Telecommunications Systems**

- 13-1-130 Signal Receiving Antennas
- 13-1-131 Conditional Use Permits Required — Wind Energy Systems
- 13-1-132 Permit Procedure — Wind Energy Systems
- 13-1-133 Specific Requirements Regarding Wind Energy Systems
- 13-1-134 Mobile Tower Siting
- 13-1-135 through
- 13-1-139 Reserved for Future Use

**Article J Accessory Uses and Structures; Fences;
Swimming Pools**

- 13-1-140 Accessory Uses or Structures
- 13-1-141 Outside Storage of Firewood
- 13-1-142 Fences
- 13-1-143 Swimming Pools and Hot Tubs
- 13-1-144 Retaining Walls
- 13-1-145 through
- 13-1-149 Reserved for Future Use

Article K Modifications

- 13-1-150 Height Modifications
- 13-1-151 Yards Modifications
- 13-1-152 through
- 13-1-169 Reserved for Future Use

Article L Administration

- 13-1-170** General Administrative System
- 13-1-171** Zoning Administrator
- 13-1-172** Role of Specific Village Officials in Zoning Administration
- 13-1-173** Zoning Permit
- 13-1-174** Occupancy Permit
- 13-1-175** Site Plan Approval
- 13-1-176** Violations and Penalties
- 13-1-177 through**
- 13-1-179** Reserved for Future Use

Article M Changes and Amendments to the Zoning Code

- 13-1-180** Authority
- 13-1-181** Initiation of Changes and Amendments
- 13-1-182** Protest
- 13-1-183 through**
- 13-1-189** Reserved for Future Use

Article N Appeals

- 13-1-190** Appeals to the Zoning Board of Appeals
- 13-1-191** Hearing of Appeals
- 13-1-192** Decisions of Board of Appeals
- 13-1-193** Variances
- 13-1-194** Review by Court of Record
- 13-1-195 through**
- 13-1-199** Reserved for Future Use

Article O Mobile Homes

- 13-1-200** Intent — Where Mobile Home Districts Permitted
- 13-1-201** Definitions
- 13-1-202** Permitted and Permissible Uses and Structures
- 13-1-203** Mobile Homes in Parks Only
- 13-1-204** Mobile Home Park License
- 13-1-205** Inspection and Enforcement

- 13-1-206** Mobile Home Parks
- 13-1-207** Water Supply
- 13-1-208** Service Buildings and Accommodations
- 13-1-209** Waste and Garbage Disposal
- 13-1-210** Number of Spaces
- 13-1-211** Operation of Mobile Home Parks; Responsibilities of Management
- 13-1-212** Responsibilities and Duties of Mobile Home Park Occupants
- 13-1-213** Additional Regulations on Mobile Homes and Mobile Home Parks
- 13-1-214** Compliance with Plumbing, Electrical and Building Ordinances
- 13-1-215** Limitations on Signs
- 13-1-216** Standards for General Site Planning for Mobile Home Communities

Article A: Introduction; Definitions

Sec. 13-1-1 Authority.

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

Sec. 13-1-2 Short Title.

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

Sec. 13-1-3 Purpose.

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

Sec. 13-1-4 Intent.

It is the general intent of this Chapter to regulate and restrict the use of all structures, lands and waters; and to:

- (a) **Regulate Lot Coverage** and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- (b) **Regulate Population Density and Distribution** so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;
- (c) **Regulate Parking, Loading and Access** so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (d) **Secure Safety** from fire, flooding, pollution, contamination, and other dangers;
- (e) **Stabilize and Protect** existing and potential property values;
- (f) **Preserve and Protect** the beauty of the Village of Sullivan;
- (g) **Prevent and Control Erosion**, sedimentation, and other pollution of the surface and subsurface waters;
- (h) **Further the Maintenance** of safe and healthful water conditions;
- (i) **Provide for and Protect** a variety of suitable commercial and industrial sites;
- (j) **Protect** the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (k) **Implement** those municipal, county, watershed, and regional comprehensive plans or components of such plans adopted by the Village of Sullivan;

- (l) **Provide** for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

Sec. 13-1-5 Abrogation and Greater Restrictions.

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

Sec. 13-1-6 Interpretation.

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

Sec. 13-1-7 Effective Date.

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

Sec. 13-1-8 Definitions.

- (a) **General Interpretation.** The following rules of construction apply to this Chapter: words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number; the word "shall" is mandatory and not directory. The word "person" includes individuals, all partnerships, associations, and bodies political and corporate. The word "lot" includes the word "plot" or "parcel" or "tract". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used or occupied".
- (b) **Definitions.** The following terms, for purpose of this Chapter shall have the meaning stated below:
 - (1) **Abutting.** Have a common property line or district line.
 - (2) **Accessory Apartment.** A separate complete housekeeping unit that is substantially contained within the structure of a single-family dwelling, but can be isolated from it.

- (3) **Accessory Use or Structure.** A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
- (4) **Acre, Net.** The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within forty-three thousand five hundred sixty (43,560) square feet.
- (5) **Advertising Sign, Outdoor.** A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
- (6) **Advertising Structure, Outdoor.** Anything constructed or erected, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
- (7) **Alley.** A special public right-of-way affording only secondary access to abutting properties.
- (8) **Apartment.** A suite of rooms or a room in a multiple dwelling which suite or room is arranged, intended, or designed to be occupied as a residence of a single family, individual, or group of individuals, with separate facilities and utilities which are used or intended to be used for living, sleeping, cooking and eating.
- (9) **Apartment House.** See "Dwelling, Multiple."
- (10) **Arterial Street.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
- (11) **Authority.** A person, committee, or board to whom the power to issue a permit, or make a determination, decision, or judgment has been delegated.
- (12) **Automobile Wrecking/Salvage Yard.** Any premises on which two (2) or more self-propelled vehicles not in running order or operating condition are stored in the open.
- (13) **Basement or Cellar.** A story partly underground but having at least one-half (1/2) of its height, or five (5) or more feet, below the mean level of the adjoining ground. See COMM Chapters 20, 21 and 22.
- (14) **Bed and Breakfast Establishment.** An owner-occupied, single-family dwelling unit at which overnight sleeping accommodations are offered to travelers by the owner.
- (15) **Boardinghouse.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.
- (16) **Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

- (17) **Building, Alterations Of.** Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
- (18) **Building Area.** The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.
- (19) **Building, Detached or Accessory.** A building surrounded by open space on the same lot.
- (20) **Building, Front Line Of.** A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
- (21) **Building, Height Of.** The vertical distance from the mean elevation of a finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip or gambrel roofs.
- (22) **Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.
- (23) **Buffer Zone.** A designated neutral area designed to separate conflicting land uses. A natural vegetative screening of trees, shrubs or other plantings is usually employed in such a designated area.
- (24) **Buildable Lot Area.** The portion of a lot remaining after required yards have been provided.
- (25) **Business.** An occupation, employment, or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.
- (26) **Carport.** An automobile shelter having one or more sides open.
- (27) **Clinic.** A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or nonboarding basis only.
- (28) **Clothing Repair Shops.** Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but not employing over five (5) persons.
- (29) **Clothing Stores.** Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery and millinery shops.
- (30) **Club.** A building owned, leased or hired by an association of persons who are bona fide members, the use of which is restricted to said members and their guests.
- (31) **Commercial Feed Lot.** Confinement of two hundred (200) or more head of livestock on a farm or other site for the purpose of intensive feeding prior to slaughter or shipment in such concentration that ground vegetation is substantially destroyed where:
 - a. The farm or site does not produce a minimum of sixty percent (60%) of the feed necessary to sustain the herd.

- b. The farm or site is insufficient in size to provide for the disposal of all animal wastes in a manner that they will not run off, seep, percolate, or wash into surface or subsurface waters.
- (32) **Community Living Arrangement.** The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child welfare agencies under Sec. 48.60, Wis. Stats., group foster homes for children under Sec. 48.02(7m), Wis. Stats., and community-based residential facilities under Sec. 50.01, Wis. Stats.; but does not include nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Secs. 46.03(22), 59.97(15), 62.23(7)(i), and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (33) **Conditional Uses.** Uses of a special nature as to make impractical their predetermination as a principal use in a district, allowed only under conditions specified under this Chapter.
- (34) **Conforming Use.** Any lawful use of a building or lot which complies with the provisions of this Chapter.
- (35) **Court.** An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.
- (36) **Curb Break.** Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- (37) **Curb Level.** The level of the established curb in the front of the building measured at the center of such front.
- (38) **Day Care Center.** A place or home which provides care for four (4) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in Sec. 48.65, Wis. Stats.
- (39) **Development.** Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to building, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- (40) **District.** A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and buildings are uniform.
- (41) **District, Basic.** A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (42) **District, Overlay.** Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
- (43) **Double Wide Mobile Home.** A double wide mobile home is a mobile home consisting of two (2) mobile home sections combined horizontally at the site while still retaining their individual chassis for possible future movement.

- (44) **Drive-in Restaurant.** An establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable plates and cups; including those establishments where customers may serve themselves and may eat and drink the food, refreshments, and beverages on or off the premises.
- (45) **Dwelling.** A building designed or used as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes. (See also Section 13-1-24).
- (46) **Dwelling, Efficiency.** A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- (47) **Dwelling, One-Family.** A detached building designed, arranged or used for and occupied exclusively by one (1) family, whether attached, detached or semi-attached. Shall include specially designed buildings covered by earth and manufactured homes.
- (48) **Dwelling, Two-Family.** A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.
- (49) **Dwelling, Multiple.** A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, attached townhouses and condominiums, with the number of families in residence not to exceed the number of dwelling units provided.
- (50) **Dwelling Unit.** A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels or lodging houses.
- (51) **Emergency Shelters.** Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- (52) **Essential Services.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- (53) **Family.** One (1) or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family, or not to exceed more than four (4) persons if not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this Chapter if he/she is dwelling for the purpose of adoption or for a foster care program.
- (54) **Farm.** Land consisting of five (5) acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale.
- (55) **Floor Area.** The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from

- the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.
- (56) **Floor Area (Business and Manufacturing Buildings).** For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include elevators and stairways, accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.
- (57) **Foster Family Home.** The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Sec. 48.62, Wis. Stats., and amendments thereto.
- (58) **Frontage.** The smallest dimension of a lot abutting a public street measured along the street line.
- (59) **Garage.** A building or portion thereof used exclusively for parking or temporary storage of self-propelled vehicles.
- (60) **Garage, Public.** A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as gasoline stations or service stations.
- (61) **Gasoline Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.
- (62) **Gift Stores.** Retail stores where items such as art, antiques, jewelry, books, and notions are sold.
- (63) **Grade.** When used as a reference point in measuring height of building, the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.
- (64) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.
- (65) **Hardware Stores.** Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods and paints are sold.

- (66) **Home Occupation.** Any business or profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building thereto and meeting the standards of Section 13-1-72.
- (67) **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- (68) **House Trailer.** A nonself-propelled vehicle, containing living or sleeping accommodations which is designed and used for highway travel.
- (69) **Junk Yard.** An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- (70) **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley
- (71) **Lodging House.** See "Boardinghouse."
- (72) **Lot.** A parcel of land having frontage on a public street, or other officially approved access, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.
- (73) **Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135) degrees or less, measured on the lot side.
- (74) **Lot, Interior.** A lot situated on a single street which is bounded by adjacent lots along each of its other lines.
- (75) **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (76) **Lot of Record.** A platted lot of a recorded subdivision, certified survey map, or parcel of land for which the deed, prior to the adoption of this Chapter, is on record with the Jefferson County Register of Deeds and which exists as described therein.
- (77) **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (78) **Lot, Substandard.** A parcel of land held in separate ownership having frontage on a public street, or other officially approved access, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Chapter.
- (79) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

- (80) **Lot Width.** The width of a parcel of land measured at the setback line.
- (81) **Lot, Zoning.** A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.
- (82) **Machine Shops.** Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing; heating and electrical repair and overhaul shops.
- (83) **Marquee or Canopy.** A roof-like structure of permanent nature which projects from the wall of a building.
- (84) **Manufactured Dwelling.** A dwelling structure or component thereof as is defined in Sec. 20.07(52), Wis. Adm. Code, One- and Two-Family Uniform Dwelling insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.
- (85) **Manufactured Home.** A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation at the building site and certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:
- a. Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and COMM 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - b. Is installed in accordance with the manufacturer's instructions;
 - c. Is properly connected to utilities;
 - d. Has an area of at least eight hundred (800) square feet of living space, with a minimum of twenty-four (24) square feet in width in its smallest horizontal dimension, exclusive of attached garage, carport or open deck, and is used exclusively as a single-family residence; and
 - e. Meets other applicable standards of this Chapter, including Sections 13-1-24 and 13-1-42(b).
- (86) **Minor Structures.** Any small, movable accessory erection or construction, such as birdhouses; tool houses; pethouses; play equipment; arbors; and walls and fences under four (4) feet in height.
- (87) **Mobile Home.** A transportable factory built structure designed for long term occupancy built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 14, 1976.
- (88) **Mobile Home Lot.** A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (89) **Mobile Home Park.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation, and where individual lots are rented to individual mobile home users. A mobile home park is also any lot on which two (2) or more

mobile homes are parked for the purpose of permanent habitation, regardless of whether or not a charge is made for such accommodation, and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.

- (90) **Mobile Home Subdivision.** A land subdivision, as defined by Ch. 236, Wis. Stats., and any Village Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.
- (91) **Motel.** A building containing lodging rooms having adjoining individual bathrooms, and where each lodging has a doorway opening directly to the outdoors, and more than fifty percent (50%) of the lodging rooms are for rent to transient tourists for a continuous period of less than thirty (30) days.
- (92) **Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.
- (93) **Motor Vehicle.** Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.
- (94) **Nonconforming Uses or Structures.** Any structure, use of land, use of land and structure in combination, or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this Chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (95) **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (96) **Nursery School.** Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.
- (97) **Nursing Home.** Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (98) **Other Officially Approved Access.** A private road or easement extending from a private property to a component of the public street system which the Village Plan Commission or Village Board has approved as a primary means of access.
- (99) **Parking Area, Semi-Public.** An open area other than a street, alley or place used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
- (100) **Parking Lot.** A structure or premises containing ten (10) or more parking spaces open to the public.

- (101) **Parking Space.** An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways, appurtenant thereto and giving access thereto.
- (102) **Parties in Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (103) **Party Wall.** A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or above, and which separates contiguous buildings but is in joint use for each building.
- (104) **Place.** An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.
- (105) **Places of Assembly.** Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.
- (106) **Planned Residential Development.** A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas.
- (107) **Property Lines.** The lines bounding a platted lot as defined herein.
- (108) **Public Way.** Any sidewalk, street, alley, highway or other public thoroughfare.
- (109) **Professional Home Offices.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed the standards in Section 13-1-72 and only one (1) nonresident person is employed.
- (110) **Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.
- (111) **Recreational Vehicle.** Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications:
- Is not used as the permanent residence of the owner or occupant;
 - Is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities;
 - Is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities;
- Examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pickup campers, camping buses, and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations.
- (112) **Recreational Vehicle Camp.** A part, court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations for any recreational vehicles as defined herein, and upon which said recreational vehicles are parked.
- (113) **Roadside Stand.** A structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground, readily removable in its

- entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises.
- (114) **School, Private.** An elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for the mentally handicapped or a college or other institution of higher learning.
- (115) **School, Commercial.** A school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding.
- (116) **Seat.** Furniture upon which to sit having a linear measurement not less than twenty-four (24) inches across the surface used for sitting.
- (117) **Setback.** The minimum horizontal distance between the lot line and the nearest point of the building or structure. Uncovered steps shall not be included in measuring the setback.
- (118) **Sign, Awning.** A sign that is mounted or painted on, or attached to an awning, canopy, or marquee.
- (119) **Sign, Copy.** The message or advertisement, and any other symbols on the face of a sign.
- (120) **Sign, Face.** The area or display surface used for the message.
- (121) **Sign, Ground.** Any sign placed upon or supported by the ground independent of any other structure.
- (122) **Sign, Portable.** A sign that is not permanent, affixed to a building, structure, or to the ground. Such sign may be mounted on wheels to make it transportable.
- (123) **Sign, Projecting.** A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.
- (124) **Sign, Roof.** A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
- (125) **Sign, Wall.** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve (12) inches from such building or structure.
- (126) **Sign, Window.** A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window.
- (127) **Story.** That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.

- (128) **Story, Half.** A story which is situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.
- (129) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- (130) **Street Yard.** The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof excluding uncovered steps. Where the street line is an arc, the street yard shall be measured from the arc. In some ordinances, the street yard is also called a setback.
- (131) **Structure.** Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.
- (132) **Structural Alterations.** Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.
- (133) **Temporary Structure.** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (134) **Trailer Park.** Any lot on which are parked two (2) or more house trailers or mobile homes for longer than forty-eight (48) hours.
- (135) **Use.** The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.
- (136) **Use, Accessory.** A subordinate use on the same lot which is incidental and customary in connection with the principal use.
- (137) **Use, Nonconforming.** Any use of a building or premises which the effective date of this Chapter does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building or premise is located.
- (138) **Use, Principal.** The main use of land or building as distinguished from a subordinate or accessory use.
- (139) **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- (140) **Utilities.** Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
- (141) **Vending Machine.** A retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.

- (142) **Village.** The Village of Sullivan, Jefferson County, Wisconsin.
- (143) **Vision Setback Area.** An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from the intersection as specified in this Chapter.
- (144) **Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted. The front and rear yards extend the full width of the lot.
- (145) **Yard, Corner Side.** A side yard which adjoins a public street.
- (146) **Yard, Front.** A yard extending along the full length of the front lot line between the side lot lines.
- (147) **Yard, Interior Side.** A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.
- (148) **Yard, Rear.** A yard extending along the full length of the rear lot line between the side lot lines.
- (149) **Yard, Side.** A yard extending along a side lot line from the front yard to the rear yard.
- (150) **Yard, Street.** Yard abutting a street.
- (151) **Yard, Transitional.** That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Business District.
- (152) **Zero Lot Line.** The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.
- (153) **Zoning District.** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

Sec. 13-1-9 through Sec. 13-1-19 Reserved for Future Use.

Article B: General Provisions

Sec. 13-1-20 Jurisdiction and Compliance.

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

Sec. 13-1-21 Use Restrictions.

The following use restrictions and regulations shall apply:

- (a) **Principal Uses.** Only those principal uses specified for a district, their essential services and the following shall be permitted in that district:
- (b) **Performance Standards.** Performance standards listed in Article H shall be complied with by all uses in all districts.
- (c) **Conditional Uses.** Provisions applicable to conditional uses generally:
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Village Board, upon the recommendation of the Plan Commission, in accordance with Article D of this Chapter excepting those existent at time of adoption of the Zoning Code.
 - (2) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Plan Commission to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
 - (3) Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board, upon the recommendation of the Plan Commission in accordance with Article D.
 - (4) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Village Board, upon the recommendation of the Plan Commission, in accordance with Article D.
 - (5) Conditional uses authorized by the Village Board, upon the recommendation of the Plan Commission shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
 - (6) Conditional uses authorized by the Village Board, upon the recommendation of the Plan Commission, shall not be subject to substitution with other conditional uses,

whether similar type or not, without Board approval and the procedures required in Article D.

(d) **Uses Not Specified in Code.**

(1) Uses not specified in this Chapter which are found by the Village Board, upon the recommendation of the Plan Commission, to be sufficiently similar to specified permitted uses for a district shall be allowed by the Village Board, upon the recommendation of the Plan Commission.

(2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board, upon the recommendation of the Plan Commission, public hearing and approval in accordance with Article D.

(e) **Business Use Requiring An Operations Plan.** A Business Use in any zoning district shall required an approved Business Plan of Operations, preceded by a Plan Commission public hearing and recommendation, and approval by the Village Board.

Sec. 13-1-22 Reduction or Joint Use.

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

Sec. 13-1-23 Site Regulations.

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

(b) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of twenty-five (25) feet; however, to be buildable, the lot shall comply with the frontage requirements of the Zoning District in which it is located.

(c) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. Except in any residential lot, the Village Board, upon the recommendation of the Plan Commission, may permit as a conditional use more than one (1) principal structure per lot in any district where more

- than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board, upon the recommendation of the Plan Commission, may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (d) **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
 - (e) **Lots Abutting More Restrictive Districts.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. This does not apply to adjacent residential districts. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
 - (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board, following a recommendation from the Plan Commission; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
 - (g) **Decks/Porches.** For purposes of this Chapter, particularly regarding setbacks, decks and/or porches shall be considered a part of the principal building or structure being served.
 - (h) **Double-Frontage Lots.** Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.

Sec. 13-1-24 Dwelling Design and Construction.

Dwellings as defined and permitted by this Chapter shall conform to the following:

- (a) Shall be attached to a permanent foundation meeting the requirements of applicable Building Code provisions in such manner as to comply with standards for vertical loading, uplift and lateral forces and so designed and constructed that the floor elevation is reasonably compatible with other dwellings in the area.
- (b) Shall have a first story minimum area of eight hundred (800) square feet and be not less than twenty-four (24) feet in its smallest horizontal dimension exclusive of attached garage, carport or open deck.

- (c) Shall have any wheels, axles, hitches, tow bars and other equipment for transporting on streets or highways removed when the structure is placed on the foundation.
- (d) Shall have a double pitched roof having a minimum of three (3) inches of vertical rise per foot of horizontal run.
- (e) Shall have roof overhang of one (1) foot minimum measured from the vertical sides of the structure.
- (f) Shall have roofing material of a type customarily found on conventionally constructed dwellings including wood shakes or shingles, asphalt composition shingles, fiberglass composition shingles; but not reflective corrugated metal or corrugated fiberglass.
- (g) Shall have exterior siding of a type customarily found on conventional constructed dwellings including wood clapboards, simulated clapboards such as vinyl, metal or masonite type siding, wood shakes, wood shingles, brick, stone or other masonry type siding, wood shakes, wood shingles, brick, stone or other masonry type veneer materials, but not smooth, ribbed or corrugated metal or plastic panels except when part of solar collector systems.

Sec. 13-1-25 Setbacks.

- (a) **From Street.** No principal building, or its accessory buildings, shall be erected, altered or placed so that it, or any part thereof, is located within or extends within the area between the center of a public street or highway and the setback lines hereinafter established:
 - (1) On Cty. Hwy. F and U.S. Hwy. 18: The setback line shall be located one hundred ten (110) feet from the centerline of said highways.
 - (2) On the balance of Main Street and all other streets: The setback line shall be seventy-five (75) feet from the centerline of such street.
 - (3) In the case of a circular turnaround at the blind end of a cul-de-sac, the setback line shall be ninety (90) feet from the center point of the turnaround.
 - (4) If a service drive is constructed parallel and adjacent to a public highway, the setback shall be increased by an amount equal to the width of the service drive.
 - (5) Such setback lines shall be parallel to and measured at right angles to the centerline of the street or highway.
- (b) **Corner Lot Setbacks.** The setback requirements of Subsection (a) shall apply to both sides of a corner lot, unless a variance is granted by the Board of Appeals.
- (c) **Exceptions.** In a business district where a proposed business building is to be located adjacent or nearly adjacent to an existing building fronting on the same street, which has a setback less than required by this Chapter, the Board of Appeals, after notice and hearing, may grant a variance from the setback requirements of this Chapter to harmonize with existing development. A similar exception may be granted in the residence districts where the majority of dwellings already constructed in a given block have less setback than required by this Chapter.

Sec. 13-1-26 through Sec. 13-1-39 Reserved for Future Use.

Article C: Zoning Districts

Sec. 13-1-40 Zoning Districts Designated.

- (a) For the purpose of this Chapter, the Village of Sullivan is hereby divided into the following seventeen (17) zoning districts:
- (1) R-1 Single-Family Residential District
 - (2) R-2 Single-Family Residential District (Medium Density)
 - (3) R-3 Two-Family Residential District
 - (4) R-4 Multiple-Family Residential District
 - (5) R-5 Mobile Home Park Residential District
 - (6) R-6 Residential Estate District
 - (7) C-1 Conservancy District
 - (8) B-1 General Commercial District
 - (9) B-2 Highway Commercial District
 - (10) B-3 Business Park District
 - (11) I-1 Industrial District
 - (12) A-1 Agricultural District
 - (13) PF Public Facilities District
 - (14) PUD Planned Unit Development Overlay District
 - (15) WP Wellhead Protection Overlay District
 - (16) AEO Adult Entertainment Overlay District
 - (17) E-1 Mineral Extraction or Landfill Overlay District

Sec. 13-1-41 District Boundaries.

- (a) **Zoning Map.** The boundaries of the districts enumerated in Section 13-1-40 above are hereby established as shown on a map entitled "Zoning Map, Village of Sullivan, Wisconsin", as amended, which is adopted by reference and made a part hereof. The map shall bear upon its face the attestation of the Village President and the Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk-Treasurer.
- (b) **Boundary Lines.** The boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights-of-way; or such lines extended unless otherwise noted on the Zoning Map. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the Zoning Map are approximately bounded by lot lines, such lot line shall be construed to be the boundary of the district.

- (c) **Vacation.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (d) **Annexations and Consolidations.** Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the R-1 Residential District unless the annexation ordinance temporarily placed the land in another district.
- (e) **Rules for Interpretation of District Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
 - (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - (3) Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.
 - (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
 - (6) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

Sec. 13-1-42 R-1 Single-Family Residential District.

- (a) **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-1 District:
 - (1) Single-family detached dwellings, served by public sewer, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
 - (2) Structures and uses accessory to single-family dwellings.
 - (3) Manufactured homes complying with Section 13-1-24 and all of the following requirements and limitations:
 - a. The home shall be at least twenty-four (24) feet in width and thirty-six (36) feet in length. The home shall meet minimum area regulations listed in Subsection (f).

- b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of three and one-half (3-1/2) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Sullivan.
- (4) One (1) family dwellings.
 - (5) Churches, public and parochial schools, public libraries and similar public or semi-public buildings.
 - (6) Telephone, telegraph and power transmission lines.
 - (7) Public parks and recreation area.
 - (8) Crop and tree farming, truck gardening, horticultural pursuits and greenhouses, provided that greenhouse heating plants are located not nearer than seventy-five (75) feet to any lot line.
 - (9) One (1) private garage with not more than three (3) stalls for each residential parcel, per Section 13-1-140 specifications; such garage shall not be used in the conduct of any business, and no garage or other structure not designed for human habitation shall be used for living quarters.
 - (10) Accessory uses and buildings as follows:
 - a. Gardening, tool and storage sheds incidental to the residential use per Section 13-1-140.
 - b. Off-street parking facilities.
 - c. Signs as permitted by Village ordinances.
 - (11) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
 - (12) Home occupations and professional home offices. (See Section 13-1-72.)
 - (13) The keeping of usual household pets, but not the operation of commercial kennels or hutches.
 - (14) Announcement signs or bulletin boards not over twelve (12) square feet in area when located on the premises of the public or religious institution for its own use; signs not over four (4) feet in area pertaining to the lease, hire or sale of a building or premises; no other advertising sign of any character shall be permitted in the R-1

Single-Family Residence District; all permitted signs shall be located within the lot lines at least fifteen (15) feet from the inside sidewalk line.

- (15) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (16) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following uses of land are conditional uses in the R-1 District:
 - (1) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (d) **Area, Height and Yard Requirements.**
 - (1) **Lot.**
 - a. Area: Minimum eighteen thousand (18,000) square feet.
 - b. Width: Minimum one hundred (100) feet average.
 - (2) **Building Height.** Maximum thirty-five (35) feet or two and one-half (2-1/2) stories in height.
 - (3) **Building Area.**
 - a. **One Story Residence.** No residence shall hereafter be constructed that has less than one thousand six hundred (1,600) square feet of living space for a one (1) story house with or without a basement.
 - b. **One Story Plus Residence.** No residence shall hereafter be constructed which has less than one thousand two hundred (1,200) square feet of first floor living area. If the dwelling is constructed without a full basement, the minimum first floor living area shall be increased two hundred (200) square feet.
 - (4) **Yards.**
 - a. Front: Per Section 13-1-25.
 - b. Rear: Minimum twenty-five (25) feet.
 - c. Side: There shall be aggregate side yards on both sides of the main or principal building of forty (40) feet (total of both sides) and each side yard shall be at least twenty (20) feet in width.

Sec. 13-1-43 R-2 Single-Family Residential District (Medium Density).

- (a) **Purpose.** The purpose of the R-2 District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units at a medium dwelling unit per acre density. It particularly reflects older neighborhoods in the Village.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-2 District:
 - (1) Single-family detached dwellings served by public sewer, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.

- (2) Manufactured homes complying with Section 13-1-24 and all of the following requirements and limitations:
 - a. The home shall be at least twenty-four (24) feet in width and thirty-six (36) feet in length.
 - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Sullivan.
 - f. Have exterior wall coverings consisting of any of the following materials or combinations thereof:
 1. Horizontal aluminum, steel or vinyl siding;
 2. Wood or simulated wood; or
 3. Brick or stone.
- (3) One (1) private garage with not more than three (3) stalls for each residential parcel, per Section 13-1-140 specifications.
- (4) Accessory uses and buildings as follows:
 - a. Gardening, tool and storage sheds incidental to the residential use per Section 13-1-140.
 - b. Off-street parking facilities.
 - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - d. Signs as permitted by Village ordinances.
- (5) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
- (6) Foster family care.
- (7) Home occupations and professional home offices. (See Section 13-1-72.)
- (8) Family day care limited to eight (8) children. Family day care homes shall be subject to state licensing requirements.
- (9) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.

- (10) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are permitted as conditional uses within the R-2 District:
 - (1) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
 - (2) Utilities (electric substations, telephone switching stations, gas regulators, etc.)
 - (3) Bed and breakfast inns [7011]. (See Section 13-1-71.)
 - (4) Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.
 - (5) Public utility structures, except those incompatible with the characteristics of the district.
 - (6) Parks and playgrounds.
 - (7) Planned residential developments.
 - (8) Golf courses and private clubs.
 - (9) Nursery schools.
 - (10) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (d) **Area, Height and Yard Requirements.**
 - (1) **Lot.**
 - a. Area: Minimum seven thousand five hundred (7,500) square feet.
 - b. Width: Minimum sixty (60) feet.
 - (2) **Building Height.** Maximum thirty-five (35) feet.
 - (3) **Building Area.** Eight hundred (800) square feet. No one (1) family dwelling shall hereafter be constructed which has less than seven hundred fifty (750) square feet of first floor living area. If the dwelling is constructed without a full basement, the minimum first floor living area shall be increased two hundred (200) square feet.
 - (4) **Roof Overhang.** A minimum of two (2) foot sides; one (1) foot end.
 - (5) **Yards.**
 - a. Front: Per Section 13-1-25.
 - b. Rear: Minimum twenty-five (25) feet.
 - c. Side: Minimum ten (10) feet each side. In the case of any lot of record at the time this Chapter becomes effective which has a minimum average width of less than seventy-five (75) feet, the offset from any side yard may be reduced in proportion to the width of the lot. Example: A sixty (60) foot lot shall have a side yard of at least $60/75 \times 10 = 8$ feet on each side. In case of a multiple-family dwelling, the minimum side yard shall be increased two and one-half (2-1/2) feet for each family in excess of one (1) family.
- (e) **Basements.** All residences in this District shall have basements.

Sec. 13-1-44 R-3 Two-Family Residential District.

- (a) **Purpose.** The purpose of the R-2 District is to provide the opportunity for construction and maintenance of primarily two-family dwelling units, particularly in new subdivisions and growth areas.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-2 District:
- (1) Two-family dwellings (duplex); zero-lot line divided duplexes are not permitted.
 - (2) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
 - (3) Foster family care.
 - (4) Home occupations and professional home offices.
 - (5) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
 - (6) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are conditional uses in the R-2 District:
- (1) Parks and playgrounds.
 - (2) Golf courses and private clubs.
 - (3) Planned residential developments.
 - (4) Lodge and fraternal buildings.
 - (5) Nursing homes.
 - (6) Nursery schools and day care centers.
 - (7) Retirement homes.
 - (8) Utilities.
 - (9) Schools and churches.
 - (10) Government, cultural and public buildings or uses such as fire and police stations, community centers, libraries, public emergency shelters and museums.
 - (11) Single-family homes.
 - (12) Family day care, limited to eight (8) children. Family day care homes shall be subject to state licensing requirements.
 - (13) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (d) **Area, Height and Yard Requirements.**
- (1) **Lot.**
 - a. Area: Minimum twelve thousand (12,000) square feet [six thousand (6,000) square feet per unit].
 - b. Width: Minimum one hundred ten (110) feet [seventy-five (75) feet for conversion of existing residential structures].
 - (2) **Building Height.** Maximum thirty-five (35) feet.

- (3) **Yards.**
 - a. Street: Per Section 13-1-25.
 - b. Rear: Minimum twenty-five (25) feet.
 - c. Side: Minimum eight (8) feet each side.

Sec. 13-1-45 R-4 Multiple-Family Residential District.

- (a) **Purpose.** The purpose of the R-4 District is to provide the opportunity for construction and maintenance of multiple-family dwelling units at varying dwelling units per acre densities.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-4 District:
 - (1) Two-family dwellings (duplex).
 - (2) Multiple-family dwellings.
 - (3) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Conditional Uses.** The following are conditional uses in the R-4 District:
 - (1) Parks and playgrounds.
 - (2) Professional home offices and home occupations.
 - (3) Planned residential developments.
 - (4) Golf courses and private clubs.
 - (5) Barbering and beauty culture.
 - (6) Utilities.
 - (7) Schools and churches.
 - (8) Government, cultural, and public uses such as fire and police stations, community centers, libraries, public emergency shelters and museums.
 - (9) Nursery schools.
 - (10) Retirement homes.
 - (11) Day care centers (state licensed).
 - (12) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (d) **Area, Height and Yard Requirements.**
 - (1) **Lot Frontage.** Minimum one hundred (100) feet.
 - (2) **Lot Area.** Minimum twelve thousand (12,000) square feet, plus four thousand (4,000) square feet per additional dwelling unit over two (2).
 - (3) **Principal Building.**
 - a. Street: Per Section 13-1-25.
 - b. Side Yards: Minimum ten (10) feet.
 - c. Rear Yard: Minimum twenty-five (25) feet.

- (4) **Building Height.** Maximum forty-five (45) feet.
- (5) **Percentage of Lot Coverage.** Maximum of seventy percent (70%).
- (6) **Lot Area Per Dwelling Unit.** Minimum four thousand (4,000) square feet.

Sec. 13-1-46 R-5 Mobile Home Park Residential District.

(a) **Purpose.**

- (1) The R-5 District is intended to aid in providing for the mobile home needs of the community at a comparatively high density in areas that have community services available. The District is established to provide a regulatory framework designed to encourage and promote improved environmental design and allow for greater flexibility in the establishment and development of mobile home parks while insuring substantial compliance with the basic intent of the Zoning Code and the general plan for community development. This District is further intended to encourage rational and economic development with relationship to public services and to encourage and facilitate the preservation of open spaces.
- (2) The requirements for properties in the R-5 Mobile Home Park Residential District shall be as provided in Article O of this Chapter.

(b) **Permitted Uses.** Land may be used in the R-5 District for the location of mobile homes and buildings or structures may be erected, altered, enlarged or used for only one (1) or more of the following purposes:

- (1) Mobile home parks subject to the requirements of the Wisconsin Administrative Code.
- (2) One (1) private garage for each mobile home.
- (3) Playgrounds and recreational areas.
- (4) Uses customarily accessory to any of the preceding permitted uses.
- (5) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.

(c) **Conditional Uses.** The following uses are conditional in the R-5 District:

- (1) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.

(d) **Nonconforming Use Outside Parks; Replacement.**

- (1) Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this Section may be continued in such location, provided that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the state and Village. Such nonconforming use shall automatically terminated upon a discontinuance for any reason for twelve (12) consecutive months or if the total structural repairs and alterations to the mobile home exceed fifty percent (50%) of the net value.

- (2) Nothing herein shall prevent the owner of a mobile home under Subsection (e)(1) hereof from replacing the mobile home with a model of better physical condition, as determined by Village officials, provided that the replacement unit meets all applicable standards of construction in the industry existing as of the date of replacement, not at the date of manufacture of the replacement unit.
- (e) **Temporary Placement.** It shall be unlawful for any person to park, store or locate any mobile home in the Village of Sullivan at any site other than a licensed mobile home park complying with the requirements of this District, except that the Village Board may authorize temporary parking or storing of a mobile home outside of a mobile home park until such time as a proper parking space is available in an authorized mobile home park within the Village. At such time, the owner or occupant of such mobile home shall relocate the mobile home to the mobile home park within one hundred twenty (120) days. Persons temporarily locating a mobile home outside of a mobile home park pursuant to this Subsection shall, as a condition to such placement, enter into a contract with the Village agreeing to fully comply with the requirements of this Subsection.

Sec. 13-1-47 R-6 Residential Estate District.

- (a) **Purpose.** The R-6 Residential Estate District is intended to provide for a single-family residential countryside estate development, at densities not to exceed one (1) dwelling unit per gross two (2) or more acres, typically served by municipal sewer facilities. This District is for executive/estate type large lots of a rural or estate character.
- (b) **Permitted Uses.** The following uses are permitted in the R-6 District:
 - (1) Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
 - (2) Manufactured homes complying with Section 13-1-24 and all of the following requirements and limitations:
 - a. The home shall be at least twenty-four (24) feet in width and thirty-six (36) feet in length.
 - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Sullivan.

- f. Have exterior wall coverings consisting of any of the following materials or combinations thereof:
 1. Horizontal aluminum, steel or vinyl siding;
 2. Wood or simulated wood; or
 3. Brick or stone.
- (3) Community living arrangements which have a capacity for eight (8) or fewer persons subject to the limitations set forth in Sec. 62.23(7)(i), Wis. Stats.
- (4) Essential services.
- (5) Home occupations/professional home offices. (See Section 13-1-72.)
- (6) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Conditional Uses.** The following uses are conditional in the R-6 District:
 - (1) Utility substations.
 - (2) Solar collectors erected as an accessory structure.
 - (3) Community living arrangements which have a capacity for nine (9) or more persons.
 - (4) Single-family dwelling units meeting the requirements of this Section served by private sewer and water systems where the Village determines public service is impractical.
 - (5) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (d) **Area, Height and Yard Requirements – Principal Structure.**
 - (1) **Lot.**
 - a. Area. Lots shall be a minimum of two (2) acres in area and shall be not less than one hundred twenty-five (125) feet in width at front setback.
 - b. Height. No building or parts of a principal structure shall exceed thirty-five (35) feet in height.
 - c. Building Area.
 1. The total floor area of a dwelling shall be not less than one thousand six hundred (1,600) square feet.
 2. Building coverage on the lot shall not exceed thirty-five percent (35%) of the total lot area.
 - (2) **Yards.**
 - a. Street. There shall be a minimum building setback per Section 13-1-25.
 - b. Side. There shall be a side yard on each side of all buildings not less than twenty (20) feet in width.
 - c. Rear. There shall be a rear yard of not less than fifty (50) feet.
- (e) **Accessory Uses and Buildings Standards.** The following are standards for accessory buildings and uses in the R-6 District:
 - (1) **Maximum Number of Accessory Buildings Allowed.** Four (4).
 - (2) **Maximum Size of Allowed Accessory Buildings Combined.** Property of two (2) acres or larger: three percent (3%) of property size, up to fifteen thousand (15,000) feet.

- (3) **Building Height.** Maximum twenty-five (25) feet. Must be proportionate to the size of the accessory building and not exceed the steepest pitch of the principal structure.
 - (4) **Side Setback.** Twenty (20) feet.
 - (5) **Rear Setback.** Twenty (20) feet.
 - (6) **Setback from Buildings.** Accessory buildings shall be located a minimum of ten (10) feet from any other building.
- (f) **Other Development Standards.**
- (1) Rural cross section streets may be permitted with special permission from the Village Board under the following circumstances and conditions of development:
 - a. Minimum roadway design standards:
 1. Twenty-two (22) feet blacktop pavement width per Village standards.
 2. A one and one-half (1-1/2) foot rolled curb concrete shoulder or curb with a minimum of seven (7) inches on each side of the blacktop.
 3. Sixty-six (66) foot right-of-way.
 4. One hundred thirty-two (132) feet cul-de-sac bulb right-of-way.
 - b. Where rural cross sections are used, the developer shall submit and the Village Board shall approve detailed grading plans for the swale network. The swale system shall be installed at time of street work and shall be designed as a component of the storm water management plan.
 - c. A culvert installation permit and detailed lot grading permit shall be granted by the Building Inspector prior to any disturbance of the site associated with grading, excavation or culvert installation. The developer shall secure a performance bond or deposit of Five Hundred Dollars (\$500.00) plus twenty-five percent (25%) of the total cost to ensure appropriate culvert installation and shall pay an administrative and inspection fee of One Hundred Dollars (\$100.00) prior to the grading of a culvert installation permit.
 - (2) Livestock such as, but not limited to, cattle, swine, horses, ponies, poultry and other fowl, may only be allowed in the R-6 District following issuance of a conditional use permit after public hearing. As a general policy guideline, the R-6 District is not intended to be used for intensive raising or boarding of livestock or fowl. A conditional use permit for livestock or fowl may only be issued if such use is compatible with the neighborhood.

Sec. 13-1-48 C-1 Conservancy District.

- (a) **Purpose.** The purpose of the C-1 Conservancy District is to preserve, protect, and maintain the natural environment and character of areas exhibiting significant natural resource features which contribute to the productive, recreational, or aesthetic value of the community. The following uses of land are permitted in the C-1 District:
- (b) **Permitted Uses.**
 - (1) Farming and related agricultural uses when conducted in accordance with conservation standards.
 - (2) Forest and game management.

- (3) Hunting, fishing and hiking.
- (4) Parks and recreation areas; arboreta; botanical gardens; greenways.
- (5) Stables.
- (6) Utilities.
- (7) Non-residential buildings used solely in conjunction with the raising of water, fowl or fish.
- (8) Harvesting of wild crops.
- (9) Recreation related structures not requiring basements.
- (10) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.

(c) **Conditional Uses.**

- (1) Animal hospitals, shelters and kennels.
- (2) Archery and firearm ranges, sports fields and skating rinks.
- (3) Land restoration, flowage, ponds.
- (4) Golf courses and clubs.
- (5) Ski hills and trails.
- (6) Yacht clubs and marinas.
- (7) Recreation camps.
- (8) Public and private campgrounds.
- (9) Riding stables.
- (10) Planned residential developments.
- (11) Sewage disposal plants.
- (12) Governmental, cultural and public buildings or uses.
- (13) Utilities.
- (14) Hunting and fishing clubs.
- (15) Professional home offices.
- (16) Farm structures.
- (17) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.

(d) **Area, Height and yard Requirements.**

- (1) **Lot.**
 - a. Area: Minimum one and one-half (1-1/2) acres.
 - b. Width: Minimum one hundred fifty (150) feet.
- (2) **Building Height.** Maximum thirty-five (35) feet.
- (3) **Other Structures Height.** Maximum one-half (1/2) the distance from the structures nearest lot line.
- (4) **Yards.**
 - a. Street: Minimum twenty (20) feet.
 - b. Rear: Minimum twenty (20) feet.
 - c. Side: Minimum twenty (20) feet except structures used for the housing of shelters of animals must be one hundred (100) feet from lot lines.

Sec. 13-1-49 B-1 General Commercial District.

- (a) **Purpose.** The B-1 District is intended to provide an area for the business, financial, professional, and commercial needs of the community, especially those which can be most suitably located in a compact and centrally located business district.
- (b) **Permitted Uses.** The following uses of land are permitted in the B-1 District:
- (1) Paint, glass and wallpaper stores. [523]
 - (2) Hardware stores. [525]
 - (3) Department stores, variety stores, general merchandise stores. [53]
 - (4) General grocery stores, supermarkets, fruit and vegetable stores, delicatessens, meat and fish stores and miscellaneous food stores. [54]
 - (5) Candy, nut or confectionery stores. [544]
 - (6) Dairy products stores, including ice cream stores. [545]
 - (7) Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery. [546]
 - (8) Clothing and shoe stores. [56]
 - (9) Furniture, home furnishings, floor covering and upholstery shops/stores. [57]
 - (10) Restaurants, lunch rooms and other eating places, except drive-in type establishments. [5812]
 - (11) Taverns, bars and other drinking places with permit by Village Board. [5813]
 - (12) Drug stores and pharmacies. [591]
 - (13) Liquor stores. [592]
 - (14) Antique stores and secondhand stores. [593]
 - (15) Sporting goods stores and bicycle shops. [5941]
 - (16) Bookstores, not including adult books. [5942]
 - (17) Stationery stores. [5943]
 - (18) Jewelry and clock stores. [5944]
 - (19) Camera and photographic supply stores. [5946]
 - (20) Gift, novelty and souvenir shops. [5947]
 - (21) Florist shops. [5992]
 - (22) Tobacco and smokers' supplies stores. [5993]
 - (23) News dealers and newsstands. [5994]
 - (24) Wholesale merchandise establishments, only for retail items listed above; e.g., #19 would allow wholesale camera sales.
 - (25) Banks and other financial institutions. [60-62]
 - (26) Offices of insurance companies, agents, brokers and service representatives. [63-64]
 - (27) Offices of real estate agents, brokers, managers and title companies. [65-67]
 - (28) Miscellaneous business offices.

- (29) Heating and plumbing supplies (provided all material storage is inside a building).
- (30) Retail laundry and dry cleaning outlets, including coin-operated laundries and dry cleaning establishments, commonly called laundromats and launderettes. Tailor shops, dressmakers' shops, and garment repair shops, but not garment pressing establishments, hand laundries, or hat cleaning and blocking establishments. [721]
- (31) Photographic studios and commercial photography establishments. [722]
- (32) Barbershops, beauty shops and hairdressers. [723-4]
- (33) Shoe repair shops and shoe shine parlors. [725]
- (34) Trade and contractor's offices (office only).
- (35) Advertising agencies, consumer credit reporting, news agencies, employment agencies. [731-2, 735-6]
- (36) Duplicating, blueprinting, photocopying, addressing, mailing, mailing list and stenographic services; small print shops. [733]
- (37) Computer services. [737]
- (38) Commercial parking lots, parking garages, parking structures. [752]
- (39) Watch, clock and jewelry repair services. [763]
- (40) Motion picture theaters, not including drive-in theaters. [7832]
- (41) Miscellaneous retail stores. [5999]
- (42) Offices/clinics of physicians and surgeons, dentists and dental surgeons, osteopathic physicians, optometrists and chiropractors, but not veterinarian's offices. [801-4]
- (43) Law offices. [811]
- (44) The offices, meeting places, churches, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political organizations; religious organizations; charitable organizations; or other non-profit membership organizations. [86]
- (45) Engineering and architectural firms or consultants. [891-3]
- (46) Accounting, auditing and bookkeeping firms or services. [8721]
- (47) Professional, scientific, or educational firms, agencies, offices, or services, but not research laboratories or manufacturing operations. [899]
- (48) The offices of governmental agencies and post offices. [91-92, 431]
- (49) Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages. [411-14]
- (50) Telephone and telegraph offices. [481-2]
- (51) Day care centers; public and private schools. [481-2]
- (52) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Conditional Uses.** The following are permitted as conditional uses in the B-1 District; provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor-driven equipment, unpleasant odors, smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public

street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations necessary or incident to the proper performance of these services or occupations would tend to afford such nuisances, areas, facilities, barriers, or other devices shall be provided in such a manner that the public is effectively protected from any and all such nuisances. These uses shall be subject to the consideration of the Village Board with regard to such matters.

- (1) Miscellaneous repair shops and related services. [769]
 - (2) Garment pressing establishments, hand laundries, hat cleaning and blocking shops and coin-operated dry cleaning establishments. [721]
 - (3) Establishments engaged in the publishing and printing of newspapers, periodicals or books. [2711]
 - (4) Dwelling units, provided that no dwelling shall be permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.
 - (5) Farm supplies, wholesale trade. [5191]
 - (6) Establishments engaged in the retail sale of automobiles, trailers, mobile homes, or campers. [551-2, 556]
 - (7) Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories. [553]
 - (8) Gasoline service stations; provided, further, that all gasoline pumps, storage tanks and accessory equipment must be located at least thirty (30) feet from any existing or officially proposed street line. [5541]
 - (9) Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers. [703]
 - (10) Establishments engaged in daily or extended-term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers. [751]
 - (11) Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes. [754]
 - (12) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc. [70]
 - (13) Farm implement sales.
 - (14) Mini-warehouses.
 - (15) Outdoor sports facilities or beer gardens at licensed premises (see Section 7-2-19).
 - (16) Animal hospitals; pet shops (excluding kennels).
 - (17) Undertaking establishments.
 - (18) Beer gardens.
 - (19) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (d) **Lot, Yard and Building Requirements.**
- (1) **Lot Frontage.** Minimum sixty (60) feet.

- (2) **Lot Area.** Minimum six thousand (6,000) square feet.
- (3) **Principal Building.**
 - a. Front Yard: Per Section 13-1-25.
 - b. Side Yard: Minimum ten (10) feet if sideyard is necessary to be compatible with neighborhood; otherwise none.
 - c. Rear Yard: Minimum twenty-five (25) feet if rear yard is necessary to be compatible with neighborhood; otherwise none.

NOTE: Pre-existing structures may be nonconforming. In blocks in the business districts which are already developed, the dimensional requirements of this Chapter can be modified if in the opinion of the Board of Appeals, such action would be in keeping with the purpose of this Code where a practical difficulty or hardship would result from a literal enforcement of the requirements.

- (4) **Building Height.** Maximum forty-five (45) feet.
 - (5) **Percent of Lot Coverage.** Maximum ninety percent (90%).
 - (6) **Alley Setback.** Minimum fifteen (15) feet.
- (e) **Other Development Regulations.**
- (1) A site development plan, prepared in accordance with Section 13-1-174, shall be submitted before a permit can be granted for any expanded or all new use in this District.
 - (2) No outdoor storage of any material shall be permitted in this District except within enclosed containers or properly screened, as determined by the Village Board.
 - (3) No lighting shall be permitted which would glare from this District onto any street right-of-way or onto any adjacent property.

Sec. 13-1-50 B-2 Highway Commercial District.

- (a) **Purpose.** The B-2 Highway Commercial District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes, of those businesses and customer services which are logically related to and dependent upon highway traffic, or which are specifically designated to serve the needs of such traffic.
- (b) **Permitted Uses.** Except as provided below, uses within this District are conditional, requiring a public hearing and consideration of specific site factors and impacts on surrounding land uses; all conditional uses must be approved in accordance with the procedures established in Article D:
 - (1) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Conditional Uses.** The following are specific conditional uses in this Chapter:
 - (1) Amusement activities.
 - (2) Automobile and truck retail services.

- (3) Automobile repair and fuel services.
- (4) Bars and taverns.
- (5) Candy, nut and confectionery sales.
- (6) Gasoline service stations.
- (7) Gift, novelty and souvenir sales.
- (8) Hotels, motels and tourist courts.
- (9) Night clubs and dance halls.
- (10) Restaurants.
- (11) Sales, service and installation of tires, batteries and accessories.
- (12) Residential dwelling units.
- (13) Animal hospital, shelters and kennels.
- (14) Clinics.
- (15) Public assembly uses.
- (16) Commercial recreation facilities.
- (17) Off-season storage facilities.
- (18) Lodges and fraternal buildings.
- (19) Nursing homes.
- (20) Nursery and day care centers.
- (21) Retirement homes.
- (22) Drive-in food and beverage establishments.
- (23) Drive-banks.
- (24) Drive-in theaters.
- (25) Vehicle sales and service.
- (26) Public parking lots.
- (27) Taxi stands.
- (28) Sewage disposal plants.
- (29) Governmental, cultural, and public buildings or uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
- (30) Utilities.
- (31) Schools and churches.
- (32) Mobile home sales.
- (33) Log stacks are a conditional accessory use in the B-2 District, provided that they are located a minimum of sixty (60) from the center of adjacent public road right-of-ways.
- (34) Farm implement sales.
- (35) Outdoor sports facilities or beer gardens at licensed premises (see Section 7-2-19).
- (36) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (37) Other uses listed as either permitted or conditional uses in Section 13-1-49.
- (38) Other uses similar to or customarily incidental to any of the above uses.

(d) **Area, Height and Yard Requirements.**

- (1) Lot.
 - a. Building Area: Eight thousand (8,000) square feet.
 - b. Width: Minimum sixty (60) feet.
 - c. Lot Area: One-half (1/2) acre minimum.
- (2) **Building Height.** Maximum thirty-five (35) feet.
- (3) **Yards.**
 - a. Street: Per Sec. 13-1-25 or a minimum fifty (50) feet (may include parking), whichever is greater.
 - b. Rear: Minimum twenty (20) feet.
 - c. Side: Minimum twenty (20) feet each side.

Sec. 13-1-51 B-3 Business Park District.

- (a) **Purpose.** The B-3 Business Park District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, non-nuisance type manufacturing operations and research and development institutions. The essential purpose of this District, is to achieve development, which is an asset to the owners, neighbors and the Village, and to promote and maintain desirable economic development in a dedicated business park setting.
- (b) **Permitted Uses.** The following uses of land are permitted in the B-3 District:
 - (1) State-classified manufacturing operations. [20, 23-28, 30, 32-39]
 - (2) Warehousing or distribution operations, not including predominantly retail sales to customers on site. [50-51]
 - (3) Offices of construction firms, shops, display rooms and enclosed storage. [15-17]
 - (4) Laboratories, research, development and testing, and manufacturing and fabrication in conjunction with such research and development and operations. [8071, 8731-34]
 - (5) Service uses, including computer and data processing services, miscellaneous business services, offices (business and professional) and communication services. [73]
 - (6) Telecommunications facilities except as under Subsection (b)(7). [48]
 - (7) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Conditional Uses.** The following are permitted as conditional uses within the B-3 District:
 - (1) Public utilities and public services. [49]
 - (2) Conference centers and hotel facilities. [701]
 - (3) Ancillary retail sales and service operations that serve employees within the business park.
 - (4) Wind energy systems per Sec. 13-1-131.
 - (5) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.

(d) **Lot, Yard and Building Requirements.**

- (1) **Lot Frontage.** Minimum one hundred (100) feet.
- (2) **Lot Area.** Minimum twenty-one thousand seven hundred eighty (21,780) square feet.
- (3) **Front Yard.** Minimum twenty-five (25) feet.
- (4) **Side Yard.** Minimum fifteen (15) feet.
- (5) **Rear Yard.** Minimum thirty (30) feet.
- (6) **Building Height.** Maximum thirty-five (35) feet.

* Requirements may be modified by conditional use permit.

(e) **Other Requirements.** Uses permitted and conditional in the B-3 District are subject to the following requirements:

- (1) No building or improvement shall be erected, placed or altered on any lands in the B-3 District until the plans for such building or improvement including site, landscaping and building plan and specifications, have been approved by the Village Board. The Village Board shall review and approve, approve conditionally or disapprove such plans with respect to conformity with deed restrictions and protective covenants placed on the land in the B-3 District. The deed restriction and protective covenants must be approved by the Village Board. The approved deed restriction and protective covenants must be recorded on the land prior to rezoning to the B-3 District.
- (2) Design standards in the B-3 District shall include as a minimum the following standards:
 - a. All uses shall comply with Village performance standards for air pollution, fire and explosive hazards, glare and heat, liquid or solid wastes, noise and vibration, odors, radioactivity and electrical disturbances and refuse.
 - b. All business, servicing or processing, except off-street parking and loading and outside storage areas regulated by restrictive covenants, shall be conducted within completely enclosed buildings.
 - c. The building coverage on any zoning lot shall not exceed fifty-five percent (55%), nor be less than twenty-five percent (25%).
 - d. All areas not covered by buildings or parking lots shall be landscaped subject to detail requirements of restrictive covenants.
 - e. All zoning lots abutting residentially zoned districts shall be screened.

Sec. 13-1-52 I-1 Industrial District.

- (a) **Purpose.** The I-1 District is intended to provide an area for manufacturing, marketing, and industrial and agribusiness activities not located in a planned B-3 business park setting. It

is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas, or which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions, or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.

- (b) **Permitted Uses.** Except as specified below, no uses are permitted as a matter of right within the I-1 District. All uses within this District are conditional, requiring a public hearing and consideration of specific site factors and impacts on surrounding land uses; all conditional uses must be approved in accordance with the procedures established in Article D:
- (1) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Conditional Uses.** The following are permitted as conditional uses within the I-1 District. Such use shall be subject to the consideration of the Village Board and Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors:
- (1) Manufacturing establishments, usually described as factories, mills or plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products. [20, 23-28, 30, 32-39]
- (2) Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.
- (3) The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening. [50, 51]
- (4) Railroads, including rights-of-way, railroad yards, and structures normally incident to the operation of railroads, including station houses, platforms, and signal towers, but not including warehouses owned by companies other than railroad companies or road terminal companies.
- (5) Wholesale establishments and warehouses. [50-51]
- (6) Building construction contractors. [15-17]
- (7) Highway passenger and motor freight transportation. [41-42]
- (8) Light Industry and Service Uses.
- a. Automotive body repair.
 - b. Automotive upholstery.
 - c. Cleaning, pressing, dyeing.
 - d. Commercial bakeries.
 - e. Commercial greenhouses.

- f. Distributors.
 - g. Food locker plants.
 - h. Printing and publishing.
 - i. Trade and contractor's facilities.
 - j. Offices.
 - k. Painting services.
 - l. Retail sales and service facilities such as retail and surplus outlet stores, and restaurants and food service facilities when established in conjunction with a permitted manufacturing or processing facility.
 - m. Recreation vehicle, boat and miscellaneous storage.
- (9) Public Facilities and Uses.
- a. Governmental, cultural and public buildings or uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
 - b. Schools and churches.
 - c. Airports, airstrips and landing fields.
- (10) Agriculture Related Industry and Service Uses.
- a. Production of natural and processed cheese.
 - b. Production of shortening, table oils, margarine and other edible fats and oils.
 - c. Production of condensed and evaporated milk.
 - d. Wet milling of corn.
 - e. Production of creamery butter.
 - f. Drying and dehydrating fruits and vegetables.
 - g. Preparation of feeds for animal and fowl.
 - h. Pea venteries.
 - i. Creameries and dairies.
 - j. Production of flour and other grain mill products; blending and preparing of flour.
 - k. Fluid milk processing.
 - l. Production of frozen fruits, fruit juices, vegetables and other specialties.
 - m. Fruit and vegetable sauces and seasoning, and salad dressing preparation.
 - n. Poultry and small game dressing and packing providing that all operations be conducted within an enclosed building.
 - o. Production of sausages and other meat products providing that all
 - p. Corn shelling, hay baling and threshing services.
 - q. Grist mill services.
 - r. Horticultural services.
 - s. Canning of fruits, vegetables, preserves, jams and jellies.
 - t. Canning of specialty foods.
 - u. Grain elevators and bulk storage of feed grains.
 - v. Fertilizer production, sales, storage, mixing and blending.

- w. Sales or maintenance of farm implements and related equipment.
 - x. Animal hospitals, shelters and kennels.
 - y. Veterinarian services.
 - z. Sawmills.
- (11) Wind energy systems per Sec. 13-1-131.
- (12) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (d) **Prohibited Uses.**
- (1) Specifically excluded from this designation and expressly prohibited is any use or business which is dangerous or which would create a public nuisance.
 - (2) All residential uses are expressly prohibited.
 - (3) Also specifically excluded and expressly prohibited is any use or business involving the wrecking of automobiles, junk yards, scrap yards, garbage removal or the slaughter of animals or poultry.
- (e) **Lot, Yard and Building Requirements.**
- (1) **Lot Frontage.** No minimum.
 - (2) **Lot Area.** Minimum fifteen thousand (15,000) square feet.
 - (3) **Front Yard.** Minimum fifty (50) feet.
 - (4) **Side Yards.** Minimum twenty (20) feet.*
 - (5) **Rear Yard.** Minimum twenty (20) feet.*
 - (6) **Building Height.** Maximum sixty (60) feet.
 - (7) **Percentage of Lot Coverage.** Maximum seventy percent (70%).

* **Required Buffer Strips in Industrial Districts.** Where an Industrial District abuts a Residential District, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundary, a buffer strip not less than forty (40) feet in width as measured at right angles to said lot line. Plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the Residential District shall be planted in the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be not less than four (4) nor more than eight (8) feet in height, and shall be of such materials as to effectively screen the industrial area. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

Sec. 13-1-53 PF Public Facilities District.

- (a) **Purpose.** The PF Public Facilities District is characterized by parks and outdoor recreation for large groups of people, golf courses, schools and utilities.

- (b) **Permitted Uses.** The following uses of land are permitted in the PF District:
 - (1) Parks.
 - (2) Golf courses.
 - (3) Utilities.
 - (4) Schools.
 - (5) Churches.
 - (6) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Conditional Uses.** The following are conditional uses in the PF District:
 - (1) Tourist camps.
 - (2) Outdoor advertising signs.
 - (3) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.
- (d) **Lot, Building and Yard Requirements.** See requirements for B-1 District.

Sec. 13-1-54 PUD Planned Unit Development Overlay District.

- (a) **Intent.**
 - (1) **Purpose.** The PUD Planned Unit Development Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The planned unit development under this Section will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while, at the same time, maintaining insofar as possible, the land use density and other standards or use requirements as set forth in the underlying basic zoning district.
 - (2) **Condominiums.** The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under Subsection (h) and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section have been met.
- (b) **Types of Planned Unit Developments.** This Article contemplates that there may be a Residential, Commercial, Industrial Planned Unit Developments and Mixed Compatible Use Developments.

- (c) **General Requirements for Planned Unit Developments.** A planned unit development shall be consistent in all respects to the expressed intent of this Section and to the spirit and intent of this Chapter; shall be in conformity with the adopted master plan (comprehensive land use and thoroughfare plan), neighborhood plan or any adopted component thereof; and shall not be contrary to the general welfare and economic prosperity of the community.
- (d) **Physical Requirements for Planned Unit Developments.**
- (1) **Minimum Area Requirements.** Areas designated as planned unit developments shall contain a minimum development area as follows:

Principal Uses	Minimum Area of PUD
Residential PUD	2 acres
Commercial PUD	3 acres
Industrial PUD	5 acres
Mixed Compatible Use	5 acres

- (2) **Density Requirements (Lot Area, Width and Yard Requirements).** The district area, width and yard requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units that would have been permitted if the planned unit development regulations had not been utilized.
- (3) **Building Height and Area Requirements.**
- a. Buildings in a planned unit development shall not exceed the height permitted in the basic use district.
- b. Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the basic use district.
- (4) **Single Parcel, Lot or Tract.** At the time of filing, the planned unit development shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract.
- (e) **Requirements as to Public Services and Facilities.**
- (1) **Drainage.** The development site shall be provided with adequate drainage facilities for surface and storm waters.
- (2) **Streets.** The site will be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the development. The streets and driveways on the site of the development shall be adequate to serve the residents of the development and, in the case of public dedicated streets, will meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
- (3) **Public Services.** No undue constraint or burden shall be imposed on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public areas by the developments.
- (4) **Water and Sewer Service.** Public water and sewer facilities shall be provided.

- (f) **Subsequent Land Division.** The division of any land or lands within a planned unit development for the purpose of change or conveyance of ownership may be accomplished pursuant to the land division/subdivision regulations of the Village when such division is contemplated.
- (g) **Procedural Requirements—Intent.** Subsections (a) through (f) set forth the basic philosophy and intent in providing for Planned Unit Developments, the kinds thereof, the general requirements, physical requirements and requirements as to public services and facilities. The following Subsections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.
- (h) **Procedural Requirements for Planned Unit Developments.**
 - (1) **Pre-Petition Conference.** Prior to the official submission of the petition for the approval of a planned unit development overlay district, the owner or his/her agent making such petition shall meet with the Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.
 - (2) **Petition for Approval.** Following the pre-petition conference, the owner or his/her agent may file a petition with the Village Clerk-Treasurer for approval of a planned unit development. Such petition shall be accompanied by a review fee per Section 13-1-1 as well as incorporate the following information:
 - a. **Informational Statement.** A statement which sets forth the relationship of the proposed PUD to the Village's adopted master (comprehensive land use and thoroughfare plan) plan, neighborhood plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
 - 1. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - 2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - 3. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - 4. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.
 - 5. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
 - b. **A General Development Plan Including:**
 - 1. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.

2. The location of public and private roads, driveways, sidewalks and parking facilities.
 3. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
 4. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
 5. The type, size and location of all structures.
 6. General landscape treatment.
 7. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
 8. The existing and proposed location of all private utilities or other easements.
 9. Existing topography on the site with contours at no greater than two (2) foot intervals.
 10. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
 11. If the development is to be staged, a staging plan.
 12. A plan showing how the entire development can be further subdivided in the future.
- (3) **Referral to Plan Commission.** The petition for a planned unit development overlay district shall be referred to the Plan Commission for its review and recommendation, which recommendation shall include any additional conditions or restrictions which the Plan Commission may deem necessary or appropriate.
- (4) **Public Hearing.** Following receipt of the Plan Commission's recommendation, the Village Board shall hold a public hearing on the petition, including any conditions or restrictions imposed by the Plan Commission, in the manner provided in Sections 13-1-181.
- (i) **Basis for Approval of the Petition for Planned Unit Development.**
- (1) **Requirements.** The Plan Commission or Village Board, in making a determination approving a petition for planned unit development, shall find as follows:
 - a. That the general requirements made and provided in Subsection (c) will be met;
 - b. That the applicable physical requirements made and provided in Subsection (d) will be met;
 - c. That the requirements as to public services and facilities made and provided in Subsection (e) will be met.
 - (2) **Proposed Construction Schedule.** The Plan Commission or Village Board, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one (1) year of approval being deemed reasonable.

- (3) **Residential PUD, Considerations.** The Plan Commission or Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:
- a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.
 - b. The total net residential density within the planned unit development will be compatible with the Village master plan (comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.
 - c. Structure types will be generally compatible with other structural types permitted in the underlying basic use district. To this end, structure type shall be limited as follows:
 1. Planned residential developments in the R-1 or R-2 District shall not exceed four (4) dwelling units per structure.
 2. Planned residential developments in the R-3 or R-4 District shall not exceed sixteen (16) dwelling units per structure.
 - d. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
 - e. Provision has been made for adequate, continuing fire and police protection.
 - f. The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 - g. Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.
- (4) **Commercial PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed commercial planned unit development, shall further consider whether:
- a. The economic practicality of the proposed development can be justified.
 - b. The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.
 - c. The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
 - d. The locations of entrances and exists 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 any adverse effect upon the general traffic pattern of the surrounding neighborhood.

- e. The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (5) **Industrial PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:
- a. The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
 - b. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water sanitary sewer and storm water drainage and maintenance of public areas.
 - c. The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
 - d. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (6) **Mixed Use PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether:
- a. The proposed mixture of uses procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
 - b. The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
 - c. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
- (j) **Determination of Disposition of the Petition.**
- (1) **General.** The Village Board, following public hearing thereon and after due consideration, shall either deny the petition, approve the petition as submitted or approve the petition subject to any additional conditions and restrictions the Village Board may impose.
 - (2) **Approval.** The general and detailed approvals of a planned unit development shall be based on and include, as conditions thereto, the building, site and operational plans for the development as approved by the Village Board.

- a. **General Approval.** The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of petition provided it is in sufficient detail to satisfy the Village Board as to the general character, scope and appearance of the proposed development. Such plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of such general development plan, by way of approval of the petition, shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.
 - b. **Detailed Approval.** Detail plans must be furnished to the Village Board for its consideration and the detailed approval by the Village Board of any part or stage of the proposed development shall be required before construction of such part or stage of the development may be commenced. Before plans submitted for detailed approval within the corporate limits will be approved, the petitioner shall give satisfactory proof that he has contracted to install all improvements or file a performance bond insuring that such improvements will be installed within the time required by the Village Board.
- (3) **Changes and Additions.** Any subsequent substantial change or addition to the plans or uses shall first be submitted for approval to the Plan Commission and if, in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, it shall make its recommendations to the Village Board and further recommend additional public hearing in which event the Village Board shall schedule a notice of public hearing as for the original petition. Following such public hearing, the Village Board shall deny, approve or approve the same subject to any additional conditions and restrictions it may impose.

Sec. 13-1-55 WP Wellhead Protection Overlay District.

- (a) **Purpose.** The Village recognizes that consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the Municipal Well Recharge Area Overlay District (MW) is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area of the Village's municipal wells, when such wells are established. The restrictions imposed herein are in addition to those of the underlying residential, commercial or industrial zoning districts or any other provisions of the Zoning Ordinance.
- (b) **Overlay Zones.** The Municipal Well Recharge Area Overlay District is hereby divided into Zone A and Zone B as follows:
 - (1) Zone A is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contaminants to the municipal wells. Zone A is more restrictive than Zone B.

- (2) Zone B is identified as a secondary source of water for the municipal well aquifer and as an area where there is a lower probability of surface contaminants reaching the municipal well fields. Zone B is less restrictive than Zone A.
- (c) **Zone A Prohibited Uses.** The following land uses are hereby found to have a high potential to contaminate or have already caused groundwater contamination problems in Wisconsin and elsewhere. The following principal or accessory uses are hereby prohibited within Zone A of the Municipal Well Recharge Area Overlay District:
- (1) Areas for dumping or disposing of garbage, refuse, trash or demolition material.
 - (2) Asphalt products manufacturing plants.
 - (3) Automobile laundries.
 - (4) Automobile service stations.
 - (5) Building materials and products sales.
 - (6) Cartage and express facilities.
 - (7) Cemeteries.
 - (8) Chemical storage, sale, processing or manufacturing plants.
 - (9) Dry cleaning establishments.
 - (10) Electronic circuit assembly plants.
 - (11) Electroplating plants.
 - (12) Exterminating shops.
 - (13) Fertilizer manufacturing or storage plants.
 - (14) Foundries and forge plants.
 - (15) Garages – for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding.
 - (16) Highway salt storage areas.
 - (17) Industrial liquid waste storage areas.
 - (18) Junk yards and auto graveyards.
 - (19) Metal reduction and refinement plants.
 - (20) Mining operations.
 - (21) Motor and machinery service and assembly shops.
 - (22) Motor freight terminals.
 - (23) Paint products manufacturing.
 - (24) Petroleum products storage or processing.
 - (25) Photography studios, including the developing of film and pictures.
 - (26) Plastics manufacturing.
 - (27) Printing and publishing establishments.
 - (28) Pulp and paper manufacturing.
 - (29) Residential dwelling units on lots less than fifteen thousand (15,000) square feet in area. However, in any residence district, on a lot of record on the effective date of this Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of the Village's Zoning Ordinance are complied with.

- (30) Septage disposal sites.
- (31) Sludge disposal sites.
- (32) Storage, manufacturing or disposal of toxic or hazardous materials.
- (33) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- (34) Woodworking and wood products manufacturing.
- (d) **Zone A Conditional Uses.** The following conditional uses may be allowed in the Municipal Well Recharge Area Overlay District, subject to the provisions of Article E:
 - (1) Any other business or industrial use not listed as a prohibited use.
 - (2) Animal waste storage areas and facilities.
 - (3) Center-pivot or other large-scale irrigated agriculture operations.
- (e) **Zone B Prohibited Uses.** The following principal or accessory uses are hereby prohibited within Zone B of the Municipal Well Recharge Area Overlay District:
 - (1) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- (f) **Zone B Conditional Uses.** The following conditional uses may be allowed in the Municipal Well Recharge Area Overlay District, subject to the provisions of Article E:
 - (1) Any business or industrial use.

Sec. 13-1-56 AEO Adult Entertainment Overlay District.

- (a) **Authority.**
 - (1) The Village Board has authority, to be liberally construed in favor of the Village, under its general police powers set forth in Ch. 61, Wis. Stats., to act for the good order of the municipality and for the health, morals, safety and welfare of the public; and may carry out its powers by regulation and suppression; and
 - (2) The Village Board recognizes it lacks authority to regulate obscenity under Sec. 66.0107(3), Wis. Stats., and does not intend by adopting this Section to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns; and
 - (3) Adult establishments in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life of the communities; and such secondary effects are detrimental to the public health, safety and general welfare of citizens; and
 - (4) The Village Board recognizes the U.S. Supreme Court has held that material with adult content is within the outer perimeters of the First Amendment to the United

- States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and
- (5) However, the Village Board is aware, based on the experiences of other communities, that adult establishments may and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the Village of Sullivan; and
 - (6) Among these secondary effects are:
 - a. The potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses;
 - b. The potential depreciation of property values in neighborhoods where adult establishments featuring nude dancing exist;
 - c. Health risks associated with the spread of sexually transmitted diseases; and
 - d. The potential for infiltration by organized crime for the purpose of unlawful conduct; and
 - (7) The Village Board desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the Village of Sullivan; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and
 - (8) The Village Board has determined that the enactment of a zoning ordinance provision allowing adult establishments viable areas in which to exist within the Village while keeping those adult establishments separated from each other, residential areas, schools, churches, day care centers, or bars or taverns, promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such adult establishments.
- (b) **Purpose.** The purpose of the AEO Adult Entertainment Overlay District is to create an overlay zoning district whereby adult establishments are sufficiently separated from each other and conflicting uses so as to ameliorate the negative secondary effects of adult uses while providing adult establishments sufficient area and opportunity to operate within the Village so as not to suppress their existence.
- (c) **Definitions.** For purposes of this District, the following definitions shall be applicable:
- (1) **Adult Establishment.** Shall include, adult book stores, adult motion picture theaters, adult novelty stores, and further means any premises to which public patrons or members are invited or admitted that is substantially devoted to the purveyance, demonstration or display of specified sexual activities or specified anatomical areas.
 - (2) **Adult Bookstore.** An establishment which as its substantial course of conduct, presents adult entertainment for observation by patrons therein, or which, as part of its substantial course of conduct, offers for sale, rent, trade, lease, inspection or

viewing books, films, videocassettes, magazines or other such media, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities.

- (3) **Adult Entertainment.** Any exhibition of any motion picture, live performance, display or dance of any type which has as a significant or substantial portion of such performance, or is distinguished or characterized by an emphasis on, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas.
 - (4) **Adult Motion Picture Theater.** Any establishment for the presentation of motion pictures that as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities, or specified anatomical areas for observations by patrons therein.
 - (5) **Adult Novelty Store.** Any establishment which as its substantial course of conduct offers for sale, rent, trade, lease, inspection or viewing any adult novelty items, sex toys, sexual gratification appliances, or other similar products, excluding contraceptives or similar products of medical value, that are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities.
 - (6) **Specified Anatomical Areas.** Means either:
 - a. Less than completely and opaquely covered human genitals pubic region.
 - b. Human male genitals in a discernible turgid state, even if opaquely covered.
 - c. Less than completely and opaquely covered nipples or areolas of the human female breast.
 - (7) **Specified Sexual Activities.** Means simulated or actual:
 - a. Showing of human genitals in a state of sexual stimulation or arousal; or
 - b. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus; or
 - c. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
 - (8) **Substantial.** Forty percent (40%) or more of business stock in trade, display space, floor space or retail sales in any one month. Upon reasonable belief that an entity is in excess of the forty percent (40%) threshold, that entity shall provide all necessary records, receipts and documentation to the Village upon request. Failure to do so shall result in a presumption that the entity is operating in excess of the threshold.
- (d) **Location.**
- (1) No adult establishment shall be located:
 - a. Within any zoning district other than general commercial, limited commercial, highway commercial, industrial, and heavy industrial.
 - b. Within two hundred fifty (250) feet (plus) feet of an existing adult establishment.
 - c. Within two hundred fifty (250) feet of any dwelling as defined by this Zoning Code.

- d. Within two hundred fifty (250) feet of any pre-existing school, church or daycare, as defined in this Zoning Code.
 - e. Within two hundred fifty (250) feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
- (2) For purposes of this District, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult establishment, to the nearest property line of another establishment, dwelling, school, church, daycare or establishment selling or dispensing fermented malt beverages or intoxicating liquor.
- (e) **Hours of Operation.**
- (1) No adult establishment shall be open between the hours of 2:00 a.m. and 8:00 a.m., Monday through Friday, between the hours of 2:30 a.m. and 8:00 a.m. on Saturdays, or between the hours of 2:30 a.m. and 12:00 noon on Sundays.
 - (2) All adult establishments shall be open to inspection at all reasonable times by the Zoning Administrator and/or other Village representatives.

Sec. 13-1-57 E-1 Mineral Extraction or Landfill Overlay District.

- (a) **Purpose.** The intent of this District is to provide a means of properly siting, regulating and reclaiming mineral extraction and landfill sites.
- (b) **Permitted Uses.** The following uses of land are permitted in the E-1 District:
 - (1) Mineral extraction operations and landfill sites that are presently in existence, provided that applicable provisions of this Section are complied with.
 - (2) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (c) **Conditional Uses.** Conditional uses in the District shall include all conditional uses listed in the underlying district. Conditional use procedures, as described in Article D, shall be adhered to as well as the requirements of this Section, with the more restrictive provision being applicable. In addition, the following are permitted conditional uses:
 - (1) Extension of legally existing mineral extraction operation or the creation of a new such extraction operation.
 - (2) New mineral extraction operations and the following: Landfills; solid waste management facilities, recycling centers; bio-remediation sites; and soil extraction or scraping for purposes of obtaining fill material for such large scale operations as landfill sealing, roadbed construction, etc; or similar uses. These uses shall be a conditional use in all zoning districts except in the R-1, R-2, R-3, R-4, R-5, and R-6 Districts.
 - (3) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-134.

(d) **Basic District Standards.**

- (1) **Basic Standards.** The basic standards in this District shall be controlled by those of the underlying district unless more restrictive standards are established in the conditional use approval. Also, excavations or fill areas within two hundred (200) feet from any right-of-way or property line shall not be permitted unless the Village Board determines that the operational plans adequately provide for:
 - a. Safety of abutting land uses and for safe ingress to, egress from and traffic flow past the site.
 - b. Aesthetic screening from abutting properties.
 - c. Dust control from the operation and/or any stockpiling.
 - d. Staging of the operation to produce a minimal time frame between commencing of operations and restoration within this two hundred (200) foot area.
- (2) **Permit Validity; Operational Requirements.** The conditional use permit shall be in effect for a period not to exceed one (1) year and may be renewed upon application for a period not to exceed one (1) year; a shorter period may be established by Village Board action. There shall be an annual fee as prescribed by Section 1-3-1 for such permit. Modifications or additional conditions may be imposed upon application for renewal. Operational requirements shall include the following where applicable, and all require Village Board approval:
 - a. Fencing or other suitable barriers shall be erected as necessary to protect the public.
 - b. Machinery, roads and equipment used in the extractive operation shall be constructed, maintained and operated in such a manner as to minimize dust.
 - c. Crushing, washing, refining or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of permit.
 - d. Planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Village and other applicable agencies.
 - e. Hours of operation may be established and enforced by the Village Board.
 - f. Other requirements deemed necessary by the Village Board.
- (3) **Plan of Reclamation.** A reclamation plan meeting the standards of NR 135, Wis. Adm. Code, shall be submitted and approved by all applicable agencies and the Village Board.

(e) **Existing Operations.** Existing operations shall be subject to the following further requirements:

- (1) **Permit.** Within sixty (60) days after the original adoption of this Section all existing extractive operations shall be required to register with the Zoning Administrator, submitting pertinent data relative to the present operation, including the boundaries of the actual operation and of the ownership. A permit shall be granted to such existing operation, subject to compliance with the operational requirements, listed above where they can be reasonably applied under existing circumstances.

- (2) **Plan for Restoration.** There shall be required within one (1) year after original adoption of this Section, the submission of a plan for restoration of the site of existing extractive operation as provided above. The plan for restoration in such case shall not, however, impose requirements which are economically or engineeringly unreasonable with respect to conditions resulting from operations prior to enactment of this Section.
- (f) **Renewal Permit.** Within one year after the original enactment date of this Section, any such existing operation shall be required to make application for a renewal permit the same as for reapplication in the case of a new operation under this Section.
- (g) **Plan of Operation.** All mineral extraction operations including those operations and activities which lawfully existed prior to the original adoption of this Section shall prepare a plan of operation for the site which shall include the following information:
- (1) Statement of ownership of the parcel and control of the operations.
 - (2) A site plan, drawn to scale, showing the lateral extent of existing and proposed excavations; the location and width of all easements and right of way on or abutting the site; existing water bodies, water courses and drainageways and proposed modifications; estimated direction of flow or groundwater; the location of existing and proposed buildings, structures, machinery and equipment; and the location of all existing and proposed storage and stockpiling areas.
 - (3) Cross sections of the site, drawn to scale, showing the vertical extent of existing and proposed excavations.
 - (4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area;
 - (5) Methods of screening from adjacent properties and proximity to adjacent properties.
 - (6) Hours of operation and, if applicable, a phasing plan for future operations.
 - (7) Dust and noise control.
 - (8) Maximum depth.
 - (9) Blasting procedures.
 - (10) Location and height of stockpiles.
 - (11) Such other information the Village Board deems pertinent to the operation.
- (h) **Gravel Crushing; Permit Requirement.** In addition to all other conditional use permit and other requirements prescribed in this Section, an annual permit is required for the placement or operation at any mineral extraction site of any portable or fixed gravel crushing equipment. Such gravel crushing operation permit shall be valid for one (1) year; the Village Board may attach reasonable conditions to such permit. The annual fee for the permit shall be as prescribed in Section 1-3-1.
- (i) **Definitions.** As used in this Section:
- (1) **Environmental Pollution.** Has the meaning specified under Sec. 144.01(3), Wis. Stats.
 - (2) **Nonmetallic Mining or Mineral Extraction Operation.** Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, fill material and nonmetallic minerals such as asbestos,

Zoning Code

13-1-58

Sec. 13-1-58 and 13-1-59 Reserved for Future Use.

Article D: Conditional Uses

Sec. 13-1-60 Statement of Purpose — Conditional Uses.

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

Sec. 13-1-61 Authority of the Plan Commission and Village Board; Requirements.

- (a) The Village Board hereby authorizes the Zoning Administrator to issue a conditional use permit after review, public hearing, and approval from the Plan Commission provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such Village Board and Plan Commission action, and the resulting conditional use permit shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Village Board and Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Village Board or Plan Commission shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.

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

Sec. 13-1-62 Initiation of Conditional Use.

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

Sec. 13-1-63 Application for Conditional Use.

An application for a conditional use shall be filed on a form prescribed by the Village, with fee payment as prescribed in Section 1-3-1. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter. The Village Board or Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

Sec. 13-1-64 Hearing on Application.

All requests for conditional uses shall be applied for with the Village Clerk-Treasurer or the Village Board or Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Village Board on its own motion from referring the request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in Section 13-1-63 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

Sec. 13-1-65 Notice of Hearing on Application; Determination.

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

Sec. 13-1-66 Standards — Conditional Uses.

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

shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.

- (c) **Additional Considerations.** In addition, in passing upon a Conditional Use Permit, the Village Board or Plan Commission shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-1-67 Denial of Application for Conditional Use Permit.

When an advisory recommendation of denial of a conditional use application is made by the Plan Commission or an actual denial by the Village Board, the Plan Commission and/or Village Board shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Commission and/or Village Board has used in determining that each standard was not met.

Sec. 13-1-68 Conditions and Guarantees.

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission may recommend and the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Village shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

- (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Village Board, upon the recommendation of the Plan Commission.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

Sec. 13-1-69 Validity of Conditional Use Permit.

Where a conditional use application has been approved or conditionally approved, such approval shall become null and void within twenty-four (24) months of the date of the approval unless the

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

Sec. 13-1-70 Complaints Regarding Conditional Uses.

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

Sec. 13-1-71 Bed and Breakfast Establishments.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to this Article.
- (b) **Definition.** "Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

- (c) **State Standards.** Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

Sec. 13-1-72 Home Occupations/Professional Home Offices.

- (a) **Intent.** The intent of this Section is to provide a means to accommodate a small family home-based business or professional home office as a conditional use without the necessity of a rezone into a commercial district. A home occupation or professional home office exceeding the standards for a permitted use may possibly be maintained as a conditional use under Article D. The total number of home occupations or professions conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations or professions conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one (1) home occupation. The regulations of this Section dealing with home occupations and professional home offices are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities may be carried on in the home. This Section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.
- (b) **Home Occupations/Professional Home Office Permitted Use; Restrictions on.** Except as provided in Subsection (c) below, home occupations and professional home offices are a permitted use in all Residential Districts, provided the requirements of the District in which the use is located and addition to the following:
- (1) The occupation or profession shall be carried on wholly within the enclosed areas of the principal building or other structure accessory thereto, but it shall utilize no more than thirty percent (30%) of the gross floor area of the building.
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation/profession shall be visible outside any structure located on the premises. There shall not be outside storage of any kind related to the home occupation/profession.
 - (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - (5) Only one (1) sign may be used to indicate the type of occupation or business as allowed by Article G of this Chapter. Such sign shall not be illuminated and shall comply with district sign regulations.

- (6) The home occupation shall not involve the use of commercial vehicles, other than those owned by the applicant for delivery of products or materials to and from the premises. This shall not be interpreted to include delivery and/or pickup services such as United Parcel Service, Federal Express, etc., in the conduct of their normal operations.
 - (7) To the extent that there is any sale of any item related to a home occupation, delivery of that item to the buyer should occur off the premises.
 - (8) No traffic shall be generated by such home occupation/profession in greater volumes than would normally be expected in a residential neighborhood.
 - (9) There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two (2) additional vehicles to be parked on or near the premises.
 - (10) The home occupation is restricted to a service-oriented business; the manufacturing of items or products or the retail sale of items or products on the premises is prohibited.
 - (11) The types and number of equipment or machinery may be restricted by the Village Board.
 - (12) No more than one (1) non-resident employee may work on the premises. The home occupation is to be conducted only by members of the family residing in the dwelling unit, plus no more than one nonresident assistant or employee employed on the premises at any one time. Persons engaged in building trades, similar fields and other activities using their dwelling units or residential premises as an office for business activities carried on off the premises, may have more employees than the limitations set forth herein if they are not employed on the premises.
 - (13) No activity associated with the home occupation may occur outside on the premises prior to 8:00 a.m. or after 8:00 p.m.
 - (14) Retail sales on premises shall be prohibited except for the retail sales of merchandise, products, supplies or goods produced or fabricated on the premises as a result of the home occupation, provided that incidental retail sales may be made in connection with other permitted home occupations. (Example: a dressmaker would be permitted to sell only clothing produced or fabricated onsite and would not be allowed to purchase stocks of dresses for sale to the general public onsite.)
- (c) **When Conditional Use Permit Required.** A home occupation or professional home office exceeding the standards prescribed in Subsection (b) above for a permitted use may apply for a conditional use permit under Article D of this Chapter. Approval of an expansion of a home occupation or professional home office as a conditional use is not automatic. The Village Board may place conditions on the continuation of such home occupation or professional home office, or may require the relocation of the business to an area that is appropriately zoned. Sale or transfer of the property shall cause the conditional use permit to be null and void.

- (d) **Permitted Home Occupations/Professions.** Permitted home occupations/professions include, but are not necessarily limited to, the following examples:
- (1) Artists or sculptors.
 - (2) Authors or composers.
 - (3) Home crafts such as model making, rug weaving and cabinet making.
 - (4) Office facility of a minister, rabbi, or priest.
 - (5) Office facility of an attorney, architect, professional engineer, surveyor, income tax preparer, accountant, landscape architect, insurance agent or real estate agent, or similar profession which serves several clients onsite per day.
 - (6) Private tutoring limited to three (3) pupils at any one time.
 - (7) Musical instruction limited to two (2) pupils at a time; this requirement limiting class size shall not be construed to prohibit occasional exceptions for events such as recitals, demonstrations and other similar gatherings.
 - (8) Dressmaking.
 - (9) Computer-oriented support services, such as consulting, clerical services, claims processing, internet-related businesses, etc.
 - (10) Day care of not more than eight (8) nonresident children.
 - (11) Office for sales representative or manufacturer's agent when no retail or wholesale goods transactions occur on the premises.
- (e) **Home Occupations/Professions Permitted With Conditional Use Permit.** The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations/professions and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, home occupations are permitted only after issuance of a conditional use permit, and such occupations include, but are not necessarily limited to, the following:
- (1) Barber shops, beauty salons or hair stylist.
 - (2) Antique shops.
 - (3) Stables and kennels.
 - (4) Medical offices, including, but not necessarily limited to, physicians, surgeons, dentists, chiropractors, or optometrists for the general practice of the profession, except for consultation or emergency treatment.
 - (5) Automobile or boat repair or body/paint work.
 - (6) Restaurants and bakeries.
 - (7) Taxidermy shop.
 - (8) Use that involves primarily catalog sales or order processing and which does not involve volumes of stock or merchandise being distributed at the site may be deemed a home occupation, subject to the provisions hereof, provided that such use meets the intent of all standards set forth herein.

Sec. 13-1-73 through Sec. 13-1-79 Reserved for Future Use.

3

4

5

6

7

Article E: Nonconforming Uses, Structures and Lots

Sec. 13-1-80 Existing Nonconforming Uses.

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

Sec. 13-1-81 Existing Nonconforming Structures.

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

Sec. 13-1-82 Changes and Substitutions.

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

Sec. 13-1-83 Pre-Existing Substandard Lots.

In any residential district, structures may be erected on any legal lot of record prior to the original effective date of this Zoning Chapter provided that the area, the width and the depth of such existing lot shall be no less than seventy-five percent (75%) of the required minimums set forth in this Chapter. No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter.

Sec. 13-1-84 through Sec. 13-1-89 Reserved for Future Use.

Article F: Traffic Visibility, Loading, Parking and Access

Sec. 13-1-90 Traffic Visibility.

- (a) No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2-1/2) feet and ten (10) feet above the plane through the mean curb grades within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection.
- (b) In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

Sec. 13-1-91 Loading Requirements.

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

Gross Floor Area of Building In Square Feet	Number of Spaces
5,000 to 24,999	1
25,000 to 49,999	2
50,000 to 99,000	3
100,000 to 174,999	4
175,000 to 249,999	5

For each additional 75,000 square feet (or fraction thereof) of gross floor area, one (1) additional loading and unloading space shall be provided.

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) **Location.** Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a

public street. Each loading and unloading space shall have access to a public dedicated street or alley or other approved access. At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty (40) feet, and a vertical clearance of at least fifteen (15) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. All loading berths shall be completely screened from residential properties by building walls or a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight (8) feet in height.
- (e) **Surfacing.** All open off-street loading berths shall be improved with a compacted gravel base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.
- (g) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (h) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
 - (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

Sec. 13-1-92 Parking Requirements.

All new parking lots and all alterations of existing lots shall be subject to the approval of the Village Board, after a recommendation from the Plan Commission. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, except in the B-1 General Commercial District, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Adequate access to a public street or other approved access shall be provided for each parking space.
- (b) **Design Standards.** Each required off-street parking space shall have a stall width of at least nine (9) feet and a stall length of at least eighteen (18) feet. Such space shall have a vertical clearance of at least six and one-half (6-1/2) feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: Aisles shall be not less than twenty-four (24) feet wide for ninety (90) degree parking, eighteen (18) feet wide for sixty (60) degree parking, fifteen (15) feet wide for forty-five (45) degree parking (angle shall be measured between centerline of parking space and centerline of aisle), and twelve (12) feet wide for parallel parking. For parallel parking, the minimum length of the parking space shall be increased to twenty-three (23) feet. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (c) **Location.**
- (1) Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use.
 - (2) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residence districts but shall not be closer than ten (10) feet to a side lot line, right-of-way line or rear lot line, without prior Village Board approval under Section 13-1-174 [a five (5) foot minimum shall be maintenance under any circumstances].
 - (3) Off-street parking in the single-family resident and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Sections 6-3-1 and 6-3-2. Parking stalls for single- and two- (2) family residences may be placed one behind the other.
- (d) **Surfacing.** All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds [normally, a two (2) inch blacktop on a four (4) inch base or five (5) inches of Portland cement will meet this requirement.] Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- (e) **Landscaping Requirements.**
- (1) **Landscaping.** All public and private off-street parking areas which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Code shall be provided with accessory landscape areas totalling not less than ten percent (10%) of the surfaced area. The minimum size of each landscape area shall not be less than one hundred (100) square feet.

- (2) **Location.** Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Village Board.
- (3) **Plans.** All plans for such proposed parking areas, at the discretion of the Village Board, shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
- (4) **Special Residential Requirements.** Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density, or other effective means, built and maintained at a minimum height of five (5) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.
- (5) **Street Setback Area.** No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
- (6) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with unenclosed parking facilities provided in residence districts.
- (7) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot candles measured at the lot line.
- (f) **Curbs or Barriers.** Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- (g) **The Following Guide Specifies the Minimum Number of Parking Spaces Required.** The reference herein to "the work shift with the largest number of employees" means the maximum number of full-time or part-time employees present at the facility at any one (1) time. For example, the largest work shift may be a particular day of the week, or a lunch or dinner period in the case of a restaurant. The reference herein to "maximum capacity" means the maximum number of persons which may be accommodated by the use as determined by its design or by applicable building code regulations, whichever is greater. In the case of structures or uses not specified herein, the number of spaces specified for a use which is similar shall apply. In developments involving the establishment of two (2) or more uses on one (1) lot or parcel, the number of spaces required for each use shall determine the total number of spaces required.
 - (1) **Residential Uses.**
 - a. Single-family, two-family and multiple-family dwelling — two (2) spaces per dwelling unit.

- b. Mobile homes — two (2) spaces per unit.
- c. Housing for the elderly — 0.75 space per dwelling unit.
- (2) **Retail Sales and Customer Service Uses, and Places of Entertainment**, except as specifically set forth below: One (1) space per one hundred fifty (150) square feet of gross floor area of customer sales and service, plus one (1) space per two hundred (200) square feet of storage and/or office gross floor area, or if the use has at least eighty thousand (80,000) square feet of gross floor area, one (1) space per two hundred (200) square feet of gross floor area. Other retail sales and customer service uses and places of entertainment:
 - a. Financial institutions: One (1) per two hundred (200) square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees. Financial institutions with drive-through service facilities shall provide sufficient space for four (4) waiting vehicles at each drive-through service lane.
 - b. Funeral homes: One (1) space per four (4) patron seats of maximum capacity of twenty-five (25) spaces per chapel unit, whichever is greater.
 - c. Grocery stores or supermarkets: One (1) space per one hundred (100) square feet of gross floor area of customer sales and service plus one (1) space per two hundred (200) square feet of storage and/or office gross floor area.
 - d. Motels and hotels: One and one-half (1.5) spaces per lodging room or suite, plus one (1) space per each employee for the work shift with the largest number of employees; two (2) spaces per lodging room if plans include a conference/meeting room.
 - e. Lodges and clubs: One (1) space per three (3) persons based on the maximum capacity of the facility.
 - f. Repair services: One (1) space per three hundred (300) square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - g. Restaurant, standard: One (1) space per one hundred fifty (150) square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - h. Theaters, auditoriums and other places of public assembly: One (1) space per three (3) patrons based on the maximum capacity of the facility.
 - i. Personal services: One (1) space per two hundred (200) square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - j. Convenience grocery stores: One (1) space per one hundred (100) square feet of gross floor area.
 - k. Restaurants, drive-in: One (1) space per fifty (50) square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

- l. Taverns, dance halls, night clubs and lounges: One (1) space per one hundred (100) square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
- m. Motor vehicle sales establishments: Two (2) customer parking spaces per salesperson for the work shift with the largest number of salespersons, plus one (1) employee parking space per employee (including sales persons) for the work shift with the largest number of employees.
- n. Motor vehicle repair, maintenance and service stations: Three (3) spaces per indoor service bay plus one (1) space per employee for the work shift with the largest number of employees.
- o. Animal hospitals: Three (3) patron parking spaces per doctor, plus one (1) employee parking space for the work shift with the largest number of employees.
- p. Plant nurseries and garden and lawn supply sales establishments: One (1) space per two hundred (200) square feet of gross floor area of inside sales or display, plus one (1) space per five hundred (500) square feet of gross outside sales or display area, plus one (1) space per employee for the work shift with the largest number of employees.
- q. Shopping centers [gross leasable area of at least fifty thousand (50,000) square feet]: Five and one-half (5-1/2) spaces per one thousand (1,000) square feet of gross leasable area.

(3) **Offices.**

- a. Medical, dental and similar professional health service offices: Five (5) patron parking spaces per doctor, plus one (1) parking space per employee for the work shift with the largest number of employees.
- b. Government, professional and business offices: One (1) space per one hundred fifty (150) square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

(4) **Commercial/Recreational Uses.**

- a. Except as specifically set for below: One (1) space per four (4) patrons based on the maximum capacity of the facility, plus one (1) space per two (2) employees the work shift with the largest number of employees.
- b. Other commercial/recreational uses:
 - 1. Bowling alleys: Five (5) spaces for each lane, plus one (1) space per employee for the work shift with the largest number of employees.
 - 2. Golf courses: Ninety (90) spaces per nine (9) holes, plus one (1) space per employee for the work shift with the largest number of employees.
 - 3. Golf driving ranges: One (1) space per tee, plus one (1) space per employee for the work shift with the largest number of employees.
 - 4. Indoor tennis, racquetball and handball courts: Three (3) spaces per court, plus one (1) space per employee for the work shift with the largest number of employees.

5. Miniature golf courses: One and one-half (1-1/2) spaces per hole, plus one (1) space per employee for the work shift with the largest number of employees.
 6. Skating rinks, ice or roller: One (1) space per two hundred (200) square feet of gross floor area.
- (5) **Industrial and Related Uses.**
- a. Manufacturing, processing fabrication and storage operations: One (1) space per employee for the two (2) consecutive work shifts with the largest number of employees.
 - b. Wholesale business: One (1) space per employee for the work shift with the largest number of employees, plus one (1) space per two thousand five hundred (2,500) square feet of gross floor area.
 - c. Warehouse: One (1) space per employee for the work shift with the largest number of employees, plus one (1) space per five thousand (5,000) square feet of gross floor area.
 - d. Mini-warehouse: One (1) space per ten (10) storage cubicles.
 - e. Extractive and related operations: One (1) space per employee for the work shift with the largest number of employees.
- (6) **Institutional and Related Uses.**
- a. Churches: One (1) space per three (3) seats based on the maximum capacity of the facility.
 - b. Libraries: One (1) space per two hundred fifty (250) square feet of gross floor area or one (1) space per four (4) seats of maximum capacity, whichever is greater, plus one (1) space per employee for the work shift with the largest number of employees.
 - c. Museums: One (1) space per two hundred fifty (250) square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - d. Rooming and boarding houses, fraternity and sorority houses, dormitories and rectories: One (1) space per bed.
 - e. Convents and monasteries: One (1) space per three (3) residents, plus one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per five (5) chapel seats if the public may attend.
 - f. Nursing homes: One (1) space per three (3) patient beds, plus one (1) space per employee for the work shift with the largest number of employees.
 - g. Hospitals: Two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor and each other employee for the work shift with the largest number of employees.
 - h. Schools.
 1. Elementary schools and high schools: One (1) space for each teacher and staff member, plus one (1) space for each ten (10) students sixteen (16) years of age and older.

2. Colleges, universities, and trade schools: One (1) space for each teacher and staff member during the highest class attendance period, plus one (1) space for each two (2) students during the highest attendance period.
 3. Children's nursery schools or day schools: One (1) space per employee for the work shift with the largest number of employees, plus one (1) space per six (6) students at the highest class attendance period.
- (h) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.
- (i) **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed. All open off-street parking areas providing more than twenty-five (25) parking spaces, except for parking areas restricted to use by employees only, shall provide parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the following minimum standards:
- (1) One (1) parking space shall be provided in parking areas containing twenty-six (26) to forty-nine (49) spaces.
 - (2) Two percent (2%) of the total number of spaces shall be provided in parking areas containing fifty (50) to one thousand (1,000) spaces.
 - (3) In addition to the number of spaces required in Subsection (i)(2) above, one percent (1%) of each one thousand (1,000) spaces over the first one thousand (1,000) spaces for parking areas providing more than one thousand (1,000) spaces.
 - (4) The minimum dimensions for all parking spaces provided for use by physically disabled persons shall be twelve (12) feet by eighteen (18) feet.
 - (5) Parking spaces provided for the use of physically disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.
 - (6) All parking spaces provided for the use of physically disabled persons shall be marked by a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons.
 - (7) In the event that the Wisconsin Statutes or Wisconsin Administrative Code are amended, the amendments will supercede the authority of this Chapter.
- (j) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of fifty percent (50%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

(k) **Off-Lot Parking.**

- (1) Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met, such parking spaces may be located off-lot provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the Village Attorney.
- (2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within three hundred (300) feet of the entrance of the establishment.
- (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
- (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

Sec. 13-1-93 Highway Access.

- (a) **Private Access Restricted.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (b) **Public or Private Access Prohibited.** No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
 - (1) Freeways, interstate highways and their interchanges or turning lanes nor to intersection of interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
 - (2) Arterial streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines.
 - (3) Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines.
- (c) **Public Access Barriers.** Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (d) **Temporary Access.** Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

Sec. 13-1-94 Storage and Parking of Recreational Vehicles.

- (a) **Definitions — Recreational Vehicles.** For purposes of this Section, the following definitions shall apply:
- (1) **Recreational Vehicle.** Recreational vehicle means any of the following:
 - a. **Travel trailer.** A vehicular, portable structure built on a chassis and on wheels; that is, between ten (10) and thirty-six (36) feet long, including the hitch, and eight and one-half (8.5) feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
 - b. **Pick-up Coach.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
 - c. **Motor Home.** A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
 - d. **Camping Trailer.** A canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
 - e. **Chassis Mounts, Motor Homes and Mini-Motor Homes.** Recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom.
 - f. **Converted and Chopped Van.** Recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
 - (2) **Boat or Snowmobile Trailer.** A vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article, is termed an unmounted boat or snowmobile.
 - (3) **Boat.** Every description of watercraft used or capable of being used as a means of transportation on water.
 - (4) **Yard, Front.** That part of a lot between the front lot line and the front(s) of the principal building on the lot, and extended to both side lot lines.
 - (5) **Yard, Rear.** That part of a lot between the rear lot line and the back(s) of the principal building on the lot, and extended to both side lot lines.
 - (6) **Yard, Side.** That part of a lot not surrounded by building and not in the front or rear yard.
- (b) **Permitted Parking or Storage of Recreational Vehicles.** In all residential and commercial districts provided for in this Zoning Code, it is permissible to park and store a recreational vehicle or boat and boat trailer on private property in the following manner:
- (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
 - (2) Parking is permitted outside in the side yard provided it is not nearer than five (5) feet to the lot line.

- (3) Parking is permitted outside on a hard-surfaced or well-drained gravel driveway, provided:
 - a. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard.
 - b. A corner lot is always deemed to have reasonable access to the rear yard.
 - c. A fence is not necessarily deemed to prevent reasonable access.
 - d. Inside parking is not possible.
 - e. The unit is parked perpendicular to the front curb.
- (4) The body of the recreational vehicle or boat must be at least fifteen (15) feet from the face of any curb.
- (5) No part of the unit may extend over the public sidewalk or public right-of-way.
- (6) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
 - a. Used for dwelling purposes, except for overnight sleeping for a maximum of ten (10) days in any one calendar year. Cooking is not permitted at any time.
 - b. Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (7) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (8) The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

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

Sec. 13-1-95 Storage of Tractors and Road Machinery.

No person, firm or corporation shall park, keep or maintain on properties zoned as residential or multiple residential dwellings, the following types of vehicles: Semi-tractors and/or trailers, landscaping equipment, dump trucks, auto wreckers and road machinery. Said vehicles may not be kept or parked on said premises whether or not they are in enclosed buildings, except for the purposes of unloading or servicing the premises.

Sec. 13-1-96 through Sec. 13-1-99 Reserved for Future Use.

10

11

12

13

14

Article G: Signs, Canopies, Awnings and Billboards

Sec. 13-1-100 Purpose of Sign, Canopy and Awning Regulations.

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

Sec. 13-1-101 Signs, Canopies, Awnings and Billboards— Definitions.

- (a) The following definitions are used in this Article (Note: Not all types of signs defined herein are permitted under this Article):
- (1) **Abandoned Sign.** A sign which no longer correctly advertises a bona fide business, owner, landlord/tenant, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.
 - (2) **Animated Sign.** Any sign or part of a sign which changes physical position by movement or rotation, or gives the illusion of such change of physical position.
 - (3) **Area of Copy.** The entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of an advertising message, announcement, or decoration.
 - (4) **Area of Sign.** The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface.
 - (5) **Awning.** A movable hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure. For purposes of this Article, an "awning sign" is any awning. Decorative awnings without lettering or imagery are not considered signs.
 - (6) **Banner.** A banner sign is generally constructed of a flexible non-rigid material (i.e. canvas, cloth, plastic, etc.) upon which goods, events or advertising has been placed, mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

- (7) **Billboard.** A flat surface, as of a panel, wall or fence on which signs are posted advertising goods, products, facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (8) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (9) **Building Front.** The horizontal, linear dimension of that side of a building which faces a street, a parking area, a mall, or other circulation area open to the general public; and having either a main window display of the enterprise or a public entrance to the building. (In industrial districts a building side with an entrance open to industrial employees also shall qualify as a building front.)
- (10) **Bulletin Board.** A sign used for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.
- (11) **Canopy.** Any structure of canvas, other fabric, plastic, metal or wood or other material, which is permanently attached to any exterior building wall in any manner, intended to shield any wall, window, door, sidewalk or roadway from sun, rain or any other element, and which is not retractable such as an awning.
- (12) **Canopy Sign.** Any sign attached to or constructed in, on or under a canopy for the purpose of this Article, canopy signs shall be controlled by the rules governing projecting signs.
- (13) **Changeable Message Sign.** A sign such as a manual, electronic or electric controlled time and temperature sign message center, or reader board, whether electronic or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.
- (14) **Copy Area.** The geometric area in square feet that encloses the actual copy message of the sign.
- (15) **Directional Sign.** Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot and does not contain any advertising copy.
- (16) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (17) **Directory Sign.** Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (18) **Display Surface or Face.** The display surface is the area made available by the sign structure for the purpose of displaying the advertising message, or which is intended to draw attention to the advertising message.
- (19) **Distance of Sign Projection.** The distance from the exterior wall surface of the building to the outer extremity of a sign attached to a building.

- (20) **Electric Sign.** Any sign containing internal electrical wiring which is attached, or intended to be attached, to an electrical energy source.
- (21) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (22) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (23) **Flat Sign/Flush Mounted.** See definition for "Wall Signs."
- (24) **Freestanding (Ground and/or Pylon Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (25) **Grade.** The elevation or level of the sidewalk closest to the sign to which reference is made. If no sidewalk is present, then grade shall be defined as the elevation or level of the street at the same point, measured at the street's centerline.
- (26) **Gross Area.** The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for Area of Copy apply.
- (27) **Ground Sign.** A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building. Also known as a "freestanding sign."
- (28) **Height of Sign.** The vertical distance measured from the mean centerline street grade to the highest point of the sign. If sign and sidewalk are not in essentially parallel planes, then measured vertically at the horizontal midpoint of the sign.
- (29) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (30) **Illuminated Awning.** An internally illuminated awning fabricated from a translucent material, or one which is backlighted as to appear to illuminate the awning sign. An illuminated awning may be used for an awning sign when other requirements are met.
- (31) **Illuminated Canopy.** An internally illuminated canopy, or one which is backlighted as to appear to illuminate the canopy sign.
- (32) **Illuminated Sign.** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
- (33) **Indirectly Illuminated Sign.** A sign that is illuminated from a source outside of the actual sign.
- (34) **Joint Identification Sign.** A sign which serves a common or collective identification for two (2) or more businesses or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof.

- (35) **Legal Non-Conforming Sign.** Any sign which was already in existence and displayed on the effective date of this Article, which met code requirements when originally installed, but not meeting the requirements and limitations of this Article.
- (36) **Marquee.** A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (37) **Marquee Sign.** Any sign attached to or constructed in a marquee.
- (38) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Article.
- (39) **Off-Premise Third Party Sign.** Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the sign is located.
- (40) **On-Premise Sign.** A sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained.
- (41) **Painted Wall Signs.** Signs painted directly onto a building wall.
- (42) **Political Sign.** Any sign displaying a candidate for an election, or a current referendum's or election's subject matter.
- (43) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground or a building which is designed to be easily moved from one location to another.
- (44) **Projecting Sign.** A sign other than a wall sign which projects from a wall or roof and is supported by a wall or roof of a building. (See "Wall Sign".)
- (45) **Pylon Sign.** Any freestanding sign mounted on a pole or other pylon.
- (46) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (47) **Roof Line.** The highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing mechanical equipment.
- (48) **Roof Sign.** A sign erected upon or above the roof line or parapet of the building or structure.
- (49) **Sandwich Sign.** A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near the roadway.
- (50) **Sign.** Any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.
- (51) **Sign Contractor.** Any person, partnership or corporation engaged in whole or in part, in the business of erection or maintenance of signs, excluding the business which the sign advertises.
- (52) **Sign Inspector.** That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this Article. In the Village of Sullivan, the Sign Inspector will be the Zoning Administrator or Building Inspector.

- (53) **Sign Permit.** A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion or demolition of any sign, issued pursuant to this Article and the Building Code of the Village of Sullivan.
- (54) **Sign Structure.** Any supports, uprights, braces and framework of the sign which does not include any portion of the sign message.
- (55) **Subdivision Identification Sign.** A sign identifying a subdivision wherein only the name of the subdivision is specified.
- (56) **Swinging Sign.** A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole to limit or prevent free swinging.
- (57) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed thirty (30) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed thirty-two (32) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Article, a portable sign is not a temporary sign.
- (58) **Time and Temperature Sign.** An electrically controlled sign displaying time and temperature for public service information and may be incorporated into a business identification sign.
- (59) **Third Party Sign.** Any sign which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the lot on which said sign is located.
- (60) **Wall Sign.** Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than sixteen (16) inches from such wall.
- (61) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way. For purposes of this Article a window sign shall not include any sign permanently attached in the window or directly painted on the glass.

Sec. 13-1-102 Required Permits for Signs, Canopies, Awnings and Billboards.

(a) Permit Required.

- (1) Except those specified in Section 13-1-103, no sign, billboard, awning or canopy, as defined in this Article, shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Article.
- (2) Signs also shall meet all other structural requirements of other applicable codes and ordinances of the Village of Sullivan.
- (3) Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.

- (4) The required sign permit fee shall accompany each sign application and shall be required for all new signs and any modifications of any existing sign face or sign structure.
- (5) Any sign permit granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure.
- (b) **Application for a Permit.** Any person, firm, corporation or organization desiring to place, erect, alter or relocate a sign, as herein defined, except an exempt sign, shall make application to the Zoning Administrator and shall provide in writing the following information:
 - (1) The name, address and telephone number of the applicant.
 - (2) The name and address of the owner or owners of the premises upon which the sign is to be attached or erected, including written proof of consent from the property owner upon which the sign(s) are to be erected and maintained.
 - (3) The street number and street name or tax parcel number of the land upon which the sign is to be attached or erected.
 - (4) A legible scaled drawing with description and dimensions of the sign(s) to be erected or maintained under that permit and the sign's proposed location on the building or site.
 - (5) The basic materials to be used in the construction of the sign.
 - (6) The name, address and telephone number of the owner of the sign if he or she is neither the applicant nor the owner of the premises on which the sign is to be attached or erected.
 - (7) A description of all electrical equipment if the sign is to be lighted or illuminated.
 - (8) Proof of payment of the appropriate sign permit fee, when required.
 - (9) Any other item of information that may be reasonably required by the Zoning Administrator or other Village officials for the purpose of application evaluation.
- (c) **Plan Commission Application Review.** If the application is complete and the sign conforms to the basic requirements of this Article, the following actions shall be taken:
 - (1) If the sign is less than six (6) square feet in area, the Zoning Administrator may issue a permit.
 - (2) If the sign is larger than six (6) square feet, the sign shall be reviewed by the Plan Commission, except those signs designated in Section 13-1-106.
 - (3) The Plan Commission shall review all applications within thirty (30) days of submittal. The Plan Commission shall review the applications and apply the established Sign Design Review Guidelines prescribed in Subsections (d) and (e). If the Plan Commission cannot act to approve, deny or to agree with the applicant to extend the time within the thirty (30) day review period, the Zoning Administrator shall be authorized to act on the application using the established Sign Design Review Guidelines.
- (d) **Basis for Granting.** In reviewing a sign permit application, the Zoning Administrator and/or Plan Commission may consider the following factors in deciding whether or not to grant the issuance of a sign permit [see also Subsection (e) below]:

- (1) Whether the sign is designed, installed, and maintained to promote the surrounding environment desired by the general public, pursuant to the objectives of proper design and zoning criteria.
 - (2) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.
 - (3) Whether the sign is legible, readable, and visible in the circumstances in which it is to be used.
 - (4) Whether the sign, including size, height, illumination and location, is respectful of reasonable rights of other advertisers whose messages are displayed in the area.
 - (5) Whether the sign is in compliance with the provisions of this Article.
 - (6) Whether the sign is in compliance with the provisions of this Code of Ordinances relating to traffic safety, traffic visibility setbacks, historic preservation and zoning.
- (e) **Sign Design Review Guidelines.** In addition to the criteria established in Subsection (d) above, the following Sign Review Guidelines shall be used by the Plan Commission in acting on sign permit applications and by the Zoning Board of Appeals in acting on appeals or variance requests:
- (1) Any signage affixed to a building should be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
 - (2) All signs should be designed to fit the zoning and status character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in special planning areas, such as the downtown, or historic preservation areas, will be required to conform to the planned dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a residential nuisance.
 - (3) As a general guidelines and where feasible, ground mounted, free standing signs larger than six (6) square feet shall be located at least one hundred (100) feet apart.
 - (4) Signs illuminated by floodlight or spotlights must be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians, and may not exceed three (3) footcandles at the lot line.
 - (5) As a general guideline, the number of colors and materials should be kept to a minimum.
 - (6) Landscape features will be encouraged as part of all ground mounted signs. Landscape plantings or other landscape materials will not be counted as part of the allowable signage area.
- (f) **Permit Issuance/Denial.**
- (1) All sign permit applications shall be reviewed by the Zoning Administrator who shall deny or grant such applications or refer the application to the Plan Commission, within ten (10) business days of receipt of the complete application and payment of fee. If the sign meets the requirements of this Article, all other ordinances of the

Village and the approval of the Plan Commission as established herein, the Zoning Administrator shall issue a permit therefor.

- (2) If the sign permit is denied by the Zoning Administrator or Plan Commission, within five (5) days, a written notice of the denial shall be provided to the applicant, together with a brief written statement of the reasons for the denial.
 - (3) No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.
- (g) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator who may inspect the premises to inspect whether the sign complies with the regulations of this Article.
- (h) **Appeal of Denial of Sign Permit.**
- (1) Any decision of the Plan Commission or Zoning Administrator under this Article may be appealed to the Board of Appeals. A request for an appeals hearing shall be made in writing to the Zoning Administrator within thirty (30) days of the date of permit denial.
 - (2) A majority vote of the Board of Appeals is required to modify the earlier determination of the Zoning Administrator or Plan Commission.
- (i) **Permit Revocation; Appeal.**
- (1) A sign permit may be revoked by the Zoning Administrator in the event that the applicant has failed to comply with the provisions of these regulations or any conditions that may have accompanied the permit at the time of granting.
 - (2) The holder of a revoked sign permit may appeal such revocation action to the Board of Appeals. A request for an appeals hearing shall be made in writing to the Zoning Administrator within thirty (30) days of the date of the original permit revocation.
 - (3) Upon any permit revocation or failure to prevail before the Board of Appeals, the sign(s) subject to such revoked permits shall be removed by the licensee within thirty (30) days of such revocation.
 - (4) Revocation shall not give cause to a right of total or partial reimbursement of license fees paid.
- (j) **Standards for Board of Appeals in Reviewing Appeals.** The Board of Appeals may authorize upon appeal, in specific cases, issuance of a sign permit when such decision will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Article will result in unnecessary hardship and so that the spirit of this Article shall be observed and substantial justice done. No Board of Appeals's appellate decision shall have the effect of allowing in any district uses prohibited in that district or permit standards significantly lower than those required by state law or this Article.
- (k) **Stay of Proceedings During Appeals.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her

opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

- (l) **Signs in Historic Districts.** In addition to these sign regulations, all signs within any historic district shall be subject to the provisions of the Village's Historic Preservation Code.
- (m) **Permit Validity.** Any sign permit issued by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within one hundred eighty (180) days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of ninety (90) days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.

Cross-Reference: Section 13-1-113, Variances.

Sec. 13-1-103 Signs Not Requiring a Permit.

The following signs may be erected and maintained in all zoning districts, except where noted, without a permit and without being deducted from gross sign surface area permitted.

- (a) **Bulletin Boards.** One bulletin board per street frontage, and not over thirty-two (32) square feet in area, for public, charitable or religious institutions located on site.
- (b) **Government Signs.** Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty. Included within this definition are off-premise institutional signs.
- (c) **Interior Signs.** Signs located within the interior of any building or structure which are not visible from the public right-of-way.
- (d) **Memorial Signs.** Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or inlaid so as to be part of the building.
- (e) **Occupant Signs.** Signs limited in content to name of occupant, address of premises, and signs of danger. Occupant signs shall be a maximum of one (1) per street front and no more than three (3) square feet in sign area.
- (f) **Governmental Notices.** Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes or to identify streets or to warn of danger.
- (g) **Temporary Construction Safety Signs.** Temporary or permanent signs erected by public utility companies or construction companies to warn of dangerous or hazardous conditions.

- (h) **Traffic and Service Signs on Private Premises.** Traffic and parking signs and devices privately-owned and on private premises, and containing messages such as "exit only", "restricted for _____", and the like, the sole purpose of which is to direct and control traffic on the premises and which does not exceed ten (10) feet in height nor contain more than twelve (12) square feet per face. Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without permit under this exception.
- (i) **Signs Required by Law.** Signs required by law, statute or ordinance, constructed and maintained according to the law, statute or ordinance under which the sign was erected.
- (j) **Real Estate Signs.** One sign per street frontage may be placed on the offered property and shall not be more than six (6) square feet in size for residential property and not more than thirty-two (32) square feet in area for non-residential property. The sign may only advertise the sale, rental or lease of the premises upon which it is located and contain the name and/or logo of the real estate company, or individuals and their respective addresses and telephone numbers, posting the sign. Such signs shall be removed within thirty (30) days after sale, rental or lease of the property.
- (k) **Signs in Display Windows.** Signs in the display window of a business which relate to services or products offered therein. This display sign exception is only permitted for properties in the following zoning districts: B-1 General Commercial District and B-2 Highway Commercial District. The window sign must direct attention to a business or profession conducted on the premises or to a product, service or entertainment sold or offered on said premises. Window signs shall be placed only on the inside of commercial buildings and shall not exceed thirty-five percent (35%) of the glass area of the pane upon which the sign is displayed.
- (l) **On-Premise Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historical agencies.
- (m) **On-Premise Temporary and Portable Signs in Residential Districts.** Temporary or portable signs under twenty (20) square feet for the purpose of an on-site open house, model home demonstration, special event such as a birthday or anniversary, and for five (5) days thereafter, but may not exceed a total period of thirty (30) days per twelve (12) month period.
- (n) **Civic Event Temporary Signs.** Temporary off-premises signs not exceeding four (4) square feet in residential or public lands districts, or thirty-two (32) square feet in the B-1, B-2, B-3 and I-1 Districts, pertaining to drives or events of civic, philanthropic, educational, religious, or non-profit organizations, provided such signs are posted not more than thirty (30) days before said event and removed within seven (7) days after the event.
- (o) **Political Signs.** Political message, public election or referenda signs during an election campaign, as defined in Sec. 12.04(1), Wis. Stats., limited to one (1) per premises per

candidate or referenda question. Political signs may be posted sixty (60) days before an election and must be removed within seven (7) days after said election. Said sign shall be a maximum of sixteen (16) square feet.

- (p) **Rummage/Garage Sale Signs.** Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale. Rummage or garage sale signs may only be located on the day of the garage sale within street right-of-way lines between the private property line and the pavement edge with the permission of the adjoining private property owner or renter in a location which does not create a visibility or traffic hazard (as determined by the Zoning Administrator or a law enforcement officer).
- (q) **Open/Close Signs.** Illuminated and non-illuminated signs not exceeding ten (10) square feet in area announcing that a business is open or closed.

Sec. 13-1-104 Residential Signs Requiring a Permit.

In addition to those permitted signs not requiring a permit pursuant to Section 13-1-103, the following nonflashing, nonilluminated signs (except as otherwise provided) are permitted under the conditions specified in all residential, mobile home, and agricultural districts, and planned unit developments (residential) established by the Village's Zoning Code.

- (a) **Temporary Signs Accessory to Subdivision Developments or Other Permitted Improvements in Residential Districts.** Subject to the following:
 - (1) **Content.** The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, of lots for sale, or for the identification of other nonresidential uses under construction.
 - (2) **Area, Number and Setback.** Such signs shall not exceed two (2) in number for each subdivision nor fifty (50) square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least fifty (50) feet from all other boundaries of the site.
 - (3) **Height.** No sign shall project higher than eight (8) feet above curb level.
 - (4) **Time Limitations.** The sign or signs shall be removed by the applicant or property owner within two (2) years of the date of the issuance of a sign permit or when the parcels being advertised are sold, whichever occurs first.
- (b) **Permanent Subdivision Identification Signs.** Subject to the following:
 - (1) **Content.** The signs shall bear only the name of the subdivision or development.
 - (2) **Area and Number.** There shall be not more than two (2) signs located at each entrance to a subdivision. No sign shall exceed thirty-two (32) square feet in area. Such identification signs shall only be erected after review and approval by the Zoning Administrator.
 - (3) **Height.** No sign shall project higher than twelve (12) feet above curb level.

- (4) **Location.** The location of any such sign shall be at the discretion of the Zoning Administrator based upon the character of the area, the type and purpose of the sign.
- (c) **Nonflashing, Illuminated Public Directory or Church Bulletins.** Public, religious and charitable institutions (holding IRS tax-exempt status) may have the following signage:
 - (1) **Area and Number.** There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs (one facing each street) shall be permitted. No sign shall exceed twenty-four (24) square feet in area nor be closer than five (5) feet from any lot line.
 - (2) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (3) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.
- (d) **Bed and Breakfast Signs.** Subject to the following:
 - (1) **Content.** The sign shall bear only the name, address and other pertinent information regarding the bed and breakfast establishment.
 - (2) **Area and Number.** There shall not be more than one (1) sign per lot street frontage. No sign shall exceed sixteen (16) square feet in area. Such sign shall have a ten (10) feet setback from a public right-of-way or lot line.
 - (3) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (4) **Height.** No sign shall project higher than six (6) feet above the street level.
- (e) **Home Occupation/Professional Home Office.** Subject to the following:
 - (1) **Content.** The sign shall bear only the name, address, hours and other pertinent information regarding the on-site home occupation or professional home office maintained in compliance with the Village's Zoning Code.
 - (2) **Area and Number.** There shall not be more than one (1) sign per lot. No sign shall exceed six (6) square feet in area. Such sign shall have a ten (10) foot setback from a public right-of-way or lot line.
 - (3) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (4) **Height.** No sign shall project higher than six (6) feet above the street level.

Sec. 13-1-105 Commercial and Industrial Signs Requiring a Permit.

- (a) **Permitted Signs.** The following signs shall require a permit to be issued by the Village of Sullivan. Signs may be permitted in specific zoning categories, subject to the following restrictions.
- (b) **Height and Setback Requirements.** In commercial or industrial zoning districts where setbacks are required for building construction, no part of any sign shall extend over the property line. In zoning districts where no front yard setbacks are required, a sign must be

attached to the building and shall project no more than four (4) feet over the abutting public sidewalk or established street grade.

(c) **Number of Signs Permitted.**

- (1) **Total Number.** No more than two (2) signs of any type shall be located at any business, except that premises occupied by a shopping center may, as an alternative, have one (1) detached directory sign plus one (1) wall sign for each place of business located in said shopping center, provided that the aggregate total area of all signs located on any premises so occupied shall not exceed the total area permitted for one (1) detached sign and one (1) flat sign as set forth in this Article.
- (2) **Corner Lots.** Businesses with streets fronting both sides shall be allowed two (2) types of signs for each street frontage; no street frontage buildings shall be allowed two (2) of the same type of sign for that particular business.

(d) **Types of Signs, Maximum Size, Number and Location.**

- (1) **Directory Signs.** Directory signs advertising a business or activity conducted, an area of interest, or a service available at a specific location are permitted in the B-1, B-2, B-3 and I-1 Districts when a part of a Village-sponsored directory sign program. Such signs shall be not more than twenty-four (24) square feet in gross area. There shall not be more than two (2) such signs relating to any one (1) such use in the approaching direction along any one (1) highway. Such signs may be placed at the right-of-way line of the highway. A larger number of signs may be permitted by the Plan Commission if the Plan Commission shall find it necessary for directing the traveling public. The Plan Commission shall designate a uniform sign design for such directory signs.
- (2) **Wall Signs.** Wall signs are permitted in the B-1, B-2, B-3 and I-1 Districts. Wall signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches outside of a building's wall surface, nor extend above or beyond the wall itself. Total sign area (including multiple business/tenant signs on a single property) shall not exceed one (1) square foot for each lineal foot of the building parallel with the main street frontage. Rear or side entrance signs are subject to the same size restrictions as that found at the principal (front/main) entrance to the building. Signs on other building facades (i.e. non-entrance side facades) are limited to one-half (1/2) square foot per lineal foot of such facade. All signs attached or affixed to a building shall not exceed twenty (20) feet in height above the mean centerline street grade.
- (3) **Projecting Signs.** Projecting signs fastened to, suspended from, or supported by a building or structure, shall not exceed in gross area for any one (1) premise: forty (40) square feet on each of two (2) faces in the B-2 Highway Commercial District or B-3 Business Park District, and forty (40) square feet on each of two (2) sides in an Industrial District. With the exception of existing marquee signs of historic interest, permits shall not be issued for new projecting signs in the B-1 General Commercial District. Such signs shall not extend into any public right-of-way; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a pedestrian walk nor less than fifteen (15) feet above an alley or driveway.

- (4) **Ground Signs.** Ground signs and their supporting structure shall comply with all setback requirements of the District in which they are located, and shall be located not less than fifty (50) feet from the street centerline. Ground signs shall not exceed in gross area for any one (1) premise: One hundred (100) square feet on all sides in a B-1 General Commercial District; one hundred twenty (120) square feet on all sides in a B-2 Highway Commercial District or an I-1 or B-3 Industrial District. Such signs shall not exceed at their highest point twenty (20) feet in height above mean centerline street grade. One (1) ground sign is permitted on a street frontage provided there is no pylon sign on that side. Any ground sign in a B-2 Highway Commercial District, B-3 Business Park District or I-1 Industrial District shall have a minimum landscaped area of sixteen (16) square feet around the base of the ground sign.
- (5) **Pylon Signs.** Pylon signs shall not exceed thirty (30) feet in height in a B-2 or B-3 Business District or I-1 Industrial District. Pylon signs shall not be placed in the B-1 General Commercial District. Height is measured above the mean centerline of street grade. The sign shall be completely within the property upon which it is located. One (1) pylon sign per street frontage is permitted. Size is limited to one hundred (100) square feet for one (1) side, or two hundred (200) feet for all sides. When there exists a property zoned in a B-2 Highway Commercial District with continuous road/highway frontage in excess of three hundred (300) feet, the size is limited to two hundred (200) square feet per side or four hundred (400) square feet for all sides. Any pylon sign shall have a minimum landscaped area of sixteen (16) square feet around the base of the pole.
- (6) **Off-Premise Third Party Signs.** Off-premise third party signs are prohibited except that a business in a B-2 Highway Commercial District may have an off-premise pylon or ground sign shared with a physically adjacent business on the adjacent business' property. Such a shared sign shall comply with the dimensional requirements of Subsections (d)(4) and (5) above, except that the secondary sign's dimensions shall not exceed fifty percent (50%) of the primary sign's maximum allowable dimensions. Such signs shall share the same pylon or ground sign mountings.
- (7) **Shopping Center/Industrial Park Directory Signs.** In a shopping center or industrial park, one (1) free-standing identification/directory sign for each street upon which the development fronts may be permitted showing the name of said center or park and represented business or industries. Directory signs for shopping centers or industrial parks are permitted as an alternative to ground signs or projecting signs for individual stores in the shopping center or business in the industrial park. The top of a directory sign shall not exceed thirty-two (32) feet in height above the mean centerline street grade and the bottom of the sign shall not be less than ten (10) feet above the sidewalk and not more than sixteen (16) feet above a driveway or alley. Double supporting pylons shall not be greater than ten (10) feet apart. That portion of the directory sign which advertises the shopping center or industrial park name shall not

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

Sec. 13-1-106 Special Sign Requirements.

- (a) **Electronic Message Unit Signs.**
 - (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
 - (2) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.
 - (3) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (b) **Portable Signs/Message Boards.** Such signs shall be limited in use to twenty (20) days at a time following approval by the Zoning Administrator, provided, however, that the Zoning Administrator shall not give approval for placement of a portable sign/message board if it presents a vision obstruction; such signs shall not be displayed more frequently than four (4) times per calendar year at any one (1) location, not more than thirty (30) days each time. The maximum size of a portable sign/message board shall be twenty-five (25) square feet on each face, back to back. Portable signs/message boards shall not be located in any public right-of-ways and shall be securely fastened to prevent any hazardous condition.
- (c) **Search Lights.** The Zoning Administrator may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period.
- (d) **Sandwich Signs.** In instances where the property owner or business tenant in a B-1 General Commercial District or B-2 Highway Commercial District wishes to erect a sandwich board, there is a limit of one (1) sandwich board per business tenant and such sign shall not exceed four (4) feet in height and eight (8) square feet per side display area. Sandwich signs may be placed only after issuance of a sign permit and shall be placed in a manner so as not to present a hazard.
- (e) **On-Site Banner Signs.** On-site banner signs, whether permanent or temporary, are not permitted.
- (f) **Over-the-Street Banners.** Over-the-street banners are not permitted, except for civic activities.
- (g) **Neon Signs.** Exterior neon or gas illumination signs require a sign permit.

Sec. 13-1-107 Awnings and Canopies.

- (a) **Permitted Awnings.** No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
 - (2) **Height.** All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
 - (3) **Awning Extension from Curb Line.** No entrance awning shall extend beyond a point eight (8) feet into the right-of-way.
 - (4) **Advertising.** No advertising shall be placed on any awning, except that the name and logo of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding eight (8) inches in height on the front and side edges.
- (b) **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) **Support.** The structural support of all canopies shall be properly designed and be approved by the Zoning Administrator as in compliance with the Building Code of the Village. All frames and supports shall be designed to withstand a wind pressure as provided in this Article. All canopies and awnings shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and/or awning and the sidewalk or ground below.
 - (2) **Height Above Sidewalk.** All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
 - (3) **Canopy Extension from Curb Line.** No entrance canopy shall extend beyond a point eight (8) feet from the face of a wall or building.
 - (4) **Advertising.** No advertising shall be placed on any canopy, except that the name and logo of the establishment may be painted or placed in a space not exceeding twenty-four (24) inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder, providing, however, that if such canopy shall contain more or other than the name of the establishment in letters more than eight (8) inches high on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.

Sec. 13-1-108 Prohibited Features.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with freestanding signs are encouraged and shall not be counted as allowable sign area. The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

Sec. 13-1-109 Prohibited or Restricted Signs.

- (a) **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- (b) **Moving or Flashing Signs.** No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights, bare reflecting-type bulbs, or utilizes a spot or beacon light to illuminate a sign, except those giving public service information such as time, date, temperature, weather or similar information. Public information display signs require approval by the Plan Commission. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (c) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Article.
- (d) **Billboards.** No new billboards shall be permitted in the Village of Sullivan after the original effective date of this Article. Billboards located upon property annexed to the Village and existing as of the effective date of this Article are permitted to remain unless the owner structurally alters such billboard in any manner. If damaged, or if structural alteration is made/required, such billboard shall be permanently removed. However, any billboards existing as of the effective date of this Article must be removed permanently within three (3) years following annexation, and with such removal being agreed to in writing by the owner/lessor/lessee thereof in writing prior to such annexation.
- (e) **Painted Wall and Other Prohibited Signs.** Painted wall signs are signs which are painted directly onto the surface of the building; painted wall signs are prohibited in the Village of Sullivan. No person shall paste or otherwise fasten any paper or other material, paint, stencil or write any number, sign, name or any disfiguring mark within any street right-of-way, on any sidewalk, curb, gutter, street, post, fire hydrant, pole or tree, any other sign, building, fence or other structure, nor shall any of said objects be defaced in any manner. No signage shall be used except those types specifically permitted by this Article.

- (f) **Immoral Sign Subjects.** Signs which bear or contain statements, words, pictures, or symbols of obscene, pornographic or immoral subjects are prohibited.
- (g) **Roof Signs.** Roof signs are prohibited in the Village of Sullivan.
- (h) **Swinging Signs.** Swinging signs are prohibited.
- (i) **Third-Party Signs.** Third-party signs and billboards are prohibited, except as provided in Section 13-1-105(d)(6).
- (j) **Advertising Vehicle Sign Configuration.** No persons shall park any vehicle or trailer on a public right-of-way or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purposes of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premise. Business vehicles containing typical business signage and which are actively used on a daily basis for business purposes, are exempt from this prohibition.
- (k) **Floodlighted and Illuminated Signs.** Signs may be floodlighted or illuminated, subject to the following restrictions:
 - (1) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public right-of-way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operations of a motor vehicle, are prohibited.
 - (2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any residential property, and which are of such intensity or brilliance as to cause a public nuisance, are prohibited.
 - (3) No sign shall be so floodlighted or illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.
 - (4) Spotlights and beacons are restricted under Subsection (b) above.

Sec. 13-1-110 Nonconforming Signs.

- (a) **Nonconforming Signs.**
 - (1) **Nonconforming Sign Criteria.** Signs existing as of the effective date of this Article which do not conform to the provisions of this Article are nonconforming signs and shall be subject to the provisions of this Section. Nonconforming signs may be maintained. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Article. [Refer to Subsection (b) below.] Compliance is the responsibility of the property owner.
 - (2) **New Signs Not Permitted.** Business signs on the premises of a nonconforming use or building may be continued per this Section, but new signs for such uses shall not

- be allowed, nor shall expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area, may be erected only upon the complete removal of all other signs existing at the time of adoption of this Article.
- (3) **Removal of Nonconforming Signs After Amortization Period.** The Village Board finds that the Village's development and increased competition among various businesses located in the Village has significantly increased the number of signs. The result has been an excessive number of signs, which tend to increase public confusion, interfere with other signs, distract operators of motor vehicles, and cause visual blight. The Village Board has determined that it is in the public interest to eliminate legal nonconforming signs. The Village Board also recognizes that owners of signs may have property interests of value in such nonconforming signs that may be amortized over time and thus is adopting a reasonable phase-out period. All legal nonconforming signs which could not be erected under the standards of this Article shall be removed, at the cost of the property owner, within ten (10) years of the effective date of this Article.
 - (4) **Removal Upon Business Termination.** Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per Section 13-1-114. Closing businesses must remove their signs within thirty (30) days of closing.
 - (5) **Change in Sign User.** Whenever there is a change in the sign user (excluding off-premise signs) or owner of the property on which the sign is located, the new sign user or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure.
- (b) **Alteration of Signs.**
- (1) **Alteration Defined.** For the purpose of this Article, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including: changing the message (except for marquee or off-premise advertising signs), symbols, color, material, height or location.
 - (2) **Maintenance Exception.** Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee sign; or changing the face of an off-premise advertising sign.
- (c) **Loss of Legal Nonconforming Status.**
- (1) In addition to the standards in Subsections (a) and (b) above, a sign may also lose its nonconforming status if one (1) or more of the following occurs:
 - a. If said sign is damaged by fire, flood, explosion, earthquake, vandalism, war, riot or Act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty

percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article.

- b. The sign is relocated;
 - c. The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
- (2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.
- (d) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs. However, legal nonconforming signs shall not be reinstalled, reconstructed or have their useful life extended.

Sec. 13-1-111 Dangerous and Abandoned Signs.

- (a) **Removal of Dangerous Signs.** All signs shall be removed by the owner or tenant of the premises upon which the sign is located if in the judgment of the Zoning Administrator, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or tenant fails to remove it, the Zoning Administrator may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Building Inspector to the Board of Appeals.
- (b) **Abandoned Signs.** Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days' written notice to remove said sign and thereafter upon the owner's or lessee's failure to comply may remove such sign, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Zoning Administrator may take any other appropriate legal action necessary to attain compliance.
- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Sign Code after the date of adoption are hereby declared public nuisances within the meaning of the Village of Sullivan Code of Ordinances. In addition to the penalty provisions for violations of this Article, the Zoning Administrator or Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes or Village ordinance.

Sec. 13-1-112 Construction and Maintenance Regulations for Signs.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times.

Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector or Zoning Administrator.

(b) **General Requirements.**

- (1) **Construction Standards.** All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.
- (2) **Projection.** Signs including supports shall not interfere with surrounding properties or traffic.
- (3) **Prohibited Mounting.** No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
- (4) **Maintenance.** All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
- (5) **Annexed Areas.** All signs in newly annexed areas shall comply with this Article within three (3) years of annexation.

Sec. 13-1-113 Variances or Exceptions.

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

Sec. 13-1-114 Violations of Sign Code.

- (a) **Construction Without Permit.** Any person, firm or corporation who begins, erects, improperly alters, or completes the erection or construction of any sign, awning or canopy controlled by this Article prior to the granting of a sign permit shall pay a penalty double the amount of the permit otherwise required.
- (b) **Compliance Notice.**
 - (1) If the Zoning Administrator finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, or has been improperly erected, altered or maintained, it shall give written notice to the sign owner and to the property owner.

13-1-114

- (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five (5) days after such notice, the Zoning Administrator may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this Article, per Sec. 66.0627, Wis. Stats.
- (c) **Violations; Penalties.** Any person who shall violate any of the provisions of this Article shall be subject to a penalty which shall be as follows:
- (1) Any person found guilty of violating any part of this Article who has previously been notified of being in violation, upon conviction thereof, be subject to a forfeiture as prescribed by Section 13-1-175.
 - (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Article shall preclude the Village from also maintaining any appropriate action to prevent or remove a violation of any provision of this Article.

Sec. 13-1-115 through Sec. 13-1-119 Reserved for Future Use.

Article H: Performance Standards

Sec. 13-1-120 Article Intent.

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

Sec. 13-1-121 Noise.

- (a) **B-3 or I-1 District Noise.** No activity in a B-3 or I-1 Industrial District shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave band filter:

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
above 4800	39

- (b) **Other Districts.** No other activity in any other district shall produce a sound level outside its premises that exceeds the following:

13-1-121

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

- (c) **Exempt Noises.** The following noises are exempt from the regulations:
- (1) Noises not directly under the control of the property owner.
 - (2) Noises from temporary construction or maintenance activities during daylight hours.
 - (3) Noises from emergency, safety or warning devices.

Sec. 13-1-122 Vibration.

- (a) No activity in any district shall emit vibrations which are discernable without instruments outside its premises. No activity shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (Cycles Per Second)	Displacement in Inches	
	Outside the Premises	Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and Over	.0002	.0001

- (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

Sec. 13-1-123 Glare and Heat.

No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial district which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

Sec. 13-1-124 Odor.

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

Sec. 13-1-125 Fire and Explosive Hazards.

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

Sec. 13-1-126 Air Pollution.

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

Sec. 13-1-127 Hazardous Pollutants.

- (a) **Pollutants.** No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wisconsin Administrative Code.
- (b) **Liquid or Solid Wastes.** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.
- (c) **Water Quality Protection.**
 - (1) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
 - (2) In addition, no activity shall withdraw water or discharge any liquid, or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards and those other standards and the application of those standards set forth in Ch. NR 102, Wis. Adm. Code.

Sec. 13-1-128 Radioactivity and Electrical Disturbances.

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

Sec. 13-1-129 Refuse.

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

Article I: Signal Receiving Antennas; Wind Energy Systems; Wireless Telecommunications Systems

Sec. 13-1-130 Signal Receiving Antennas.

- (a) **Purpose.** In order to secure uniformity and compliance with Federal Communications Commission rules (FCC 96-328) on over-the-air reception devices implementing Section 207 of the Telecommunications Act of 1996, this Section regulating the placement of signal receiving antennas and over-the-air reception devices is adopted to:
- (1) Provide uniform regulation where necessary of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Preserve the integrity of historic preservation districts;
 - (4) Protect the public from injury from roof-mounted antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the roof-mounted antenna; and
 - (5) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any outdoor apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas and over-the-air reception devices, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his/her interest. The personal representative of at least one (1) owner shall be considered an owner.
- (c) **Limited Permit Requirement.**
- (1) No owner shall, within the Village of Sullivan, build, construct, use or place any type of signal receiving antenna or over-the-air reception device that is roof-mounted or proposed to be located in a designated historic preservation district until a permit shall have first been obtained from the Zoning Administrator.
 - (2) Application for a signal receiving antenna permit when required under Subsection (c)(1) shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a sufficient set of mounting plans and specifications to allow a determination to be made that the device can be safely roof-mounted, or, in the case

of a historic preservation district, can be located in such a manner as to not seriously detract from the historic character of the district. There is no fee for such permit. If such application meets the requirements of this Section, the application shall be approved.

- (d) **Main-Dish Exemption.** Signal receiving devices less than twenty-four (24) inches in diameter are exempt from the requirements of this Section, except for the requirements in Subsection (e)(1), (7), (9) and (12).
- (e) **Installation Standards.** Signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:
 - (1) **Setbacks.**
 - a. Any signal receiving antenna and its mounting post shall be located a minimum of five (5) feet from any side or rear property line. The purpose of setback regulations is to protect the aesthetics of the area and to preserve adequate access for emergency equipment and personnel.
 - b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property following compliance with Subsection (c) above. For corner lots, a side yard is only a yard that does not face a street.
 - c. If side yard, front yard or roof mounting is requested, the Zoning Board of Appeals shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
 - (2) **Mounting.** Signal receiving antennas attached to the roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
 - (3) **Diameter.** The diameter of the signal receiving antenna shall not exceed twelve (12) feet for the ground-mounted antenna and ten (10) feet for the roof-mounted antenna, except for stations used to provide community antenna television services.
 - (4) **Height.** A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed fourteen (14) feet in height, as measured from the ground to the highest point of the dish.
 - (5) **Roof-Mounted Antennas.**
 - a. In all residential zoning districts, roof-mounted antennas shall only be permitted subject to the provisions contained herein:
 - 1. Earth station dish antennas exceeding thirty-six (36) inches in diameter shall not be permitted on the roof, unless allowed under Subsection (c)(2) above.

2. A roof-mounted dish antenna shall not extend higher than fifteen (15) feet above the highest point of the roof, unless allowed under Subsection (c)(2) above.
 - b. In the commercial and industrial zoning districts, earth station dish antennas shall not extend more than twenty (20) feet above the height limit established for the district in which the structure is located.
- (6) **Wind Pressure.** All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
 - (7) **Electrical Installations.** To safeguard public safety, electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
 - (8) **Temporary Placement.** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section.
 - (9) **Advertising.** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
 - (10) **Interference with Broadcasting.** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
 - (11) **Compliance with Federal Regulations.** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder, including Federal Communications Commission rules.
 - (12) **Aesthetic Considerations.** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (f) **Enforcement.**
- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Village Board, a Village enforcement official, or any property owner who would be specifi-

cally damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.

- (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

Sec. 13-1-131 Conditional Use Permits Required—Wind Energy Systems.

- (a) **Approval Required.** No owner shall, within the Village of Sullivan, build, construct, use or place any type or kind of wind energy system without holding the appropriate conditional use permit for said system. A wind energy system conditional use permit may only be granted in a B-3 or I-1 District.
- (b) **Separate Permit Required for Each System.** A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.
- (c) **Basis of Approval.** The Village Board shall base its determinations on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Village and, specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of the Zoning Code.
- (d) **Definitions.** "Wind energy systems" shall mean "windmills" which are used to produce electrical or mechanical power.

Sec. 13-1-132 Permit Procedure—Wind Energy Systems.

- (a) **Application.** The permit application for a wind energy system shall be made to the Zoning Administrator on forms provided by the Village of Sullivan. The application shall include the following information:
 - (1) The name and address of the applicant.
 - (2) The address of the property on which the system will be located.
 - (3) Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further

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

Sec. 13-1-133 Specific Requirements Regarding Wind Energy Systems.

- (a) **Additional Standards.** Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section in addition to those found elsewhere in this Article.
- (b) **Application.** Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the

generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.

- (c) **Construction.** Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- (d) **Noise.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- (e) **Electro-magnetic Interference.** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (f) **Location and Height.** Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Chapter; however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- (g) **Fence Required.** All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- (h) **Utility Company Notification.** The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

Sec. 13-1-134 Mobile Tower Siting.

(a) **Title; Purpose; Authority.**

- (1) **Title.** This Section is entitled the Village of Sullivan Mobile Tower Siting Ordinance.

- (2) **Purpose.** The purpose of this Section is to regulate by zoning permit:
 - a. The siting and construction of any new mobile service support structure and facilities;
 - b. With regard to a Class I collocation, the substantial modification of an existing support structure and mobile service facilities; and
 - c. With regard to a Class II collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.
- (3) **Authority.** The Village of Sullivan Village Board has the specific authority under Secs. 62.23 and 66.0404, Wis. Stats., to adopt and enforce this Section.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Antenna.** Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
 - (2) **Building Permit.** A permit issued by the Village that authorizes an applicant to conduct construction activity that is consistent with the Village's Building Code [Title 15, Chapter 1 of the Code of Ordinances].
 - (3) **Class 1 Collocation.** The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.
 - (4) **Class 2 Collocation.** The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
 - (5) **Collocation.** Class 1 or Class 2 collocation or both.
 - (6) **Distributed Antenna System.** A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
 - (7) **Equipment Compound.** An area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
 - (8) **Existing Structure.** A support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the Village.
 - (9) **Fall Zone.** The area over which a mobile support structure is designed to collapse.
 - (10) **Mobile Service.** Has the meaning given in 47 USC 153(33).
 - (11) **Mobile Service Facility.** The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a planned geographic area, but does not include the underlying support structure.
 - (12) **Mobile Service Provider.** A person who provides mobile service.
 - (13) **Mobile Service Support Structure (Tower).** A freestanding structure that is designed to support a mobile service facility.

- (14) **Permit.** A permit, other than a building permit, or approval issued by the Village which authorizes any of the following activities by an applicant:
 - a. A Class 1 collocation.
 - b. A Class 2 collocation.
 - c. The construction of a mobile service support structure.
 - (15) **Public Utility.** Has the meaning given in Sec. 196.01(5), Wis. Stats.
 - (16) **Search Ring.** A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
 - (17) **Substantial Modification.** The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
 - a. For structures with an overall height of two hundred (200) feet or less, increases the overall height of the structure by more than twenty (20) feet.
 - b. For structures with an overall height of more than two hundred (200) feet, increases the overall height of the structure by ten percent (10%) or more.
 - c. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by twenty (20) feet or more, unless a larger area is necessary for collocation.
 - d. Increases the square footage of an existing equipment compound to a total area of more than two thousand five hundred (2,500) square feet.
 - (18) **Support Structure.** An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
 - (19) **Utility Pole.** A structure owned or operated by an alternative telecommunications utility, as defined in Sec. 196.01(1d), Wis. Stats.; public utility, as defined in Sec. 196.01(5), Wis. Stats.; telecommunications utility, as defined in Sec. 196.01(10), Wis. Stats.; political subdivision; or cooperative association organized under Ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Sec. 182.017(1g)(cq), Wis. Stats.; for video service, as defined in Sec. 66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.
- (c) **Siting and Construction of Any New Mobile Service Support Structure and Facilities; Regulation Limitations.**
- (1) **Application Process.**
 - a. A Village zoning permit is required for the siting and construction of any new mobile service structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the Village obtainable with this permit through the conditional use permit process.

- b. A written permit application shall be completed by the applicant and submitted to the Village Clerk-Treasurer. The application shall contain, at a minimum, the following information:
 1. The name and business address of, and the contact individual for, the applicant; applicable telephone number(s), fax number, and email address - shall be provided.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- c. A permit application will be provided by the Village upon request to any applicant, or, in the alternative, the applicant can provide the required information in the form of correspondence or report with supporting documentation.
- d. If an applicant submits to the Village an application for conditional use and zoning permits to engage in an activity described in this Section, which contains all of the information required under this Section, the Village shall consider the application complete. If the Village determines that the application is incomplete, the Village shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is considered complete.
- e. Within ninety (90) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application

approved, except that the applicant and the Village may agree in writing to an extension of the ninety (90) day period:

1. Review the application to determine whether it complies with all applicable aspects of the Village's Building Code and, subject to the limitations in this Section, provisions of this Zoning Code.
 2. Make a final decision whether to approve or disapprove the application.
 3. Notify the applicant, in writing, of its final decision.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- f. The Village may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement under Subsection (c)(1)b6.
- g. If the applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in the Zoning Code, that Zoning Code provision does not apply to such a structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
- h. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Three Thousand Dollars (\$3,000.00) per Sec. 66.0404(4)(d), Wis. Stats.].

(2) **Regulatory and Application Limitations.** With regard to the siting and construction of a new mobile service support structure/facilities, the substantial modification of an existing support structure and mobile service facility as part of a Class 1 collocation, or a Class 2 collocation, the Village, pursuant to Sec. 66.0404(4), Wis. Stats., shall not:

- a. Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
- b. Enact a moratorium ordinance on the permitting, construction, or approval of any such activities.
- c. Enact an ordinance regulation prohibiting the placement of a mobile service support structure in particular locations within the Village.
- d. Charge a mobile radio service provider a fee in excess on the amounts prescribed in Sec. 66.0404(4)(d), Wis. Stats.
- e. Charge a mobile radio service provider any recurring fee for an activity described in Sec. 66.0404(2)(a), Wis. Stats., or a Class 2 collocation.
- f. Permit third-party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
- g. Disapprove of an application to conduct an activity described in Sec. 66.0404(2)(a), Wis. Stats., based solely on aesthetic concerns.

- h. Disapprove an application to conduct a Class 2 collocation on aesthetic concerns.
- i. Enact or enforce a Village ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
- j. Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the Village which fall into disuse. [Note: Per Sec. 66.0404(4)(i), Wis. Stats., there is a rebuttable presumption that a surety requirement of Twenty Thousand Dollars (\$20,000.00) or less complies with this Subsection.]
- k. Prohibit the placement of emergency power systems.
- l. Require that a mobile service support structure be placed on property owned by the political subdivision.
- m. Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
- n. Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the Village at less than market rate, or provide the Village other services via the structure or facilities at less than the market rate.
- o. Limit the duration of any permit that is granted.
- p. Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
- q. Disapprove an application based on an assessment by the Village of the suitability of other locations for conducting the activity.
- r. Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
- s. Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.
- t. Consider an activity a substantial modification under Subsection (b)(17)a-b above if a greater height is necessary to avoid interference with an existing antenna.
- u. Consider an activity a substantial modification under Subsection (b)(17)c above if a greater protrusion is necessary to shelter the antenna from increment weather or to connect the antenna to the existing structure by cable.
- v. Limit the height of a mobile support structure to under two hundred (200) feet.
- w. Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the Village in connection with the Village's exercise of its authority to approve the application.
- x. Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the Village to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether

in whole or in part, the Village or an entity in which the Village or other political subdivision has a governance, competitive, economic, financial or other interest.

(d) **Class 1 Collocation.**

(1) ***Application Process.***

- a. A zoning permit is required for a Class 1 collocation. A Class 1 collocation is a conditional use in the Village obtainable with this permit through the conditional use process of this Chapter.
- b. A written permit application shall be completed by the applicant and submitted to the Village. The application must contain, at a minimum, the following information:
 1. The name and business address of, and the contact individual for, the applicant; applicable telephone number(s), fax number, and email address shall be provided.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- c. A permit application will be provided by the Village upon request to any applicant, or, in the alternative, the applicant can provide the required information in the form of correspondence or report with supporting documentation.
- d. If an applicant submits to the Village an application for a permit to engage in an activity described in this Section, which contains all of the information required under this Section, the Village shall consider the application complete. If the

Village does not believe that the application is complete, the Village shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- e. Within ninety (90) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the ninety (90) day period:
 1. Review the application to determine whether it complies with all applicable aspects of the Village's Building Code and, subject to the limitations of this Section, zoning ordinances.
 2. Make a final decision whether to approve or disapprove the application.
 3. Notify the applicant, in writing, of its final decision.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - f. The Village may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection (d)(1)b6.
 - g. If an applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that Zoning Code provision does not apply to such a structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
 - h. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Three Thousand Dollars (\$3,000.00) per Sec. 66.0404(4)(d), Wis. Stats.].
- (2) **Regulatory and Application Limitations.** The regulatory and application parameters and limitations prescribed in Subsection (c)(2) above shall be applicable.
- (e) **Class 2 Collocation.**
- (1) **Application Process.**
 - a. A Village zoning permit is required for a Class 2 collocation. A Class 2 collocation is a permitted use in the Village but still requires the issuance of Village building permits.
 - b. A written permit application shall be completed by the applicant and submitted to the Village. The application must contain, at a minimum, the following information:
 1. The name and business address of, and the contact individual for, the applicant; applicable telephone number(s), fax number, and email address shall be provided.

2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 - c. A permit application will be provided by the Village upon request to any applicant, or, in the alternative, the applicant can provide the required information in the form of correspondence or report with supporting documentation.
 - d. Per Title 15, Chapter 1 of this Code of Ordinances, a Class 2 collocation is also subject to the same requirements for the issuance of a building permit to which any other type of commercial development/construction or land use development is subject.
 - e. If an applicant submits to the Village an application for a permit to engage in an activity described in this Section, which contains all of the information required under this Section, the Village shall consider the application complete. If any of the required information is not in the application, the Village shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - f. Within forty-five (45) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the forty-five (45) day period:
 1. Make a final decision whether to approve or disapprove the application.
 2. Notify the applicant, in writing, of its final decision.
 3. If the application is approved, issue the applicant the relevant permit.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - g. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Five Hundred Dollars (\$500.00) or the commercial building permit fee equivalent, per Sec. 66.0404(4)(d)].
- (2) **Regulatory and Application Limitations.** The regulatory and application parameters and limitations prescribed in Subsection (c)(2) above shall be applicable.
- (f) **Penalty Provisions.** Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this Section shall, upon conviction, be subject to the penalties and/or forfeitures prescribed in Section 13-1-176, plus applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Section. In addition, the Village of Sullivan may seek injunctive relief from a court of record to enjoin further violations.

Sec. 13-1-135 through Sec. 13-1-139 Reserved for Future Use.

Article J: Accessory Uses and Structures; Fences

Sec. 13-1-140 Accessory Uses or Structures.

- (a) **Building Permit Required for Accessory Buildings.** No owner shall, within the Village of Sullivan, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a permit shall have first been obtained from the Building Inspector. Application for an accessory building permit shall be made in writing to the Building Inspector. With such application, there shall be submitted the required fee and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (b) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (c) **Number of Permitted Garages and Accessory Buildings on Residential Lots.**
- (1) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) additional accessory building and one (1) non-portable children's play structure may be placed on a lot, except as otherwise limited by Subsections (c)(2), (d) and (e) below.
 - (2) **Limitation on Number of Garages and Accessory Buildings.** One (1) detached accessory structure per dwelling unit shall be permitted, provided the combined area of an attached garage and detached accessory structure does not exceed the maximum size limits set forth in Subsection (d) and the following number limits:
 - a. Residentially zoned parcels with a single garage attached to the dwelling are permitted to have an additional one (1) or two (2) car detached garage on the parcel. If a detached garage is erected, no other detached accessory buildings may be constructed or maintained on the parcel.
 - b. Residentially zoned parcels with more than a one (1) stall garage attached to the dwelling are permitted to have an additional one (1) stall detached garage on the parcel. If a detached garage is erected, no other detached accessory buildings may be constructed or maintained on the parcel.
 - c. Garages attached to dwellings shall be three (3) stalls or less. Dwellings with an attached three (3) stall garage are not permitted to have an additional detached garage on the parcel.
- (d) **Size Limits for Attached Residential Garages.** For residences with attached garages, one (1) attached garage per dwelling unit shall be permitted, and the dimensions of said attached garage shall be as follows:

- (1) The maximum square feet of attached garage floor area shall be limited to the smaller of either one thousand (1,000) square feet or the first floor dwelling unit area in the case of a single family residence.
 - (2) The maximum square feet of attached garage floor area shall be limited to the smaller of either six hundred (600) square feet or the first floor dwelling unit area in the case of a duplex, two-family dwelling, or multi-family dwelling.
- (e) **Size Limits for Detached Residential Garages.** For residences with detached garages, one (1) detached garage per lot shall be permitted, and the dimensions of said detached garage shall be as follows:
- (1) The maximum square feet of detached garage floor area shall be limited to the smaller of either nine hundred (900) square feet, the first floor dwelling unit area of the principal structure, or thirty-five percent (35%) of the rear yard.
 - (2) The structure number limitations of Subsection (c)(2) shall be followed where applicable.
- (f) **Height and Setback Requirements for Attached Accessory Buildings/Garages.**
- (1) Accessory buildings/garages which are attached to the principal building shall comply with the setback requirements for the principal building.
 - (2) When accessory buildings are attached to the principal building by a breezeway, passageway or similar means, they become part of the principal building and shall comply in all respects with the yard requirements and local building code requirements for the principal building.
- (g) **Size, Height and Setback Requirements for Detached Residential Accessory Buildings/Garages.**
- (1) Garages and other detached accessory buildings shall be less than twenty-five (25) feet in height. Detached garages' and accessory buildings' roof pitch shall not exceed the steepest pitch of the principal structure.
 - (2) Provided that the accessory building number limits of Subsection (c)(2) are complied with, no detached accessory building(s) shall occupy more than thirty percent (30%) of the required rear yard or exceed one thousand two hundred (1,200) square feet in size, whichever is more restrictive. A larger accessory building may be permitted by variance from the Board of Appeals.
 - (3) No detached accessory building shall be located within five (5) feet of any other accessory building.
 - (4) Detached accessory buildings shall have an six (6) foot setback from side lot lines and a six (6) foot setback from rear lot lines. However, where a rear lot abuts an alley, accessory buildings not attached to the principal building shall be located so as to be not closer than six (6) feet to the rear lot line, except that when the accessory building is a garage that has its entrance facing the alley, the rear yard setback shall be twenty (20) feet for the garage.
 - (5) The dimensions of any swimming pool, detached garage, tennis court and other detached accessory buildings/structures shall be included in the determination of available lot area coverage for accessory structures.

- (6) An accessory building shall not be nearer than six (6) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with.
- (7) In no event can a detached accessory structure be forward of the front line of the principal structure.
- (h) **Use Restrictions — Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as permitted by Section 13-1-72 and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes. Under no circumstances may a tent or recreational vehicle be used as a dwelling or an accessory structure.
- (i) **Placement Restrictions — Nonresidential Districts.** An accessory use or structure in a commercial or industrial district may be established in the rear yard or side yard and shall not be nearer than ten (10) feet to any side or rear lot line or be greater than ten (10) feet in height. Detached accessory buildings and structures in commercial and industrial districts shall not occupy more than fifty percent (50%) of the rear and side lot areas.
- (j) **Corner Lots.** When an accessory structure is located on the rear of a corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (k) **Landscaping Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (l) **Temporary Accessory Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- (m) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
- (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (n) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties and shall not register more than one-half foot candles at the property line.
- (o) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted

in setback areas but not closer than three (3) feet to an abutting property line other than a street line.

- (p) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls. (See Section 13-1-144.)
- (q) **Children's Play Structures.** For purposes of this Section, non-portable children's play structures, including play houses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures for purposes of complying with the setback requirements of this Section, whether such play structures are placed on a foundation or not. Portable swing sets, slides and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
- (r) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Title 6, Chapter 2 of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.
- (s) **Offensive Uses Prohibited.** No accessory use shall be dangerous, obnoxious or offensive to persons residing in the vicinity, nor shall it impair the use, enjoyment or value of any property.
- (t) **Prohibited Dwelling Use.** No accessory dwelling unit in any Residential District shall be used or let for living purposes, whether for compensation or not.
- (u) **Gardening.** Home gardening is a permitted accessory use on any dwelling lot or the principal use on any vacant lot or parcel.
- (v) **Dog Houses/Runs.** Dog houses and/or runs shall comply with the setback requirements in Sec. 13-1-142(n)(2).
- (w) **Agricultural Structures.** Agricultural structures in properly zoned agricultural districts such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

Sec. 13-1-141 Outside Storage of Firewood.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery. "Firewood" is defined as wood used for fuel or decorative burning in a fireplace, stove, furnace or burning pit.
- (b) Firewood shall be neatly stacked and shall not be stacked closer than three (3) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where

firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation. Said storage of firewood or woodpile shall be raised at least three (3) inches off the ground.

- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of within fifteen (15) days and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 13-1-142 Fences.

- (a) **Definitions.** The following words and terms shall have the meanings herein provided in this Section:
 - (1) **Arbor.** A decorative solid or latticework structure or trellis which is used as an entrance focal point along a barrier which serves the purpose of a fence.
 - (2) **Berm.** A mound of earth higher than the final elevation of a lot.
 - (3) **Fence.** An enclosed barrier or vertical screen device consisting of wood, stone, vinyl or metal intended to limit ingress or egress and/or provide privacy and containment. This definition also includes, but is not limited to, trellises, railings and walls around the perimeter of a property.
 - (4) **Fence, Agricultural/Farm.** A fence meeting the agricultural fence standards of Chapter 90, Wis. Stats., consisting of wire strands, high tensile strands or other types of material used for agricultural purposes meeting the statutory requirements.
 - (5) **Fence, Architectural or Aesthetic.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (6) **Fence, Boundary.** A fence placed on or within five (5) feet of the property lines of adjacent properties.
 - (7) **Fence, Good Neighbor.** A fence constructed of solid or spaced boards where the face boards are installed at the center of the posts so that the fence looks the same from both sides.
 - (8) **Fence, Protective.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (9) **Install, Installation, Installed.** To construct, erect, install, place, or replace over sixteen (16) lineal feet.
 - (10) **Lot, Double Frontage.** An interior lot having street frontage on the front and the rear of the lot.
 - (11) **Trellis.** A frame or structure of open latticework.

- (b) **Fence Permit Required.** No person shall install a fence in the Village without first obtaining a fence permit from the Village, including special purpose fences under Subsection (n), paying the required permit fee prescribed by Sec. 1-3-1, and complying in all respects with the terms and conditions of this Section. A fence permit shall be valid only for the term of issuance, unless sooner revoked. A fence permit is not required for painting, maintenance, or repair or replacement of less than sixteen (16) lineal feet of a fence within a three (3) year period. A fence permit may include reasonable conditions required by the Village. A fence permit application shall be filed with the Village and include the following:
- (1) Payment of the permit fee and completed application forms required by the Building Inspector or other Village officials.
 - (2) A drawing, site plan or plat map displaying property boundaries, the location of buildings and structures on the property, the proposed location of the fence and its distances from other structures on the parcel.
 - (3) Accurate design information for the proposed fence, including height and materials to be utilized.
 - (4) If the fence is proposed to be installed on leased or rented property, the written consent of the owner.
- (c) **Responsibilities of Applicant; Location Determination.**
- (1) The property owner installing a fence is solely responsible for ensuring that the fence is properly located on his/her property, and is in compliance with height, setback, vision clearance and materials requirements. If uncertainty exists regarding the actual location of lot lines, it is the applicant's responsibility to secure a lot survey.
 - (2) The applicant is responsible for complying with any private subdivision covenants or deed restrictions or utility easement(s) restrictions, including any applicable plan review/approval requirements.
- (d) **Fence Installation General Requirements.** No fence shall be installed except in strict compliance with this Section, permit conditions, and the following:
- (1) Prior to fence installation, the applicant shall contact Diggers Hotline service to have the project site marked.
 - (2) Structural and support components of a fence shall face internally into the applicant's lot, facing away from adjacent properties. Fences shall be installed with the finished side facing adjacent properties or the public right-of-way. Fence posts shall be located on the inside of the fence facing the property on which the fence is located, except when the style of fence is of a design commonly known as a "Good Neighbor Fence."
 - (3) Fences shall be installed plumb and the top finish of the fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the fence.
 - (4) Fence height shall be measured from the surface of the ground immediately below the fence. Berms, retaining walls or other methods to raise the elevation of the fence site

shall require approval by the Building Inspector prior to installation. The height of fences and walls shall be measured vertically from the finished grade on the exterior side of the fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a fence is prohibited. If a fence is placed on a berm, the berm shall be included in the height of the fence and the height will be measured vertically from the base of the berm.

(5) Fences shall be installed no closer than six (6) inches to a public sidewalk.

(e) **Approved Fence Materials.**

(1) Fences located in side and/or rear yards of residential parcels shall be constructed using materials suitable for residential-style fencing, including, but not limited to: brick, fieldstone, wrought iron, vinyl, chain link [with a required top rail support and a minimum nine (9) gauge thickness], split rail wood, stockade or board-on-board wood.

(2) Residential front yard fences shall be fifty percent (50%) open (see-through) and be of wrought iron, picket or split rail design. Chain link fencing is permitted in side or rear yards only and its use is not permitted in residential front yards.

(3) Agricultural/farm fences shall only be permitted in agriculturally-zoned or used districts, as determined by the Village, and shall comply with Ch. 90, Wis. Stats.

(4) No fence shall be constructed of used, discarded or scrap materials in disrepair, including, but not limited to, pallets, tree branches/stumps, crates, vehicle parts, refuse or other similar items. Materials not specifically manufactured for fencing, such as doors, railroad ties, landscape timbers or utility poles shall not be used in fences. Fences shall not be constructed of luminous materials or smooth or corrugated metal materials.

(5) All fences, including privacy fences, shall only be painted or stained in neutral colors.

(f) **Modifications to Existing Fences.** All modifications to a pre-existing fence shall comply with this Section. Any existing fence shall not be enlarged, extended or replaced for more than sixteen (16) linear feet in a three (3) year period except in compliance with this Section.

(g) **Height and Placement of Residential Fences Regulated.**

(1) Residential fences six (6) feet or less in height are permitted on rear and side lot lines, but shall not continue beyond the front of the principal structure or the required front yard setback, whichever is furthest from the street right-of-way. Residential fences less than or equal to three (3) feet in height are permitted in the street yard setback area but shall not be closer than two (2) feet to any public right-of-way.

(2) In any residential district or on any lot or premises, the principal use of which is for residential purposes, no lengthwise fence or other lengthwise barrier or obstruction shall be erected, placed, installed or reinstalled in any area where there is a distance between main residential buildings of ten (10) feet or less.

(3) No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.

- (h) **Setback for Residential Fences.** Fences in or adjacent to a residential property (or property primarily residential in use) are permitted on lot lines. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.
- (i) **Industrial/Commercial Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed eight (8) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (j) **Corner Lot Vision Clearance Requirements.**
- (1) In order to provide adequate vision clearance on corner lots, no fence shall be erected or maintained within the triangular space formed by two (2) intersecting street, alley, or driveway (public or private) property lines and a line joining points on such property lines (or projections thereof) located less than:
 - a. A minimum of twenty (20) feet from the intersection of the two street property lines;
 - b. A minimum of fifteen (15) feet from the intersection of the two alley property lines; or
 - c. A minimum of ten (10) feet from the intersection of the two driveway property lines.
 - (2) Street or alley property lines are measured from the right-of-way or easement lines establishing such street or alley. Driveway lines are measured from the easement establishing such driveway, or, in the case of no easement, from the edge of the driveway surface.
- (k) **Prohibited Fences.**
- (1) No fence shall be constructed which is of a dangerous condition, or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are eight (8) feet above the ground or height and project toward the fenced property and away from any public area.
 - (2) Although fences which conduct electricity or are designed to electrically shock are generally prohibited, such fences using smooth wire are allowed for the limited purpose of deer control if located five (5) feet from a lot line.
 - (3) No woven, twisted, welded or interlaced wire fence, such as using chicken wire, shall be located in a non-industrial district, unless such fencing is ornamental in character.
 - (4) No wood-slat or plastic snow fence shall be permitted as a regular use in a Residential District, except as a temporary use under Subsection (m).
 - (5) No fence shall consist solely of fence posts or be maintained as an incompletely constructed fence consisting only of posts and supporting members.
- (l) **Fences to be Repaired; Corrective Action.**
- (1) All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property. Fences shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not

to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair.

- (2) Any existing fences which do not conform to the requirements of this Section and which are damaged, or in need of repair to the extent that exceeds fifty percent (50%) of the then value of the fence, said entire fence shall either be completely dismantled or reconstructed in compliance with the provision of this Section.
- (3) All new and existing fences shall be maintained in such a manner so as not to allow rust, dents or deterioration to take place. Failure to maintain a fence in good condition and repair will result in the Village issuing an order to the property owner to take whatever steps are necessary to correct the condition. Said notice shall set forth a reasonable time for compliance and shall set forth a notice that failure to comply will result in a violation and with a penalty set forth in Section 1-1-6.

(m) **Temporary Fences; Permit Not Required.**

- (1) Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (2) This Section is not intended to regulate seasonal or temporary fences such as garden or snow fences except that such fences shall be removed when the condition or season for the said fence was erected no longer exists.

(n) **Special Purpose Fences.**

- (1) **Swimming Pool/Hot Tub Fences.** Swimming pool and hot tub fences shall comply with the requirements of Section 13-1-143.
- (2) **Pet Enclosures; Dog Runs.** Pet enclosures and dog runs shall be permitted in residential districts subject to the following conditions:
 - a. A fence permit is required prior to installation of a pet enclosure or dog run.
 - b. No pet enclosure or dog run shall be in excess of two hundred and fifty (250) square feet in area, or be more than six (6) feet in height above the surface of the ground.
 - c. Pet enclosures and dog runs may be constructed of any material permitted for a residential fence.
 - d. No pet enclosure or dog run shall be constructed contrary to required vision clearance area requirements.
 - e. Pet enclosures and dog runs shall be located no closer than ten (10) feet to a side or rear lot line, and shall not be located to the front of the principal structure.
- (3) **Anhydrous Ammonia Sites.** Anhydrous ammonia tank sites shall be fenced as prescribed in Section 8-1-13.

- (o) **Nonconforming Fences.** Any fence existing on the effective date of this Chapter and not in conformance with this Section may be maintained, but alterations, modifications or improvements of more than fifty percent (50%) of said fence shall require the owner to bring the fence into compliance with this Section.

Sec. 13-1-143 Swimming Pools and Hot Tubs.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than two (2) feet located above or below the surface of ground elevation, having an area greater than one hundred fifty (150) square feet, used or intended to be used solely by the owner, operator or lessee thereof and his/her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of twenty-four (24) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section. Inflatable pools of all types are exempt.
- (c) **Permit; Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Zoning Administrator, the Zoning Administrator shall not issue a permit for construction or installation of a swimming pool or hot tub unless the following construction requirements are observed and the fee as prescribed in Section 1-3-1 is paid:
 - (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements for pool or hot tub installation shall be in accord with all state regulations and with any and all Ordinances of the Village now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool or hot tub shall be provided with a suitable draining method and, in no case, shall waters from any pool or hot tub be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.
 - (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool or hot tub shall be in conformance with the state laws and Village Ordinances regulating electrical installations.
- (d) **Setbacks and Other Requirements.**
 - (1) Private swimming pools or hot tubs shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool or hot

tub shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

- (2) No swimming pool or hot tub shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool or hot tub be less than six (6) feet from any lot line.
- (3) Swimming pools and hot tubs shall not be constructed in the front yard or in a required corner side yard.
- (4) Swimming pools either open or enclosed shall be considered the same as accessory buildings for purposes of calculating the maximum area they may occupy in a required rear yard.

(e) **Enclosure.**

- (1) **Fence; In-Ground Pools.** All outdoor, below grade swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.
- (2) **Above-Ground Pools; Pool Wall Barrier.**
 - a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than three (3) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.
 - b. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.
- (3) **Miscellaneous Requirements.**
 - a. Swimming pools and hot tubs surrounded in whole or in part by a deck which has steps leading to the swimming pool or hot tub shall be equipped with a gate a minimum of four (4) feet in height and capable of being latched and locked with a combination lock or by a lock worked by a key to secure access to the swimming pool or hot tub when not in use.
 - b. Service gates and gates which are part of a fence or wall enclosing a swimming pool or hot tub which are located across a driveway shall be kept closed and latched at all times by the property owner or occupier when not in use for ingress

or egress. When such areas are not in use, such gates shall be locked with a combination lock or by a lock worked by a key.

- c. Hot tubs equipped with a fitted cover and capable of supporting a minimum of two hundred (200) pounds shall be exempt from required fencing.
- (f) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.
- (g) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (h) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Sec. 13-1-144 Retaining Walls.

- (a) **Purpose.** The purpose of this Section is to protect public and private property from the effects of poorly designed and constructed retaining walls.
- (b) **Permit Required.** A permit shall be required for all retaining walls constructed that exceed twenty-four (24) inches in height, including terraced retaining wall projects where the total height of all walls exceeds twenty-four (24) inches, and are closer than fifteen (15) feet to a property line.
- (c) **Application.** Application shall be made to the Zoning Administrator on forms provided and shall include a site plan and a set of construction plans. Plans sealed by a professional engineer registered in the State and/or other information necessary to adequately review the proposed retaining wall may also be required by the Zoning Administrator.
- (d) **Performance Standards.** A retaining wall shall be designed to resist the lateral pressure of the retained material in accordance with accepted engineering practice. Walls retaining drained earth may be designed for pressure equivalent to that exerted by an equivalent fluid weighing not less than thirty (30) pounds per cubic foot and having a depth equal to that of the retained earth. Any surcharge shall be in addition to the equivalent fluid pressure.
- (e) **Setbacks.** Setbacks for retaining walls shall be as established under Section 13-1-140(1).

Sec. 13-1-145 through Sec. 13-1-149 Reserved for Future Use.

Article K: Modifications

Sec. 13-1-150 Height Modifications.

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

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

Sec. 13-1-151 Yards Modifications.

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

- (a) **Uncovered Stair Restrictions.** Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than six (6) feet to any lot line, and must be eight (8) feet or more above ground.
- (b) **Architectural Projection Restrictions.** Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard (setback requirements), but such projection shall not exceed two (2) feet.
- (c) **Cul-de-Sac and Curve Restrictions.** Residential lot frontage on cul-de-sacs and curves may be less than sixty (60) feet provided the width at the building setback line is at least sixty (60) feet and the street frontage is no less than forty-five (45) feet.
- (d) **Essential Services Exemptions.** Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.

13-1-151

- (e) **Average Street Yard Restrictions.** The required street yards may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than fifteen (15) feet in any residential district and five (5) feet in any business district, except the B-1 General Commercial District.
- (f) **Detached Garage.** Detached garages are permitted in the rear yard and side yard only.
- (g) **Corner Lots.** Structures shall provide a street yard as required by this Chapter on the street that the structure faces. A second street yard shall be provided on the side of the structure abutting a second public or private street.

Sec. 13-1-152 through Sec. 13-1-169 Reserved for Future Use.

Article L: Administration

Sec. 13-1-170 General Administrative System.

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

Sec. 13-1-171 Zoning Administrator.

- (a) **General Duties.** The Zoning Administrator is hereby designated as the primary administrative officer for the provisions of this Chapter, and shall be referred to as the Zoning Administrator. The Zoning Administrator shall be appointed by resolution of the Village Board. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue all permits required by this Chapter. The Zoning Administrator shall further:
- (1) Issue all zoning certificates, and make and maintain records; which records shall be maintained in the Village hall.
 - (2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Chapter.
 - (3) Maintain permanent and current records of this Chapter, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore.
 - (4) Provide and maintain a public information function relative to all matters arising out of this Chapter.
 - (5) Receive, file and forward to the Village Clerk-Treasurer all applications for amendments to this Chapter.
 - (6) Receive, file and forward to the Plan Commission all applications for conditional uses.
 - (7) Receive, file and forward to the Board of Appeals all applications for appeals, variances, or other matters on which the Board of Appeals is required to act under this Chapter, and shall attend all Board of Appeals meetings to provide technical assistance when requested by the Village Board.
 - (8) Initiate, direct and review from time to time a study of the provisions of this Chapter, and make recommendations to the Plan Commission not less than once a year.
- (b) **Optional Assignment of Duties.** Due to the size of the Village of Sullivan, it may not be feasible to find a suitable person willing to take on the responsibility of being Zoning Administrator on a part-time basis. It is therefore provided that the function of the Zoning Administrator can be delegated to a committee of the Board, to another Village official, or a single member of the Board or the Village President. An officer other than a Board

member or another employee of the Village may also be designated to handle the duties of Zoning Administrator or part-time basis in addition to the other duties performed by such person.

Sec. 13-1-172 Role of Specific Village Officials in Zoning Administration.

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

Sec. 13-1-173 Zoning Permit.

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

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

Sec. 13-1-174 Occupancy Permit.

- (a) **Building Permit Required.** No building shall be erected, structurally altered or relocated until a building permit has been issued by the Building Inspector certifying that such building, as proposed, would be in compliance with the provisions of this Chapter and with the Village Building Code (Title 15).
- (b) **Occupancy Bond Required.**
- (1) **Deposit Required.** No building permit shall be issued by the Building Inspector for construction of a building or construction of an addition to or remodeling of an

existing building on any land until a deposit in the amount of One Thousand Dollars (\$1,000.00) has been paid by the applicant for such building permit. The deposit shall be paid to the Building Inspector at the time an application is made for the issuance of the building permit. The Building Inspector shall promptly submit the deposit to the Village Clerk-Treasurer. The One Thousand Dollar (\$1,000.00) deposit is in addition to any building permit fees charged by the Village pursuant to Title 15 of this Code of Ordinances. The charges in this Section are not subject to reimbursement.

- (2) **Deposit Waived.** The Building Inspector may, at his/her sole discretion, reduce the bond if the Building Inspector is satisfied that it is unlikely that there will be damage done to Village streets and roads or to the street/road ditches adjacent to the property as a result of construction activities, and that the grading and landscaping of the premises will be completed, construction debris removed, all applicable Village ordinances complied with, and occupancy granted, as well as the fact that it is unlikely that the building will be occupied prior to the occupancy permit being granted.
- (3) **Deposit Returned.** The sums deposited shall be retained by the Village Clerk-Treasurer until such time as the Clerk-Treasurer receives written notice from the Building Inspector to refund some or all of the money deposited. The Building Inspector shall not authorize any refund of the money deposited until after grading and landscaping of the premises has been completed, construction debris removed, all applicable Village ordinances have been complied with and occupancy approval has been granted. Landscaping shall include vegetation of the front yard, perimeter of home and ditch. Front yard vegetation is only required if the topography is such that erosion is a concern as determined by the Village Building Inspector.
- (c) **Temporary Occupancy and Use Permit.** Pending the issuance of a regular permit, a temporary permit may be issued for a period not exceeding six (6) months during the completion of the alterations or during partial occupancy of a building pending its permanent occupation under such conditions and restrictions as the Zoning Administrator may impose to insure compliance with this Chapter.
- (d) **Fee for Occupancy Use Permit.** No fee shall be charged for an original permit applied for coincidentally with the application for a building permit. For all other permits or for copies of any original permit, there shall a charge as established by the Village.

Sec. 13-1-175 Site Plan Approval.

- (a) **Site Plan Approval.** All applications for building permits for any construction, reconstruction, expansion or conversion in an R-4, R-5, B-1, B-2, B-3, I-1, AEO or E-1 District, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section.

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

Sec. 13-1-176 Violations and Penalties.

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

Sec. 13-1-176 through Sec. 13-1-179 Reserved for Future Use.

VILLAGE OF SULLIVAN
BUSINESS PLAN OF OPERATION

1. Name of Business: _____
Address: _____
Phone Number: _____ Fax Number: _____
2. Name of Owner: _____
Address: _____
Phone Number: _____ Fax Number: _____
3. Name of Operator(if different from owner): _____
Address: _____
Phone Number: _____ Fax Number: _____
4. Tax Key No: _____
5. Zoning Classification of Property: _____
6. Lot Size: Depth: _____ Width: _____ Area: _____
7. Dimensions of Building Area to be Occupied: _____
8. Specific Use of Property and Buildings: _____
Outdoor Uses _____
9. Maximum Number of Employees: _____
10. Days of Operation: _____
Hours of Operation: _____
11. Parking: _____
12. Outdoor Lighting:
Type: _____
Location: _____
13. Signs:
Type: Free Standing: _____ Attached to Building: _____
Lighted: _____
Single or Double-Faced: _____
Size: _____ Locations _____
14. Is there any Food Services or Vending Machines Incorporated in this Proposal?
Yes _____ No _____ If yes, how many? _____ What type? _____

15. Are there any Game Machines in this Proposal? Yes _____ No _____
 If yes, how many? _____ What type? _____
16. Type of Refuse Disposal: Municipal: _____ Private: _____
17. Is there a Need for any Special Type of Security Fencing? Yes _____ No _____
 If yes, what type? _____
18. Outline any effects of Odor, Smoke, Noise, Light or Vibration Resulting from this Operation?
 Yes _____ No _____ if Yes, Explain: _____

19. Did the Wisconsin State Department of Commerce Approve Building Plans? Yes _____ No _____
20. Is this an Expansion of an Existing Operation? Yes _____ No _____
 If Yes, are there currently any Permits under other Names, other than what are indicated on
 this Application: Names: _____

21. Any Other Information/Details: _____

Name of Applicant: _____

Submitted by: _____ Date: _____

**A DETAILED SITE PLAN /SURVEY WITH DIMENSIONS OF ALL BUILDING, PARKING AREAS,
 LOCATION OF SIGN LOCATIONS, LANDSCAPING, LIGHTING AND OTHER PERTINENT DATA
 IS TO BE SUBMITTED WITH ALL APPLICATIONS. PLEASE SUBMIT 14 COPIES.**

To Be Completed by Village Clerk/Treasurer:

 Approval of Zoning Administrator (Date)

 Approval of Plan Commission (if required)

 Approval of Village Board (Date)

 Building Inspector Approval (Date)

Article M: Changes and Amendments to the Zoning Code

Sec. 13-1-180 Authority.

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

Sec. 13-1-181 Initiation of Changes or Amendments.

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

Sec. 13-1-182 Protest.

- (a) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the

13-1-182

land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

- (b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Village Board membership to adopt such amendment.

Sec. 13-1-183 through Sec. 13-1-189 Reserved for Future Use.

Sec. 13-1-190 Appeals to the Zoning Board of Appeals.

- (a) **Scope of Appeals.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:
 - (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
 - (2) **Variances.** To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
 - (3) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Board has made an advisory review and recommendation.
 - (4) **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Village Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Village Board has made a review and recommendation.

- (6) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Village Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (7) **Permits.** The Board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

Sec. 13-1-191 Hearing on Appeals.

The Board of Appeals shall fix a reasonable time for the hearing, cause a Class I notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

Sec. 13-1-192 Decisions of Board of Appeals.

- (a) **Timeframe.** The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- (b) **Conditions.** Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- (c) **Validity.** Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

Sec. 13-1-193 Variances.

- (a) **Purpose.**
 - (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him/her undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.

- (2) The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
 - (3) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- (b) **Application for Variance.** The application for a variance shall be filed with the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
- (1) Name and address of applicant and all abutting and opposite property owners of record.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) A site plan showing an accurate depiction of the property.
 - (5) Additional information required by the Village Engineer, Village Board, Zoning Board of Appeals or Zoning Administrator.
 - (6) Fee receipt in the amount as determined by the Village Board.
- (c) **Public Hearing of Application.** The Board of Appeals shall conduct at least one (1) public hearing on the proposed variance. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one (1) or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator and the Village Board. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board of Appeals shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.
- (d) **Action of the Board.** For the Board of Appeals to grant a variance, it must find that:
- (1) Denial of a variance may result in hardship to the property owner due to physiological consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.

- (2) The conditions upon which a petition for a variance is based are unique to the property for which a variance is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
 - (5) The proposed variance will not undermine the spirit and general and specific purposes of the Zoning Code.
- (e) **Conditions.** The Board of Appeals on appeal may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.
- (f) **Standards for Qualifying For A Variance.** To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:
- (1) **Unique Property Limitations.**
 - a. The applicant must show that the property has conditions that are unique or special to that property, that such unique physical characteristics prevent compliance with the regulations of this Zoning Code. Examples, but not limited to, of such conditions are physical limitations unique to the property such as wetlands or exceptionally unique steep slopes.
 - b. The following are non-exclusive examples of items Wisconsin courts have decided cannot be a basis for granting a variance under the "unique property limitation" test:
 1. Financial considerations of the applicant.
 2. The personal circumstances of the applicant (i.e. need for an expanded garage, a growing family, an unemployed family member returning home, etc.).
 3. The existence of nearby Zoning Code violations.
 4. Lack of objections from neighbors.
 - (2) **No Harm To Public Interests.** To qualify for a variance, the applicant must demonstrate that the proposed variance is not contrary to the public interest. In applying this test, the Board of Appeals must consider the impacts of the variance proposal, and, if setting a precedent, the cumulative impacts of similar projects on the interests of the neighbors, the overall Village and the general public. Such factors are generally identified in Section 13-1-4.
 - (3) **Unnecessary Hardship.**
 - a. To qualify for a variance, the applicant must demonstrate that the special condition(s) of the property creates an unnecessary hardship. When determining

- whether an unnecessary hardship exists, the property as a whole shall be considered rather than a portion of the property.
- b. The following are non-exclusive examples of items Wisconsin courts have decided cannot be a basis for granting a variance under the "unnecessary hardship" test:
 1. Conditions which are self-imposed or created by a prior owner (i.e. owner expands home and then argues there is no suitable location for a proposed new garage).
 2. Economic or financial hardship to the applicant (i.e. construction of a new garage in a complying location would cost more than placing the garage in a location requiring a variance).
 3. Lack of objections from neighbors.
 - c. Due to Wisconsin court decisions, the "unnecessary hardship" determination requires that the Board of Appeals apply different tests for use variances and area variances:
 1. For a use variance, unnecessary hardship can be determined to exist only if the property owner can show that he/she would have *no reasonable use of the property* without a variance. A use variance would permit a property owner to put property to an otherwise prohibited use.
 2. For an area variance, unnecessary hardship can be determined to exist only if the property owner can show that compliance with the requirements of the Zoning Code would *unreasonably prevent the property owner from using the land for a permitted purpose* (leaving the property owner without any use that is permitted for the property under the Zoning Code) or would render *conformity with such zoning restrictions unnecessarily burdensome*. Area variances are intended to provide an increment of relief (usually small) from a physical dimensional requirement of the Zoning Code such as building height or setback requirements. In applying the test for an area variance, the Board of Appeals shall consider the purpose of the Zoning Code, the Zoning Code's restrictions on the applicant's property, and the cumulative effects granting of a variance would have on the neighborhood, community and on the public interests.
 3. Unless the Board of Appeals finds that a property cannot be used for any permitted purpose, area variances shall not be granted for greater than a forty percent (40%) deviation in the area, setback, height or density requirements specified in this Chapter.

(Note: The above standards reflect the Wisconsin Supreme Court's decisions in *State ex rel. Ziervogel v. Washington County Board of Adjustment*, 2004 WI 23, 269 Wis. 2d 549, 676 N.W.2d 401 and *State v. Waushara County Board of Adjustment*, 2004 WI 56, ___ Wis. 2d ___, 679 N.W.2d 514).

Sec. 13-1-194 Review by Court of Record.

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

Sec. 13-1-195 through Sec. 13-1-199 Reserved for Future Use.

Article O: Mobile Homes

Sec. 13-1-200 Intent — Where Mobile Home Districts Permitted.

- (a) R-5 Mobile Home Park Zoning Districts may hereafter be established by amendments to the official zoning map in accordance with the procedures, requirements and limitations set forth in this Article. Within such districts, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- (b) It is the intent of this Article to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as Mobile Homes within the definitions of this Article and to prohibit units not meeting the requirements for Mobile Homes as defined herein. Units constructed prior to 1974 are prohibited. Mobile Homes meeting the requirements of the One- and Two-Family Building Dwelling Code shall not be permitted in an R-5 Mobile Home Park District except as a conditional use. Such Conditional Use Permits may be obtained only after approval by the Plan Commission.
- (c) The procedure for creation of an R-5 Mobile Home Park District shall be as prescribed in Article M of this Chapter, except that the standards and conditions in Sections 13-1-66 and 13-1-68 shall be followed.

Sec. 13-1-201 Definitions.

The following definitions are used in this Article:

- (a) **Unit.** Any mobile home unit.
- (b) **Non-dependent Unit.** A mobile home that has a complete toilet and bath or shower facilities.
- (c) **Mobile Home Park.** Any park, camp, court, site, plot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or locations or accommodations for ten (10) or more mobile homes and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. "Mobile Home Park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the sole purpose of inspection and sale.
- (d) **Space.** A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home unit.
- (e) **Person.** An individual, partnership, firm, corporation, association, trust, whether owner, lessee, licensee or their agent, heir or assignee.
- (f) **Dependent Mobile Home.** A mobile home which does not have complete bathroom facilities.

13-1-201

- (g) **Licensee or Operator.** Any person licensed to operate and maintain a mobile home park under this Article.
- (h) **Licensing Authority.** The Village of Sullivan.
- (i) **Mobile Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the Village Subdivision Ordinance and comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.
- (j) **Mobile Home.** As defined in Section 13-1-8.

Sec. 13-1-202 Permitted and Permissible Uses and Structures.

The following principal uses and structures are permitted within R-5 Districts:

- (a) **One-Family Detached Mobile Homes (residential mobile home).** In mobile home park communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.
- (b) **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.
- (c) **Rental.** No mobile home park site shall be rented for a period of less than thirty (30) days.

Sec. 13-1-203 Mobile Homes in Parks Only.

- (a) It shall be unlawful, except as provided in this Article, for any person to park or use any mobile home on any street, alley, highway or road or other public place, or on any parcel of land or other space within the Village of Sullivan.
- (b) Emergency or temporary stopping or parking is permitted on any street, alley, highway or road for no longer than one (1) hour, subject to any other and further prohibition, regulation or limitation imposed by the traffic and parking regulations or ordinance for that street, alley, highway or road.
- (c) No person shall park or occupy any mobile home on any premises which is situated outside an approved licensed mobile home park.
- (d) There shall be no replacement of a nonconforming mobile home once it is removed.

Sec. 13-1-204 Mobile Home Park License and Application.

- (a) It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her a mobile home park within the limits of the Village of Sullivan without first having

- obtained a license for each such mobile home park from the Village Board pursuant to this Article. Such license shall expire one (1) year from the date of issuance but may be renewed under the provisions of this Article for additional periods of one (1) year.
- (b) The application for such license or the renewal shall be accompanied by a fee as prescribed in Section 1-3-1 for each space in the existing or proposed mobile home park, provided that the minimum fee shall not be less than Twenty-five Dollars (\$25.00), and a surety bond in the amount of Five Thousand Dollars (\$5,000.00), which shall guarantee:
 - (1) The collection by the licensee of the monthly parking permit fee if required by the Village and the payment of such fees to the Village Clerk-Treasurer;
 - (2) The payment by the licensee of any fine or forfeiture, including legal costs imposed upon or levied against said licensee for a violation of the ordinances of the said Village pursuant to which said license is granted, and shall also be for the use and benefit, and may be prosecuted and recovery had thereon, by any person who may be injured or damaged by reason of the licensee violating the provisions of this Article.
 - (c) The application for a license or a renewal thereof shall be made on forms furnished by the Village Clerk-Treasurer and shall include the name and address of the owner in fee of the lands upon which said mobile home park is to be located (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him/her to construct or maintain the mobile home park and to apply for a license), and the location and legal description of the premises upon which the mobile home park is to be or is located as will readily identify and definitely locate the premises. The application shall be accompanied by two (2) copies of the complete mobile home park plan showing the following, either existing or as proposed: (1) the extent and area used for mobile park purposes; (2) roadways and driveways; (3) location of space for mobile homes; (4) location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of spaces; (5) method and plan of sewage disposal; (6) method and plan of garbage removal; (7) plan for water supply; (8) plan for lighting of spaces; (9) plan for rubbish disposal; (10) all other matters required of this Chapter. If the existing or proposed mobile home park is designed to serve non-dependent mobile home units, such plans shall clearly set forth the location of all sewer and water pipes and connections.
 - (d) Every licensee shall furnish the Village Clerk-Treasurer and Village Assessor with information on mobile homes added to the mobile home park within five (5) days after their arrival on forms prescribed by the Wisconsin Department of Revenue.

Sec. 13-1-205 Inspection and Enforcement.

No mobile home park license shall be issued until the Village Clerk-Treasurer shall notify the Village Board, and the Village Board or its designee shall have inspected each application and

the premises on which mobile homes will be located to insure compliance with the regulations, ordinances and laws applicable thereto. No licensee will be renewed without a reinspection of the premises. For the purposes of making inspections and securing the enforcement of this Chapter, such officials or their authorized agents shall have the right and are hereby empowered to enter on any premises on which a mobile home is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

Sec. 13-1-206 Mobile Home Parks.

- (a) Each mobile home space within a mobile home park shall be clearly defined and shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant; such space shall be no less than forty (40) feet in width and no less than one hundred (100) feet in depth. The area occupied by a mobile home shall not exceed fifty percent (50%) of the total area of the mobile home space (including any awnings, carports, vehicles or attachments thereto). Each mobile home space shall be landscaped in accordance with the plans approved by the Village Board. The mobile home park shall be so arranged that all spaces shall face or abut on an approved public roadway giving easy access thereto. Each space shall have a ten (10) square feet by twenty (20) square feet paved off-street parking space for an automobile. The yard shall be landscaped except for necessary driveway and sidewalk needs, which shall not exceed one-half (1/2) the width of the space. Temporary storage shall not be allowed on lawn areas.
- (b) Roadways shall be at least sixty (60) feet in width and shall be paved to Village specifications.
- (c)
 - (1) A minimum of two (2) off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of four thousand (4,000) pounds shall be provided for each mobile home space.
 - (2) Each mobile home park shall maintain paved off-street parking lots for guests of occupants in the amount of one (1) parking space for each mobile home space. Such parking shall be located within three hundred (300) feet of the mobile homes to be served.
- (d) Each space shall be properly landscaped with at least one (1) tree, hedges, grass, fences, windbreaks and the like. All mobile home parks shall have a greenbelt or buffer strip not less than twenty (20) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance with this requirement shall be made within five (5) years from the granting of the mobile home park developer's permit. Permanent planting shall be grown and maintained at a height of not less than six (6) feet. Screening or planting requirements may be waived or modified by the governing body if

it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.

- (e) No mobile home shall be parked closer than five (5) feet to the side lot lines nor closer than twenty (20) feet to the front lot line or within twenty-five (25) feet of the rear lot line.
- (f) There shall be an open space of at least ten (10) feet between the sides of adjacent mobile homes. Automobiles may park no closer than five (5) feet to the side of any mobile home; automobiles shall not, however, be parked nearer than five (5) feet to any side lot line.
- (g) No tents shall be erected or occupied on any space for longer than seven (7) days, and there shall be no outdoor camping anywhere in the mobile home park.
- (h) All non-dependent units must be connected to public water and sanitary sewer systems, and plans for disposal of surface storm water shall be approved by the Village Board.
- (i) Every mobile home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse with not less than sixty (60) amperes capacity, and a heavy-duty outlet receptacle. All utility lines shall be placed underground.
- (j) No mobile home shall be parked in a mobile home park outside of a designated space therein.
- (k) Each mobile home space shall contain a paved area upon which said mobile home is to be placed. Said paved area shall be at least as large as the mobile home which is to be placed thereon.
- (l) The mobile home park shall be so arranged that no dependent unit shall be located further than two hundred (200) feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be paved and well lighted.

Sec. 13-1-207 Water Supply.

- (a) An adequate supply of pure water furnished through a pipe distribution system connected directly with the public water main with supply faucets located not more than two hundred (200) feet from any dependent mobile home shall be furnished for drinking and domestic service in all mobile home parks.
- (b) Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of such mobile home. Such system shall be adequate to provide twenty (20) pounds per square inch pressure and capable of furnishing a minimum of one hundred twenty-five (125) gallons of water per day per space.
- (c) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.
- (d) Every mobile home park servicing dependent units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

Sec. 13-1-208 Service Buildings and Accommodations.

- (a) Every mobile home park designed to serve dependent units shall have erected thereon suitable buildings for housing toilets, lavatories, showers, slop sinks and laundry facilities as required by this Article and by the State of Wisconsin Administrative Code, such buildings to be known as service buildings. Service buildings shall be located not more than two hundred (200) feet from any mobile home space. Such service buildings shall be of permanent construction and adequately lighted, screened and ventilated.
- (b) There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in the ratio of one (1) toilet for each six (6) dependent units or fraction thereof and shall have separate compartments. Every male toilet room shall contain one (1) urinal for each sixteen (16) dependent units, but in no case shall any male toilet be without one (1) urinal. Toilet rooms shall contain lavatories with hot and cold running water in the ratio of one (1) lavatory for each two (2) water closets.
- (c) Separate bathing facilities for each sex shall be provided with one (1) shower enclosed in a compartment at least four (4) feet square in size for each six (6) dependent units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment which shall be at least sixteen (16) square feet in size.
- (d) Laundry facilities shall be provided on the ratio of one (1) double tray unit and one (1) conventional type washing machine or one (1) automatic washing machine, with electric outlet, for each eight (8) units. Sufficient drying facilities shall be available.
- (e) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one (1) slop sink for each sixteen (16) dependent units.
- (f) Floors of toilets, showers and the laundry shall be concrete, tile or similar material impervious to water and easily cleaned and pitched to a floor drain.

Sec. 13-1-209 Waste and Garbage Disposal.

- (a) All liquid wastes from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system.
- (b) Every space designed to serve a non-dependent unit shall be provided with sewer connections which shall comply with all applicable state plumbing codes. The sewer connections shall be provided with suitable fitting so that watertight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.
- (c) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby declared unlawful.
- (d) Each faucet shall be equipped with facilities for drainage of waste and excess water.

Sec. 13-1-210 Number of Spaces.

There shall be at least ten (10) spaces in each mobile home park and no more than two hundred (200) spaces; all requirements of this Article for the issuance of a license shall be complied with prior to the issuance of such license and proper rezoning as to each of the available spaces designed into said mobile home park. All accommodations required by this Article shall be based upon the total park capacity according to the accepted plans.

Sec. 13-1-211 Operation of Mobile Home Parks; Responsibilities of Park Management.

- (a) In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Chapter shall be posted therein and the park register shall, at all times, be kept in said office.
- (b) The attendant or person in charge and the park licensee shall operate the park in compliance with this Chapter and regulations and Ordinances of the Village and State and their agents or officers and shall have the following duties:
 - (1) Maintain a register of all park occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:
 - a. Names and addresses of all owners and occupants of each mobile home.
 - b. Number of children of school age.
 - c. State of legal residence.
 - d. Dates of entrance and departure of each mobile home.
 - e. Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country which issued such licenses.
 - f. Place of employment of each occupant, if any.
 - (2) Notify park occupants of the provisions of this Chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Chapter or any other violations of law which may come to their attention.
 - (3) Report to Village authorities all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.
 - (4) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tiedowns.
 - (5) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
 - (6) Maintain the park free from growth of noxious weeds.
 - (7) Maintain the park free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Inspector in all locations

13-1-211

designated by the Fire Inspector and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Inspector to be kept free and clear of obstructions.

- (8) Check to insure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodentproof container for the deposit of garbage and refuse in accordance with the Ordinances of the Village. The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.
- (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances and regulations of the Village, including regulations promulgated by the Fire Inspector.
- (10) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by Section 13-1-213 of this Chapter.

Sec. 13-1-212 Responsibilities and Duties of Mobile Home Park Occupants.

- (a) Park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- (c) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.
- (d) Each owner or occupant of a nonexempt mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee.
- (e) It shall be the duty of every occupant of a park to give the park licensee or management, or his/her agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or Ordinance of the State or Village or lawful regulation or order adopted thereunder.
- (f) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.
- (g) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the Village.

- (h) No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- (i) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this Chapter.

Sec. 13-1-213 Additional Regulations on Mobile Homes and Mobile Home Parks.

- (a) Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the Village. The Building Inspector shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Building Inspector so determines, he/she shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him/her giving the findings upon which his/her determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.
- (b) The Building Inspector, Fire Inspector or their lawful agents or employees are authorized and directed to inspect mobile home parks not less than once in every twelve (12) month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the Village as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the State and Ordinances of the Village.
- (c) Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Inspector.
- (d) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the park shall be in accordance with the regulations of applicable laws, ordinances and regulations of the State and municipalities and their authorized agents.
- (e) All mobile homes in mobile home parks shall be skirted unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- (f) No person shall construct, alter or add to any structure, attachment or building in a mobile home park or on a mobile home space without a permit from the Building Inspector in compliance with the Village Building Code. Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as

13-1-213

the mobile home affected. This Subsection shall not apply to addition of awnings, antennas or skirting to mobile homes.

- (g) Storage under mobile homes is prohibited.

Sec. 13-1-214 Compliance with Plumbing, Electrical and Building Ordinances.

All plumbing, electric, electrical, building and other work on or at any mobile home park under this Chapter shall be in accordance with the Ordinances of the Village and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health. Licenses and permits granted under this Chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electric work.

Sec. 13-1-215 Limitations on Signs.

In connection with Mobile Home Communities within the R-5 District, no sign intended to be read from any public way adjoining the district shall be permitted except:

- (a) No more than one (1) identification sign, not exceeding twenty (20) square feet in area, for each principal entrance.
- (b) No more than one (1) sign, not exceeding four (4) square feet in area, advertising property for sale, lease or rent, or indicating "Vacancy" or "No Vacancy," may be erected at each principal entrance.
- (c) In the case of new mobile home communities consisting in whole or in part of mobile home subdivisions or condominiums, one (1) sign, not exceeding twenty (20) square feet in area, may be erected for a period of not more than two (2) years at each principal entrance to advertise the sale of lots or dwellings.
- (d) No source of illumination for any such signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five (5) feet of any exterior property line.

Sec. 13-1-216 Standards for General Site Planning for Mobile Home Communities.

The following guides, standards and requirements shall apply in site planning for mobile home communities:

- (a) **Principal Vehicular Access Points.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards

to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.

- (b) **Access for Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
- (c) **Protection of Visibility – Automotive Traffic, Cyclists and Pedestrians.** At intersections of any streets, public or private, the provisions of Section 13-1-90 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of said street unless at least twenty-five (25) feet from said access measured at right angles to the path.
- (d) **Exterior Yards for Mobile Home Communities; Minimum Requirements; Occupancy.** The following requirements and limitations shall apply to yards at the outer edges of mobile home communities:
- (1) **Along Public Streets.** Where R-5 Districts adjoin public streets along exterior boundaries, a yard at least twenty-five (25) feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used to satisfy open space depth requirements for individual dwellings but shall not contain carports, recreational shelters, storage structures or any other structures generally prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.
 - (2) **At Edges of R-5 Districts (Other Than at Streets or Alleys).** Where R-5 Districts are so located that one (1) or more boundaries are at the edges of R-5 Districts and adjoining neighboring districts without an intervening street, alley or other permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (20) feet in minimum dimension shall be provided. Where the adjoining district is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential, such yards may be used for group or individual parking, active recreation facilities or carports, recreational shelters or storage structures.

- (e) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- (f) **Yards, Fences, Walls or Vegetative Screening at Edges of Mobile Home Communities.** Along the edges of mobile home communities, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from potentially adverse influences within the mobile home community. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.
- (g) **Internal Relationships.** The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
- (1) **Streets, Drives and Parking and Service Areas.** Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.
 - (2) **Vehicular Access to Streets.** Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
 - (3) **Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance or Service Vehicles.**
 - a. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.

-
- b. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

10

11

12

13

14

Title 13 ► Chapter 2

Floodplain Zoning

Article A Introduction

- 13-2-1** Statutory Authorization
- 13-2-2** Finding of Fact
- 13-2-3** Statement of Purpose
- 13-2-4** Title
- 13-2-5** General Provisions
- 13-2-6 through**
- 13-2-19** Reserved for Future Use

Article B General Provisions Applicable to All Floodplain Districts

- 13-2-20** General Provisions Applicable to All Floodplain Districts
- 13-2-21** Hydraulic and Hydrologic Analyses
- 13-2-22** Watercourse Alterations
- 13-2-23** Chapters 30 and 31, Wis. Stats., Development
- 13-2-24** Public or Private Campgrounds
- 13-2-25 through**
- 13-2-29** Reserved for Future Use

Article C Floodway District (FW)

- 13-2-30** Applicability of Floodway District Regulations
- 13-2-31** Floodway District Permitted Uses
- 13-2-32** Standards for Developments in Floodway Areas
- 13-2-33** Prohibited Uses in the Floodway District
- 13-2-34 through**
- 13-2-39** Reserved for Future Use

Article D Floodfringe District (FF)

- 13-2-40** Applicability of Floodfringe District Regulations
- 13-2-41** Floodfringe District Permitted Uses

- 13-2-42** Standards for Development in Floodfringe Areas
13-2-43 through
13-2-49 Reserved for Future Use

Article E General Floodplain District (GFP)

- 13-2-50** Other Floodplain Districts
13-2-51 Applicability of General Floodplain District Regulations
13-2-52 General Floodplain District Permitted Uses
13-2-53 Standards for Development in the General Floodplain District
13-2-54 Determining Floodway and Floodfringe Limits
13-2-55 through
13-2-59 Reserved for Future Use

Article F Flood Storage District (FSD)

- 13-2-60** Applicability of Flood Storage District Regulations
13-2-61 Flood Storage District Permitted Uses
13-2-62 Standards for Development in Flood Storage District
13-2-63 through
13-2-69 Reserved for Future Use

Article G Nonconforming Uses

- 13-2-70** General Applicability of Nonconforming Use Status
13-2-71 Floodway Districts — Nonconforming Uses
13-2-72 Floodfringe Districts — Nonconforming Uses
13-2-73 through
13-2-79 Reserved for Future Use

Article H Administration

- 13-2-80** Zoning Administrator; Permits
13-2-81 Zoning Agency
13-2-82 Board of Appeals
13-2-83 Board of Appeals to Review Appeals of Permit Denials

- 13-2-84** Floodproofing Standards for Nonconforming Structures or Uses
- 13-2-85** Public Information
- 13-2-86 through**
- 13-2-89** Reserved for Future Use

Article I Amendments

- 13-2-90** General Amendments
- 13-2-91** Procedures for Amendments
- 13-2-92 through**
- 13-2-99** Reserved for Future Use

Article J Enforcement and Penalties; Definitions

- 13-2-100** Enforcement and Penalties
- 13-2-101** Definitions

Article A: Introduction

Sec. 13-2-1 Statutory Authorization.

This Chapter is adopted pursuant to the authorization in Secs. 61.35 and 62.23, Wis. Stats. for villages and cities; Secs. 59.69, 59.692 and 59.694, Wis. Stats.; and the requirements in Sec. 87.30, Wis. Stats.

Sec. 13-2-2 Finding of Fact.

Uncontrolled development and the use of the floodplains and rivers of the Village of Sullivan would impair the public health, safety, convenience, general welfare and tax base.

Sec. 13-2-3 Statement of Purpose.

This Chapter is intended to regulate floodplain development to:

- (a) Protect life, health and property;
- (b) Minimize expenditures of public funds for flood control projects;
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (d) Minimize business interruptions and other economic disruptions;
- (e) Minimize damage to public facilities in the floodplain;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;
- (g) Discourage the victimization of unwary land and home buyers;
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

Sec. 13-2-4 Title.

This Chapter shall be known as the Floodplain Zoning Ordinance for the Village of Sullivan, Jefferson County, Wisconsin.

Sec. 13-2-5 General Provisions.

- (a) **Areas To Be Regulated.** This Chapter regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other

maps approved by the DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations (RFE) may be may be derived from other studies. If more than one (1) map or revision is referenced, the most restrictive information shall apply.

(b) **Official Maps and Revisions.**

(1) The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Article I Amendments) before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Sullivan Village Clerk-Treasurer. If more than one (1) map or revision is referenced, the most current information shall apply.

(2) The following are the official maps:

- a. Based on the FIS: Flood Insurance Rate Map (FIRM), panel number 55055C0-239F and 55055C0240F, dated February 4, 2015, with corresponding profiles that are based on the Flood Insurance Study (FIS) dated February 4, 2015, volume 55055CV001B and 55055CV002B.
- b. Based on other studies (any such maps must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development): Jefferson County Flood Storage Map, Panel 9, dated February 4, 2015, as approved by the DNR.

(c) **Establishment of Districts.** The regional floodplain areas are divided into four (4) districts as follows:

- (1) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
- (2) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (3) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO Zones on the FIRM.
- (4) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(d) **Locating Floodplain Boundaries.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in Subsections (d)(1) and (2) below. If a significant difference exists, the map shall be amended according to Sec. 13-2-90 and 13-2-91. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for

documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Section. Disputes between the Zoning Administrator and an applicant over the district's boundary line shall be settled according to Sec. 13-2-82(c) and the criteria in Subsections (d)(1) and (2) below:

- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale.
- (e) **Removal of Lands From Floodplain.** Compliance with the provisions of this Chapter shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Secs. 13-2-90 and 13-2-91.
[Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).
- (f) **Compliance.** Any development or use within the areas regulated by this Chapter shall be in compliance with the terms of this Chapter, and other applicable local, state and federal regulations.
- (g) **Municipalities and State Agencies Regulated.** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Chapter and obtain necessary permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Sec. 30.2022, Wis. Stats., applies.
- (h) **Abrogation and Greater Restrictions.**
- (1) This Chapter supercedes all the provisions of any zoning ordinance enacted under Section 61.35, Wis. Stats., for villages and Sec. 62.23, Wis. Stats., for cities, or Sec. 87.30, Wis. Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - (2) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.
- (i) **Interpretation.** In their interpretation and application, the provisions of this Chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Chapter, required by NR 116, Wis. Adm. Code, is unclear, the provisions shall be interpreted in light of the standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

- (j) **Warning and Disclaimer of Liability.** The flood protection standards in this Chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Chapter create liability on the part of, or a cause of action against, the Village of Sullivan or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.
- (k) **Severability.** Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.
- (l) **Annexed Areas for Cities and Villages.** The Jefferson County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the Village of Sullivan adopts and enforces an ordinance which meets the requirements of NR 116, Wis. Adm. Code, and 44 CFR 59-72, the National Flood Insurance Program (NFIP). These annexed lands are described on the Village of Sullivan's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this Section and are on file in the office of the Village Clerk-Treasurer. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

Sec. 13-2-6 through Sec. 13-2-19 Reserved for Future Use.

Article B: General Provisions Applicable to
All Floodplain Districts

Sec. 13-2-20 General Standards Applicable To All Floodplain Districts.

- (a) The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that the utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.
- (b) Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this Chapter and all other requirements in Sec. 13-2-80(c). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

Sec. 13-2-21 Hydraulic and Hydrologic Analyses.

- (a) No floodplain development shall:
 - (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (2) Cause any increase in the regional flood height due to floodplain storage area lost.
- (b) The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Article I Amendments are met.

Sec. 13-2-22 Watercourse Alterations.

- (a) No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal

permits. The standards of Section 13-2-20 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

- (b) As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation and pursuant to Article H Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

Sec. 13-2-23 Chapters 30 and 31, Wis. Stats., Development.

Development which requires a permit from the Department, under Chapters 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to Article I Amendments.

Sec. 13-2-24 Public or Private Campgrounds.

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (a) The campground is approved by the Wisconsin Department of Health Services.
- (b) A land use permit for the campground is issued by the Zoning Administrator.
- (c) The character of the river system and the elevation of the campground are such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants.
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (e) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in Subsection (d), to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations.
- (f) Only camping units that are fully licensed, if required, and ready for highway use are allowed.
- (g) The camping units may not occupy any site in the campground for more than one hundred and eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours.

- (h) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred and eighty (180) days and shall ensure compliance with all the provisions of this Section.
- (i) The Village of Sullivan shall monitor the limited authorization issued by the campground operator to assure compliance with the terms of this Section.
- (j) All camping units that remain in place for more than one hundred and eighty (180) consecutive days must meet the applicable requirements of either Article C, Article D or Article E of this Chapter for the floodplain district in which the structure is located.
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Sec. 13-2-25 through Sec. 13-2-29 Reserved for Future Use.

Article C: Floodway District (FW)

Sec. 13-2-30 Applicability of Floodway District Regulations.

This Article/District applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Sec. 13-2-54.

Sec. 13-2-31 Floodway District Permitted Uses.

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- They are not prohibited by any other ordinance;
 - They meet the standards in Secs. 13-2-32 and 13-2-33; and
 - All permits or certificates have been issued according to Sec. 13-2-80:
- (a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (b) *Nonstructural* industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (c) *Nonstructural* recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of Sec. 13-2-32(d).
 - (d) Uses or structures accessory to open space uses, or classified as historic structures that comply with Secs. 13-2-32 and 13-2-33.
 - (e) Extraction of sand, gravel or other materials that comply with Sec. 13-2-32(d).
 - (f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Wis. Stats.
 - (g) Public utilities, streets and bridges that comply with Sec. 13-2-32(c).

Sec. 13-2-32 Standards for Developments in Floodway Areas.

- (a) **General Standards.**
 - (1) Any development in floodway areas shall comply with Article B and have a low flood damage potential.
 - (2) Applicants shall provide the following data to determine the effects of the proposal according to Secs. 13-2-20 and 13-2-80(b)(3):
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

- b. An analysis calculating the effects of this proposal on regional flood height.
- (3) The Zoning Administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for Subsection (a)(2) above.
- (b) **Structures.** Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
 - (1) The structures are not designed for human habitation and do not have a high flood damage potential and are constructed to minimize flood damage;
 - (2) The structures shall have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
 - (3) The structures must be anchored to resist flotation, collapse, and lateral movement;
 - (4) The structures' mechanical and utility equipment shall be elevated or flood proofed to or above the flood protection elevation; and
 - (5) The structures must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (c) **Public Utilities, Streets and Bridges.** Public utilities, streets and bridges may be allowed by permit, if:
 - (1) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (2) Construction meets the development standards of Sec. 13-2-21.
- (d) **Fills or Deposition of Materials.** Fills or deposition of materials may be allowed by permit, if:
 - (1) The requirements of Sec. 13-2-21 are met;
 - (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this Article are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous waste material.

Sec. 13-2-33 Prohibited Uses In The Floodway District.

All uses not listed as permitted uses in Sec. 13-2-31 are prohibited, including the following uses:

- (a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

- (b) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and SPS 383, Wis. Adm. Code;
- (e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and NR 811 and NR 812, Wis. Adm. Code;
- (f) Any solid or hazardous waste disposal sites;
- (g) Any wastewater treatment ponds or facilities, except those permitted under NR 110.15(3)(b), Wis. Adm. Code; and
- (h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

Sec. 13-2-34 through Sec. 13-2-39 Reserved for Future Use.

Article D: Floodfringe District (FF)

Sec. 13-2-40 Applicability of Floodfringe District Regulations.

This Article/District applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Sec. 13-2-54.

Sec. 13-2-41 Floodfringe District Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in Sec. 13-2-42 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Sec. 13-2-80 have been issued.

Sec. 13-2-42 Standards for Development in Floodfringe Areas.

Sec. 13-2-21 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article G Nonconforming Uses:

- (a) **Residential Uses.** Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe area, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Article G Nonconforming Uses:
- (1) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of Subsection (a)(2) below can be met. The fill shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure;
 - (2) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection (b)(4) below;
 - (4) In developments where existing street or sewer line elevations make compliance with Subsection (b)(3) impractical, the Village of Sullivan may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - a. The Village of Sullivan has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

- b. The Village of Sullivan has a DNR-approved emergency evacuation plan.
- (b) **Accessory Structures or Uses.** Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
 - (c) **Commercial Uses.** Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of Subsection (a) above. Subject to the requirements of Subsection (e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
 - (d) **Manufacturing and Industrial Uses.** Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards of Section 13-2-84. Subject to the requirements of Subsection (e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
 - (e) **Storage of Materials.** Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Section 13-2-84. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
 - (f) **Public Utilities, Streets and Bridges.** All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:
 - (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with Section 13-2-84;
 - (2) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
 - (g) **Sewage Systems.** All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Section 13-2-84, to the flood protection elevation and shall meet the provisions of all local ordinances and SPS 383, Wis. Adm. Code.
 - (h) **Wells.** All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Section 13-2-84, to the flood protection elevation and shall meet the provisions of NR 811 and NR 812, Wis. Adm. Code.
 - (i) **Solid Waste Disposal Sites.** Disposal of solid or hazardous waste is prohibited in floodfringe areas.
 - (j) **Deposition of Materials.** Any deposited material must meet all the provisions of this Chapter.
 - (k) **Manufactured Homes.**
 - (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval

- and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a. Have the lowest floor elevated to the flood protection elevation; and
 - b. Be anchored so they do not float, collapse or move laterally during the flood.
 - (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Sec. 13-2-42(b).
- (l) **Mobile Recreational Vehicles.** All mobile recreational vehicles that are on site for one hundred and eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Subsection (k)(2)-(3) above. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

Sec. 13-2-43 through Sec. 13-2-49 Reserved for Future Use

Article E: General Floodplain District (GFP)

Sec. 13-2-50 Other Floodplain Districts.

Other floodplain districts may be established under this Chapter and reflected on the floodplain zoning map. These districts may include general floodplain districts and flood storage districts.

Sec. 13-2-51 Applicability of General Floodplain District Regulations.

The provisions of this Article/District shall apply to all floodplains mapped as A, AO or AH Zones.

Sec. 13-2-52 General Floodplain District Permitted Uses.

- (a) Pursuant to Section 13-2-54, it shall be determined whether the proposed use is located within a floodway or floodfringe area.
- (b) Those uses permitted in the Floodway (Section 13-2-31) and Floodfringe Districts (Section 13-2-41) are allowed within the General Floodplain District, according to the standards of Section 13-2-53, provided that all permits or certificates required under Section 13-2-80 have been issued.

Sec. 13-2-53 Standards for Development in the General Floodplain District.

Article C applies to floodway areas; Article D applies to floodfringe areas. The rest of this Chapter applies to either district:

- (a) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below, whichever is higher:
 - (1) At or above the flood protection elevation; or
 - (2) Two (2) feet above the highest adjacent grade around the structure; or
 - (3) The depth as shown on the FIRM.
- (b) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

Sec. 13-2-54 Determining Floodway and Floodfringe Limits.

Upon receiving an application for development within the General Floodplain District, the Zoning Administrator shall:

13-2-54

- (a) Require the applicant to submit two (2) copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures; and the flood zone as shown on the FIRM.
- (b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - (1) A Hydrologic and Hydraulic Study as specified in Section 13-2-80(c)(3).
 - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil type and other pertinent information;
 - (3) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

Sec. 13-2-55 through Sec. 13-2-59 Reserved for Future Use.

Sec. 13-2-60 Applicability of Flood Storage District Regulations.

- (a) The Flood Storage District (FSD) delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The District protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.
- (b) The provisions of this Article/District apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

Sec. 13-2-61 Flood Storage District Permitted Uses.

Any use or development which occurs in a flood storage district must meet the applicable standards of Sec. 13-2-42.

Sec. 13-2-62 Standards for Development in the Flood Storage District.

- (a) Development in a Flood Storage District shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
- (b) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- (c) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District - on this waterway - is rezoned to the Floodfringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per Article I Amendments.
- (d) No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

Secs. 13-2-63 through 13-2-69 Reserved for Future Use

Article G: Nonconforming Uses

Sec. 13-2-70 General Applicability of Nonconforming Use Status.

- (a) **Applicability.** If these standards conform with Section 62.23(7)(h), Wis. Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this Chapter or any amendment thereto.
- (b) **Existing Lawful Use of a Structure.** The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Chapter may continue subject to the following conditions:
 - (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this Chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure, or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
 - (2) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Chapter.
 - (3) The Village of Sullivan shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.
 - (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 13-2-42(b). The costs of elevating a nonconforming building or a building

with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this Subsection.

- (5) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 13-2-42(a).
- (6) If on a per event basis the total value of the work being done under Subsections (b)(4) and (5) above equals or exceeds fifty percent (50%) of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 13-2-42(a).
- (7) Except as provided in Subsection (b)(8) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current Chapter's requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.
- (8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided the minimum federal code requirements are met and all permits have been granted prior to the start of construction:
 - a. *Residential Structures.*
 1. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of Section 13-2-84(b).
 2. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
 3. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 4. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
 5. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section 13-2-42(a).

6. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- b. *Nonresidential Structures.*
1. Shall meet the requirements of Subsection (b)(9)a.
 2. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Subsection (b)(8)a.
 3. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards of Section 13-2-42(a).
- (c) **Nonconforming Historic Structures.** A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Section 13-2-32(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 13-2-84 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Subsection (b)(8)a if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

Sec. 13-2-71 Floodway Districts—Nonconforming Uses.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a Floodway District, unless such modification/addition:
- (1) Has been granted a permit or variance which meets all Chapter requirements;
 - (2) Meets the requirements of Section 13-2-70;
 - (3) Shall not increase the obstruction to flood flows or regional flood height; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Section 13-2-84, by means other than the use of fill, to the flood protection elevation; and
 - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two (2) openings must be provided with a minimum net area of at least one square inch for every one square foot (1sq. in.: 1 sq. ft.) of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

- d. The use must be limited to parking, building access or limited storage.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, Section 13-2-84(c), and SPS 383, Wis. Adm. Code.
- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all Village of Sullivan ordinances, Section 13-2-84(c), and NR 811 and NR 812, Wis. Adm. Code.

Sec. 13-2-72 Floodfringe Districts—Nonconforming Uses.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Village, and meets the requirements of Section 13-2-42, except where Subsection (b) below is applicable.
- (b) Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in Section 13-2-82, may grant a variance from those provisions of Subsection (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not be installed;
 - (4) Flood depths will not exceed two (2) feet;
 - (5) Flood velocities will not exceed two (2) feet per second; and
 - (6) The structure will not be used for storage of materials as described in Section 13-2-42(e).
- (c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, Section 13-2-84(c), and SPS 383, Wis. Adm. Code.
- (d) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Chapter, Section 13-2-84(c), and NR 811 and NR 812, Wis. Adm. Code.

Sec. 13-2-73 through Sec. 13-2-79 Reserved for Future Use.

Article H: Administration

Sec. 13-2-80 Zoning Administrator; Permits.

- (a) **Administration Responsibilities.** Where a Zoning Administrator, planning agency or a Zoning Board of Appeals has already been appointed to administer a zoning ordinance adopted under Sec. 62.23(7), Wis. Stats., these officials shall also administer this Chapter.
- (b) **Zoning Administrator.** The Zoning Administrator is authorized to administer this Chapter and shall have the following duties and powers:
 - (1) Advise applicants of the provisions of this Chapter, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (2) Issue permits and inspect properties for compliance with provisions of this Chapter and issue certificates of compliance where appropriate.
 - (3) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - (4) Keep records of all official actions such as:
 - a. All permits issued, inspections made, and work approved;
 - b. Documentation of certified lowest floor and regional flood elevations;
 - c. Floodproofing certificates;
 - d. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - e. All substantial damage assessment reports for floodplain structures.
 - f. List of nonconforming structures and uses.
 - (5) Submit copies of the following items to the Department's Regional Office:
 - a. Within ten (10) days of the decision, a copy of any decision on variances, appeals for map or text interpretations, and map or text amendments;
 - b. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - (6) Investigate, prepare reports, and report violations of this Chapter to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department's Regional Office.
 - (7) Submit copies of amendments to the FEMA Regional Office.
- (c) **Land Use Permit.** A land use permit shall be obtained before any new development, repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

- (1) **General Information.**
 - a. Name and address of the applicant, property owner and contractor;
 - b. Legal description, proposed use, and whether it is new construction or a modification.
- (2) **Site Development Plan.** A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - a. Location, dimensions, area and elevation of the lot;
 - b. Location of the ordinary highwater mark of any abutting navigable waterways;
 - c. Location of any structures with distances measured from the lot lines and street center lines;
 - d. Location of any existing or proposed on-site sewage systems or private water supply systems;
 - e. Location and elevation of existing or future access roads;
 - f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 - g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study — either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Article C or D are met; and
 - i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 13-2-21. This may include any of the information noted in Section 13-2-32(a).
- (3) **Hydraulic and Hydrologic Studies to Analyze Development.** All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.
 - a. **Zone A Floodplains.**
 1. *Hydrology.* The appropriate method shall be based on the standards in NR 116.07(3), Wis. Adm. Code, "Hydrologic Analysis: Determination of Regional Flood Discharge".
 2. *Hydraulic Modeling.* The regional flood elevation shall be based on the standards in NR 116.07(4), Wis. Adm. Code, "Hydrologic Analysis: Determination of Regional Flood Elevation" and the following:
 - i. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - ii. Channel sections must be surveyed.

- iii. Minimum four (4) foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - iv. A maximum distance of five hundred (500) feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - v. The most current version of the HEC-RAS shall be used.
 - vi. A survey of bridge and culvert openings and the top of the road is required at each structure.
 - vii. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than five hundred (500) feet.
 - viii. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - ix. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
3. **Mapping.** A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway:
 - i. **Development Outside of Floodway:** If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 - ii. **Development In the Floodway:** If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
- b. **Zone AE Floodplains.**
 1. **Hydrology.** If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on NR 116.07(3), Wis. Adm. Code, "Hydrologic Analysis: Determination of Regional Flood Discharge".

2. *Hydraulic Model.* The regional flood elevation shall be based on the standards in NR 116.07(4), Wis. Adm. Code, "Hydraulic Analysis: Determination of Regional Flood Elevation" and the following:
 - i. Duplicative Effective Model: The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
 - ii. Corrected Effective Model: The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.
 - iii. Existing (Pre-Project Conditions) Model: The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - iv. Revised (Post-Project Conditions) Model: The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - v. Changes to Models: All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - vi. Changes to Hydraulic Models: Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
3. *Mapping.* Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
 - i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMS and/or Flood Boundary Floodway Maps (FBFMs), construction plans, and bridge plans.
 - ii. Certified topographic map of suitable scale, contour interval, and planmetric map showing the applicable items. If a digital version of

the map is available, it may be submitted in order that the FIRM may be more easily revised.

- iii. Annotated FIRM panel showing the revised one percent (1%) and 0.2% annual chance floodplains and floodway boundaries.
 - iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plan Coordinate System in accordance with FEMA mapping specifications.
 - v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - vi. All cross-sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - vii. Both the current and proposed floodways shall be shown on the map.
 - viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
- (4) **Expiration.** All permits issued under the authority of this Chapter shall expire no more than one hundred and eighty (180) days after issuance. The permit may be extended for a maximum of one hundred and eighty (180) days for good and sufficient cause.
- (d) **Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:
- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Chapter;
 - (2) Application for such certificate shall be concurrent with the application for a permit;
 - (3) If all ordinance provisions are met, the certificate of compliance shall be issued within ten (10) days after written notification that the permitted work is completed;
 - (4) The applicant shall submit a certification signed by a registered professional engineer, architect, or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing requirements of Section 13-2-84 are met.
- (e) **Other Permits.** Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

Sec. 13-2-81 Zoning Agency.

- (a) The Village of Sullivan Plan Commission shall:
 - (1) Oversee the functions of the office of the Zoning Administrator; and
 - (2) Review and advise the Village Board on all proposed amendments to this Chapter, maps and text.
- (b) The Village of Sullivan Plan Commission shall not:
 - (1) Grant variances to the terms of this Chapter in place of action by the Board of Appeals; or
 - (2) Amend the text or zoning maps in place of official action by the Village Board.

Sec. 13-2-82 Board of Appeals.

The Zoning Board of Appeals, created under Sec. 62.23(7)(e), Wis. Stats., for village and cities is hereby authorized to act, or shall be appointed to act, for the purposes of this Chapter. The Zoning Board of Appeals shall exercise the powers conferred by the Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the Zoning Board of Appeals:

- (a) **Powers and Duties.**
 - (1) **Appeals.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
 - (2) **Boundary Disputes.** The Zoning Board of Appeals shall hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
 - (3) **Variances.** The Zoning Board of Appeals shall hear and decide, upon appeal, variances from the Chapter standards.
- (b) **Appeals to the Zoning Board of Appeals.**
 - (1) **Eligible Parties.** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer or department of the Village of Sullivan affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the Zoning Board of Appeals, by filing with the official whose decision is in question, and with the Zoning Board of Appeals, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Zoning Board of Appeals all records regarding the matter appealed.
 - (2) **Notice and Hearing for Appeals Including Variances.**
 - a. **Notice.** The Zoning Board of Appeals shall:
 - 1. Fix a reasonable time for the hearing;
 - 2. Publish adequate notice pursuant to the Wisconsin Statutes, specifying the date, time, place and subject of the hearing;

3. Assure that notice shall be mailed to the parties in interest and the Department's Regional Office at least ten (10) days in advance of the hearing.
- b. **Hearing.** Any party may appear in person or by agent or attorney. The Zoning Board of Appeals shall:
 1. Resolve boundary disputes according to Subsection (c) below.
 2. Decide variance applications according to Subsection (d) below.
 3. Decide appeals of permit denials according to Section 13-2-83.
- (3) **Decision.** The final decision regarding the appeal or variance application shall:
 - a. Be made within a reasonable time;
 - b. Be sent to the Department Regional Office within ten (10) days of the decision;
 - c. Be a written determination signed by the chairperson or secretary of the Zoning Board of Appeals;
 - d. State the specific facts which are the basis for the Zoning Board of Appeals' decision;
 - e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 - f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the records of the Zoning Board of Appeals' proceedings.
- (c) **Boundary Disputes.** The following procedure shall be used by the Zoning Board of Appeals in hearing disputes concerning floodplain district boundaries:
 - (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
 - (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Zoning Board of Appeals.
 - (3) If the boundary is incorrectly mapped, the Zoning Board of Appeals should inform the Plan Commission or the person contesting the boundary location to petition the governing body for a map amendment according to Article I Amendments.
- (d) **Variances.**
 - (1) The Zoning Board of Appeals may, upon appeal, grant a variance from the standards of this Chapter if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the Chapter's provisions will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions not common to adjacent lots or premises. In such cases this Chapter or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this Chapter in Section 13-2-3.

- (2) In addition to the criteria in Subsection (d)(1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance shall not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this Chapter.
- (3) A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district.
 - b. Be granted for a hardship based solely on an economic gain or loss.
 - c. Be granted for a hardship which is self-created.
 - d. Damage the rights or property values of other persons in the area.
 - e. Allow actions without the amendments to this Chapter or map(s) required in Article I Amendments.
 - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (4) When a floodplain variance is granted, the Zoning Board of Appeals shall notify the applicant in writing that it may increase risks to life and property, and flood insurance premiums could increase up to Twenty-five Dollars (\$25.00) per One Hundred Dollars (\$100.00) of coverage. A copy shall be maintained with the variance record.

Sec. 13-2-83 Board of Appeals to Review Appeals of Permit Denials.

- (a) **Data Subject to Review.** The Zoning Board of Appeals shall review all data related to the appeal. This may include:
 - (1) Permit application data listed in Section 13-2-80(c).
 - (2) Floodway/floodfringe determination date in Section 13-2-5.
 - (3) Data listed in Section 13-2-32(a)(2)b where the applicant has not submitted this information to the Zoning Administrator.
 - (4) Other data submitted with the application, or submitted to the Zoning Board of Appeals with the appeal.
- (b) **Denied Permits Appeals Considerations.** For appeals of all denied permits the Zoning Board of Appeals shall:
 - (1) Follow the procedures of Section 13-2-82;
 - (2) Consider the Plan Commission's recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- (c) **Increases in Regional Flood Elevation Appeals.** For appeals concerning increases in regional flood elevation, the Zoning Board of Appeals shall:

- (1) Uphold the denial where the Zoning Board of Appeals agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Article I Amendments..
- (2) Grant the appeal where the Zoning Board of Appeals agrees that the data properly demonstrates that the project does not cause any increase provided no other reasons for denial exist.

Sec. 13-2-84 Floodproofing Standards for Nonconforming Structures or Uses.

- (a) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
- (b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - (1) Certified by a registered professional engineer or architect: or
 - (2) Meets or exceeds the following standards:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Floodproofing measures shall be designed to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement;
 - (4) Minimize or eliminate infiltration of flood waters; and
 - (5) Minimize or eliminate discharges into flood waters.

Sec. 13-2-85 Public Information.

The Village of Sullivan may do the following:

- (a) Place marks on structures to show the depth of inundation during the regional flood.
- (b) All maps, engineering data and regulations shall be available and widely distributed.
- (c) All real estate transfers should show what floodplain zoning district the real property is in.

Sec. 13-2-86 through Sec. 13-2-89 Reserved for Future Use

Article I: Amendments

Sec. 13-2-90 Amendments.

- (a) Obstructions or increases may only be permitted if amendments are made to this Chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 13-2-91.
- (b) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this Chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 13-2-91. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (c) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this Chapter, the official floodplain maps, floodway lines, and water surface profiles, in accordance with Section 13-2-91.

Sec. 13-2-91 General Amendments.

The Village Board may change or supplement the floodplain zoning district boundaries and this Chapter in the manner outlined in Section 13-2-92 below. Actions which require an amendment to the Chapter and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (c) Any changes to any other officially adopted floodplain maps listed in Section 13-1-25(b)(2);
- (d) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (e) Correction of discrepancies between the water surface profiles and floodplain maps;
- (f) Any upgrade to a floodplain zoning ordinance text required by NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village of Sullivan; and
- (g) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Sec. 13-2-92 Procedures for Amendments.

- (a) Ordinance amendments may be made upon petition of any party according to the provisions of Sec. 62.23, Wis. Stats. The petitions shall include all data required by Section 13-2-54

and Section 13-2-80(b). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (b) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board. The amendment and notice of public hearing shall be submitted to the Department Regional Office for review prior to the hearing. The amendment procedure shall comply with the provisions of Sec. 62.23, Wis. Stats.
- (c) No amendments shall become effective until reviewed and approved by the Department.
- (d) All persons petitioning for a map amendment that obstructs flow, causing an increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Village Board.

Sec. 13-2-92 through Sec. 13-2-99 Reserved for Future Use

Article J: Enforcement and Penalties; Definitions

Sec. 13-2-100 Enforcement and Penalties.

Any violation of the provisions of this Chapter by any person shall be unlawful and shall be referred to the Village of Sullivan village attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Village of Hancock a penalty of not less than Twenty-five Dollars (\$25.00) and not more than Fifty Dollars (\$50.00), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the Village of Sullivan, the state, or any citizen thereof pursuant to Sec. 87.30, Wis. Stats.

Sec. 13-2-101 Definitions.

- (a) **Definitions Established.** Unless specifically defined below, words and phrases used in this Chapter shall have the same meaning as they have at common law and to give this Chapter its most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and not discretionary:
- (1) **A Zones.** Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (2) **Accessory Structure or Use.** A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
 - (3) **AH Zone.** See "Area of Shallow Flooding".
 - (4) **Alteration.** An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
 - (5) **Area of Shallow Flooding.** A designated AO, AH, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
 - (6) **AO Zone.** See "Area of Shallow Flooding".
 - (7) **Base Flood.** The flood having a one percent (1%) chance of being equalled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

- (8) **Basement.** Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.
- (9) **Building.** See "Structure."
- (10) **Bulkhead Line.** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to Sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this Chapter.
- (11) **Campground.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
- (12) **Camping Unit.** Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent that is fully licensed, if required, and ready for highway use.
- (13) **Certificate of Compliance.** A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
- (14) **Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (15) **Crawlways or Crawl Space.** An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.
- (16) **Deck.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- (17) **Department.** The Wisconsin Department of Natural Resources (DNR).
- (18) **Development.** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- (19) **Dryland Access.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (20) **Encroachment.** Any fill, structure, equipment, building, use or development in the floodway.

- (21) **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program.
- (22) **Flood Insurance Rate Map (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (floodplains) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency (FEMA).
- (23) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by one (1) of the following conditions:
 - a. The overflow or rise of inland waters;
 - b. The rapid accumulation or runoff of surface waters from any source;
 - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (24) **Flood Frequency.** The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (25) **Floodfringe.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- (26) **Flood Hazard Boundary Map.** A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superceded by a Flood Insurance Study and a Flood Insurance Rate Map.
- (27) **Flood Insurance Study.** A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (28) **Floodplain.** Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- (29) **Floodplain Island.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (30) **Floodplain Management.** Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

- (31) **Flood Profile.** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (32) **Floodproofing.** Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (33) **Flood Protection Elevation.** An elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (See also "Freeboard").
- (34) **Flood Storage.** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (35) **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (36) **Freeboard.** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (37) **Habitable Structure.** Any structure or portion thereof used or designed for human habitation.
- (38) **Hearing Notice.** Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class I notice, published once at least one (1) week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class II notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (39) **High Flood Damage Potential.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (40) **Highest Adjacent Grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (41) **Historic Structure.** Any structure that is either:
 - a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program,

as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

- (42) **Increase in Regional Flood Height.** A calculated upward rise in the regional flood elevation, equal to or greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (43) **Land Use.** Any nonstructural use made of unimproved or improved real estate. (Also see "Development".)
- (44) **Lowest Adjacent Grade.** Elevation of the lowest ground surface that touches any of the exterior walls of a building.
- (45) **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
- (46) **Maintenance.** The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
- (47) **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. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- (48) **Mobile/Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land, divided into two (2) or more manufactured home lots for rent or sale.
- (49) **Mobile/Manufactured Home Park or Subdivision - Existing.** A parcel of land divided into two (2) or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this Chapter. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- (50) **Mobile/Manufactured Home Park - Expansion to Existing.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading or the pouring of concrete pads.
- (51) **Mobile Recreational Vehicle.** A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a

- parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles".
- (52) **Model - Corrected Effective.** A hydraulic engineering model that corrects any errors that occur in the Duplicative Effective Model, adds any additional cross sections to the Duplicative Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- (53) **Model - Duplicate Effective.** A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- (54) **Model - Effective.** The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- (55) **Model - Existing (Pre-Project).** A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the Effective Model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- (56) **Model - Revised (Post-Project).** A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model, or Corrected Effective Model to reflect revised or post-project conditions.
- (57) **Municipality or Municipal.** The county, city or village governmental units enacting, administering and enforcing this Chapter (Village of Sullivan, Jefferson County, Wisconsin).
- (58) **NAVD or North American Vertical Datum.** Elevations referenced to mean sea level datum, 1988 adjustment.
- (59) **NGVD or National Geodetic Vertical Datum.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (60) **New Construction.** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (61) **Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the Floodfringe District is a conforming use; however, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- (62) **Nonconforming Use.** An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this Chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

- (63) **Obstruction to Flow.** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- (64) **Official Floodplain Zoning Map.** That map, adopted and made part of this Chapter, as described in Section 13-2-5(b), which has been approved by the Department and FEMA.
- (65) **Open Space Use.** Those uses having a relatively low flood damage potential and not involving structures.
- (66) **Ordinary Highwater Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (67) **Person.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (68) **Private Sewage System.** A sewage treatment and disposal system serving one (1) structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Wisconsin Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (69) **Public Utilities.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (70) **Reasonably Safe From Flooding.** Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (71) **Regional Flood.** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (72) **Start of Construction.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of

any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (73) **Structure.** Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (74) **Subdivision.** Has the meaning given in Sec. 236.02(12), Wis. Stats.
- (75) **Substantial Damage.** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
- (76) **Substantial Improvement.** Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (77) **Unnecessary Hardship.** Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Chapter.
- (78) **Variance.** An authorization by the Zoning Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- (79) **Violation.** The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- (80) **Watershed.** The entire region contributing runoff or surface water to a watercourse or body of water.
- (81) **Water Surface Profile.** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (82) **Well.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Title 13 ▶ Chapter 3

Shoreland-Wetland Zoning

Article A **Statutory Authorization; Findings of Fact; Statement of Purpose and Title**

- 13-3-1** Statutory Authorization
- 13-3-2** Findings of Fact
- 13-3-3** Title of Chapter
- 13-3-4 through**
- 13-3-9** Reserved for Future Use

Article B **General Provisions**

- 13-3-10** Compliance
- 13-3-11** Municipalities and State Agencies Regulated
- 13-3-12** Abrogation and Greater Restrictions
- 13-3-13** Interpretation
- 13-3-14** Severability
- 13-3-15** Annexed Areas
- 13-3-16 through**
- 13-3-19** Reserved for Future Use

Article C **Shoreland-Wetland Zoning District**

- 13-3-20** Official Shoreland-Wetland Zoning Maps
- 13-3-21** District Boundaries
- 13-3-22** Permitted Uses
- 13-3-23** Prohibited Uses
- 13-3-24** Nonconforming Structures and Uses
- 13-3-25 through**
- 13-3-29** Reserved for Future Use

Article D

Administrative Provisions

- 13-3-30** Zoning Administrator
- 13-3-31** Zoning Permits
- 13-3-32** Certificates of Compliance
- 13-3-33** Conditional Use Permits
- 13-3-34** Fees
- 13-3-35** Recording
- 13-3-36** Revocation
- 13-3-37** Board of Appeals
- 13-3-38** Amending Shoreland-Wetland Zoning Regulations
- 13-3-39** Reserved for Future Use

Article E

Penalties; Definitions

- 13-3-40** Enforcement and Penalties
- 13-3-41** Definitions

Article A: Statutory Authorization; Findings of
Fact; Statement of Purpose and Title

Sec. 13-3-1 Statutory Authorization.

This Chapter is adopted pursuant to the authorization in Sections 61.35, 61.351, 87.30 and 144.26, Wis. Stats.

Sec. 13-3-2 Findings of Fact.

Uncontrolled use of the shoreland-wetlands and the pollution of the navigable waters of the Village of Sullivan would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

- (a) Promote the public health, safety, convenience and general welfare;
- (b) Maintain the storm and flood water storage capacity of wetlands;
- (c) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (d) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- (e) Prohibit certain uses detrimental to the shoreland-wetland area; and
- (f) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

Sec. 13-3-3 Title of Chapter.

Shoreland-Wetland Zoning Ordinance/Chapter for the Village of Sullivan, Wisconsin.

Sec. 13-3-4 through Sec. 13-3-9 Reserved for Future Use.

5

1

0

1

5

Article B: General Provisions

Sec. 13-3-10 Compliance.

The use of wetlands and the alteration of wetlands within the shoreland area of the Village of Sullivan shall be in full compliance with the terms of this Chapter and other applicable local, state or federal regulations. (However, see Section 13-3-24 of this Chapter for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this Chapter.

Sec. 13-3-11 Municipalities and State Agencies Regulated.

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

Sec. 13-3-12 Abrogation and Greater Restrictions.

- (a) This Chapter supersedes all the provisions of any municipal zoning ordinance enacted under Section 61.35, 62.23 or 87.30, Wis. Stats., which relates to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than the provisions contained in this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

Sec. 13-3-13 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Chapter NR 117, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

Sec. 13-3-14 Severability.

Should any portion of this Chapter be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

Sec. 13-3-15 Annexed Areas.

The shoreland zoning provisions of Jefferson County in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's official zoning map. The Jefferson County shoreland zoning provisions are incorporated by reference for the purpose of administering this Chapter and are on file in the office of the municipal zoning administrator.

Sec. 13-3-16 through Sec. 13-3-19 Reserved for Future Use.

Article C: Shoreland-Wetland Zoning District

Sec. 13-3-20 Official Shoreland-Wetland Zoning Maps.

The following maps are hereby adopted and made a part of this Chapter and are on file in the office of the Village Clerk:

- (a) Wisconsin Wetland Inventory map stamped "Final" on _____.
- (b) United States Geological Survey maps dated _____.
- (c) "Floodplain Insurance Study Map".

Sec. 13-3-21 District Boundaries.

- (a) **Boundaries.** The shoreland-wetland zoning district includes all wetlands in the Village of Sullivan, Wisconsin, which are five (5) acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this Chapter in Section 13-3-20 and which are:
 - (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the Village of Sullivan shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 13-3-20 of this Chapter.
 - (2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 13-3-20. Floodplain Zoning Maps shall be used to determine the extent of floodplain areas in the Village.
- (b) **Determinations of Navigability.** Determinations of navigability and ordinary high-water mark shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for the final determination of navigability or ordinary high-water mark.
- (c) **Discrepancies.** When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official shoreland-wetland zoning maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped is in error. If the Department staff concurs with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in Sections 13-3-21(d) and 13-3-21(e), the Zoning Administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period.

Sec. 13-3-22 Permitted Uses.

The following uses are permitted subject to the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- (a) **No Wetland Alteration.** Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
- (b) **Wetland Alteration Restricted.** Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 - (3) The maintenance and repair of existing drainage to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible, and that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland listed in Section 13-3-37(c) of this Chapter; and
 - (7) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

- (c) **Permit Required.** Uses which are allowed upon the issuance of a simple zoning permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted in this Section, provided that:
 - a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-37(c) of this Chapter;
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - d. Road construction activities are carried out in the immediate area of the roadbed only; and
 - e. Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings provided that:
 - a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - b. The building cannot, as a practical matter, be located outside the wetland;
 - c. The building does not exceed five hundred (500) square feet in floor area; and
 - d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
 - (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
 - a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
 - c. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Subsection (c)(1) of this Section; and
 - d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
 - (4) The construction and maintenance of electric and telephone transmission lines, gas and water distribution lines, and sewage collection lines, and related facilities and the construction and maintenance of railroad lines provided that:
 - a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

13-3-22

- b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
- c. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-37 (c) of this Chapter.

Sec. 13-3-23 Prohibited Uses.

- (a) **Rezoning Required.** Any use not listed in Section 13-3-22 of this Chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Section 13-3-37 of this Chapter.
- (b) **Other Prohibited Uses.** 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 waters are prohibited.

Sec. 13-3-24 Nonconforming Structures and Uses.

The lawful use of a building, structure or property which existed at the time this Chapter, or an applicable amendment to this Chapter, took effect and which is not in conformity with the provisions of the Chapter, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

- (a) **Reconstruction and Repair.** The shoreland-wetland provisions of this ordinance authorized by Sec. 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to Sec. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to fifty percent (50%) of current fair market value.
- (b) **Nonconforming Use Discontinued.** If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this Chapter.
- (c) **Nonconforming Use Without a Structure.** Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under Sections 62.231 or 61.351, Wis. Stats., may be continued although such use does not conform with the provisions of this Chapter. However, such nonconforming use may not be extended.
- (d) **Boathouses.** The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Sec. 30.121, Wis. Stats.
- (e) **Nuisances.** Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

Sec. 13-3-25 through Sec. 13-3-29. Reserved for Future Use.

0

,

0

0

0

Article D: Administrative Provisions

Sec. 13-3-30 Zoning Administrator.

The Village Board will designate a Zoning Administrator for the purpose of administering and enforcing this Chapter. The Zoning Administrator shall have the following duties and powers:

- (a) Advise applications as to the provisions of this Chapter and assist them in preparing permit applications and appeal forms.
- (b) Issue permits and inspect properties for compliance with this Chapter.
- (c) Keep records of all permits issued, inspections made, work approved and other official actions.
- (d) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
- (e) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation and map or text amendments within ten (10) days after they are granted or denied to the appropriate district office of the Department.
- (f) Investigate and report violations of this Chapter to the appropriate Village planning agency and the District Attorney, corporation counsel or Village Attorney.

Sec. 13-3-31 Zoning Permits.

- (a) **When Required.** Unless another Section of this Chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 13-3-41(b)(6) of this Chapter, or any change in the use of an existing building or structure is initiated.
- (b) **Application.** An application for a permit shall be made to the Zoning Administrator upon forms furnished by the Village and shall include, for the purpose of proper enforcement of these regulations, the following information:
 - (1) **General Information.**
 - a. Name, address and telephone number of applicant, property owner and contractor, where applicable.
 - b. Legal description of the property and a general description of the proposed use or development.
 - c. Whether or not a private water or sewage system is to be installed.
 - (2) **Site Development Plan.** The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
 - a. Dimensions and area of the lot;
 - b. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;

- c. Description of any existing or proposed on-site sewage systems or private water supply systems;
 - d. Location of the ordinary high-water mark of any abutting navigable waterways;
 - e. Boundaries of all wetlands;
 - f. Existing and proposed topographic and drainage features and vegetative cover;
 - g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;
 - h. Location of existing or future access roads; and
 - i. Specifications and dimensions for areas of proposed wetland alteration.
- (c) **Expiration.** All permits issued under the authority of this Chapter shall expire twelve (12) months from the date of issuance.

Sec. 13-3-32 Certificates of Compliance.

- (a) **Certificates of Compliance.** Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:
- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this Chapter.
 - (2) Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
 - (3) The certificate of compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this Chapter.
- (b) **Temporary Certificate.** The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the Village Board.
- (c) **Issued Upon Written Request.** Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

Sec. 13-3-33 Conditional Use Permits.

- (a) **Application.** Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Board of Appeals following the procedures in Section 13-3-37(b), (c) and (d).

- (b) **Conditions.** Upon consideration of the permit application and the standards applicable to the conditional uses designated in Section 13-3-22, the Board of Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter. Such conditions may include specifications for, without limitation because of specific enumeration: Type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.

Sec. 13-3-34 Fees.

The Village Board, by resolution, shall establish fees for the following:

- (a) Zoning permits.
- (b) Public hearings.
- (c) Legal notice publications.
- (d) Conditional use permits.
- (e) Rezoning petitions.
- (f) Certificates of compliances.

Sec. 3-3-35 Recording.

Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

Sec. 13-3-36 Revocation.

Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

Sec. 13-3-37 Board of Appeals.

- (a) **Appointment.** The Village President shall appoint a Board of Appeals under Title 2, Chapter 4 of this Code of Ordinances and Section 62.23(7)(e), Wis. Stats., consisting of five (5) members subject to confirmation by the Village Board. The Board of Appeals shall adopt rules for the conduct of the business of the Board of Appeals as required by Section 62.23(7)(e)3, Wis. Stats.

- (b) **Powers and Duties.** The Board of Appeals shall:
- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
 - (2) Hear and decide applications for conditional use permits under this Chapter.
 - (3) May authorize, upon appeal, a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates:
 - a. That literal enforcement of the terms of the ordinance will result in unnecessary hardship for the applicant.
 - b. That the hardship is due to special conditions unique to the property; and is no self-created or based solely on economic gain or loss.
 - c. That such variance is not contrary to the public interest as expressed by the purpose of this Chapter.
 - d. That such variance will not grant or increase any use of property which is prohibited in the zoning district.
- (c) **Appeals to the Board.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision or determination of the Zoning Administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the official from whom the appeal is taken and with the Board of Appeals, a notice of appeal specifying the reasons therefor. The Zoning Administrator or other official from whom the appeal is taken shall transmit to the Board all the papers constituting the record on which the appeal action was taken.
- (d) **Public Hearings.**
- (1) Before making a decision on an appeal, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a Class 2 notice under Ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may appear in person, by agent or by attorney and present testimony.
 - (2) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least ten (10) days prior to all public hearings on issues involving shoreland-wetland zoning.
- (e) **Decisions.**
- (1) The final disposition of an appeal, or application for a conditional use permit, to the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or persecution, or grant the application for a conditional use.
 - (2) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within one hundred ninety (190) days after the decision is issued.

Sec. 13-3-38 Amending Shoreland-Wetland Zoning Regulations.

The Village Board may alter, supplement or change the district boundaries and the regulations contained in this Chapter in accordance with the requirements of Section 62.23(7)(d)2, Wis. Stats., Ch. NR 117, Wis. Adm. Code, and the following:

- (a) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the Village planning agency.
- (b) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held as required by Section 62.23(7)(d)2, Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least twenty (20) days prior to such hearing.
- (c) In order to insure that the shoreland protection objectives in Section 144.26, Wis. Stats., will be accomplished by the amendment, the Village Board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (1) Storm and flood water storage capacity;
 - (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4) Shoreline protection against soil erosion;
 - (5) Fish spawning, breeding, nursery or feeding grounds;
 - (6) Wildlife habitat; or
 - (7) Areas of special recreational scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- (d) Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection (c) of this Section, the Department shall so notify the Village of its determination either prior to or during the public hearing held on the proposed amendment.
- (e) The appropriate district office of the Department shall be provided with:
 - (1) A copy of the recommendations and report, if any, of the municipal planning agency on the proposed text or map amendment within ten (10) days after the submission of those recommendations to the Village Board; and
 - (2) Written notice of the Village Board's action on the proposed text or map amendment within ten (10) days after the action is taken.
- (f) If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection (c) of this Section, that proposed amendment, if approved by the Village Board, may not become effective until more than thirty (30) days have elapsed since written notice

13-3-38

of the Village Board approval was mailed to the Department, as required by Subsection (e) of this Section. If, within the thirty (30) day period, the Department notifies the Village Board that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the Village under Section 62.231(6) and 61.351(6), Wis. Stats., the proposed amendment may not become effective until the ordinance adoption procedure under Section 62.231(6) and 61.351(6), Wis. Stats., is completed or otherwise terminated.

Sec. 13-3-39 Reserved for Future Use.

Article E: Penalties; Definitions

Sec. 13-3-40 Enforcement and Penalties.

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced, or any use or accessory use established after the effective date of this Chapter in violation of the provisions of this Chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the Village Board and the Village Attorney who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture of not less than Fifteen Dollars (\$15.00) nor more than Two Hundred Dollars (\$200.00) per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the Village, the State or any citizen thereof pursuant to Section 87.30(2), Wis. Stats.

Sec. 13-3-41 Definitions.

- (a) For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.
- (b) The following terms used in this Chapter mean:
 - (1) **Accessory Structure or Use.** A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
 - (2) **Boathouse.** As defined in Section 30.121(1), Wis. Stats., a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.
 - (3) **Class 2 Public Notice.** Publication of a public hearing notice under Chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing.
 - (4) **Conditional Use.** A use which is permitted by this Chapter provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning agency designated by the municipal governing body.
 - (5) **Department.** The Wisconsin Department of Natural Resources.

- (6) **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.
- (7) **Drainage System.** One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (8) **Environmental Control Facility.** Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (9) **Fixed Houseboat.** As defined in Section 30.121(1), Wis. Stats., a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
- (10) **Navigable Waters.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all 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. Under Section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Sections 62.351 and 62.221, Wis. Stats., and Chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:
 - a. Such lands are not adjacent to a natural navigable stream or river;
 - b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - c. Such lands are maintained in nonstructural agricultural use
- (11) **Ordinary High-Water Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.
- (12) **Planning Agency.** The Plan Commission created under Section 62.23(1), Wis. Stats., or the Planning Committee of the Village.
- (13) **Shorelands.** Lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

- (14) **Shoreland-Wetland District.** The zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Chapter as described in Section 13-3-20 of this Chapter.
- (15) **Unnecessary Hardship.** That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this Chapter.
- (16) **Variance.** An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter.
- (17) **Wetlands.** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (18) **Wetland Alteration.** Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

1=C

2=C

3=C

4=C

5=C

11