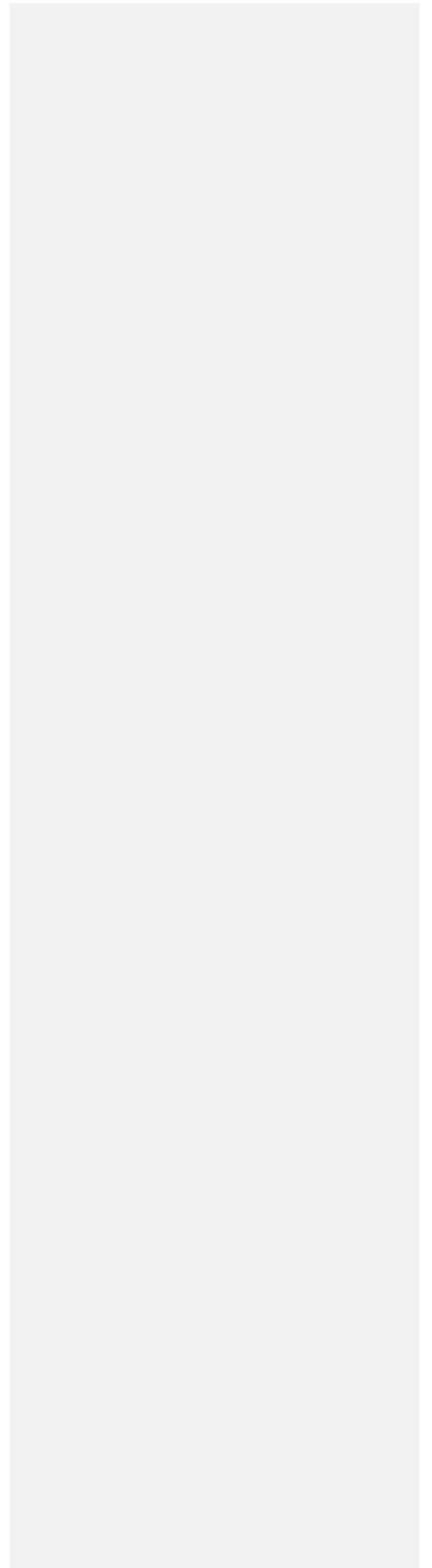


# **Village of Clayton**

## **Chapter 10 Zoning Code**

**July 2010**





**CHAPTER 10**  
**ZONING CODE**

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## **ARTICLE A**

### Introduction and Definitions

#### **SEC. 10-1-1            AUTHORITY.**

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

#### **SEC. 10-1-2            SHORT TITLE**

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

#### **SEC. 10-1-3            PURPOSE.**

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

#### **SEC. 10-1-4            INTENT.**

It is the general intent of this Chapter to:

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

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

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

**SEC. 10-1-6 INTERPRETATION.**

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

**SEC. 10-1-7 EFFECTIVE DATE.**

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

**SEC. 10-1-8 DEFINITIONS.**

- (a) For the purposes of this Chapter, the following definitions shall be used:
- (1) Accessory Building. A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building.
  - (2) Accessory Use. A use subordinate in nature, extent or purpose to the principal use of the building or lot.
  - (3) Advertising Sign, Outdoor. A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
  - (4) Advertising Structure, Outdoor. Anything constructed or erected, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
  - (5) Alley. A public right of way which affords only a secondary means of access to abutting property.
  - (6) Apartment. A portion of a residential or commercial building used as a separate housing unit.
  - (7) Apartment House. See "Dwelling, Multiple."
  - (8) Arterial Street. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
  - (9) Basement or Cellar. A story partly underground but having at least one-half (1/2) of its height, or more than five (5) feet, below the mean level of the adjoining ground. Also See UDC Chapters 20.07(8).
  - (10) Boarding House. A building other than a hotel where meals or lodging and meals are served for compensation for not more than six (6) persons.
  - (11) Building. A structure having a roof and intended for shelter, housing or enclosure.
  - (12) 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.

- (13) Building, Front Line Of. A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
- (14) 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.
- (15) Building, Principal. A building in which is conducted the main use of the lot on which said building is located.
- (16) Business. Includes the commercial, limited industrial and general industrial uses and districts as herein defined.
- (17) Carport. See "Garage."
- (18) Clinic. A building used by a group of physicians, chiropractors, dentists or similar professional for the medical examination or treatment of persons on an outpatient or nonboarding basis only.
- (19) Club. A building owned, leased or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.
- (20) 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 homes for children under Sec. 48.02(7), 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), 62.23(7)(i), and amendments thereto, and also the Wisconsin Administrative Code.
- (21) Conditional Use. A use of land, water or building which is allowable only after review, public hearing and recommendation by the Plan Commission and approval by the Village Board under conditions specified in this Chapter.
- (22) Conforming Use. Any lawful use of a building or lot which complies with the provisions of this Chapter.
- (23) 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.
- (24) 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.
- (25) Curb Level. The level of the established curb in the front of the building measured at the center of such front.
- (26) 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.
- (27) 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.

- (28) 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.
- (29) Dwelling, One-Family. A detached building designed, arranged or used for and occupied exclusively by one (1) family. Shall include specialty designed buildings covered by earth.
- (30) Dwelling, Two-Family. A building designed, arranged or used for, or occupied exclusively by, two (2) families living independently of each other.
- (31) 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.
- (32) Emergency Shelters. Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- (33) Family. One (1) or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto not more than two (2) persons not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this Chapter if he is dwelling for the purpose of adoption or for a foster care program.
- (34) 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.
- (35) 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.
- (36) 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.
- (37) Frontage. All of the property abutting on one (1) side of a street measured along the street line.
- (38) Garage. A building or portion thereof primarily used for parking or temporary storage of self-propelled vehicles.
- (39) 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.



- (40) 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.
- (41) Group Foster Home. Any facility operated by a person required to be licensed by the State of Wisconsin under Sec. 48.62, Wis. Stats., for the care and maintenance of five (5) to eight (8) foster children.
- (42) Home Occupation. Any business or profession carried on by a member of the family residing on the premises, carried on wholly within the principal building or attached accessory building. See Sec. 10-1-24 for home occupation requirements.
- (43) Hotel. A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than six (6) sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.
- (44) House Trailer. A nonself-propelled vehicle, containing living or sleeping accommodations which is designed and used for highway travel.
- (45) 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.
- (46) 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
- (47) 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.
- (48) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (49) Lot Width. The width of a parcel of land measured at the setback line.
- (50) 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.
- (51) 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.
- (52) 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.
- (53) Marquee or Canopy. A roof-like structure of permanent nature which projects from the wall of a building. See Sec. 10-1-101 for sign requirements.

- (54) Manufactured Home. A structure as defined under Sec. 101.91 (2) Wis. Stats. and includes the following:
- a. A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the Federal Department of Housing and Urban Development as complying with the standards established under 42 USC 5401 to 5425.
  - b. A mobile home, unless a mobile home is specifically excluded under the applicable statute.
  - c. Subject to local regulation pursuant to Sec.66.0435 Wis. Stats.
- (55) Mobile Home. A vehicle manufactured or assembled as defined under Sec. 101.91 (10) Wis. Stats. which means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. A mobile home is subject to local regulation pursuant to Sec. 66.0435 Wis. Stats.
- (56) Modular Home. A structure or component as defined under 101.71 (6) Wis. Stats. which means any structure or component thereof which is intended for use as a dwelling and:
- a. Is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or
  - b. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer.
  - c. Modular home does not mean any manufactured home under Sec. 101.91 Wis. Stats. or any building of open construction which is not subject to (b) above.
- (57) Motel. A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- (58) 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.
- (59) Motor Vehicle. Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.
- (60) Nonconforming Building or Structure. Any building or structure which does not comply with all of the regulations of this Chapter or of any amendment hereto regulating any building or structure for the Zoning District in which such building or structure is located.
- (61) Nonconforming Use. Any use of land, buildings or structures which does not comply with all of the regulations of this Chapter or of any amendment hereto governing use for the Zoning District in which such use is located.

- (62) Nursery. Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (63) 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.
- (64) 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.
- (65) 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.
- (66) 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.
- (67) Permitted Uses. 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.
- (68) Place. An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.
- (69) Planned Unit Development (PUD). 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. See Article H of this chapter.
- (70) Property Lines. The lines bounding a platted lot as defined herein.
- (71) Public Way. Any sidewalk, street, alley, highway or other public thoroughfare.
- (72) Professional Home Offices. A home occupation conducted by doctors of medicine, chiropractors, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their business. See Sec. 10-1-24 for requirements of a home occupation.
- (73) 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.
- (74) School, Private. An elementary, intermediate or secondary school other than public giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for mental or educational disabled or a college or other institution of higher learning.
- (75) School, Commercial. A school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding or conducted for profit.

- (76) Story. That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it. A basement shall not be counted as a story.
- (77) 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 living unit.
- (78) Street. A public or private thoroughfare which affords the principal means of access to abutting property.
- (79) Structure. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.
- (80) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway. See Article G.
- (81) Structural Alterations. Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.
- (82) 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.
- (83) Use, Principal. The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."
- (84) Use, Permitted. (See #67)
- (85) Use, Conditional. (See #21)
- (86) 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.
- (87) 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.
- (88) Yard, Corner Side. A side yard which adjoins a public street.
- (89) Yard, Front. A yard extending along the full length of the front lot line between the side lot lines.
- (90) 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.
- (91) Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines.
- (92) Yard, Side. A yard extending along a side lot line from the front yard to the rear yard.
- (93) Yard, Street. Yard abutting a street.
- (94) 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.

- (95) 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. 10-1-9 THROUGH SEC. 10-1-19 RESERVED FOR FUTURE USE.**

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## ARTICLE B

### General Provisions

#### SEC. 10-1-20 JURISDICTION AND COMPLIANCE.

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

#### SEC. 10-1-21 USE RESTRICTIONS.

The following use restrictions and regulations shall apply:

- (a) **Principal Uses.** Only those principal uses specified for a district, their essential services and the following shall be permitted in that district:
- (b) **Unclassified or Unspecified Uses.** Unclassified or unspecified uses may be permitted by the Village Board after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the District.
- (c) **Performance Standards.** Performance standards listed in Article I shall be complied with by all uses in all districts.
- (d) **Conditional Uses.**
  - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and recommendation by the Plan Commission and approval by the Village Board in accordance with Article D of this Chapter excepting those existent at the 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 original adoption of this Code require no action by the Plan Commission to continue as valid conditional uses.
  - (3) Proposed change from permitted use in a district to conditional use shall require review, public hearing and recommendation by the Plan Commission and approval by the Village Board 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 recommendation by the Plan Commission and approval by the Village Board in accordance with Article D.
  - (5) Conditional uses recommended by the Plan Commission and authorized by resolution of the Village Board 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) If such a conditional use is discontinued, abandon or terminated for a twelve (12) month period, the conditional use shall be null and void.

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

**SEC. 10-1-22            REDUCTION OR JOINT USE.**

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

**SEC. 10-1-23            SITE REGULATIONS.**

- (a) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board and Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission, in applying the provisions of the Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if so desired. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability when making its recommendation to the Village Board.
- (b) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and all lots 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. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board, subject to the recommendation of the Plan Commission, may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (d) **Dedicated Street.** No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (e) **Lots Abutting More Restrictive Districts.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. This does not apply to adjacent residential districts. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.



- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Plan Commission; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (g) **Decks.** For purposes of this Chapter, decks shall be considered a part of building or structure except for calculating living space in residential zones.
- (h) **Lots Abutting Two Streets.** Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade.
- (i) **Double-Frontage Lots.** Buildings on through lots and extending from street to street shall meet the frontage setback on both streets.
- (j) **Open Yards.** Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, cornices and ornamental features projecting not more than twelve (12) inches.

**SEC. 10-1-24 HOME OCCUPATIONS.**

- (a) **Intent.** The intent of this Section is to provide a means to accommodate a small family business as a conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- (b) **Restrictions on Home Occupations.** Home occupations are a conditional use in all Residential Districts and are subject to the requirements of the District in which the use is located, in addition to the following:
  - (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
  - (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 shall be visible outside any structure located on the premises.
  - (4) No premises shall be granted more than two parking spaces attributable to accommodating customers or clients of the home occupation.
  - (5) 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.

- (6) Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated. (Refer to Sign Regulations - Sec. 10-1-100)
- (7) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- (8) The Plan Commission may determine the percentage of the property that may be devoted to the occupation.
- (9) The types and number of equipment or machinery may be restricted by the Plan Commission.
- (10) Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.
- (11) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
- (12) The home occupation shall restrict employees to one non-family member.
- (13) All other applicable ordinances in effect at time of application.

**SEC. 10-1-25 THROUGH SEC. 10-1-39 RESERVED FOR FUTURE USE.**

## ARTICLE C

### Zoning Districts

#### SEC. 10-1-40 ESTABLISHMENT OF DISTRICTS.

- (a) **Districts.** For the purpose of this Chapter, present and future, provision is hereby made for the division of the Village of Clayton into the following zoning districts:
- (1) A-1 Agricultural District
  - (2) R-1 Single-Family Residential Districts
  - (3) R-2 Two-Family Residential District
  - (4) R-3 Multiple-Family Residential District
  - (5) B-1 Business/Commercial District
  - (6) B-2 Highway Business/Commercial District
  - (7) I-1 Industrial District
  - (8) G-1 Governmental/Institutional District
  - (9) C-1 Conservancy/Parks District
  - (10) R-MH Manufactured Home District

#### SEC. 10-1-41 VACATION OF STREETS; ANNEXATIONS.

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

#### SEC. 10-1-42 ZONING MAP.

- (a) The Village of Clayton is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the Village of Clayton and made a part of this Chapter. The Official Zoning Map and all the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the Village Clerk.

- (b) The District Boundaries shall be determined by measurement from and as shown on the Official Zoning Map, and in case of any question as to the interpretation of such boundary lines, the Village Board shall interpret the map according to the reasonable intent of this Chapter. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the centerlines of streets, highways, railways or alleys.

**SEC. 10-1-43 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.**

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

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

**SEC. 10-1-44 A-1 AGRICULTURAL DISTRICT.**

- (a) **Purpose.** This district is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not yet committed to development. It is further intended for this district to protect lands contained therein from development until their orderly transition into urban-oriented districts is required.
- (b) **Dimensional Requirements.**
  - (1) Minimum lot area: 5 acres
  - (2) Minimum lot width: 300 feet
  - (3) Front yard setback: 30 feet
  - (4) Side yard setback for principal building: 25 feet
  - (5) Rear yard setback for principal building: 25 feet
  - (6) Side/rear yard setback for accessory building: 25 feet except animal housing at Subsection (7) below
  - (7) All buildings housing agricultural or exotic animals including, but not limited to, cattle, sheep, goats, hogs, horses, fowl, llamas, etc., shall have a setback of not less than 100 feet from all property boundary lines.
  - (8) Maximum building height: Residential dwellings – 35 feet, all other structures – 60 feet

- (9) **Building Size.** Every building hereafter erected, moved or structurally altered for dwelling purposes shall provide total finished floor area of not less than nine hundred-sixty (960) square feet per dwelling unit.
- (c) **Permitted Uses.** A building or premises shall be used only for the following purposes:
  - (1) General farming, including agriculture, dairying, floriculture, forestry, grazing, hay, orchards, truck farming and viticulture (grape growing), provided, however, that farm buildings housing animals, barnyards and feed lots shall not be located in a floodland area and shall be located at least one hundred (100) feet from any navigable water or any boundary of a residential district.
  - (2) One (1) single-family residential dwelling.
  - (3) Manufactured homes (mobile homes) are prohibited in the A-1 District. See Sec. 10-1-200.
- (d) **Permitted Accessory Uses.**
  - (1) Attached or detached private garages and carports accessory to permitted or permitted accessory uses.
  - (2) General farm buildings including barns, silos, sheds, storage bins and including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign and other provisions of this Chapter.
- (e) **Conditional Uses.**
  - (1) Drive-in establishments selling seasonal fruits and vegetables provided only temporary stands and existing buildings are used.
  - (2) Home occupations.
  - (3) Mini-storage rental unit facilities.
  - (4) Public utility installations.

**SEC. 10-1-45 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

- (a) **Purpose.** This District is intended to provide for residential development limited to single-family dwellings set individually on separate lots.
- (b) **Dimensional Requirements.**
  - (1) Minimum lot area: 13,000 square feet
  - (2) Minimum lot width: 100 feet
  - (3) Front yard setback: 30 feet
  - (4) Side yard setback for principal building: 10 feet
  - (5) Rear yard setback for principal building: 25 feet
  - (6) Side/rear yard setback for accessory building: 3 feet
  - (7) Maximum building height: 35 feet
  - (8) **Building Size.** Every building hereafter erected, moved or structurally altered for dwelling purposes shall provide total finished floor area of not less than nine hundred-sixty (960) square feet.
- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes:
  - (1) Single-family dwellings.
  - (2) Manufactured homes (mobile homes) are prohibited in the R-1 District. See Sec. 10-1-200 (c).

- (d) **Permitted Accessory Uses.**
  - (1) Accessory building or use, including a private garage, carport and paved parking area customarily incident to the above uses, but not involving the conduct of a business.
- (e) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
  - (1) Public utility offices and installations.
  - (2) Church or other place of worship.
  - (3) Home occupations.
  - (4) Child care facilities.
  - (5) Bed and breakfast establishments.

**SEC. 10-1-46 R-2 TWO-FAMILY RESIDENTIAL DISTRICT.**

- (a) **Purpose.** This district is intended to provide for residential development limited to two-family dwellings, such as duplexes and twin homes set individually on separate lots.
- (b) **Dimensional Requirements.**
  - (1) General Requirements.
    - (a) Minimum lot area: 13,000 square feet
    - (b) Minimum lot width: 100 feet
    - (c) Front yard setback: 30 feet
    - (d) Side yard setback for principal building: 10 feet
    - (e) Rear yard setback for principal building: 25 feet
    - (f) Side/rear yard setback for accessory building: 3 feet
    - (g) Maximum building height: 35 feet
  - (2) Two (2) family dwelling (duplexes) requirements.
    - (a) Minimum floor area of 600 square feet per dwelling unit.
    - (b) Minimum lot size of 6,500 square feet per dwelling unit.
  - (3) Twin home requirements.
    - (a) The attached side yard setback, or common wall between the two (2) dwelling units, shall be zero (0) feet; and
    - (b) The minimum lot area for each of the two (2) dwelling units shall be 6,500 square feet; and
    - (c) The minimum lot width for each of the two (2) dwelling units shall be fifty (50) feet; and
    - (d) Each dwelling unit shall be located on a separate lot; and
    - (e) A twin home may not be split or divided into additional residential units; and
    - (f) Each residential unit shall have its own sanitary sewer and water lateral; and
    - (g) A minimum fire wall complying with COMM 21.08 Wis. Admin. Code, as amended from time to time, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit.
- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes:
  - (1) Any use permitted in the R-1 single-family residential district.

- (2) Two-family dwellings (duplexes).
- (3) Twin Homes.
- (4) Manufactured homes (mobile homes) are prohibited in the R-2 District. See Sec. 10-1-200 (c).
- (d) **Permitted Accessory Uses.**
  - (1) Accessory building or use, including a private garage, carport and paved parking area customarily incident to the above uses, but not involving the conduct of a business.
- (e) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
  - (1) Public utility offices and installations.
  - (2) Church or other place of worship.
  - (3) Home occupations.
  - (4) Child care facilities.
  - (5) Planned unit developments.
  - (6) Bed and breakfast establishments.

**SEC. 10-1-47 R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT.**

- (a) **Purpose.** This district is intended to provide for multiple-family apartments, to include family or garden types, elevator and walk-up types, efficiency or studio types, PUD and condominiums subject to other provisions of this Chapter.
- (b) **Dimensional Requirements.**
  - (1) Minimum Lot Area. 10,000 square feet; minimum lot area per dwelling unit: 3,500 square feet.
  - (2) Minimum Lot Width. 70 feet.
  - (3) Front yard setback: 25 feet
  - (4) Side yard setback for principal building: 10 feet
  - (5) Rear yard setback for principal building: 25 feet
  - (6) Side/Rear yard setback for accessory building: 3 feet
  - (7) Maximum Building Height. Principal structure: 45 feet. Accessory structure: 25 feet
  - (8) Building Size. Every building hereafter erected, moved or structurally altered for occupancy shall provide a floor area of not less than eight hundred (800) square feet per dwelling unit.
- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes:
  - (1) Any use permitted in the R-1 single-family residential district.
  - (2) Any use permitted in the R-2 two-family residential district.
  - (3) Multiple-family dwellings.
  - (4) Church or other place of worship, provided that any such building shall be located not less than twenty-five (25) feet from any side lot line.
  - (5) Manufactured homes (mobile homes) are prohibited in the R-3 District. See Sec. 10-1-200 (c).

- (d) **Permitted Accessory Uses.**
  - (1) Accessory building or use, including a private garage, carport and paved parking area customarily incident to the above uses, but not involving the conduct of a business.
- (e) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
  - (1) Public utility offices and installations.
  - (2) Nursing and rest homes and homes for the aged.
  - (3) Home occupations.
  - (4) Funeral homes.
  - (5) Planned unit developments.
  - (6) Bed and breakfast establishments.

**SEC. 10-1-48 B-1 DOWNTOWN CENTRAL BUSINESS COMMERCIAL DISTRICT.**

- (a) **Purpose.** This district is intended to provide appropriate regulations to insure compatibility of the diverse uses typical of the downtown area without inhibiting the potential for maximum development of commercial, cultural, entertainment and other activities which contribute to its role as the heart of the Village.
- (b) **Dimensional Requirements.**
  - (1) Minimum Lot Area: 2,500 square feet.
  - (2) Minimum Lot Widths: 33 feet
  - (3) Setbacks for principal building. There shall be no setbacks for principal commercial buildings located in the B-1 District. Where a lot abuts a residential district on one side and business district on another side, the residential setback shall apply to the whole lot.
  - (4) Side/Rear yard setback for accessory buildings: 5 feet.
  - (5) Height. Any building hereafter erected or altered shall not exceed thirty five (35) feet in height.
  - (6) Building, Size. There shall be no minimum building size.
- (c) **Permitted Uses.** The following uses are permitted in the Downtown Central Business Commercial District:
  - (1) Amusement arcades.
  - (2) Antique or second hand stores.
  - (3) Automotive vehicle and related equipment service establishments, but not including the storage of junked, wrecked, or salvage automobiles, vehicles, and related salvage equipment or parts.
  - (4) Bakeries.
  - (5) Banks and financial institutions.
  - (6) Barber shops/beauty salons.
  - (7) Bus depots.
  - (8) Churches.
  - (9) Commercial and professional offices.
  - (10) Department stores, variety or general merchandise stores.
  - (11) Dressmaking establishments.
  - (12) Drug stores or pharmacies



- (13) Dry cleaning.
  - (14) Electric repair shops.
  - (15) Employment agencies.
  - (16) Florist or greenhouses.
  - (17) Floral/gift shops.
  - (18) Funeral homes.
  - (19) Gas stations.
  - (20) Grocery stores or supermarkets.
  - (21) Historic and cultural features and buildings.
  - (22) Laundries.
  - (23) Liquor stores.
  - (24) Medical, dental, or other health care clinics.
  - (25) Offices – professional or utility or government.
  - (26) Painting and decorating shops.
  - (27) Personal and business service and repair establishments.
  - (28) Pharmacy or drug stores.
  - (29) Photograph galleries.
  - (30) Plumbing shops.
  - (31) Post offices and commercial package delivery outlets.
  - (32) Printing shops.
  - (33) Private clubs and lodges.
  - (34) Public garages
  - (35) Restaurants, cafes, taverns, and bars.
  - (36) Retail sales establishments.
  - (37) Sales or show rooms.
  - (38) Shoe repair shops.
  - (39) Stores and shops for the conduct of retail business.
  - (40) Studios.
  - (41) Taverns and liquor stores.
  - (42) Tailor shops.
  - (43) Theaters, bowling alleys, and places of amusement.
  - (44) Utility or government offices.
  - (45) Veterinary clinics.
- (d) **Permitted Accessory Uses.** An accessory building or use shall be used only for the following purposes.
- (1) Garages for storage of vehicles used in conjunction with the operation of the business.
  - (2) Off-street parking and loading areas.
  - (3) Any other structure or use normally auxiliary to the above uses.
- (e) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
- (1) Rental apartments as a secondary use of a commercial building provided that the rental apartments are not on the street level or main floor, and provided that off-street parking is provided for such tenants.
  - (2) Public utility offices and installations.

- (f) **Prohibited Uses.** The following uses are prohibited:
- (1) Sale, slaughtering, and storage of livestock.
  - (2) Sale and storage of metals, minerals, stone, scrap and waste materials, except in small quantities as part of the stock of a hardware or building materials establishment.
  - (3) The outside storage of any automobiles, vehicles, and related equipment adjacent to or across the street from a residential district, except where screened by a fence as defined, described, and permitted under Sec. 10-1-142 (b) of the Zoning Code.

**SEC. 10-1-49 B-2 HIGHWAY BUSINESS COMMERCIAL DISTRICT.**

- (a) **Purpose.** This district is intended to provide for large scale retail and customer service establishments serving primarily the convenience of the entire local community through facilities, and the character, appearance and operation of which are compatible with the higher volume of customer and vehicular traffic attributable to highway commercial district.
- (b) **Dimensional Requirements.**
- (1) Minimum lot area: 15,000 square feet.
  - (2) Minimum lot width: 100 feet.
  - (3) Front yard setback: 20 feet.
  - (4) Side yard setback for principal building: 20 feet except where a premise abuts a residential district on one side and a highway business commercial district on another side, the residential setback shall apply to the whole lot.
  - (5) Rear yard setback for principal building: 20 feet except where a premise abuts a residential district on one side and a highway business commercial district on another side, the residential setback shall apply to the whole lot.
  - (6) Side/rear yard setback for accessory building: 10 feet.
  - (7) Maximum building height: 35 feet.
- (c) **Permitted Uses.** No building or premises shall be used and no building shall be hereafter erected or altered within the highway business commercial business district except for the following uses:
- (1) Amusement arcades.
  - (2) Antique or second hand stores
  - (3) Automobile sales and service, but not including the storage of junked or wrecked automobiles, vehicles, and related salvage equipment or parts.
  - (4) Bakeries.
  - (5) Barber shops.
  - (6) Banks and financial institutions.
  - (7) Bowling lanes.
  - (8) Churches.
  - (9) Department stores, variety or general merchandise stores.
  - (10) Dressmaking establishments.
  - (11) Drive-in establishments for food or beverage consumption.
  - (12) Drug stores or pharmacies.
  - (13) Dry cleaning.

- (14) Electric repair shops.
  - (15) Employment agencies.
  - (16) Feed mill.
  - (17) Freight stations.
  - (18) Florist or greenhouses.
  - (19) Gas stations.
  - (20) Grocery stores or supermarkets
  - (21) Hotels and motels.
  - (22) Laundries.
  - (23) Medical, dental, or other health care clinics.
  - (24) Messenger or commercial package delivery and shipment.
  - (25) Offices – professional or utility or government.
  - (26) Painting and decorating shops.
  - (27) Photograph galleries.
  - (28) Plumbing shops.
  - (29) Post offices and commercial package delivery outlets.
  - (30) Printing shops.
  - (31) Public garages
  - (32) Recreation buildings and structures.
  - (33) Restaurants and cafes.
  - (34) Roofing and plastering shops.
  - (35) Sales or show rooms.
  - (36) Shoe repair shops.
  - (37) Stores and shops for the conduct of retail business.
  - (38) Studios.
  - (39) Taverns and liquor stores.
  - (40) Tailor shops.
  - (41) Theatre.
  - (42) Tire repair shops.
  - (43) Upholstering shops.
  - (44) Veterinary clinics.
- (d) **Permitted Accessory Uses.** An accessory building or use shall be used only for the following purposes.
- (1) Garages for storage of vehicles used in conjunction with the operation of the business.
  - (2) Off-street parking, loading and services facilities.
  - (3) Any other structure or use normally auxiliary to the above uses.
- (e) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
- (1) Lumber sales and storage
  - (2) Planned unit developments.
  - (3) Public utility offices and installations.
  - (4) Rental apartments as a secondary use of a commercial building providing the rental apartments are not on the street level or main floor.
  - (5) Rental storage unit facilities.
- (f) **Prohibited Uses.** The following uses are prohibited:

- (1) Sale, slaughtering, and storage of livestock.
- (2) Sale and storage of metals, minerals, stone, scrap and waste materials, except in small quantities as part of the stock of a hardware or building materials establishment.
- (3) The outside storage of any automobiles, vehicles, and related equipment adjacent to or across the street from a residential district, except where screened by a fence as defined, described, and permitted under Sec. 10-1-142 (b) of the Zoning Code.

**SEC. 10-1-50 I-1 INDUSTRIAL DISTRICT.**

- (a) **Purpose.** This district is intended to provide for manufacturing, industrial and related uses and activities
- (b) **Dimensional Requirements.**
  - (1) Minimum lot area: 10,000 square feet.
  - (2) Minimum lot width: 100 feet.
  - (3) Front yard setback: 30 feet.
  - (4) Side yard setback for principal building: 20 feet.
  - (5) Rear yard setback for principal building: 30 feet.
  - (6) Side/rear yard setback for accessory building: 10 feet.
  - (7) Maximum building height: 40 feet.
- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes:
  - (1) Automobile body repair shops, not including the storage of junked or wrecked automobiles and parts.
  - (2) Automobile service stations.
  - (3) Feed mill.
  - (4) General warehousing and distribution centers.
  - (5) Greenhouse.
  - (6) Heavy machinery and equipment.
  - (7) Lumber and building supply yards.
  - (8) Manufacturing, assembly, fabrication and processing plants.
  - (9) Printing and publishing houses and related activities.
  - (10) Public utility offices and installations.
  - (11) Tool making, machining and cabinet shops.
  - (12) Wholesale establishments.
- (d) **Permitted Accessory Uses.** An accessory building or use shall be used only for the following purposes.
  - (1) Office, storage, power supply and other such uses normally auxiliary to the principal use.
  - (2) Off-street parking, loading and service facilities.
- (e) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
  - (1) Animal hospitals and kennels.
  - (2) Experimental, testing and research laboratories, not involving the keeping of animals or use of animal parts.
  - (3) Manufacture of cement, lime, gypsum, plaster of paris, acid, fertilizers or glue.
  - (4) Planned unit developments.

- (5) Public utility offices and installations.
- (6) Recycling center.
- (7) Automobile body repair shops, including vehicle towing and limited storage of damaged or wrecked automobiles and parts.
- (8) Storage facilities.
- (9) Transportation terminals, including trucking.
- (f) **Prohibited Use.**
  - (1) Sale, slaughtering, and storage of livestock.
  - (2) Sale and storage of metals, minerals, stone, scrap and waste materials, except in small quantities as part of the stock of a hardware or building materials establishment.

**SEC. 10-1-51 G-1 GOVERNMENT/INSTITUTIONAL DISTRICT.**

- (a) **Purpose.** This district includes those areas which are under public or public related ownership and where the use is anticipated to be permanent.
- (b) **Dimensional Requirements.**
  - (1) Minimum lot area and width: There are no minimum lot requirements.
  - (2) Setbacks and yards.
    - (a) A minimum building setback of twenty-five (15) feet from the right-of-way line of all public streets shall be required.
    - (b) There shall be a minimum side yard of ten (10) feet.
    - (c) There shall be a rear yard of not less than twenty-five (25) feet.
  - (3) Building Height. No building or parts of a building shall exceed thirty-five (35) feet in height:
- (c) **Permitted Uses.**
  - (1) Botanical gardens and arboretums.
  - (2) Cemeteries.
  - (3) Churches.
  - (4) Exhibition halls.
  - (5) Fairgrounds.
  - (6) Golf courses with or without country club facilities.
  - (7) Golf driving ranges or miniature golf.
  - (8) Historic and monument sites.
  - (9) Hospitals, sanatoriums, nursing homes and clinics.
  - (10) Libraries and museums.
  - (11) Municipal parking lots.
  - (12) Public administrative offices and public service buildings, including fire and police stations.
  - (13) Public or private schools.
  - (14) Public utility offices.
  - (15) Utilities.
  - (16) Water storage tanks, towers and wells.
- (d) **Permitted Accessory Uses.** An accessory building or use shall be used only for the following purposes:
  - (1) Off-street parking, loading and service facilities.
  - (2) Any other structure or use normally auxiliary to the principal use.

- (e) **Conditional Uses.**
  - (1) Public utility offices and installations.
  - (2) Structures and fill accessory to permitted uses.

**SEC. 10-1-52 C-1 CONSERVANCY/PARKS DISTRICT.**

- (a) **Purpose.** This district is intended to preserve the natural state of scenic areas, to provide areas where native flora and fauna may prosper in a natural habitat, to provide areas for outdoor recreational use and parks, to prevent inappropriate spread of development, to discourage the development of lands which might create a detriment to public and private property, to protect wetlands and lands which are subject to periodic flooding and to prevent development which would deplete or destroy natural resources or be otherwise incompatible with the public welfare.
- (b) **Dimensional Requirements.**
  - (1) Minimum lot area and width: There are no minimum lot area requirements because the district is not intended for development other than limited permitted uses allowed in the district.
  - (2) Setback and Yards.
    - (a) A minimum building setback of twenty-five (25) feet from the right-of-way line of all public streets shall be required.
    - (b) There shall be a minimum side yard of ten (10) feet.
    - (c) There shall be a rear yard of not less than twenty-five (25) feet.
  - (3) Building height. No building or parts of a building shall exceed twenty-five (25) feet in height.
- (c) **Permitted General Uses.**
  - (1) Forest reserves used for wilderness and wildlife areas.
  - (2) Open space uses, including preserves, scenic areas, historic, scientific, educational and research areas, fishing, soil conservation practices, sustained yield forestry, stream bank protection, and water management and control practices; provided, however, that no such uses involve structures, fill, soil or peat removal or the disruption of the natural flow of any watercourse or natural topography.
  - (3) Parks and natural recreation areas including athletic fields; playgrounds; picnic areas; and hiking, walking and bicycle trails.
  - (4) Public education and research for natural, scenic, conservation, wildlife or plant habitat, and conservation preservation management.
  - (5) Roads and parking areas to serve on-site uses.
- (d) **Permitted Accessory Uses.**
  - (1) Non-habitable park or recreation shelters.
- (e) **Conditional Uses.**
  - (1) Public utility installations.
  - (2) Structures and fill accessory to permitted uses.

**SEC. 10-1-53 R-MH MOBILE HOME DISTRICT.**

The requirements for property in the R-MH Mobile Home District shall be as provided in Article 0 of this Chapter.

**SEC. 10-1-54 THROUGH SEC. 10-1-57 RESERVED FOR FUTURE USE.**

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## **ARTICLE D**

### Conditional Uses

#### **SEC. 10-1-60 STATEMENT OF PURPOSE – CONDITIONAL USES.**

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

#### **SEC. 10-1-61 AUTHORITY OF THE PLAN COMMISSION AND VILLAGE BOARD; REQUIREMENTS.**

- (a) The Village Board may, by resolution, authorize the Zoning Administrator to issue a conditional use permit after review, public hearing and advisory recommendation 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. In the instance of the granting of a limited conditional use, the Village Board in its findings shall further specify the limiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Board resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Village Board, upon recommendation of the Plan Commission, shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (c) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

**SEC. 10-1-62 INITIATION OF CONDITIONAL USE.**

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

**SEC. 10-1-63 APPLICATION FOR CONDITIONAL USE.**

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

**SEC. 10-1-64 HEARING ON APPLICATION.**

All requests for conditional uses shall be to the Plan Commission or the Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Village Board, on its own motion, from referring the request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in Section 10-1-63 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

**SEC. 10-1-65 NOTICE OF HEARING ON APPLICATION.**

- (a) **Hearing.** Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under 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 owner 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) **Report of Plan Commission.** The Plan Commission shall report its advisory recommendations to the Village Board within thirty (30) days after a matter has been referred to it. If such action has not been reported by the Plan Commission within thirty (30) days, the Village Board can act without such recommendations.

**SEC. 10-1-66 STANDARDS – CONDITIONAL USES.**

No application for a conditional use shall be recommended for approval by the Plan Commission or granted by the Village Board unless such Commission and Board shall find all of the following conditions are present:

- (a) 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.
- (b) That the use, 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.
- (c) 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.
- (d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (e) 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.
- (f) That the conditional use shall conform to all applicable regulations of the district in which it is located.
- (g) That the proposed use does not violate floodplain regulations governing the site.
- (h) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (i) That, in addition to passing upon a Conditional Use Permit, the Plan Commission and Board shall also evaluate the effect of the proposed use upon:
  - (1) The maintenance of safe and healthful conditions.
  - (2) The prevention and control of water pollution including sedimentation.
  - (3) Existing topographic and drainage features and vegetative cover on the site.
  - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
  - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  - (6) The location of the site with respect to existing or future access roads.
  - (7) The need of the proposed use for a shoreland location.
  - (8) Its compatibility with uses on adjacent land.

- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

**SEC. 10-1-67 DENIAL OF APPLICATION FOR CONDITIONAL USE PERMIT.**

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 Village shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Commission and/or Board has used in determining that each standard was not met.

**SEC. 10-1-68 CONDITIONS AND GUARANTEES.**

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the 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 10-1-66 above. In all cases in which conditional uses are granted, the Board 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 restriction;
  - (11) Access restrictions;
  - (12) Type of shore cover;
  - (13) Specified sewage disposal and water supply systems;
  - (14) Planting screens;
  - (15) Piers and docks’
  - (16) Increased parking; or
  - (17) 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 shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations,

highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Village Board after recommendation from 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 Site; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which 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.
- (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading.

#### **SEC. 10-1-69 VALIDITY OF CONDITIONAL USE PERMIT.**

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

#### **SEC. 10-1-70 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 and after seeking an advisory recommendation from the Plan Commission, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 10-1-66 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 10-1-65 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 10-1-66 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 10-1-66 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 therefore.

**SEC. 10-1-71 BED AND BREAKFAST ESTABLISHMENTS.**

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residential 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 HFS 197, Wis. Adm. Code.

**SEC. 10-1-72 THROUGH SEC. 10-1-79 RESERVED FOR FUTURE USE.**

## ARTICLE E

### Nonconforming Uses, Structures and Lots

#### SEC. 10-1-80 EXISTING NONCONFORMING USES.

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

#### SEC. 10-1-81 EXISTING NONCONFORMING STRUCTURES.

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

**SEC. 10-1-82 CHANGES AND SUBSTITUTIONS.**

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the 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. 10-1-83 PRE-EXISTING SUBSTANDARD LOTS.**

A lot which does not contain sufficient area to conform to the dimensional requirements of this Chapter may be used as a building site for a single family dwelling upon issuance of a building permit subject to the following conditions:

- (a) Such use is permitted in the Zoning District.
- (b) The lot is on record in the County Register of Deeds Office prior to the effective date of this Chapter.
- (c) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Chapter.
- (d) The sanitary provisions of the County Sanitary Ordinance shall apply to those lots not served by public sewer.

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



**ARTICLE F**

Traffic Visibility, Loading, Parking and Access

**SEC. 10-1-90      TRAFFIC VISIBILITY**

- (a) On a corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of three (3) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines twenty-five (25) feet from the point of intersection.
- (b) In the case of arterial streets intersecting with other arterial streets or rail-ways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to thirty (30) feet.

**SEC. 10-1-91      LOADING REQUIREMENTS.**

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

<u>Use</u>	<u>Floor Area (sq. ft.)</u>	<u>Loading Space</u>
Retail, wholesale	2,000 - 10,000	1
warehouse, service	10,000 - 20,000	1
manufacturing, and	20,000 - 40,000	2
industrial establishments	40,000 - 60,000	3
	Each additional 50,000	1
Motels, schools, offices	5,000 - 10,000	1
hospitals, places of	10,000 - 50,000	2
public assembly	50,000 - 100,000	2
	Each additional 25,000	1
Funeral homes	2,500 - 4,000	1
	4,000 - 6,000	1
	Each additional 10,000	1

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

**SEC. 10-1-92            PARKING REQUIREMENTS.**

All new parking lots and all alterations of existing lots, except for permitted uses in the R-1 and R-2 residential districts, shall be subject to a recommendation from the Plan Commission and approval of the Village Board. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, except those areas which are located in a fire district as designated on the official map, there shall be provided at the time any use or building is proposed to be erected, enlarged, extended, or increased, an off-street parking plan for all vehicles in accordance with the following:

- (a) **Access.** Adequate access to a public street shall be provided for each parking space.
  
- (b) **Design Standards.** Each required off-street parking space shall have a stall width of at least ten (10) 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 (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 spaces shall be sufficiently screened in the form of a solid fence or shrubbery to shield from view any adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by the inclusion of 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 (R-1) and two-family (R-2) residential districts, but shall not be closer than five (5) feet to a side lot line, right-of-way line or rear lot line. See Sec. 10-1-96.
  
- (d) **Surfacing.** All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all weather material capable of carrying a wheel load of four thousand (4,000) pounds [normally, a two (2) inch blacktop on a four (4) inch base or five (5) inches of Portland cement will meet this requirement.] Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

(e) **Landscaping Requirements.**

- (1) **Landscaping.** All public and private off-street parking areas which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Code shall be provided with accessory landscape areas totaling not less than ten percent (10%) of the surfaced area. The minimum size of each landscape area shall not be less than one hundred (100) square feet.
- (2) **Location.** Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to recommendation of the Planning Commission and approval by the Village Board.
- (3) **Plans.** All plans for such proposed parking areas 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) **Number of Stalls.** The suggested number of parking stalls for newly created or alteration of existing parking lots are shown in the following table:

Use

Minimum Parking Required

Single-family dwellings	2 stalls for each dwelling unit
Multi-family dwellings	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Sororities, lodges, clubs, dormitories, rooming and boarding houses	1 stall for each bed plus 1 stall for each 3 employees
Institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, community centers, vocational and night schools, and other places of public assembly	1 stall for each 200 square feet of floor area
Secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each student auto permitted
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 200 square feet of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at one time
Financial institutions, business, government and professional offices	1 stall for each 200 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus one space for each 300 square feet of outdoor display area for each motor vehicle to be displayed

Automobile repair garages and service stations	1 space for each employee plus 1 space for each 250 square feet of floor area used for repair work
Bowling lanes	5 spaces for each lane

- (g) **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.
- (h) **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (i) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of fifty percent (50%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- (j) **Off-Lot Parking.**
  - (1) Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met, such parking spaces may be located off-lot provided the parking spaces are located in the same 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. 10-1-93 HIGHWAY ACCESS.**

- (a) **Private Access Restricted.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (b) **Public or Private Access Prohibited.** No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
  - (1) 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 Village Clerk 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. 10-1-94 STORAGE AND PARKING OF RECREATIONAL VEHICLES.**

- (a) **Definitions - Recreational Vehicles.** For purposes of this Section, the following definitions shall apply:
  - (1) Recreational Vehicle. Recreational vehicle means any of the following:
    - a. "Travel trailer." A vehicular, portable structure built on a chassis and on wheels; that is, between ten (10) and thirty-six (36) feet long, including the hitch, and eight (8) feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so called fifth-wheel units.
    - b. "Pick-up Coach." A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.

- c. "Motor Home." A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
- d. "Camping Trailer." A 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 there from.
- 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 surrounding the 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 or rear yard provided it is not nearer than five (5) feet to the lot line.

(3) Parking is permitted outside on a hard-surfaced or well-drained gravel driveway, provided:



- a. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard.
  - b. A corner lot is always deemed to have reasonable access to the rear yard.
  - c. A fence is not necessarily deemed to prevent reasonable access.
  - d. Inside parking is not possible.
  - e. The unit is parked perpendicular to the front curb.
- (4) 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 fourteen (14) 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 fuels 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.

**SEC. 10-1-95 STORAGE OF SEMI-TRUCK TRACTORS AND ROAD MACHINERY.**

No person, firm or corporation shall store, keep or maintain on properties zoned as residential for a period of fifteen (15) consecutive days, the following types of vehicles: Semi-truck tractors, dump trucks, auto wreckers and road machinery.

**SEC. 10-1-96 OFF-STREET PARKING RESTRICTIONS IN RESIDENTIAL DISTRICTS**

Unless the district regulations provided otherwise, off-street parking for not more than four (4) registered motor vehicles per premises, defined herein as automobiles and pick-up trucks, may be permitted in the following yards in the single-family (R-1) and two-family (R-2) residential districts:

- (1) Rear yard but not closer than five (5) feet to the rear lot line.
- (2) Side yard not adjoining a street but not closer than five (5) feet from the side lot line.
- (3) Front yard, but only on one (1) paved or other well-drained all weather hard surfaced driveway not nearer than five (5) feet to a front property line or five (5) feet to a side lot line.

**SEC. 10-1-97            DRIVEWAYS**

All driveways installed, altered, changed, replaced, or extended after the effective date of this Chapter shall meet the design requirements of Chapter 12 of the Village of Clayton Code of Ordinances.

**SEC. 10-1-98 THROUGH SEC. 10-1-99 RESERVED FOR FUTURE USE.**

## ARTICLE G

### Signs, Canopies, Awnings and Billboards

#### SEC. 10-1-100 PURPOSE OF SIGN, CANOPY AND AWNING REGULATIONS.

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

#### SEC. 10-1-101 SIGNS, CANOPIES, AWNINGS AND BILLBOARDS -- DEFINITIONS.

The following definitions are used in this Article:

- (a) **Area of Sign.** The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines.
- (b) **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (c) **Billboard.** A sign which advertises goods, products or facilities, or services not on the premises where the sign is located or directs persons to a different location from where the sign is located. This definition does not include a municipal business directory, information or advertising sign, and does not include any public school signage.
- (d) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (e) **Canopy.** A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (f) **Day.** A day shall be designated as a period of time in terms of calendar days.
- (g) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (h) **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (i) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.

- (j) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (k) **Freestanding (Ground and/or Pole Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (l) **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.
- (m) **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.
- (n) **Marquee Sign** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (o) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Ordinance.
- (p) **Off-Premise Sign.** Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the sign is located.
- (q) **Political Sign.** Any sign displaying a political message as defined under Sec. 12.04 Wis. Stats.
- (r) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.
- (s) **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way.
- (t) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (u) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
- (v) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.
- (w) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed twenty-eight (28) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight (8) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Chapter, a portable sign is not a temporary sign.
- (x) **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.
- (y) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way.

**SEC. 10-1-102      REQUIRED PERMITS FOR SIGNS, CANOPIES, AWNINGS AND BILLBOARDS.**

- (a) **Application.** Except those specified in Section 10-1-103, no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Article. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Village of Clayton. If the sign will affect the structural strength of a building, is large enough to require structural supports and bracing, or is to have electrical wiring, a building permit from the Building Inspector shall also be required. 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.
- (b) **Required Information.** Application for a sign permit shall be made in writing upon forms furnished by the Village Clerk which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change when no change in business name is involved.
- (c) **Permit Fees.** Required permit fees as established by the Village Board shall be paid to the Village Clerk for each sign permit issued under this Article, provided, however, that a fee shall not be charged for putting an existing sign in conformity with this Article, or for a copy change when no change in business name is involved.
- (d) **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of One Hundred Thousand Dollars (\$100,000.00) for bodily injury and Two Hundred Thousand Dollars (\$200,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Village Clerk before the sign permit is granted.
- (e) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator who will assure the sign complies with the regulations of this Article. If a building permit was also required the applicant shall also notify the Building Inspector.

**SEC. 10-1-103      SIGNS NOT REQUIRING A PERMIT**

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

- (a) **Commercial, Industrial and Planned Unit Development (Commercial/Industrial) Districts.**
  - (1) Warning signs not to exceed four (4) square feet located on the premises.
  - (2) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.

- (3) Official signs, such as traffic control, parking restriction, information and notices.
  - (4) 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.
  - (5) Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
  - (6) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers or names of occupants of premises.
  - (7) Flags and insignia of any government, except when displayed in connection with commercial promotion.
  - (8) Legal notices, identification, information, warning, public utility, or directional signs erected by governmental bodies. Included within this definition are off-premise institutional signs.
  - (9) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
  - (10) Signs directing and guiding traffic and parking on private property (but bearing no advertising matter) limited to three (3) square feet per side and not more than one (1) sign permitted per entrances, exit, service area, parking area, or restroom.
  - (11) Political message signs during an election campaign, as defined in Sec. 12.04(1), Wis. Stats., limited to three (3) per premises, and subject to the Village Board's authority to regulate size, shape and placement for the public safety. Political signs may be posted beginning on the first day of the election campaign period as defined in Sec. 12.04(1)(a) Wis. Stats. and must be removed within ten (10) days after said election. Said sign shall be a maximum of thirty-two (32) square feet.
  - (12) Window signs are allowed with no permits.
  - (13) Bills, posters and banners may be allowed with no permits provided that they shall not be posted or displayed for longer than thirty (30) days.
  - (14) Real estate signs not to exceed ten (10) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located, provided they are removed within thirty (30) days of sale, rental, or lease of the property.
- (b) **Residential, Conservancy and Agricultural Districts.**
- (1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
  - (2) Memorial signs, tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
  - (3) Official signs, such as traffic control, parking restrictions, information and notices.
  - (4) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.

- (5) House numbers or signs identifying parks or country clubs or official bulletin boards.
- (6) Political message signs during an election campaign, as defined in Sec. 12.04(1), Wis. Stats., limited to three (3) per premises, and subject to the Village Board's authority to regulate size, shape and placement for the public safety. Political signs may be posted beginning on the first day of the election campaign period as defined in Sec. 12.04(1)(a) Wis. Stats. and must be removed within ten (10) days after said election. Said sign shall be a maximum of sixteen (16) square feet.
- (7) Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.

**SEC. 10-1-104 PERMITTED COMMERCIAL AND INDUSTRIAL SIGNS.**

- (a) **Permitted Signs.** The following signs shall require a permit to be issued by the Village of Clayton. Signs may be permitted in all commercial, planned unit development (commercial/industrial) and industrial districts, subject to the following restrictions:
  - (1) Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed three hundred (300) square feet in area for any one (1) premises and shall not exceed twenty (20) feet in height above the mean centerline street grade.
  - (2) Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premises; shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet above the sidewalk nor fifteen (15) feet above a driveway or an alley.
  - (3) Ground Signs shall be limited to not more than two (2) sides; shall not exceed twenty (20) feet in height above the mean centerline street grade; shall meet all yard requirements for the district in which they are located; and shall not exceed two hundred (200) square feet on one side for any one (1) premises.
  - (4) Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located and shall not exceed three hundred (300) square feet on all sides for any one (1) premises.
  - (5) Combinations of any of the above signs shall meet all the requirements for the individual sign.
- (b) **Lighting.** Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.

- (c) **Signs Causing Obstruction Prohibited.** Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress, or for firefighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.
- (d) **Signs at Intersection Prohibited.** No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- (e) **Canopy Signs Restricted.** Signs shall be permitted to hang from canopies or covered walks in Business or Industrial Districts provided that there shall be only one (1) sign, not to exceed five (5) square feet, for each business and that the sign shall be at least ten (10) feet above ground level.
- (f) **Location.** All signs permitted under this section shall be located on the commercial or industrial premises within one hundred (100) feet of the location of the principal structure of said commercial or industrial activity.

**SEC. 10-1-105 PERMITTED RESIDENTIAL SIGNS.**

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

- (a) **Nameplate and Identification Signs.** Subject to the following:
  - (1) Area and Content -- Residential. There shall be not more than one (1) nameplate, not exceeding two (2) square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted home occupation. On a corner lot, two (2) such nameplates for each dwelling unit (one facing each street) shall be permitted.
  - (2) Area and Content -- Nonresidential. For non-residential buildings, a single identification sign, not exceeding nine (9) square feet in area and indicating only the name and address of the building, may be displayed. On a corner lot, two (2) such signs (one facing each street) shall be permitted.
  - (3) Projection. Such signs shall be affixed flat against the wall of the building.
  - (4) Height. No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower.
- (b) **“For Sale” and “To Rent Signs”.** Subject to the following:
  - (1) Area and Number. There shall be not more than one (1) sign per zoning lot, except that on a corner zoning lot two (2) signs (one facing each street) shall be permitted. No sign shall exceed eight (8) square feet in area nor be closer than twelve (12) feet to any other zoning lot.
  - (2) Height. No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower, when attached to a building; detached or free-standing signs shall not be more than four (4) feet in height, measured from the soil grade to the top of the sign post.
- (c) **Signs Accessory to Parking Area.** Subject to the following:
  - (1) Area and Number. Signs designating parking area entrances or exits are limited to one (1) sign for each such exit or entrance, and to a maximum size of two (2) square feet each. One (1) sign per parking area, designating the conditions of



use or identity of such parking area and limited to a maximum size of nine (9) square feet, shall be permitted. On a corner lot, two (2) such signs (one facing each street) shall be permitted.

- (2) Projection. No sign shall project beyond the property line into the public way.
  - (3) Height. No sign shall project higher than seven (7) feet above curb level.
- (d) **Signs Accessory to Roadside Stands.** Subject to the following:
- (1) Content. The signs shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.
  - (2) Area and Number. The signs shall be on the same zoning lot (either zoned agricultural or with a conditional use permit) as the roadside stand, and there shall be not more than two (2) signs per lot. No sign shall exceed twelve (12) square feet in area nor be closer than fifty (50) feet from any other zoning lot.
  - (3) Projection. No sign shall project beyond the property line into the public way.
  - (4) Height. No sign shall project higher than fifteen (15) feet above curb level.
  - (5) Permit. A sign permit is required for this type of sign.
- (e) **Temporary Signs Accessory to Subdivision Developments or Other Permitted Improvements in Residential Districts.** Subject to the following:
- (1) Content. The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, or for the identification of other nonresidential uses under construction.
  - (2) Area, Number and Setback. Such signs shall not exceed two (2) in number for each subdivision nor fifty (50) square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least fifty (50) feet from all other boundaries of the site.
  - (3) Height. No sign shall project higher than eight (8) feet above curb level.
  - (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.
- (f) **Subdivision Identification Signs.** Subject to the following:
- (1) Content. The signs shall bear only the name of the subdivision or development.
  - (2) Area and Number. There shall be not more than 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 approved by the Village Clerk.
  - (3) Height. No sign shall project higher than twelve (12) feet above curb level; the Plan Commission may, however, temporarily authorize a larger sign for a period not to exceed two (2) years.
  - (4) Permit. A sign permit is required for this type of sign. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Village Clerk for approval. The location of any such sign shall be at the discretion of the Village Clerk based upon the character of the area, the type and purpose of the sign and the length of time permitted.
- (g) **Nonflashing, Illuminated Church Bulletins.** Subject to the following:
- (1) Area and Number. There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs (one facing each street) shall be, permitted. No sign shall exceed sixteen (16) square feet in area nor be closer than eight (8) feet from any other zoning lot.

- (2) Projection. No sign shall project beyond the property line into the public way.
- (3) Height. No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.

**SEC. 10-1-106      LANDSCAPE FEATURES.**

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

**SEC. 10-1-107      PROHIBITED SIGNS**

- (a) **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- (b) **Moving or Flashing Signs.** No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, except those giving public service information such as time, date, temperature weather or similar information or where allowed by conditional use permit. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (c) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line.
- (d) **Billboards Prohibited.** All billboards, other than a municipal business directory sign, which advertise goods, products, facilities or services not located on the premises where the sign is located or directs persons to a different location from where the sign is located, are prohibited in all zoning districts in the Village of Clayton.

**SEC. 10-1-108      DANGEROUS AND ABANDONED SIGNS.**

- (a) **Removal of Dangerous Signs.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located 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 lessee 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 Zoning Administrator to the Village Board.
- (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 Article after the date of adoption are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the penalty provisions for violations of this Article, the Zoning Administrator or Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

**SEC. 10-1-109 VARIANCES OR EXCEPTIONS.**

Variations or exceptions to these sign regulations may be granted by the Board of Appeals as provided under Article N of this code.

**SEC. 10-1-110 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 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) **Illuminated Signs.** Any illuminated signs shall not interfere with surrounding properties or traffic.
  - (3) **Roof Signs.** No sign shall be located so as to project above the parapet line unless approved by the Village Clerk.
  - (4) **Projection.** Signs including supports shall not interfere with surrounding properties or traffic.
  - (5) **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.
  - (6) **Blanketing.** Blanketing of signs on buildings shall not be allowed.
  - (7) **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.

- (8) Annexed Areas. All signs in newly annexed areas shall comply with this Article within five (5) years of annexation.
- (c) **Location Adjacent to Residence District**. No advertising signs shall be permitted within seventy-five (75) feet of any residence district boundary line unless said sign is completely screened from said residence district by a building, solid fence, or an evergreen planting, which planting shall be not more than two (2) feet shorter than the height of the sign at the time said evergreens are planted; said evergreens shall be spaced not more than one-half (1/2) the height of the tree for regular varieties and one-third (1/3) the height of the tree for columnar varieties of trees; said evergreen planting shall be continuously maintained; or said sign is facing away from the residence district and the back is screened as provided below.
- (d) **Sign Mounting**. All signs shall be mounted in one (1) of the following manners:
- (1) Flat against a building or wall.
  - (2) Back to back in pairs so that the back of the sign will be screened from public view.
  - (3) In clusters in an arrangement which will screen the back of the signs from public view.
  - (4) Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

**SEC. 10-1-111 SPECIAL SIGN REQUIREMENTS**

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

**SEC. 10-1-112 NONCONFORMING SIGNS.**

- (a) **Signs Eligible For Characterization as legal Nonconforming.** Any sign located within the Village of Clayton limits of the date of adoption of this Article hereafter which does not conform with the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted.
- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
  - (1) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or 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.
  - (2) The sign is relocated;
  - (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
  - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefore or shall be removed.
- (c) **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.

**SEC. 10-1-113 AWNINGS AND CANOPIES.**

- (a) **Permitted Awnings.** No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
  - (1) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
  - (2) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
  - (3) Setback from Curb Line. No awning shall extend beyond a point three (3) feet from of the curb line.
- (b) **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

- (1) Support. The structural support of all canopies shall be approved by the Building Inspector as in compliance with the Building Code of the Village and shall meet state building codes. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
- (2) Height Above Sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
- (3) Setback From Curb. No canopy shall extend beyond a point two (2) feet from the curb line.

**SEC. 10-1-114 VIOLATIONS OF SIGN CODE.**

- (a) **Construction Without Permit.** Any person, firm or corporation who begins, erects or completes 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, it shall give written notice to the sign owner and to the property owner.
  - (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five (5) days after such notice, the 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.
- (c) **Violations; Penalties.** Any person who shall violate any of the provisions of this Article shall be subject to a penalty which shall be as follows:
  - (1) Any person found guilty of violating any part of this Article who has previously been notified of being in violation or been convicted of violating the same Article within one (1) year shall, upon conviction thereof, be subject to a forfeiture as prescribed by Chapter 20 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
  - (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Article shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Article.

**SEC.10-1-115 THROUGH SEC. 10-1-119 RESERVED FOR FUTURE USE.**

## ARTICLE H

### Planned Unit Development (PUD) Conditional Use

#### **SEC. 10-1-120 STATEMENT OF PURPOSE**

- (a) The planned unit development conditional use 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 Chapter 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.
- (b) 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 Sec. 10-1-127 of this Chapter 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 of the Chapter have been met.

#### **SEC. 10-1-121 TYPES OF PLANNED UNIT DEVELOPMENTS.**

This Article contemplates that there may be a Residential, Commercial, Industrial Planned Unit Developments and Mixed Compatible Use Developments.

#### **SEC. 10-1-122 GENERAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.**

A planned unit development shall be consistent in all respects to the expressed intent of this Article and to the spirit and intent of this Chapter; shall be in conformity with the adopted master plan or comprehensive land use plan, neighborhood plan or any adopted component thereof; and shall not be contrary to the general welfare and economic prosperity of the community.

#### **SEC. 10-1-123 PHYSICAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.**

- (a) **Minimum Area Requirements.** Areas designated as planned unit developments shall contain a minimum development area as follows:

- |     |                       |                            |
|-----|-----------------------|----------------------------|
| (b) | <u>Principal Uses</u> | <u>Minimum Area of PUD</u> |
|     | Residential PUD       | 3 acres                    |
|     | Commercial PUD        | 5 acres                    |
|     | Industrial PUD        | 10 acres                   |
|     | Mixed Compatible Use  | 10 acres                   |
- (c) **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.
- (d) **Building Height and Area Requirements.**
- (1) Buildings in a planned unit development shall not exceed the height permitted in the basic use district.
  - (2) 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.
- (e) **Single Parcel, Lot or Tract.** 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 and be so recorded with the County Register of Deeds.

**SEC. 10-1-124 REQUIREMENTS AS TO PUBLIC SERVICES AND FACILITIES.**

- (a) The development site shall be provided with adequate drainage facilities for surface and storm waters.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Public water and sewer facilities shall be provided.

**SEC. 10-1-125 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.

**SEC. 10-1-126 PROCEDURAL REQUIREMENTS – INTENT.**

Sections 10-1-120 through 10-1-125 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 sections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.

**SEC. 10-1-127 PROCEDURAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.**

- (a) **Pre-Petition Conference.** Prior to the official submission of the petition for the approval of a planned unit development, the owner or his agent making such petition shall meet with the zoning administrator to discuss the scope and proposed nature of the contemplated development.
- (b) **Petition for Approval.** Following the pre-petition conference, the owner or his agent may file a petition with the Village Clerk for approval of a planned unit development. Such petition shall be accompanied by a non-refundable review fee as established by resolution of the Village Board, as well as incorporate the following information:
  - (1) **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:
    - a. 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.
    - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
    - c. 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.
    - d. 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.
    - e. 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.
  - (2) **A General Development Plan Including:**
    - a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
    - b. The location of public and private roads, driveways, sidewalks and parking facilities.
    - c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
    - d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
    - e. The type, size and location of all structures.
    - f. General landscape treatment.

- g. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
  - h. The existing and proposed location of all private utilities or other easements.
  - i. Characteristics of soils related to contemplated specific uses.
  - j. Existing topography on the site with contours at no greater than two (2) foot intervals.
  - k. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
  - l. If the development is to be staged, a staging plan.
  - m. A plan showing how the entire development can be further subdivided in the future.
- (c) **Referral to Plan Commission.** The petition for a planned unit development 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.
- (d) **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 10-1-63, 10-1-64, and 10-1-65 for Conditional Uses.

**SEC. 10-1-128 BASIS FOR APPROVAL OF THE PETITION FOR PLANNED UNIT DEVELOPMENT.**

- (a) **Requirements.** The Plan Commission, in making recommendations for approval, and the Village Board, in making a determination approving a petition for planned unit development, shall find as follows:
- (1) That the general requirements made and provided in Section 10-1-122 will be met;
  - (2) That the applicable physical requirements made and provided in Section 10-1-123 will be met;
  - (3) That the requirements as to public services and facilities made and provided in Section 10-1-124 will be met.
- (b) **Proposed Construction Schedule.** The Plan Commission and 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.
- (c) **Residential PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:
- (1) 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.
  - (2) 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.

- (3) 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:
    - a. Planned residential developments where allowed in the R-2 and R-3 Districts shall not exceed four (4) dwelling units per structure in a one story building or shall not exceed eight (8) dwelling units in a two story building.
  - (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
  - (5) Provision has been made for adequate, continuing fire and police protection.
  - (6) 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.
  - (7) 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.
- (d) **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:
- (1) The economic practicality of the proposed development can be justified.
  - (2) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.
  - (3) 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.
  - (4) The locations of entrances and exits have been designed 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.
  - (5) 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.
- (e) **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:
- (1) 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.
  - (2) 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.

- (3) 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.
- (4) 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.
- (f) **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:
  - (1) The proposed mixture of uses produces a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
  - (2) The various types of uses conform to the general requirements as herein-before set forth, applicable to projects of such use and character.
  - (3) 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.

**SEC. 10-1-129 DETERMINATION OF DISPOSITION OF THE PETITION.**

- (a) **General.** The Village Board, upon receipt of recommendation from the Plan Commission and 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.
- (b) **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.
  - (1) General Approval. The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of petition provide 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.
  - (2) Detailed Approval. Detail plans must be furnished to the Plan Commission and Village Board for their 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) Development Agreement Required. As a part of the detailed approval described at (b)(2) above, the petitioner shall be required to enter into a development agreement with the Village in such form satisfactory to the Village Board to assure that all requirements of the PUD approval are properly completed by the petitioner.
- (c) **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 recommendation 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.

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## ARTICLE I

### Performance Standards

#### SEC. 10-1-130 ARTICLE INTENT.

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

#### SEC. 10-1-131 NOISE.

- (a) No activity in any Zoning District shall produce a sound level outside its premises exceeding 75 dBA from 7:00 a.m. to 11:00 p.m. and 70 dBA from 11:00 p.m. to 7:00 a.m. beyond the property line; and no activity in any zoning district shall produce a sound level outside its premises for such length of time as to be a nuisance which substantially annoys, injures, endangers or otherwise adversely affects the comfort, health, peace or safety of the public.
- (b) **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 including emergency pressure relief valves and emergency electric generators.
  - ↳4) Chain saws, lawn mowers, and snow blowers in private use (not commercial repair services).
  - ↳5) The sounds of cattle, fowl, horses, or other sounds of reasonably cared for agricultural or domestic animals, and the sound of necessary farming equipment for a bona fide agricultural operation.
  - ↳6) Noises from moving sources such as automobiles and trucks on public right-of-way, railroad equipment on railroad rights-of-way and railroad spurs on private property, and airplanes.

#### SEC. 10-1-132 VIBRATION.

- (a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by

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such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

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

**SEC. 10-1-133      GLARE AND HEAT.**

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

**SEC. 10-1-134      ODOR.**

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in applicable provisions of Chapters NR, Wisconsin Administrative Code or any applicable provisions of the Wisconsin Statutes as amended from time to time.

**SEC. 10-1-135      FIRE AND EXPLOSIVE HAZARDS.**

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

**SEC. 10-1-136      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 Sec. 285.27 Wis. Stats. as amended from time to time.
- (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 as provided under Chapter 285 Wisconsin Statutes as amended from time to time.

**SEC. 10-1-137      HAZARDOUS POLLUTION**

- (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 285 Wisconsin Statutes as amended from time to time.



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

**SEC. 10-1-138 RADIOACTIVITY AND ELECTRICAL DISTURBANCES.**

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

**SEC. 10-1-139 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.

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## ARTICLE J

### Accessory Uses and Structures; Fences and Swimming Pools

#### SEC. 10-1-140 ACCESSORY USES OR STRUCTURE

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions - R-1 and R-2 Residential Districts.** An accessory use or structure in the R-1 and R-2 Residential Districts may be established subject to the following regulations:
- (1) Accessory Building Number Limits. In addition to the principal building, a detached garage or attached garage and one (1) additional accessory building may be placed on a lot.
  - (2) Accessory Building Size Limits. No attached accessory building or structure shall exceed the height of the principal building or structure.
  - (3) Attached Accessory Buildings. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
  - (4) Detached Accessory Buildings. No detached accessory building (nongarages) shall occupy any portion of the required front yard, and no detached accessory building shall occupy more than thirty percent (30%) of the required rear yard, or be located within three (3) feet of any other accessory building or lot line. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
  - (5) Accessory Building Yard Requirements. Accessory building yard setback requirements shall be as prescribed for each zoning district.
  - (6) Detached Garages. Detached garages are permitted in the rear yard and side yard only shall not exceed thirty-six (36) feet in width, shall not exceed twenty-six (26) feet in length, shall not exceed eighteen (18) feet in height, shall not be closer than three (3) feet to any lot line. A detached garage shall not be closer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to fire-resistive construction are complied with. Detached garages shall not exceed any area requirements or total lot coverage requirements that may be described in the standards for each district.
- (c) **Use Restrictions - All Residential Districts.** Accessory uses or structures in all residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined and authorized herein and shall not be occupied as a dwelling unit.
- (d) **Use Restrictions - Nonresidential Districts.** An accessory use or structure in an agricultural, business, or industrial district may be established in the rear yard or side yard and shall have setbacks as prescribed in each zoning district.

- (e) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five (5) feet to the side line of the adjacent structure.
- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Village Board, and shall be removed within thirty (30) days of occupancy of the project.
- (h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front-yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, following recommendation by the Plan Commission and approval by the Village Board, 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.
- (i) **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.
- (j) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.

**SEC. 10-1-141 OUTSIDE STORAGE OF FIREWOOD.**

- (a) No person shall store firewood in the front yard or corner side yard of any property subject to the zoning provisions under this Chapter.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing or using firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.

- (d) Woodpiles that contain diseased wood that 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 a total of ten percent (10%) of the side yard and rear yard may be used for storage of firewood at any one (1) time.
- (f) Outdoor storage of firewood is also subject to all applicable provisions of the Village Ordinance No. 2008-001 or as subsequently amended from time to time regulating outdoor solid fuel heating devices.

**SEC. 10-1-142 FENCES**

- (a) **Fences Defined.** For the purpose of this Section,
  - (1) Fence. An enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
  - (2) Boundary Fence. A fence placed on the property lines of adjacent properties.
  - (3) Protective Fence. A fence constructed to enclose a hazard to the public health, safety and welfare.
  - (4) Architectural or Aesthetic Fence. A fence constructed to enhance the appearance of the structure or the landscape.
  - (5) Picket Fence. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (b) **Height of Fences Regulated.**
  - (1) Except as provided in Section 10-1-90, a fence or wall may be erected, placed, or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level, except that no fence or wall that is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence or wall along such lot line.
  - (2) No fence or wall shall be erected, placed or maintained along a lot line on any business or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
  - (3) In any residence district, no fence or wall shall be erected, constructed, or maintained to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected. (See Section 10-1-90.)
- (c) **Setback for Fences.** Fences may be constructed alongside lot lines with a three (3) foot setback from the adjacent property owner. Fences may be constructed parallel to lot lines, but shall not extend into the front setback area as extended to the side lot lines.
- (d) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (e) **Prohibited Fences.** No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to

electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area, and that a barb wire fence or an electric fence is permitted within an agricultural district or on an agricultural district boundary line.

- (f) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (g) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (h) **Nonconforming Fences.** Any fence existing on the effective date of this Chapter and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall comply with this Section.
- (i) **Permit Required.** Before work is commenced on the construction or erection of a fence or any alterations, additions, remodeling or other improvements, an application for a fence building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector and Village Clerk. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector and Village Clerk at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A non-refundable fee as established by resolution of the Village Board shall accompany such application.
- (j) **Location Determination.** The property owner constructing a fence is solely responsible for ensuring that the fence is located on his/her property.

#### **SEC. 10-1-143 PERMANENT SWIMMING POOLS**

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than twenty-four (24) inches located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his 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 they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this Section.

- (c) **Permit Required.** Before work is commenced on the construction or erection of a private or residential swimming pool or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector and Zoning Administrator. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector and Zoning Administrator at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A non-refundable fee as established by resolution of the Village Board shall accompany such application.
- (d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector and Zoning Administrator, the Building inspector and Zoning Administrator shall not issue a permit for construction as provided for in subsection (c), unless the following construction requirements are observed:
- (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.
  - (2) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system or onto lands of other property owners adjacent to that on which the pool is located.
  - (3) All electrical installations, including lighting and heating but not limited thereto, which, are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village Ordinances regulating electrical installations.
- (e) **Setbacks and Other Requirements.**
- (1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
  - (2) Except as hereinafter provided no swimming pool shall be located so that any portion of the pool shall be within ten (10) feet of the principal structure, shall not be closer than three (3) feet to any lot line nor fifteen (15) feet to any alley line, nor shall it occupy more than thirty percent (30%) of the rear yard area, or within ten (10) feet of any overhead electrical service or power transmission line.
- (f) **Fence.**
- (1) Except as hereinafter provided, every outdoor swimming pool shall be completely enclosed by a fence or wall not less than four (4) feet nor more than six (6) feet in height, which shall be so constructed as not to have any openings, holes, or gaps larger than three (3) inches in any dimension except for doors and gates or shall have a permanent cover or enclosure which limits or restricts access. A dwelling house or accessory building may be used as part of such enclosure. All gates or

doors opening through such enclosure shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed and they shall be kept securely closed at all times when not in actual use.

- (2) The pool enclosure requirements at (f) (1) above 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 or uncovered sidewalls a minimum of four (4) feet above the provided ladder or stairs access can be removed or restricted. The area surrounding said pools shall be kept free of any chairs, tables or other equipment which provide access to the pool by unsupervised children.
- (3) These requirements shall be applicable to all swimming pools, other than indoor pools, and shall apply to all existing pools which have a minimum depth exceeding twenty-four (24) inches of water. No person in possession of land within the Village, either as owner, purchaser, lessee, tenant, or licensee, upon which is situated a swimming pool having a minimum depth exceeding twenty-four (24) inches shall fail to provide and maintain such fence or wall except in such cases as are specifically exempted above.
- (4) The Building Inspector may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein. Before the erection of any fence as required by this Section, approval of the materials to be used must be obtained from the Building Inspector.
- (g) **Interference With Enjoyment of Property Rights Prohibited.** No swimming pool shall be so located, designed, operated or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool, nor shall water from the swimming pool be permitted to flow or come upon the property of others, nor drain into the Village sanitary sewer system.
- (h) **Unnecessary Noise.** It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool any loud, unnecessary to unusual noise, or any noise or sound which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others.
- (i) **Compliance.** All swimming pools existing at the time of passage of this Chapter not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool.

**Sec. 10-1-144            TEMPORARY OR SEASONAL SWIMMING POOLS.**

- (a) **Definition.** A private or residential temporary 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 less than four feet located above the ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his 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. Storable children's swimming or wading pools, with a maximum wall height of twenty-four (24) inches are exempt from the



requirements of this chapter, except for setback requirements at (d) below and drainage requirements at (f) below.

- (b) **Permit Required** Before work is commenced on the construction or erection of private or residential temporary swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Zoning Administrator. Plans and specifications and pertinent explanatory data should be submitted to the Zoning Administrator at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant.
- (c) **Installation Requirements.** In addition to such other requirements as may be reasonably imposed by the Clerk's Office, the Clerk shall not issue a permit for installation as provided for in Subsection (b), unless the following installation requirements are observed:
  - (1) All materials and methods for installation shall be in accord with all state regulations and codes 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 temporary swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
  - (3) All electrical installation, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws, Village ordinances regulating electrical installations. Temporary swimming pools shall be powered by an approved GFCI outlet.
- (d) **Setbacks and Other Requirements.**
  - (1) Private temporary swimming pools shall be installed on rear or side lots only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
  - (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, but in no case shall the water line of any pool be less than five (5) feet from any lot line.

- (e) **Fence.** Temporary swimming pools, as defined in this section, shall be exempt from the fencing requirements of a permanent swimming pool. However, for safety reasons, a temporary swimming pool that is not enclosed by a fence, shall have all means of entrance, including but not limited to ladders and steps, removed from said swimming pool when pool is not in use.
- (f) **Draining and Approval Thereof.** No private swimming pool shall be located/installed so as to allow water therefrom to drain into any sanitary sewer or septic tank 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 Public Works Director.
- (g) **Filter System Required.** All private temporary 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. Filter systems shall be running at all times except when pool is in use.
- (h) **Dirt Bottoms Prohibited.** All swimming pools of a temporary nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.
- (i) **Fees.** All permits and administrative fees assessed under this chapter shall be established from time to time by Resolution of the Village Board. A schedule of fees is available in the office of the Village Clerk.
- (j) **Season.** Temporary swimming pools shall not be installed before May 1. Temporary swimming pools shall be drained and removed from the property by October 31.

**SEC. 10-1-145 THROUGH SEC. 10-1-149 RESERVED FOR FUTURE USE.**

## ARTICLE K

### Modifications

#### SEC. 10-1-150 HEIGHT MODIFICATIONS.

The 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 mounted on a residence, 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 as well as all other specific requirements contained in this Chapter.
- (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 their distance from the nearest lot line.
- (e) **Agricultural Structures Height Restrictions.** Agricultural structures such as barns, silos and water windmills shall not exceed in height twice their distance from the nearest lot line.
- (f) **Public Facilities Height Restrictions.** Public or semi-public facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the District's maximum height requirement.

#### SEC. 10-1-151 YARDS MODIFICATION.

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

- (a) **Uncovered Stair Restrictions.** Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than three (3) feet to any lot line, and must be eight (8) feet or more above ground.
- (b) **Architectural Projection Restrictions.** Architectural projections such as chimneys, flues, sills, eaves and ornaments may project into any required yard (setback requirements), but such projection shall not exceed two (2) feet.
- (c) **Cul-de-Sac and Curve Restrictions.** Residential lot frontage on cul-de-sacs and curves may be less than eighty (80) feet provided the width at the building setback line is at least eighty (80) feet and the street frontage is no less than forty-five (45) feet.
- (d) **Essential Services Exemptions.** Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.

- (e) **Street Yard Restrictions.** The required street yards may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than fifteen (15) feet in any residential district and five (5) feet in any business district.
- (f) **Detached Garage.** Detached garages are permitted in the rear yard and side yard only.

**SEC. 10-1-152 NOISES EXEMPTED.**

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

**SEC. 10-1-153 THROUGH SEC. 10-1-169 RESERVED FOR FUTURE USE.**

## ARTICLE L

### Administration

#### **SEC. 10-1-170 GENERAL ADMINISTRATIVE SYSTEM.**

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

#### **SEC. 10-1-171 ZONING ADMINISTRATOR.**

The 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:

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

#### **SEC. 10-1-172 ROLE OF SPECIFIC VILLAGE OFFICIALS IN ZONING ADMINISTRATION.**

- (a) **Plan Commission.** The Plan Commission, together with its other statutory duties as provided under Sec. 62.23 Wis. Stats., shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote

municipal planning. Under this Chapter, one of its functions is to make recommendations to the Village Board pursuant to guidelines set forth in this Chapter as to various matters and always being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.

- (b) **Village Board.** The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and the holding of public hearings by said Board, has ultimate authority to make changes and amendments in zoning districts, the zoning map and any 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. The Zoning Board of Appeals shall be appointed and follow the procedures, rules and requirements as specified under Sec. 62.23 (7)(e) Wis. Stats.

#### **SEC. 10-1-173 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, along with the required fee as established by the Village Board, 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; 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 utilities; off-street parking, loading areas and driveway's restrictions; high water; channel, floodway and existing and proposed street, side and rear yards.

- (4) Additional information as may be required by the Zoning Administrator or Plan Commission.
- (c) **Action.**
  - (1) A zoning permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of application and the applicant shall post such permit in a conspicuous place at the site.
  - (2) The permit shall expire within six (6) months unless substantial work has commenced or within twelve (12) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the applicant shall reapply for a zoning permit before commencing work on the structure.
  - (3) Any permit issued in conflict with the provisions of this Chapter shall be null and void.

**SEC. 10- 1- 174      SITE PLAN APPROVAL**

- (a) **Site Plan Approval.** All applications for building permits for any construction, reconstruction, expansion or conversion, except in the R-1 and R-2 Residential Districts, 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.
- (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 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 that 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. 10-1-175 VIOLATIONS AND PENALTIES.**

- (a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, Plan Commission, the Zoning Administrator or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (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 under the General Penalty provisions of the Code of Ordinances of the Village of Clayton.

**SEC. 10-1-176 FEE SCHEDULE**

The Village Board shall establish, from time to time by resolution, application, permit, review, and related fees required for the administration of this Code. Those fees may include, but are not limited to, the following:

**Board of Appeals:**

- Board of Appeals Variance – First request
- Board of Appeals Variance – Second request

**Plan Commission:**

- Annexation
- Certified Survey Map
- Certified Survey Map – Amended / Revised
- Concept Plan



Conditional Use Permit  
Condo Development  
Extra-Territorial Items  
Final Plat  
Final Plat – Amended / Revised  
Planned Unit Development (PUD)  
Preliminary Plat  
Preliminary Plat – Amended / revised  
Swimming Pool permit  
Unlisted Use  
Zoning Amendments  
Mobile Home Park Operator  
Mobile Home Park Operator transfer fee  
Mobile Home Park Application fee

**Misc.**

Sign permit fee  
Signal Receiving Antenna permit

**SEC. 10-1-177 THROUGH SEC. 10-1-179 RESERVED FOR FUTURE USE.**

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## ARTICLE M

### Changes and Amendments to the Zoning Code

#### **SEC. 10-1-180 AUTHORITY.**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map, if any, 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 and recommendation of the Plan Commission.

#### **SEC. 10-1-181 INITIATION OF CHANGES OR AMENDMENTS.**

The Village Board, the Plan Commission, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District boundaries hereby established or by amendments hereto in the accompanying zoning map made a part of this Chapter and/or the Supplementary Floodland Zoning Map, if any, to be made a part of this Chapter by reference.

#### **SEC. 10-1-182 PROCEDURE FOR CHANGES OR AMENDMENTS.**

- (a) Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
  - (1) Plot plan, drawn to a scale of one (1) inch equals 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 three hundred (300) feet of the area proposed to be rezoned.
  - (2) Owners' names and addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.
  - (3) Together with additional information as may be required by the Plan Commission or Village Board.
  - (4) Payment of required application fee.
- (b) **Recommendations.** The Village Board or the Village Clerk shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and zoning map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the Commission may on

occasion, of its own volition, conduct its own public hearing on proposed amendment(s).

(c) **Hearings.**

(1) The Village Board, following receipt of recommendation of the Plan Commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

(2) The Village Board may delegate to the Plan Commission the responsibility to hold public hearings as required under this Section.

(d) **Village Board's Action.** Following such hearing and after consideration of the Plan Commission's recommendations, the Village Board shall vote on the proposed ordinance effecting the proposed change or amendment.

**SEC. 10-1-183 PROTEST.**

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

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

**SEC. 10-1-184 THROUGH SEC. 10-1-189 RESERVED FOR FUTURE USE.**

## ARTICLE N

### Board of Appeals

#### **SEC. 10-1-190 MEMBERSHIP**

A Board of Appeals is hereby established. The Board of Appeals shall consist of five members appointed by the Village President, subject to confirmation by the Village Board, to three-year terms, except that of those first appointed, one shall serve for one year, two for two years and two for three years. For appointment purposes, each year of each term shall expire on May 20 so that any necessary appointments to the Board of Appeals shall be made by the Village President on or before May 20 of each year. The members shall serve at such compensation to be fixed by ordinance shall all reside within the Village of Clayton, and shall be removable by the Village President for cause and upon written charges and after public hearing. The Village President shall designate one Board of Appeals member as Chairperson. Vacancies will be filled for the unexpired term of members whose terms become vacant as provided herein for new appointments. The Village President shall appoint, for staggered terms of three years, two alternate members for said Board, in addition to the five regular members. The Village President shall annually designate one of the alternate members as first alternate and the other as second alternate. The first alternate member shall act only when as regular member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent. The above provisions with regard to removal and the filling of vacancies shall also apply to such alternates. The Board of Appeals shall appoint one of its members as Secretary of the Board, unless the Village Board shall authorize the employment of a Secretary.

#### **SEC. 10-1-191 RULES**

The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in his absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

#### **SEC. 10-1-192 RECORDS**

The Board of Appeals shall keep minutes of its proceeding, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be kept in the office of the Board.

#### **SEC. 10-1-193 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 Plan Commission has made a 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 Plan commission 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 Plan Commission 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 Plan Commission 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. 10-1-194 HEARING ON APPEALS.**

The Board of Appeals shall fix a reasonable time for the hearing, cause 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. 10-1-195 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 twelve (12) months unless substantial work has commenced pursuant to such grant.

**SEC. 10-1-196 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 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 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 Plan Commission, Village Engineer, Board of Zoning Appeals or Zoning Administrator.
  - (6) Fee receipt for the application fee as established 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 seven (7) 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 Plan Commission. At the hearing, the appellant or applicant may appear in person, by agent or by attorney. The Board 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, Zoning Administrator and Plan Commission.
- (d) **Action of the Board of Appeals.** For the Board to grant a variance, it must find that:
- (1) Denial of variance may result in hardship to the property owner due to geographical 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 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.
- (c) **Conditions.** The Board of Appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in this Section.



**SEC. 10-1-197      REVIEW BY COURT OF RECORD.**

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

**SEC. 10-1-198 THROUGH SEC. 10-1-199 RESERVED FOR FUTURE USE.**

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## ARTICLE O

### Manufactured Homes

#### **SEC. 10-1-200 INTENT - WHERE MANUFACTURED HOME COMMUNITES ARE PERMITTED.**

- (a) Manufactured home communities may be established in the MH Residential District in accordance with the procedures, requirements and limitations set forth in this Article. Within such manufactured home communities, manufactured homes with such additional supporting uses and occupancies 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 June 15, 1976, as distinct and different from units designated as Manufactured homes within the definitions of this Article and to prohibit units not meeting the requirements for Manufactured homes as defined herein. Mobile homes units constructed prior to June 15, 1976 are prohibited. Modular buildings meeting the requirements of the One- and Two-Family Building Dwelling Code shall not be permitted in a manufactured home community except as a conditional use. Permits may be obtained only after review, public hearing and recommendation by the Plan Commission and approval by the Village Board.
- (c) Upon the effective date of this code, no person shall park, locate or place any manufactured home outside of a licensed manufactured home community in the Village of Clayton.

#### **SEC. 10-1-201 DEFINITIONS.**

The following definitions are used in this Article:

- (a) **Manufactured Home Communities.** Any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. See. Sec. 101.91(5m) Wis. Stats.
- (b) **Manufactured Home.** A manufactured home means a manufactured home as defined in Sec. 101.91 (2) Wis. Stats. and means any of the following: (1) a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425; (2) a mobile home, unless a mobile home is specifically excluded under applicable statute.

The term "manufactured home" does not include a modular home defined under Sec. 101.71 (6) Wis. Stats.

- (c) **Mobile Home.** A mobile home means a mobile home defined in Sec. 101.91 (10) Wis. Stats., includes any additions, attachments, annexes, foundations, and appurtenances. Specifically, a mobile home is a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. The term mobile home does not include a modular home defined under Sec. 101.71 (6) Wis. Stats.
- (d) **Foundation Siding.** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within Sixty (60) days from the date of placement on site.
- (e) **Primary Exposure.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.
- (f) **Secondary Exposure.** Open areas adjacent to side and rear walls of a dwelling unit.
- (g) **Statutory Definitions.** In addition to the above definitions, definitions contained in Section 66.0435 of the Wisconsin Statutes shall also be applicable.

**SEC. 10-1-202 MANUFACTURED HOME OCCUPANCY PERMITS.**

- (a) Manufactured homes or mobile homes legally located and occupied on a premises outside a licensed manufactured home community upon the effective date of this Chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the Village Clerk within sixty (60) days after the original effective date of this Chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy is otherwise conformity with the applicable laws and regulations of the State and Village. Subject to the provisions of subsection (c) below, such nonconforming use shall be automatically terminated upon a discontinuance for any reason for twelve (12) consecutive months or if the manufactured home is damaged by fire, storm, or other casualty loss and the total structural repairs and alterations to the manufactured home exceed fifty percent (50%) of the net value.
- (b) The owner or occupant of a manufactured home shall, within five (5) days after entering a licensed manufactured home community within the Village, obtain a permit from the Village Clerk. Such permits shall be issued only for manufactured homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the manufactured home was constructed in accordance with the applicable standards under Sec. 101.91(2) Wis. Stats. in effect as of the date of entering the licensed manufactured home community.
- (c) Nothing herein shall prevent the owner of manufactured home or mobile home under subsection (a) above from replacing the manufactured home or mobile home with a manufactured home provided that the replacement unit meets all applicable standards under Sec. 101.91(2) Wis. Stats in effect as of the date of replacement.

**SEC. 10-1-203      NUMBER OF LOTS OR SPACES.**

- (a) Where a manufactured home community is to be established for the development of a single mobile home community, the minimum area shall be three (3) acres. Minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five percent (25%) of total units permitted on the site.
- (b) These limitations shall not apply where expansion of an existing manufactured home community is concerned and where such expansion will not increase variation from requirements applying to manufactured home communities as set forth herein.

**SEC. 10-1-204      PERMITTED AND PERMISSIBLE USES AND STRUCTURES**

The following principal uses and structures are permitted within authorized manufactured home communities:

- (a) **Permitted Use.** One-family detached manufactured homes (residential manufactured home.) Also, in manufactured home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted. Manufactured homes may be sold on lots they occupy in residential use in a manufactured home community.
- (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.

**SEC. 10-1-205      MANUFACTURED HOME COMMUNITY DEVELOPER'S PERMIT.**

- (a) No person shall construct or extend any manufactured home community or manufactured home community building or facility within the limits of the Village without first securing a manufactured home community developer's permit from the Village. Such permits shall be issued after the recommendation of the planning Commission and approval by the Village Board.
- (b) Applications for manufactured home community developer's permits shall be filed with the Village Clerk with sufficient copies for the Village Clerk to forward one (1) each to the Building Inspector, Fire Chief, Chief of Police, and Village Engineer who shall investigate and review said application to determine whether the applicant, the premises on which said community will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the State and Village and report their findings in writing to the governing body within sixty (60) days. Such reports shall be considered by the governing body before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.
- (c) Applications for manufactured home community developer's permit shall be accompanied by a non-refundable fee as established from time-to-time by resolution of the Village Board to cover the cost of investigation and processing. This does not include regular

building permit fees for all buildings or structures to be erected within the proposed community.

- (d) Applications shall be made on forms furnished by the Village Clerk and shall include the following information:
  - (1) Name and address of applicant.
  - (2) Location and legal description of the proposed community, addition, modification or extension.
  - (3) A complete plot plan showing compliance with all applicable provisions of this Chapter and the municipal building code and zoning and subdivision ordinances.
  - (4) Completion preliminary engineering plans and specifications, including a scale drawing of the proposed community showing but not limited to:
    - a. Plans and specifications of all utilities, including: sewerage collection and disposal storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.
    - b. Location and width of roadways and walkways, buffer strips, recreational and other common areas.
    - c. The location of manufactured home stands with the manufactured home spaces, including a detailed sketch of at least one (1) typical manufactured home space and stand therein.
    - d. Landscape plan showing all plantings.
    - e. Plans and specifications of all community buildings and structures, including emergency weather shelters, and recreational areas, parks and playgrounds
  - (5) Interest of applicant in proposed manufactured home community or extension. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him to construct and maintain the proposed community, addition, modification or extension and make the application.
  - (6) Written statements describing proposed community operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on community occupants by the community operator.
- (e) Final engineering plans and specifications complying with the provisions of this Article and the zoning regulations and any modifications or conditions imposed by the governing body shall be submitted to the Village Clerk and checked by the proper municipal officials for compliance before the license is issued.

**SEC. 10-1-206      STANDARD REQUIREMENT'S FOR MANUFACTURED HOME COMMUNITIES, ADDITIONS OR EXTENSIONS.**

All manufactured home communities and modifications of or additions or extensions to existing communities shall comply with the following:

- (a) Chapter COMM 26, Wisconsin Administrative Code, as now existing or hereafter amended, is hereby made a part of this Chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any

requirement of this Chapter or any other applicable law or Ordinance of the State or Village.

- (b) Manufactured home spaces shall be a minimum of fifty (50) feet wide and one hundred (100) feet in depth, have a setback of twenty (20) feet from all street right-of-ways, and have a side yard setback of ten (10) feet, except that driveways may extend to within four (4) feet of a property line. Accessory structures, such as awnings, cabanas, storage cabinets, carports, windbreaks or attached porches shall be considered part of the unit for purposes of determining compliance with this provision. No manufactured home site shall be rented for a period of less than thirty (30) days. There shall be two (2) surfaced automobile parking spaces for each manufactured home. Unless adequately screened by existing vegetative cover, a mobile community shall be screened around its outer perimeter by a planting of hedges or trees, capable of reaching a height of fifteen (15) feet or more, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such planting shall be grown or maintained to a height of not less than fifteen (15) feet when mature.
- (c) No manufactured home community shall be laid out, constructed or operated without Village sanitary sewer and water service.
- (d) All liquid wastes originating at units, service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such systems shall comply with all provisions of the State Code and Village Ordinances relating to plumbing and sanitation. Each individual space shall be provided with a three (3) inch watertight sewer connection protected from damage by heaving and thawing or parking of the unit and located within the rear one-third (1/3) of the stand, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.
- (e) Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the Village Board. Open burning of waste or refuse is prohibited.
- (f) All television cable systems, electrical and telephone distribution lines and oil or gas piping serving the community or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state and local codes.
- (g) Each space shall be provided with direct electrical service of not less than one hundred (100) amperes for two hundred twenty (220) volt service.
- (h) 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.
- (i) Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health or safety of occupants of manufactured home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property within or without the community to hazards.

- (j) Exposed ground surfaces in all parts of every manufactured home community shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- (k) The ground surface in all parts of every manufactured home community shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.
- (l) All communities shall be furnished with individual outdoor lot lighting of twenty-five to sixty (25-60) watts so spaced and equipped with luminaires placed for the safe movement of pedestrians and vehicles at night.
- (m) All manufactured home spaces shall abut upon a street. All streets shall be provided with a smooth, hard and dense surface which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be curbed and protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight percent (8%), provided a maximum grade of twelve percent (12%) may be used if approved by the Director of Public Works, as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within one hundred (100) feet of an intersection. Intersections of more than two (2) streets at one (1) point shall not be allowed. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets.
- (n) All communities shall be provided with pedestrian walks between individual manufactured homes, community streets and community facilities of not less than three (3) feet in width. Grade and surfacing of walks shall be approved by the Director of Public Works as safe and comparable to sidewalks in other areas of the municipality subject to similar usage, except, that as an alternative, inverted curbing may be used which provides approximately three (3) feet of concrete walking area adjacent to the curb line.
- (o) All manufactured home communities shall have a Greenbelt or buffer strip not less than ten (10) feet wide along all boundaries. Unless adequately screened by existing vegetative cover manufactured home communities 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 manufactured home community. Compliance with this requirement shall be made within five (5) years from the granting of the manufactured home community developer's permit. 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 community, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
- (p) Manufactured home community operators shall, at the time of approval, pay any community development fees required for conventional subdivisions under applicable provisions of the Village Ordinances.
- (q) Single-family nondependent manufactured homes and approved accessory structures included in the original plans and specifications or revisions thereof, communities, playgrounds, open space, off-street parking lots, one (1) community office and service buildings for exclusive use of community residents shall be the only permitted uses in manufactured home communities, provided the Village Board may approve the following uses when designed and limited to exclusive use of community residents:



- (1) Laundromats.
- (2) Clubhouses and facilities for private, social or recreation clubs.
- (3) Swimming pools.
- (r) No signs shall be erected in manufactured home communities.
- (s) All manufactured home communities shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home space. Entrances to communities shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.
- (t) All manufactured home communities shall have one or more recreation, community or playground areas easily accessible to all community residents. Each recreation area shall contain not less than 5,000 square feet. Recreation areas shall be located to be free of traffic hazards and convenient to the manufactured home spaces which they serve.
- (s) All manufactured home communities shall have one or more structures provided as an emergency shelter against strong winds, such as tornadoes, to house three (3) people per manufactured home or not less than ten (10) square feet per person. This structure shall be below ground level unless constructed with sufficient construction materials to be reasonably resistant to tornado winds.

**SEC. 10-1-207 MANUFACTURED HOME COMMUNITY OPERATOR'S LICENSE.**

- (a) It shall be unlawful for any person to establish, operate, maintain or administer or permit to be established, operated or maintained upon any property owned, leased or controlled by him a manufactured home community within the Village without a valid, unexpired manufactured home community license issued by the Village Clerk and approved by the Village Board upon determination that the standards in this Section have been met and payment of the required fees.
- (b) Manufactured home community licenses shall be issued for a calendar year and shall expire on December 31 next succeeding date of issue. Licenses may be issued after January 1 of any year but no rebate or diminution of the fee shall be allowed there for.
- (c) The annual fee for a manufactured home community license shall be established from time-to-time by resolution or ordinance of the Village Board.
- (d) Licenses granted under this Section shall be subject to revocation or suspension by the governing body for cause in accordance with Section 66.0435(2), Wis. Stats., and the procedures in that Section shall be followed. "Cause" as used in this Subsection shall include, but not be limited to:
  - (1) Failure or neglect to abide by the requirements of this Chapter or the laws or regulations of the State of Wisconsin relating to manufactured home communities and their operation.
  - (2) Conviction of any offense under the laws of the State or Ordinances of the Village relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of manufactured homes or the leasing or rental of manufactured home spaces or sale, lease or operation of community facilities.
  - (3) Operation or maintenance of the manufactured home community in a manner inimical to the health, safety or welfare of community occupants or the inhabitants of the Village, including, but not limited to, repeated violations of

laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals or nuisances.

- (4) Transfer or sale of an ownership interest any manufactured home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.
- (e) Except as provided in Subsection (f) of this Section, no manufactured home community license shall be granted for any premises or to any person not meeting the following standards and requirements:
- (1) All standards and requirements set forth in Section 10-1-206 except as specifically waived or modified in writing by the Village Board and endorsed on the manufactured home developer's permit. This requirement may also include a valid certificate from the Wisconsin Department of Health and Social Services that the community complies with all applicable provisions of Wis. Adm. Code.
  - (2) Manufactured home communities should be used only for the parking and occupancy of single- family nondependent manufactured homes and accessory structures and appurtenances and uses.
  - (3) Applicant shall file with the Village Board certificates certifying that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities, including roads, have been constructed or installed in the community as required by this Chapter and are in required operating condition at the time of said application. In addition, the Chief of Police, Building Inspector, and the Chief of the Fire Department shall inspect or cause to be inspected each application and the premises to determine compliance with all applicable laws, regulations and ordinances applicable thereto. These officials shall furnish the Village Board in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying.
  - (4) Location and operation of the community shall comply with all zoning and land use Ordinances of the State and Village.
- (f) Manufactured home communities in existence and operating under a valid manufactured home community license upon the effective date of this Chapter, including communities in areas hereafter annexed to the Village subject to the provisions of subsections (f)(1)(2) and (3) below, shall be exempt from the requirements hereof relating to land use and occupancy provided such use and occupancy complies with the applicable laws and ordinances in effect at the time of issuance of the original license but shall file application for a manufactured home community developer's nonconforming use permit and comply with all other provisions of this Chapter within six (6) months after the effective date hereof, provided that an existing manufactured home community having a density in excess of that provided in Section 10-1-206 shall not increase its density and shall be operated in other respects in accordance with this Chapter. The governing body may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety and welfare of community occupants or inhabitants of the Village. All extensions, modifications or additions to lawfully licensed existing communities or facilities or structures therein shall comply with this Chapter.

- (1) Manufactured homes or mobile legally located and occupied within a licensed manufactured home community in existence and operating under a valid manufactured home community license upon the effective date of this Chapter may be continued in such location, provided that the owner of said manufactured home shall apply to the Village Clerk within sixty (60) days after the effective date of this Chapter for a non-conforming use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy is otherwise conformity with the applicable laws and regulations of the State and Village. Subject to the provisions of subsection (f)(3) below, such nonconforming use shall be automatically terminated upon a discontinuance for any reason for twelve (12) consecutive months or if the manufactured home is damaged by fire, storm, or other casualty loss and the total structural repairs and alterations to the manufactured home exceed fifty percent (50%) of the net value.
- (2) The owner of a manufactured home shall, within five (5) days after entering a licensed manufactured home community within the Village, obtain a permit from the Village Clerk. Such permits shall be issued only for manufactured homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the manufactured home was constructed in accordance with the applicable standards under Sec. 101.91(2) Wis. Stats. in effect as of the date of entering the license manufactured home community.
- (3) Nothing herein shall prevent the owner of a manufactured home or mobile home under subsection (1) above from replacing the manufactured home with another manufactured home provided that the replacement unit meets all applicable standards under Sec. 101.91(2) Wis. Stats in effect as of the date of replacement.

**SEC. 10-1-208      OPERATION OF MANUFACTURED HOME COMMUNITIES;  
RESPONSIBILITIES OF COMMUNITY MANAGEMENT.**

- (a) In every manufactured home community there shall be located an office of the attendant or person in charge of said community. A copy of the community license and of this Chapter shall be posted therein and the community register shall, at all times, be kept in said office.
- (b) The attendant or person in charge and the community licensee shall operate the community in compliance with this Chapter and all other applicable regulations and Ordinances of the Village and as well as all applicable State regulations and shall have the following duties:
  - (1) Maintain a register of all community 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 manufactured home.
    - e. Make, model, year and serial number or license number of each manufactured 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 community 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 law enforcement officials all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.
- (4) Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tie-downs.
- (5) Maintain community 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 community free from growth of noxious weeds.
- (7) Maintain the community free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the community designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
- (8) Check to insure that every manufactured home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodent-proof container for the deposit of garbage and refuse in accordance with the Ordinances of the Village.
- (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 municipality, including regulations promulgated by the Fire Chief.
- (10) Allow inspections of community premises and facilities at reasonable times by municipal officials or their agents or employees as provided by Section 10-1-210(b) of this Chapter.

**SEC. 10- 1-209      RESPONSIBILITY AND DUTIES OF MANUFACTURED HOME COMMUNITY OCCUPANTS.**

- (a) Community 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) Community occupants shall be responsible for proper placement of their manufactured homes on the manufactured home stand and proper installation of all utility connections in accordance with the instructions of the community 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 community.
- (d) Each owner or occupant of a nonexempt mobile home within a manufactured home community shall remit to the licensee or authorized community management the cash deposit and monthly municipal permit fee.

- (e) It shall be the duty of every occupant of a community to give the community licensee or management, or his agent or employee, access to any part of such community or manufactured 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 there under.
- (f) Manufactured homes shall be parked only on the manufactured home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.
- (g) No manufactured home owner or occupant shall conduct in any unit or any manufactured home community 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 community.
- (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. 10-1-210        ADDITIONAL REGULATIONS ON MANUFACTURED HOMES  
                                 AND MANUFACTURED HOME COMMUNITIES.**

- (a) Wrecked, damaged or dilapidated manufactured homes shall not be kept or stored in a manufactured home community or upon any premises in the Village. The Building Inspector or Village Board shall determine if a manufactured home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such manufactured homes are hereby declared to be a public nuisance. Whenever the Building Inspector or Village Board so determines, he shall notify the licensee or landowner and owner of the manufactured home in writing that such public nuisance exist within the community or on lands owned by him giving the findings upon which his determination is based and shall order such home removed from the community 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) Authorized representatives of the Village Board are authorized and directed to inspect manufactured home communities not less than once in every twelve (12) month period to determine the health, safety and welfare of the occupants of the community 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 manufactured home communities 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 Chief.
- (d) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the community shall be in accordance with the regulations of applicable laws, ordinances and regulations of the State and municipalities and their authorized agents, and may be performed by a professional manufactured home service technician.
- (e) All manufactured homes in manufactured home communities 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 manufactured home community or on a manufactured home space without a permit from the Building Inspector. Construction on, or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This Subsection shall not apply to addition of awnings, antennas or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback, side yard and rear yard requirements for manufactured home units.
- (g) Storage under manufactured homes is prohibited.

**SEC. 10-1-211 COMPLIANCE WITH PLUMBING, ELECTRICAL AND BUILDING ORDINANCES.**

All plumbing, electric, electrical, building and other work on or at any manufactured home community 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. 10-1-212 STANDARDS FOR GENERAL SITE PLANNING FOR MANUFACTURED HOME COMMUNITIES**

The following guides, standards and requirements shall apply in site planning for manufactured 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 maybe 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 10-1-90 shall apply and is hereby adopted by reference.

- (d) **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.
- (e) **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 dwelling, 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.

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## ARTICLE P

### Antennas & Wireless Telecommunication Facilities

#### SEC. 10-1-220 SIGNAL RECEIVING ANTENNAS.

- (a) **Purpose.** This Section regulating the placement of signal receiving antennas is adopted to:
- (1) Provide uniform regulation 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) Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna.
  - (4) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Permit Required.** No owner shall, within the Village of Clayton, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Zoning Administrator, except that a residential satellite television dish or a residential UHF and VHF antenna shall not require a permit.
- (c) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any 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, including, without limitation, parabolic antennas, home earth stations, satellite television dishes, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting which exceed two (2) feet in diameter.
  - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.
- (d) **Application.**
- (1) Application for a signal receiving antenna permit shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a fee as established from time to time by the Village Board and a sufficient set of mounting plans and specifications, including a general plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings.

- (2) a. Prior to the issuance of a permit for the installation of a satellite television antenna, all owners of property adjoining that of the applicant shall be notified of the application together with copies of any plans or other material filled with the application deemed appropriate. Each property owner shall have ten (10) days to object to installation of said antenna.
- b. If any adjoining property owner objects to the installation of said antenna, no permit shall be issued, and the application, plans and any objection thereto shall be referred to the Board of Appeals under Article N of this Chapter.
- (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 fifteen (15) feet from any property line.
    - 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. 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 Administrator 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 wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
  - (3) Diameter. The diameter of signal receiving antenna shall not exceed ten (10) feet and six (6) feet for a roof-mounted antenna, except for systems used to provide community antenna television services.
  - (4) Height.
    - a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed ten (10) feet in height, as measured from the ground to the highest point of the antenna.
    - b. A roof-mounted antenna may not exceed eight (8) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
  - (5) 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.

- (6) Electrical Installations. 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.
  - (7) 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 temporary placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.
  - (8) 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.
  - (9) Interference with Broadcasting. Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electro-magnetic 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.
  - (10) 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 there under.
  - (11) Aesthetic Considerations. Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
  - (12) Color. The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Zoning Administrator as part of the application.
- (f) **Variations**. Requests for variations from the standards established by this Section may be made to the Board of Appeals under Article N of this Chapter.

(g) **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 Zoning Administrator, Village Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
- (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Chapter 20 of the Village Code of Ordinances.

**SEC. 10-1-221 RADIO OR TELEVISION ANTENNA TOWERS.**

- (a) No radio or television antenna tower shall be erected or installed within the front yard or side yard. The rear setback and the side setback in rear yards shall be that for the principal structure within the respective zoning district. The exact location of the antenna tower shall be subject to approval by the Zoning Administrator.
- (b) No radio or television tower shall exceed a height of twenty (20) feet above the roof line of the building on the property upon which the antenna is located or sixty (60) feet above the ground measured at grade level, whichever is the minimum.
- (c) Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code, Federal Communications Commission and the instructions of the manufacturer; in cases of conflict the stricter requirements shall govern.

**SEC. 10-1-222 PLACEMENT, CONSTRUCTION AND MODIFICATION OF WIRELESS TELECOMMUNICATION FACILITIES.**

Wireless telecommunication towers and antennas may be installed, erected and maintained pursuant to the provisions of this section.

(a) **PURPOSE AND INTENT.**

- (1) To ensure the provision of personal wireless service within the corporate boundaries of, and for the benefit of, the residents of the Village of Clayton.
- (2) To protect the public health, safety, and general welfare of the community, public and private property, and community aesthetics.
- (3) To minimize the visual impact of towers, antennas, and associated buildings through design and site standards.
- (4) To maximize the use of existing and approved towers and buildings to accommodate multiple antennas in order to reduce the number of towers needed to serve the community.
- (5) To avoid damage to adjacent properties from tower failure through structural standards and setback requirements.

(b) **DEFINITIONS.** For purposes of this section of the zoning code, the terms defined in this ordinance have the following meanings:

- (1) Accessory Equipment Structure: A building or cabinet-like structure located adjacent to or in the immediate vicinity of a wireless telecommunications tower or antenna which is used to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone call, voice messaging and paging services.
  - (2) Antenna. Equipment used for transmitting or receiving radio frequency signals which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omni-directional “whip” antennae.
  - (3) Antenna Support Structure. Any building, pole, telescoping mast, tower, tripod, guy wires, or any other structure which supports an antenna.
  - (4) Base Transceiver Station. Equipment that provides the link between wireless communications and land-based telephone switching networks, including radio frequency transceivers, back-up power amplifiers, and signal processing hardware, typically contained in a small building or cabinet.
  - (5) Co-Location. The location of wireless telecommunications equipment of more than one provider on a common tower, building or structure.
  - (6) Commercial Receiving and/or Transmitting Antennae. Any antennae erected to transfer information for commercial use.
  - (7) Mast. The portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.
  - (8) Personal Wireless Services. Licensed commercial wireless communication services including cellular, personal communication services (PCS), enhanced specialized mobilized radio (EMR), paging and similar services.
  - (9) Public Property. Land, buildings, or other structures owned or operated by the Village of Clayton.
  - (10) Tower. Any pole, spire, structure, or combination thereof, to which antenna could be attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces.
  - (11) International Building Code (IBC). Published by the International Conference of Building Officials and referenced by the State of Wisconsin to provide jurisdictions with building-related standards and regulations.
- (c) EXISTING TOWERS OR ANTENNAS. Antennas, towers and accessory structures for which a building permit or conditional use permit has been properly issued prior to the effective date of this ordinance, are, after the effective date hereof, declared to be nonconforming uses subject to the provisions of Article E of this code.
- (d) INTERPRETATION AND APPLICABILITY.
- (1) This ordinance shall be interpreted consistent with the provisions of the Federal Communications Act of 1934, as amended, and by the Telecommunications Act of 1996, as amended.
  - (2) This ordinance shall apply to all persons, partnerships, corporations and other entities seeking to locate, site, place, modify, construct, operate, maintain or repair wireless telecommunications facilities within the corporate boundaries of the Village of Clayton.

- (3) This ordinance reserves to the Village all authority contained in state law and existing village ordinances regarding land use, zoning and regulation which has not been preempted by the federal government pursuant to section 704 of the Telecommunications Act of 1996, as amended, as to the placement, construction, and modification of personal wireless service facilities.
  - (4) This ordinance does not apply to the use or location of private, residential citizen band radio towers, amateur radio towers or television antennas; nor does it apply to public safety communication facilities owned or operated by the Village of Clayton or any other public entity of which the Village is a participating municipality.
- (e) **PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT, HEIGHT LIMITATIONS.**
- (1) Permitted Uses, Co-Location. Wireless telecommunication towers and antennas shall be allowed as a permitted use in all zoning districts if located or attached as follows:
    - a. Water Towers. Wireless telecommunication antennas shall be permitted upon Village-owned water towers provided the applicant has incorporated applicable Performance Standards in Subsection (g), below, a lease agreement with the Village has been approved and executed by the Village Board, a building permit has been obtained, all applicable licenses and permits have been issued to the provider, and all applicable fees have been paid.
    - b. Co-Location on Existing Towers. Wireless telecommunication antennas shall be permitted to be attached to existing, conforming towers or other conforming structures in accordance with applicable site guidelines and performance standards in Subsections (f) and (g), below, after the applicant has provided to the Village a written statement of approval from the tower or structure owner or lessor, has obtained a building permit from the Village and paid all applicable fees. The antenna shall not serve to extend the height of the existing, conforming steeple, tower, smokestack or radio tower, nor shall the antenna extend more than 20 feet above the height of the roof of any building.
    - c. Utility Poles. Wireless telecommunication antennae shall be permitted to be attached to utility poles after the applicant has provided a written statement of approval from the utility owner or lessor, has obtained a building permit from the Village and paid the necessary fees. The height of the antennae shall not extend more than 20 feet above the pole. Existing lattice utility pole structures may also be utilized provided the approval from the owner and building permit is obtained.

- (2) Conditional Uses. Wireless Telecommunication towers and antennas may be allowed as a conditional use under the permit procedure set forth in Article D of this Code in the A-1 Agricultural District only, and in accordance with the co-location requirements stated in Subsection (f), performance standards in Subsection (g) and specific procedural requirements in Subsection (i). Conditional Use Permits are not required for towers or antennas used, owned or operated by the Village for public safety communications purposes.
- (3) Height Limitations. The following height limitations set forth the applicable limitations of this section and shall include all parts of the wireless telecommunication tower and antenna structure measured from the base.
  - a. Where allowed as a permitted use on water towers, as co-located or on utility facilities, the antenna shall not serve to extend the height of the water tower, or other existing conforming facility, nor shall the antenna extend more than 20 feet above the height of the roof of a building.
  - b. Where allowed as a conditional use the antenna shall not serve to extend the height of any existing conforming tower, nor shall the antenna extend more than 20 feet above the height of the roof of a building or structure, nor for new construction, 199 feet above ground level measured from the base.
- (f) **CO-LOCATION REQUIREMENTS**. No proposal for the construction of a new wireless telecommunication tower shall be approved unless the applicant documents to the satisfaction of the Village Board that the antenna planned for the proposed tower cannot reasonably be accommodated on a Village-owned water tower, on an existing, conforming co-location tower or structure, or on a utility pole within the applicant's search ring, transcending the municipal borders, and for the purpose of providing service to the residents and businesses of the Village, due to one or more of the following:
  - (1) The antenna would exceed the structural capacity of all the existing and available co-location facilities in the Village.
  - (2) The antenna would cause interference or be unreasonably interfered with if co-located on any available existing facility in the Village.
  - (3) No existing or approved towers and buildings can reasonably accommodate the antenna at a height necessary for the proposed antenna to provide services to the residents and businesses of the Village.
  - (4) All existing or approved towers and commercial buildings are outside of the provider's documented search area.
  - (5) All the owners or lessors of the existing or approved towers and buildings are unwilling to allow co-location upon their facilities.
- (g) **PERFORMANCE STANDARDS**. Unless waived by specific action of a two-thirds majority of all the members of the Village Board, the requirements of this section apply to all wireless telecommunications towers and antennas erected, constructed, placed, modified or replaced in the Village of Clayton. All wireless telecommunication towers and antennas shall be designed and situated to be visually unobtrusive, to minimize the impact upon neighboring uses, and shall conform to the following minimum design and site criteria:

- (1) Area and Frontage. The minimum area upon which a wireless telecommunication tower may be erected shall be five (5) acre with a minimum frontage on any abutting street, alley, road or right of way of two hundred fifty (250') feet. A wireless telecommunication tower may only be constructed upon such lot if its base is centrally located thereon.
- (2) Setbacks. The minimum setback from any property line or public right-of-way for a wireless telecommunication tower shall be equal to 100% of the height of the tower. In the event of any difference between the setback measurement between any property line or public right-of-way, the greater measurement shall apply. Setbacks for accessory building and equipment structures associated with wireless telecommunication towers and antennae shall comply with the zoning district in which the facility is located.
- (3) Accessory Equipment Structures. All accessory equipment structures adjacent to an antenna system and/or tower shall be screened or architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the applicable zoning district.
- (4) Fencing. The Plan Commission may recommend and the Village Board may require appropriate safety fencing to be incorporated in the site accommodating the tower and its accessory equipment structures.
- (5) Landscaping and Screening. The Plan Commission may recommend and the Village Board may require landscaping and screening to be incorporated into the site accommodating a tower and its accessory equipment structures.
- (6) Color. Except as may be dictated by the Federal Aviation Administration (FAA), all telecommunication towers, antennas and accessory structures shall be designed to minimize visibility and to blend into the surrounding environment.
- (7) Construction Type and Materials. Towers with antennas shall be designed to withstand applicable wind load requirements as prescribed in the Uniform Building Code. Towers and antenna systems shall be constructed of, or treated with, corrosive resistant material. A regular maintenance schedule shall be provided as part of the application for a conditional use permit, and such schedule, if and when approved, shall be a material provision of any such permit granted.
- (8) Roof-Mounted Wireless Communication Antennas. Roof-mounted wireless telecommunication antennas shall not be permitted on buildings with pitched-roofs, unless they are stealth antennae incorporated into upward thrusting architectural elements, such as a church steeple, spire or bell-tower, smokestack, or radio tower. On flat roofs, the height of the antenna and mounting hardware may not be more than 20 feet above the highest point of the roof to which the antenna is attached.
- (9) Structurally - Mounted Wireless Communication Antennas. Telecommunication antennas mounted on the sides of buildings shall be attached flush with the side of the building, and shall not protrude more than three feet from the side of the building. Structurally mounted antennas not affixed to towers shall be made to blend into the design and contours of the structure.
- (10) Lights. Except as may be required by the FAA, no antenna or tower shall have affixed or attached to it in any way, any light, reflector, flasher, daytime strobe, or steady nighttime light or other illuminating device.



- (11) Signs and Advertising. No sign or advertising message shall be affixed to the antenna, tower or structure except for small identification signs or tags, or safety warning signs or tags which do not exceed one and one-half (1.5 sq. ft.) square feet in visible sign surface area; nor shall the aggregate of visible sign surface area for any one location exceed four (4 sq. ft.) square feet.
  - (12) Other Attachments. No antenna or tower shall have constructed thereon, or attached thereto, any platform, catwalk, crow's nest, or like structure for the purpose of human support, except during periods of construction and repair.
- (h) **OBSOLETE OR UNUSED TOWERS.** All obsolete, damaged, unused, or abandoned towers and accompanying accessory facilities shall be removed within 12 months of the cessation of operations unless a time extension is approved by the Village Board. If the tower is not removed, it may be deemed a nuisance pursuant to Wisconsin Statutes. In the event a tower is determined to be a nuisance, the Village may act to abate such nuisance and require the removal of the tower at the property owner's expense. In the event the owner applies for and receives FCC permission to cease operations, the owner shall provide the Village with such application and with a copy of the notice of the intent to cease operations. The owner shall have twelve months from the date of ceasing operations to remove the obsolete tower and all accessory structures. In the case of multiple operators sharing the use of a single tower, this provision shall not become effective until all users cease operations for a period of twelve consecutive months. The equipment on the ground is not to be removed until the tower structure has first been dismantled. After the facilities are removed, the site shall be restored to its original, or to an improved state.
- (i) **PROCEDURAL REQUIREMENTS.** Applicants proposing to erect a wireless telecommunication tower or antenna, whether for a permitted or a conditional use in any zone, shall make application, pay the applicable fee, and comply with the Conditional Use Permit application procedure as set forth in Article D of the Village of Clayton Zoning Code. Additional materials to be included with the application, where appropriate, shall include the following:
- (1) A document from the property owner or lessor that allows the applicant to apply for a conditional use permit and building permit to erect a wireless telecommunications tower or antenna upon the owner's property.
  - (2) A "scaled" site plan which shows all property lines, the location of the proposed wireless telecommunication tower or antenna, all setback distances, the location and applicable setback distances with respect to any accessory equipment structure, proposed fencing and landscaping, the location of all applicable utilities to serve the site and any associated easements for such service or access to and from the proposed project, design elements demonstrating the proposed facility's failure characteristics in high wind or other potential casualty situations and compliance with the applicable International Building Code.
  - (3) An artist's or architect's sketch, concept or rendition of the site as built which demonstrates to the satisfaction of the Village Board that the proposed site will be as aesthetically in keeping with its surroundings as possible, including elevations, landscaping, screening, appropriate camouflage and fencing.

- (4) Sufficient information to show that the design, construction, installation and maintenance of the wireless telecommunication tower and/or antenna will not create a safety hazard or damage to the property of other persons.
  - (5) A bond by a recognized surety in the State of Wisconsin in favor of the Village of Clayton and in an amount sufficient in the judgment of the Village Board to pay the entire cost of removal of any unused, obsolete or abandoned wireless telecommunications tower constructed in the Village and the cost of restoring the real property to the same state as it existed prior to construction of the facility.
  - (6) The name and address of each abutting land owner and the owner of each parcel of property within a 600-foot radius of the proposed site.
  - (7) Any other material of a testamentary or documentary nature that the Village Board may require in order to adequately determine whether to grant the permit applied for under this section.
- (j) **BUILDING PERMITS.** No person shall place, construct, or modify, repair or replace a wireless telecommunication tower or antenna without first having obtained a building permit. All towers and antennas are subject to site plan review and inspection by the Village to determine compliance with International Building Code construction standards. No building permit shall be issued by the Village without the prior approval of a Conditional Use Permit (CUP) by the Village Board if required in the applicable zone. When no CUP is required, the applicant shall provide to the Village all information as required by this and other applicable ordinances of the Village at the time of application for a building permit. The Village may charge a fee for any application, inspection, evaluation, meeting, or permit which is a part of determining whether to allow the site, placement, construction, modification, repair or replacement of any wireless telecommunications tower or antenna; and, all such fees, costs and expenses shall be the sole obligation of the applicant to pay upon demand. In addition to any other requirements of this or any other section of this Code, the Building Permit application shall include the following:
- (1) A report and plan from a qualified and registered engineer or engineering firm that specifies the following:
    - a. The tower height and design including cross-section and elevation.
    - b. The height above grade for all potential mounting positions for co-located antennae and the minimum separation distances between antennae.
    - c. Structural mounting designs and materials list.
    - d. The capacity of the tower, including the number and type of antennae that the tower can accommodate.
    - e. As applicable, an engineer's stamp and number.
  - (2) Structural and electrical plans showing how the proposed tower will accommodate the co-location of the applicant's antenna and comparable antennas of additional users; and, the plans and specifications whereby the proposed tower is designed to allow for future rearrangement of antennas to accommodate additional users and the mounting of additional antennas at varying heights.
  - (3) Plans and specifications showing how the proposed facility will be maintained in keeping with uniform building codes adopted by the Village and as a requirement of any Conditional Use Permit.

- (k) RETENTION OF EXPERT ASSISTANCE AND REIMBURSEMENT BY APPLICANT.
- (1) The Village may hire any consultant and/or expert necessary to assist the Village in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any requests for recertification.
  - (2) An Applicant shall deposit with the Village funds sufficient to reimburse the Village for all reasonable costs of consultant and expert evaluation and consultation to the Village in connection with the review of any Application including the construction and modification of the site, once permitted. The initial deposit shall be \$7,500.00. The placement of \$7,500.00 with the Village shall accompany the application. The Village will maintain separate escrow account for all such funds. The Village's consultants/experts shall invoice the Village for its services in reviewing the Application, including the construction and modification of the site, once permitted. If at any time during the process this escrow account has a balance less than \$2,500.00, the Applicant shall immediately, upon notification by the Village, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the Village before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the Village is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the Applicant.
  - (3) The total amount of the funds needed as set forth in subsection (2) above may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.
- (l) INSPECTION. The Village may, at any time, inspect any telecommunications tower, antenna or other facility to ensure their structural integrity. If, upon such inspection, the Village's duly designated inspector determines that the facility fails to comply with such applicable codes, or and that such failure or other condition constitutes a danger to persons or property, then, upon notice being provided to the owner of the facility, the owner shall have 30 days to bring the facility into compliance with the applicable codes and standards. Failure to bring the facility into compliance within the said 30 days shall constitute cause for the removal of the facility at the owner's expense.
- (m) NON-INTERFERENCE. All new or existing telecommunications services shall comply with all relevant Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) standards and shall not interfere with public safety and other Village and private telecommunications operations.
- (n) INSURANCE. The applicant shall provide the Village with proof of liability insurance and general casualty insurance which protects against losses due to personal and bodily injury or death, and against property damage resulting from the construction, operation or collapse of the tower, antennae or accessory equipment. Such policy shall be in an amount approved by the Village Board, but in no case less than \$1,000,000.00 for general liability coverage and \$3,000,000.00 for the aggregate of personal or bodily injury, death and general casualty losses per incident. Such policy shall make provision for notice within not less than thirty (30) days to the Village in the event it is changed by the insured or cancelled by the insurer.

(o) ENFORCEMENT. The provisions of this section shall be enforced and penalties imposed for violations hereof as set forth herein and in applicable provisions of Chapter 20 of the Village Code of Ordinances.

**SEC. 10-1-223 THROUGH SEC. 10-1-229 RESERVED FOR FUTURE USE.**