

TITLE 13

Zoning

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Chapter 1

Zoning Code

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Article A: Introduction; Definitions

Sec. 13-1-1 Authority.

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

Sec. 13-1-2 Short Title.

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

Sec. 13-1-3 Purpose.

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

Sec. 13-1-4 Intent.

It is the general intent of this Chapter to:

- (a) Regulate and restrict the use of all structures, lands and waters;
- (b) Regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways;
- (c) Secure safety from fire, flooding, panic and other dangers;
- (d) Provide adequate light, air, sanitation and drainage;
- (e) Prevent overcrowding; avoid undue population concentration;
- (f) Facilitate the adequate provision of public facilities and utilities;
- (g) Stabilize and protect property values;
- (h) Further the appropriate use of land and conservation of natural resources;
- (i) Preserve and promote the beauty of the Village of Star Prairie;
- (j) To prohibit uses, buildings or structures incompatible with the character of development within specified zoning districts;
- (k) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;

- (m) Further the maintenance of safe and healthful water conditions;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) Provide for and protect a variety of suitable commercial and industrial sites;
- (p) Protect the traffic-carrying capacity on existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Star Prairie.
- (r) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

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

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

Sec. 13-1-6 Interpretation; Standard Industrial Classifications.

- (a) In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (b) Uses allowed in Commercial and Industrial Districts may be cross-referenced with the Standard Industrial Classification. The SIC number is shown in [].

Sec. 13-1-7 Effective Date.

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

Sec. 13-1-8 Definitions.

- (a) 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, not including a garage as defined herein.

- (2) **Accessory Use.** A use subordinate in nature, extent or purpose to the principal use of the building or lot.
- (3) **Acre, Net.** The actual land devoted to the land use, excluding public streets, public lands, unusable lands, and school sites contained within. An acre consists of forty-three thousand five hundred sixty (43,560) square feet.
- (4) **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.
- (5) **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.
- (6) **Alley.** A way which affords only a secondary means of access to abutting property and which is not more than twenty-four (24) feet wide.
- (7) **Apartment.** A portion of a residential or commercial building used as a separate housing unit.
- (8) **Apartment House.** See "Dwelling, Multiple."
- (9) **Arterial Street.** A public street connecting arterial highways and thus intended to serve heavier volume and higher speed through traffic. Primary arterial streets typically interconnect state trunk highways whereas secondary arterial streets interconnect county trunk highways.
- (10) **Basement.** That portion of a structure located partially below the adjoining lot grade and provided with: two (2) or more exits and sufficient windows to be naturally ventilated and illuminated, and thus considered as liveable space.
- (11) **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.
- (12) **Building.** A structure with walls and a roof, anchored to a slab on the ground or placed on a foundation, and intended for the shelter, housing or enclosure of persons, animals or chattel.
- (13) **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.
- (14) **Building Area.** The total living space available for a designated use as found within the exterior walls of a building at the floor levels, or within the perimeter walls at the floor levels of an apartment in a multi-family structure, excluding unfinished basements and attics, breezeways, garages, porches, and common use space such as stairs, elevators, corridors, utility and laundry rooms.
- (15) **Building, Front Line Of.** A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
- (16) **Building, Height Of.** The vertical distance measured from the mean elevation of the finished grade at the street yard face of the structure, to the top of the roof eave fascia or lowest level of roofing material whichever is less restrictive.

- (17) **Building, Principal.** A building in which is conducted the main use of the lot on which said building is located.
- (18) **Business.** Includes the commercial, limited industrial and general industrial uses and districts as herein defined.
- (19) **Carport.** See "Garage."
- (20) **Cellar.** The unfinished portion of a structure located mostly below grade without sufficient exits or natural lighting and ventilation to be considered as livable space.
- (21) **Clinic.** A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or nonboarding basis only.
- (22) **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.
- (23) **Collector Street.** A public street intended to collect residential and/or commercial/industrial traffic from minor streets and drives, and to direct this traffic to an arterial system of roads and streets. Collector streets typically provide a continuous route for intermediate traffic volumes operating at moderate speeds.
- (24) **Community Living Arrangement.** The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child welfare agencies under Sec. 48.60, Wis. Stats., group foster homes for children under Sec. 48.02(7m), Wis. Stats., and community-based residential facilities under Sec. 50.01, Wis. Stats.; but does not include nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Secs. 46.03(22), 69.97(15), 62.23(7)(i), and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (25) **Conditional Use.** A use of land, water or building which is allowable only after the issuance of a special permit by the Village Board under conditions specified in this Chapter.
- (26) **Conforming Use.** Any lawful use of a building or lot which complies with the provisions of this Chapter.
- (27) **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.
- (28) **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.
- (29) **Curb Level.** The level of the established curb in the front of the building measured at the center of such front.
- (30) **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.
- (31) **Development Regulations.** The part of a zoning ordinance enacted under Section 62.23(7), Wis. Stats., that applies to elements including setback, height, lot coverage, and side yard. [See Section 62.23(7)(hb)a, Wis. Stats.]

- (32) **Dwelling.** A detached building designed and used exclusively as a single-family residence, or a single-family residence incorporated into a multi-family complex of dwelling units. Does not include: boarding or lodging house; motels or hotels; cabins, tents, travel trailer, or recreational vehicles; or mobile homes not securely attached to a permanent foundation with wheels and axles removed and thus taxed as a single-family dwelling.
- (33) **Dwelling, One-Family.** A detached building designed, arranged or used for and occupied exclusively by one (1) family, whether attached, detached or semi-attached. Shall include specially designed buildings covered by earth and manufactured homes.
- (34) **Dwelling, Two-Family.** A building designed, arranged or used for, or occupied exclusively by, two (2) families living independently of each other.
- (35) **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.
- (36) **Dwelling Group.** A group of two (2) or more multi-family dwellings occupying a lot in one (1) ownership with any two (2) or more dwellings having any yard or court in common.
- (37) **Emergency Shelters.** Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- (38) **Family.** One (1) or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not more than two (2) persons not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this Section if he is dwelling for the purpose of adoption or for a foster care program.
- (39) **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.
- (40) **Floor Area.** The total usable space available within the perimeter walls on all floors of a building including interior corridors, stairs, elevators, passageways, and finished basements serving the primary function of the building. Unfinished basements and attics, unheated porches and breezeways, garages and maintenance shops are excluded from floor area determinations.
- (41) **Floor Area Ratio (Multi-Family Residences).** The minimum area of a building lot expressed as a function of the floor area of the structure to be placed or erected thereon. For example, a building with floor area of two thousand (2,000) square feet placed on a twelve thousand (12,000) square foot lot computes as a floor area ratio of six (6.0). With a required FAR of five (5.0), the same two thousand (2,000) square foot building could be placed on a ten thousand (10,000) square foot lot.
- (42) **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.

- (43) **Frontage.** All of the property abutting on one (1) side of a street measured along the street line.
- (44) **Garage.** A building or portion thereof used exclusively for parking or temporary storage of self-propelled vehicles.
- (45) **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.
- (46) **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.
- (47) **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.
- (48) **Home Occupation.** Any business or profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building thereto and meeting the standards of Section 13-1-72.
- (49) **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.
- (50) **House Trailer.** A nonself-propelled vehicle, containing living or sleeping accommodations which is designed and used for highway travel.
- (51) **HUD Code.** Enacted in 1976 by the federal government to establish minimum construction and safety standards for factory-built dwellings, these standards are enforced by the Federal Department of Housing and Urban Development and thus referred to as the "HUD Code".
- (52) **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.
- (53) **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
- (54) **Lot.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter.

- (55) **Lot Coverage (residential).** The area of a lot occupied by the principal building or buildings and accessory building.
- (56) **Lot Coverage (except residential).** The area of a lot occupied by the principal building or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.
- (57) **Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.
- (58) **Lot, Interior.** A lot situated on a single street which is bounded by adjacent lots along each of its other lines.
- (59) **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (60) **Lot, Substandard.** A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this Code as pertaining to the district wherein located.
- (61) **Lot Width.** The width of a parcel of land measured at the rear of the specified street yard.
- (62) **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.
- (63) **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.
- (64) **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.
- (65) **Marquee or Canopy.** A roof-like structure of permanent nature which projects from the wall of a building.
- (66) **Manufactured Home.** A structure certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:
 - a. Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and SPS 321, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - b. Is installed in accordance with the manufacturer's instructions;
 - c. Is properly connected to utilities;
 - d. Is a dwelling consisting of one (1) or more post 1976, factory-built units in compliance with HUD Code standards and transported to the homesite over the

public roads and streets using removable tongues, wheels and axles, and/or dollies, and then assembled, placed and secured on a Single-Family Lot in accordance with the manufacturer's recommendations and/or the pertinent provisions of the Village Building Code. (Manufactured homes typically have shingled roofs with three (3) in twelve (12) of steeper slopes, horizontal lap siding or vertical board and batten siding and a unit width of at least fourteen (14) feet; for the purpose of this Chapter, a manufactured home placed in a mobile home park shall be deemed a mobile home); and

- e. Meets other applicable standards of this Chapter.
- (67) **Minor Street.** A public right-of-way, not less than fifty (50) feet wide, providing direct access to abutting property and serving low volumes of low speed traffic.
- (68) **Mobile Home.** A pre-1976 factory-built, single-unit, dwelling transported to the building site over public roads and streets using attached tongue, wheels and axles or dollies and then placed and secured on a single-family lot or in a mobile home park in accordance with the manufacturers recommendations and/or pertinent provisions of the Village Building Code. [Pre-1976 mobile homes do not necessarily comply with the HUD Code and typically have relatively flat roofs, embossed sheet metal siding and a width of sixteen (16) feet or less.] Excluded from this definition is every "manufactured home" as defined above.
- (69) **Motel.** A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- (70) **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.
- (71) **Motor Vehicle.** Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.
- (72) **Nonconforming Structure.** A dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one (1) or more of the development regulations in the current zoning ordinance. [See Section 62.23(7)(hb)b, Wis. Stats.]
- (73) **Nonconforming Use.** A use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance. [See Section 62.23(7)(ab), Wis. Stats.]
- (74) **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (75) **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.
- (76) **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.

- (77) **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.
- (78) **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, except as in Section 10-1-16(3)(c).
- (79) **Place.** An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.
- (80) **Planned Unit Development.** A tract of land which contains or will contain two (2) or more principal residential buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas.
- (81) **Property Lines.** The lines bounding a platted lot as defined herein.
- (82) **Public.** Owned by and/or dedicated to a governmental agency or entity, including federal, state, county or local governmental entities or municipalities.
- (83) **Public Way.** Any sidewalk, street, alley, highway or other public thoroughfare.
- (84) **Professional Home Offices.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed the standards in Section 13-1-72 and only one (1) nonresident person is employed.
- (85) **Recreation Camps.** Campgrounds owned and operated by non-profit service organizations or entities such as the Boy Scouts or Girl Scouts, Boys and Girls Club, the YMCA, Kiwanis, Rotary or other similar organizations.
- (86) **School, Commercial.** A school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding.
- (87) **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.
- (88) **Story, Half.** A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- (89) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- (90) **Structure.** Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.
- (91) **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.

- (92) **Structural Alterations.** Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.
- (93) **Travel Home.** A vehicle designed to be towed or self-propelled over the public roads and streets and constructed in a manner to provide living space and thus serve as a temporary residence or sleeping place for one (1) to six (6) persons.
- (94) **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.
- (95) **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."
- (96) **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- (97) **Use, Conditional.** See definition for "conditional use".
- (98) **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.
- (99) **Vision Triangle.** A triangular space at the corner of a lot abutting two (2) existing or proposed intersecting streets or alleys and bounded by a diagonal line connecting points on such street right-of-way lines at a distance as specified and measured from their intersection.
 - a. Alley: ten (10) feet; minor street: fifteen (15) feet.
 - b. Secondary Arterial Street: twenty-five (25) feet.
 - c. Collector Street: twenty (20) feet.
 - d. Primary arterial street: thirty (30) feet.
- (100) **Vision Clearance.** No obstruction to traffic visibility, such as structures, trees, shrubs or parked vehicles, shall be permitted in a vision triangle as defined herein, between the heights of two (2) feet and ten (10) feet above the mean curb grade or mean centerline grade where streets are without curbs.
- (101) **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.
- (102) **Yard, Front.** A yard extending across the width of the lot with minimum depth as specified and measured as a horizontal distance between the front or street property line and a line parallel thereto through the nearest point of the principal structure. Street/front yards shall be maintained free of structures, obstacles, sight obstructions and related man-made facilities other than the overnight parking of motor vehicles in defined driveways.

- (103) **Yard, Rear.** A yard extending along the full length of the rear lot line between the side lot lines.
- (104) **Yard, Side.** A yard extending along a side lot line from the front yard to the rear yard.
- (105) **Yard, Corner Side.** A side yard which adjoins a public street.
- (106) **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.
- (107) **Yard, Street.** Yard abutting a street. (See "Yard, Front").
- (108) **Yard, Street Side.** A second yard on the side of a corner lot abutting two (2) or more streets at their intersection. Street side yards have widths equal to or greater than ordinary side yards to assure safe sight distances for intersecting traffic flows.
- (109) **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.
- (110) **Zoning District.** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

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

Article B: General Provisions

Sec. 13-1-20 Jurisdiction and Compliance.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall include all lands and water within the corporate limits of the Village of Star Prairie, St. Croix County, Wisconsin.
- (b) **Compliance.** No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Chapter and all other applicable Village, county and state regulations.
- (c) **District Regulations to Be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.

Sec. 13-1-21 Use Restrictions.

The following use restrictions and regulations shall apply:

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

new conditional use(s) shall require review, public hearing and approval by the Village Board in accordance with Article D.

- (5) Provisions in this Chapter relating generally to conditional uses shall, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provision would then control), be deemed to be applicable to both regular and limited conditional uses.
 - (6) Conditional uses authorized by Village Board resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
 - (7) Conditional uses authorized by the Village Board shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Board approval and the procedures required in Article D.
- (e) **Uses Not Specified in Code.**
- (1) Uses not specified in this Chapter which are found by the Village Board to be sufficiently similar to specified permitted uses for a district shall be allowed by the Zoning Administrator.
 - (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board public hearing and approval in accordance with Article D.

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

- (a) **Required Area.** No lot, yard, parking area, building area or other required space shall be reduced in size or dimension so as not to meet the provisions of this Chapter.
- (b) **Joint Use.** 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. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Chapter shall be included as part of a yard or open space required for another building.

Sec. 13-1-23 Site Regulations.

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

contesting such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify, or withdraw its determination of unsuitability.

- (b) **Street Frontage.** All lots shall have access to and abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of ninety (90) feet; except that twin home lots and lots located on a cul-de-sac or the outside curve of a street shall have a minimum frontage of fifty-five (55) feet for each lot.
- (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 may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (d) **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (e) **Lots Abutting More Restrictive Districts.** 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 two (2) horizontal to one (1) vertical, within a distance of ten (10) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (g) **Decks.** For purposes of this Chapter, decks shall be considered a part of a building or structure.
- (h) **Lots Abutting Two Streets.** Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade.
- (i) **Double-Frontage Lots.** Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.

- (j) **Pre-existing Lots.** Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this Chapter, such lot may be occupied by one (1) family.
- (k) **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, belt courses, cornices and ornamental features projecting not more than twelve (12) inches.

Sec. 13-1-24 through Sec. 13-1-39 Reserved for Future Use.

Article C: Zoning Districts

Sec. 13-1-40 Zoning Districts Designated.

- (a) For the purpose of this Chapter, the Village of Star Prairie is hereby divided into the following twelve (12) zoning districts:
 - (1) R-1 Single-Family Residential District.
 - (2) R-2 One and Two-Family Residential District.
 - (3) R-3 Multiple-Family Residential District.
 - (4) R-4 Residential-Agricultural Estate District.
 - (5) C-1 Conservancy District.
 - (6) B-1 Downtown Business District.
 - (7) B-2 Highway Business District
 - (8) I-1 Industrial District.
 - (9) A-1 Exclusive Agricultural District.
 - (10) AEO Adult Entertainment Overlay District.
 - (11) PUD Planned Unit Development District.
 - (12) WHP Wellhead Protection Overlay District

Sec. 13-1-41 District Boundaries.

- (a) **Zoning Map.**
 - (1) The boundaries of the districts enumerated in Section 13-1-40 above are hereby established as shown on a map entitled "Zoning Map, Village of Star Prairie, Wisconsin," which is adopted by reference and made a part hereof. The map shall bear upon its face the attestation of the Village President and the Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk-Treasurer.
- (b) **Boundary Lines.** The boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights-of-way; or such lines extended unless otherwise noted on the Zoning Map.
- (c) **Vacation.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (d) **Annexations and Consolidations.** Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the A-1 Agricultural District unless the annexation ordinance temporarily placed the land in another district.
- (e) **Zoning District Boundaries.** Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the zoning district map the following shall apply:

- (1) Where the District boundaries are depicted as approximately following the centerlines of streets or highways, centerlines of streams, drainage ways, or street or highway right-of-way lines, such center lines, or right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so depicted that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are so depicted that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
- (4) Where district boundaries are so depicted that they approximately follow section lines, quarter section lines or other government survey lines; or that they approximately follow political subdivision lines such as county lines, town lines or corporate limits; such government survey lines or political subdivision lines shall be construed to be said district boundaries.
- (5) Where a district boundary line, as appearing on the zoning map, divided a lot in single ownership at the time of enactment of this zoning code, the district requirements for the most restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extension shall not include any part of such lot more than thirty-five (35) feet beyond the district boundary lines.

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

- (a) **Purpose.** The purpose of the R-1 Single-Family Residential District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units at a low dwelling unit per acre density.
- (b) **Permitted Principal Uses.** The following uses of land are permitted in the R-1 District:
 - (1) Single-family detached dwellings, excluding all mobile homes, travel homes, recreational vehicles [as defined in Section 13-1-94(a)(1), except when stored or parked in compliance with Section 13-1-94] and their accessory structures; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
 - (2) Manufactured homes complying with all of the following requirements and limitations:
 - a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
 - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The

enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

- c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Star Prairie.
- (3) Public parks, public playgrounds and public recreational or public community center buildings and public grounds.
 - (4) Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
 - (5) Water storage facilities and their accessory uses.
 - (6) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
 - (7) Foster family care.
 - (8) Home occupations and professional home offices.
 - (9) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.
 - (10) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are conditional uses within the R-1 District:
- (1) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
 - (2) Utilities (electric substations, telephone switching stations, gas regulators, etc.)
 - (3) Bed and breakfast inns [7011].
 - (4) Public utility structures, except those incompatible with the characteristics of the district.
 - (5) Planned unit developments.
 - (6) Golf courses and private clubs.
 - (7) Barbering and beauty culture.
 - (8) Sewage disposal facilities.
 - (9) Kennels as prescribed in Section 7-1-3(b).
 - (10) Pre-school or day-care centers serving not more than six (6) children;
 - (11) Churches, governmental and community service facilities;
 - (12) Agricultural crops and grazing of common farm animals where confined by appropriate fencing.

- (13) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-132.
- (d) **Height and Area Restrictions.**
 - (1) **Lot Size.**
 - a. Minimum Width: Ninety (90) feet.
 - b. Minimum Area: Nine thousand six hundred (9,600) square feet.
 - (2) **Building.**
 - a. Maximum Height: Thirty-five (35) feet.
 - b. Minimum Floor Area: Seven hundred twenty (720) square feet.
 - (3) **Yards.**
 - a. Minimum Street Yard: Thirty (30) feet.
 - b. Minimum Rear Yard: Twenty-five (25) feet.
 - c. Minimum Side Yard: Twenty-five (25) feet combined with ten (10) feet minimum for one (1) yard.

Sec. 13-1-43 R-2 One- and Two-Family Residential District.

- (a) **Purpose.** The purpose of the R-2 One- and Two-Family Residential District is to provide the opportunity for construction and maintenance of primarily two-family dwelling units.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-2 District:
 - (1) Single-family detached dwellings, excluding all mobile homes and their accessory structures; for purposes of this Chapter, manufactured homes are included in the definition of single-family dwelling.
 - (2) Manufactured homes complying with all of the following requirements and limitations:
 - a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
 - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of two inches in twelve (2:12) inches, which is permanently covered with non-reflective material.
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Star Prairie.

- (3) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.
- (c) **Conditional Uses.** The following are permitted uses in the R-2 District:
- (1) Two-family dwellings.
 - (2) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
 - (3) Utilities (electric substations, telephone switching stations, gas regulators, etc.).
 - (4) Bed and breakfast inns.
 - (5) Public utility structures, except those incompatible with the characteristics of the district.
 - (6) Planned residential developments.
 - (7) Golf courses and private clubs.
 - (8) Barbering and beauty culture.
 - (9) Sewage disposal facilities.
 - (10) Kennels as prescribed in Section 7-1-3(b).
 - (11) Preschool or day care centers serving not more than six (6) children.
 - (12) Churches, governmental and community service facilities.
 - (13) Planned residential developments.
 - (14) Agricultural crops and grazing of common farm animals where confined by appropriate fencing.
 - (15) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-132.
- (d) **Height and Area Restrictions.**

	One-Family Dwelling	Two-Family Dwelling, Duplex	Two-Family Dwelling, Twin
(1) Lot Size.			
a. Minimum Width (The min. width for twin home lots shall be 55 ft. per lot)	90 feet	110 feet	55 feet
b. Minimum Area	9,600 sq. ft.	10,500 sq. ft.	5,250 sq. ft.
(2) Building.			
a. Maximum Height	35 feet	35 feet	35 feet
b. Min. Floor Area	720 sq. ft.	650 s.f./unit	720 s.f./unit
(3) Yards.			
a. Min. Street Yard	30 feet	30 feet	30 feet
b. Min. Rear Yard	25 feet	25 feet	25 feet
c. Min. Side Yard	10 feet	15 feet	15 feet
d. Min. Side Yard (common wall)	—	—	0 feet

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

(a) **Purpose.**

- (1) The purpose of the R-3 Multiple-Family District is to delineate areas where more compact residential development, including condominiums and rental apartments has occurred or will likely occur in accordance with the Village Land Use Plan;
- (2) The purpose of this District is to protect the residential character of the District by prohibiting incursion of incompatible land uses.

(b) **Permitted Uses.** The following uses of land are permitted in the R-3 District:

- (1) Multi-family buildings consisting of not more than twelve (12) dwelling units;
- (2) Two-family dwellings meeting the standards of Section 13-1-43.
- (3) Accessory structures occupying not more than twenty percent (20%) of the rear yard;
- (4) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.

(c) **Conditional Uses.** The following are conditional uses in the R-3 District:

- (1) Pre-school and day-care facilities serving not more than sixteen (16) children;
- (2) Nursing homes;
- (3) Neighborhood parks and playgrounds;
- (4) Greenways and open space; agricultural crops and grazing of common farm animals where confined by appropriate fencing.
- (5) Multi-family buildings providing more than twelve (12) dwelling units;
- (6) Churches, governmental and community service facilities;
- (7) Home occupations or professional home offices;
- (8) Libraries, medical and dental clinics;
- (9) Mobile home parks, complying with Article O;
- (10) Planned residential developments including clusters of condominiums and/or for-rent apartments;
- (11) Bed and breakfast establishments.
- (12) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-132.

(d) **Height and Area Restrictions (Multi-Family Dwellings).**

(1) **Lot Size.**

- a. Minimum Width: One hundred forty (140) feet.
- b. Minimum Area.
 1. Ten thousand five hundred (10,500) square feet for 2 family dwelling.
 2. Four thousand (4,000) square feet per unit for 3 family dwellings.
 3. Three thousand five hundred (3,500) square feet per unit for 4 family dwelling.
 4. Fourteen thousand (14,000) square feet, plus two thousand (2,000) square feet per unit for each unit over four (4).

- (2) **Building.**
 - a. Maximum Height: Thirty-five (35) feet.
 - b. Min. Floor Area: Eight hundred (800) sq. ft.
- (3) **Yards.**
 - a. Min. Street Yard: Thirty (30) feet.
 - b. Min. Rear Yard: Twenty-five (25) feet.
 - c. Min. Side Yard: Fifteen (15) feet.

Sec. 13-1-45 R-4 Residential-Agricultural Estate District.

- (a) **Purpose.** The R-4 Residential-Agricultural District is intended to provide for a single-family residential development in a farmette or estate-type setting, at densities not to exceed one (1) dwelling unit per gross three (3) or more acres, served by private or municipal sewer and water facilities.
- (b) **Permitted Uses.** The following uses are permitted in the R-4 District:
 - (1) Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
 - (2) Manufactured homes complying with all of the following requirements and limitations:
 - a. The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.
 - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Star Prairie.
 - (3) Community living arrangements which have a capacity for eight (8) or fewer persons subject to the limitations set forth in Sec. 62.23(7)(i), Wis. Stats.
 - (4) Essential services.
 - (5) Home occupations and professional home offices.

- (6) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.
- (c) **Conditional Uses.** The following are conditional uses in the R-4 District:
 - (1) Utility substations (electric substations, telephone switching stations, gas regulations, etc.).
 - (2) Solar collectors erected as an accessory structure.
 - (3) Community living arrangements which have a capacity for nine (9) or more persons.
 - (4) Bed and breakfast inns.
 - (5) Planned residential developments.
 - (6) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-132.
- (d) **Area, Height and Yard Requirements.**
 - (1) **Lot.**
 - a. Area. Lots shall be a minimum of three (3) acres in area and shall be not less than one hundred fifty (150) feet in width at front setback, abutting a public highway. The Building Inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance when the Village Board determines that the property should not be served by public sewer.
 - b. Height. No building or parts of a building shall exceed thirty-five (35) feet in height.
 - c. Building Area.
 - 1. The total floor area of a dwelling shall be not less than one thousand six hundred (1,600) square feet.
 - 2. Building coverage on the lot shall not exceed thirty-five percent (35%) of the total lot area.
 - (2) **Ground Floor Area.** The minimum ground floor area per dwelling units shall be one thousand two hundred (1,200) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half (1/2) vertical measurement of story must be above ground level.
 - (3) **Side Yards.**
 - a. For buildings not over one and one-half (1-1/2) stories in height, the sum of the width of the required side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet.
 - b. For buildings from one and one-half (1-1/2) to two and one-half (2-1/2) stories in height, the sum of the width of the required side yard shall not be less than thirty (30) feet and no single side yard shall be less than twelve (12) feet.
 - (4) **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable county ordinances and state laws.
- (e) **Other Development Standards.**
 - (1) Rural cross section streets may be permitted with special permission from the Village Board under the following circumstances and conditions of development:

- a. Minimum roadway design standards:
 1. Twenty-two (22) feet blacktop pavement width per Village standards.
 2. A one and one-half (1-1/2) foot rolled curb concrete shoulder or curb with a minimum of seven (7) inches on each side of the pavement.
 3. Sixty-six (66) foot right-of-way.
 4. One hundred thirty-two (132) feet cul-de-sac bulb right-of-way.
 - b. Where rural cross sections are used, the developer shall submit and the Village Board shall approve detailed grading plans for the swale network. The swale system shall be installed at time of street work and shall be designed as a component of the storm water management plan.
- (2) Livestock such as, but not limited to, cattle, swine, horses, ponies, poultry and other fowl, may only be allowed in the R-4 District following issuance of a conditional use permit after public hearing. As a general policy guideline, the R-4 District is not intended to be used for intensive raising or boarding of livestock or fowl. A conditional use permit for livestock or fowl may only be issued if such use is compatible with the neighborhood.

Sec. 13-1-46 C-1 Conservancy District.

- (a) **Purpose.** The purpose of the C-1 Conservancy District is to preserve, protect, and maintain the natural environment and character of areas exhibiting significant natural resource features which contribute to the productive, recreational, or aesthetic value of the community.
- (b) **Permitted Uses.** The following are permitted uses in the C-1 District:
- (1) Preservation and/or controlled use of existing: trees, shrubs and plants; prairie grasses; wildlife habitat and nesting areas; wetlands and drainage ways; floodplains and shorelands;
 - (2) Forest and game management.
 - (3) Hunting, fishing and hiking.
 - (4) Public parks and public recreation areas; arboreta; botanical gardens; greenways.
 - (5) Non-residential buildings used solely in conjunction with the raising of water, fowl or fish.
 - (6) Harvesting of wild crops such as: marsh hay, ferns, moss, water cress, wild rice, berries, fruits; or seeds; sustained yield forestry; or raising of wildlife;
 - (7) Recreation related structures not requiring basements.
 - (8) Preservation of areas of scenic, historic or scientific value.
 - (9) Soil and water conservation programs, approved and administered by the County Soil and Water Conservation District Board.
 - (10) Development of open space uses such as: parks, hiking trails, ski trails, paths, fishing ponds, picnic areas, greenways, and wildlife preserves;

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- (11) Uses similar and customarily incidental to any of the above.
- (12) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.
- (c) **Conditional Uses.** The following are conditional uses in the C-1 District:
 - (1) Sports fields and skating rinks.
 - (2) Land restoration, flowage, ponds.
 - (3) Golf courses and clubs.
 - (4) Ski hills and trails.
 - (5) Recreation camps.
 - (6) Sewage disposal plants.
 - (7) Governmental, cultural and public buildings or uses.
 - (8) Utilities.
 - (9) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-132.
 - (10) Hunting and fishing clubs.
 - (11) Any building construction incidental to a permitted use.
 - (12) Any filling, dredging, stream channel modification, or earthmoving involving more than one thousand (1,000) square yards in area.
 - (13) Agricultural cropping, and grazing with confining fences.
- (d) **Area, Height and yard Requirements.**
 - (1) **Lot.**
 - a. Area: Minimum one (1) acre.
 - b. Width: Minimum one hundred fifty (150) feet.
 - (2) **Building Height.** Maximum thirty-five (35) feet.
 - (3) **Other Structures Height.** Maximum one-half (1/2) the distance from the structures nearest lot line.
 - (4) **Yards.**
 - a. Street: Minimum forty (40) feet.
 - b. Rear: Minimum twenty (20) feet.
 - c. Side: Minimum twenty (20) feet except structures used for the housing of shelters of animals must be one hundred (100) feet from lot lines.

Sec. 13-1-47 B-1 Downtown Business District.

- (a) **Purpose.** The B-1 Downtown Business District is intended to:
 - (1) Provide for present and future commercial activities within traditional business areas of the Village of Star Prairie;
 - (2) Accommodate community service functions, public and quasi-public land-use needs;

- (3) Permit residential units in accordance with Village Building Codes and Zoning requirements;
- (4) Protect the commercial character of the District by prohibiting the incursion of incompatible land uses.
- (b) **Permitted Principal Uses.** The following uses of land are permitted in the B-1 Downtown Business District:
 - (1) General grocery stores, supermarkets, fruit and vegetable stores, delicatessens, meat and fish stores and miscellaneous food stores. [54]
 - (2) Hardware stores. [525]
 - (3) Clothing and shoe stores. [56]
 - (4) Restaurants, lunch rooms and other eating places, except drive-in type establishments. [5812]
 - (5) Drug stores and pharmacies. [591]
 - (6) Banks and other financial institutions. [60-62]
 - (7) Offices/clinics of physicians and surgeons, dentists, and dental surgeons, osteopathic physicians, optometrists, chiropractors, and veterinarians. [801-4]
 - (8) The offices of governmental agencies and post offices. [91-92, 431]
 - (9) Candy, nut or confectionery stores. [544]
 - (10) Dairy products stores, including ice cream stores. [545]
 - (11) Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery. [546]
 - (12) Gift, novelty and souvenir shops. [5947]
 - (13) Florist shops. [5992]
 - (14) Barbershops, beauty shops and hairdressers. [723-4]
 - (15) Taverns, bars and other drinking places with license from the Village Board. [5813]
 - (16) Antique stores and secondhand stores. [593]
 - (17) Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories. [553]
 - (18) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.
 - (19) Dog training facilities not involving overnight boarding of animals.
- (c) **Conditional Uses.** The following are permitted as conditional uses in the B-1 District, provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor-driven equipment, unpleasant odors, smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations necessary or incident to the proper performance of these services or occupations would tend to afford such nuisances, areas, facilities, barriers, or other devices shall be provided in such a manner that the public is effectively protected from any and all such nuisances. These uses shall be subject to the consideration of the Village Board:

- (1) Paint, glass and wallpaper stores. [523]
- (2) Department stores, variety stores, general merchandise stores. [53]
- (3) Furniture, home furnishings, floor covering and upholstery shops/stores. [57]
- (4) Liquor stores. [592]
- (5) Sporting goods stores and bicycle shops. [5941]
- (6) Bookstores, not including adult books. [5942]
- (7) Stationery stores. [5943]
- (8) Jewelry and clock stores. [5944]
- (9) Camera and photographic supply stores. [5946]
- (10) Tobacco and smokers' supplies stores. [5993]
- (11) News dealers and newsstands. [5994]
- (12) Wholesale merchandise establishments, only for retail items listed above; e.g., #9 would allow wholesale camera sales.
- (13) Offices of insurance companies, agents, brokers and service representatives. [63-64]
- (14) Offices of real estate agents, brokers, managers and title companies. [65-67]
- (15) Miscellaneous business offices.
- (16) Heating and plumbing supplies.
- (17) Retail laundry and dry cleaning outlets, including coin-operated laundries and dry cleaning establishments, commonly called laundromats and launderettes. Tailor shops, dressmakers' shops, and garment repair shops, but not garment pressing establishments, hand laundries, or hat cleaning and blocking establishments. [721]
- (18) Photographic studios and commercial photography establishments. [722]
- (19) Shoe repair shops and shoe shine parlors. [725]
- (20) Trade and contractor's offices (office only).
- (21) Advertising agencies, consumer credit reporting, news agencies, employment agencies. [731-2, 735-6]
- (22) Duplicating, blueprinting, photocopying, addressing, mailing, mailing list and stenographic services; small print shops. [733]
- (23) Computer services. [737]
- (24) Commercial parking lots, parking garages, parking structures. [752]
- (25) Watch, clock and jewelry repair services. [763]
- (26) Motion picture theaters, not including drive-in theaters. [7832]
- (27) Miscellaneous retail stores. [5999]
- (28) Law offices. [811]
- (29) The offices, meeting places, churches, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political organizations; religious organizations; charitable organizations; or other non-profit membership organizations. [86]
- (30) Engineering and architectural firms or consultants. [891-3]
- (31) Accounting, auditing and bookkeeping firms or services. [8721]

- (32) Professional, scientific, or educational firms, agencies, offices, or services, but not research laboratories or manufacturing operations. [899]
 - (33) Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages. [411-14]
 - (34) Telephone and telegraph offices. [481-2]
 - (35) Existing residential units including dwelling units above established businesses, provided they comply with the Village Building Codes and the minimum floor area of the R-1 Residential Zoning District.
 - (36) Miscellaneous repair shops and related services. [769]
 - (37) Establishments engaged in the publishing and printing of newspapers, periodicals or books. [2711]
 - (38) All residential uses developed subsequent to the effective date of this Chapter, provided they are residential units above established business places, provided they comply with the minimum floor area of the R-1 Zoning District and the parking space requirements set forth in Article F of this Chapter.
 - (39) Unless specifically approved by the Village Board as a conditional use and upon recommendation from the Plan Commission, no dwelling shall be permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.
 - (40) Farm supplies, wholesale trade. [5191]
 - (41) Establishments engaged in the retail sale of automobiles, trailers, mobile homes, or campers. [551-2, 556]
 - (42) Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories. [553]
 - (43) Gasoline service stations; provided, further, that all gasoline pumps, storage tanks and accessory equipment must be located at least thirty (30) feet from any existing or officially proposed street line. [5541]
 - (44) Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes. [754]
 - (45) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc. [70]
 - (46) Studios for the arts, including performing arts, such as dance, theater or music groups, and studios for the visual arts, such as art, painting, pottery or sculpture studios.
 - (47) Health and fitness related establishments, including yoga or exercise studios, holistic health establishments or fitness clubs.
 - (48) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-132.
- (d) **Height and Area Restrictions.**
- (1) **General Requirements.**
 - a. **Lot Size.**
 - 1. Minimum Width: Forty (40) feet or building width plus required side yards.

2. Minimum Area: Four thousand (4,000) square feet or building first floor area plus required yards and parking.
- b. **Building.**
 1. Maximum Height: Three (3) stories or thirty-five (35) feet.
 2. Minimum Floor Area: As required to serve business needs.
- c. **Yards.** Minimum: Not required for those structures used only for commercial uses.
- d. **Yards for Existing Residential Units.** Minimum: Five (5) feet.

Sec. 13-1-48 B-2 Highway Business District.

- (a) **Purpose.** The B-2 Highway Business District is intended to:
 - (1) Provide for present and future commercial activities within highway business areas of the Village of Star Prairie;
 - (2) Accommodate community service functions, public and quasi-public land-use needs;
 - (3) Protect the commercial character of the District by prohibiting the incursion of incompatible land uses.
- (b) **Permitted Principal Uses.** The following uses of land are permitted in the B-2 Highway Business District:
 - (1) General grocery stores, supermarkets, fruit and vegetable stores, delicatessens, meat and fish stores and miscellaneous food stores. [54]
 - (2) Banks and other financial institutions. [60-62]
 - (3) Furniture, home furnishings, floor covering and upholstery shops/stores. [57]
 - (4) Heating and plumbing supplies.
 - (5) Gasoline service stations; provided, further, that all gasoline pumps, storage tanks and accessory equipment must be located at least thirty (30) feet from any existing or officially proposed street line. [5541]
 - (6) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc. [70]
 - (7) Sporting goods stores and bicycle shops. [5941]
 - (8) Self-storage facilities.
 - (9) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.
- (c) **Conditional Uses.** The following are conditional uses in the B-2 District, provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor-driven equipment, unpleasant odors, smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations necessary or incident to the proper performance of these services or occupations would tend to afford such nuisances, areas, facilities, barriers, or other devices shall be provided in such

a manner that the public is effectively protected from any and all such nuisances. These uses shall be subject to the consideration of the Village Board:

- (1) Paint, glass and wallpaper stores. [523]
- (2) Department stores, variety stores, general merchandise stores. [53]
- (3) Hardware stores. [525]
- (4) Candy, nut or confectionery stores. [544]
- (5) Dairy products stores, including ice cream stores. [545]
- (6) Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery. [546]
- (7) Clothing and shoe stores. [56]
- (8) Restaurants, lunch rooms and other eating places, except drive-in type establishments. [5812]
- (9) Taverns, bars and other drinking places with license from the Village Board. [5813]
- (10) Drug stores and pharmacies. [591]
- (11) Liquor stores. [592]
- (12) Antique stores and secondhand stores. [593]
- (13) Sporting goods stores and bicycle shops. [5941]
- (14) Bookstores, not including adult books. [5942]
- (15) Stationery stores. [5943]
- (16) Jewelry and clock stores. [5944]
- (17) Camera and photographic supply stores. [5946]
- (18) Gift, novelty and souvenir shops. [5947]
- (19) Florist shops. [5992]
- (20) Tobacco and smokers' supplies stores. [5993]
- (21) News dealers and newsstands. [5994]
- (22) Wholesale merchandise establishments, only for retail items listed above; e.g., #17 would allow wholesale camera sales.
- (23) Offices of insurance companies, agents, brokers and service representatives. [63-64]
- (24) Offices of real estate agents, brokers, managers and title companies. [65-67]
- (25) Miscellaneous business offices.
- (26) Retail laundry and dry cleaning outlets, including coin-operated laundries and dry cleaning establishments, commonly called laundromats and launderettes. Tailor shops, dressmakers' shops, and garment repair shops, but not garment pressing establishments, hand laundries, or hat cleaning and blocking establishments. [721]
- (27) Photographic studios and commercial photography establishments. [722]
- (28) Barbershops, beauty shops and hairdressers. [723-4]
- (29) Shoe repair shops and shoe shine parlors. [725]
- (30) Trade and contractor's offices (office only).

- (31) Advertising agencies, consumer credit reporting, news agencies, employment agencies. [731-2, 735-6]
- (32) Duplicating, blueprinting, photocopying, addressing, mailing, mailing list and stenographic services; small print shops. [733]
- (33) Computer services. [737]
- (34) Commercial parking lots, parking garages, parking structures. [752]
- (35) Watch, clock and jewelry repair services. [763]
- (36) Motion picture theaters, not including drive-in theaters. [7832]
- (37) Miscellaneous retail stores. [5999]
- (38) Offices/clinics of physicians and surgeons, dentists, and dental surgeons, osteopathic physicians, optometrists, chiropractors, and veterinarians. [801-4]
- (39) Law offices. [811]
- (40) The offices, meeting places, churches, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political organizations; religious organizations; charitable organizations; or other non-profit membership organizations. [86]
- (41) Engineering and architectural firms or consultants. [891-3]
- (42) Accounting, auditing and bookkeeping firms or services. [8721]
- (43) Professional, scientific, or educational firms, agencies, offices, or services, but not research laboratories or manufacturing operations. [899]
- (44) The offices of governmental agencies and post offices. [91-92, 431]
- (45) Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages. [411-14]
- (46) Telephone and telegraph offices. [481-2]
- (47) Auction barns.
- (48) Miscellaneous repair shops and related services. [769]
- (49) Establishments engaged in the publishing and printing of newspapers, periodicals or books. [2711]
- (50) Farm supplies, wholesale trade. [5191]
- (51) Establishments engaged in the retail sale of automobiles, trailers, mobile homes, or campers. [551-2, 556]
- (52) Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories. [553]
- (53) Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers. [703]
- (54) Establishments engaged in daily or extended-term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers. [751]
- (55) Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes. [754]

- (56) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-132.
- (d) **Height and Area Restrictions.**
- (1) **General Requirements.**
- a. **Lot Size.**
1. Minimum Width: One hundred (100) feet or building width plus required side yards.
 2. Minimum Area: Twenty thousand (20,000) square feet or building first floor area plus required yards and parking.
- b. **Building.**
1. Maximum Height: Three (3) stories or thirty-five (35) feet.
- c. **Yards.**
1. Minimum Street Yard: Thirty (30) feet.
 2. Minimum Rear Yard: Twenty-five (25) feet.
 3. Minimum Side Yard: Fifteen (15) feet.
- (2) **Self-Storage Facilities.** The minimum lot size for self-storage facilities shall be two (2) acres.
- (3) **Parking.** Must comply with Section 13-1-92 of Article F.

Sec. 13-1-49 I-1 Industrial District.

- (a) **Purpose.** The purpose of the I-1 Industrial District is to preserve lands best suited for industrial development because of location, area, topography, transportation, highway access, utilities, and/or relation to other land uses.
- (b) **Permitted Uses.** The following are permitted uses in the I-1 District:
- (1) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.
- (c) **Conditional Uses.** The following uses are conditional uses in the I-1 District:
- (1) Packaging, processing, production, warehousing or wholesaling of products, without open storage, from: agricultural crops and produce; furs and leathers; glass, metals, paper, plastic, textiles, wood and related materials of local origin;
 - (2) Manufacture, packaging or warehousing, without open storage of products such as: appliances, confections, cosmetics, electrical and electronic devices, instruments, jewelry, pharmaceuticals, and toiletries;
 - (3) Service industries without open storage such as: automotive repairs and restorations; bakeries; commercial cleaners, pressers and dyers; greenhouses; laboratories; machine shops; painting; printing and publishing; storage and sale of lumber and related construction materials;

- (4) Open space uses such as: agricultural crops and grazing, parks, parking lots, recreational facilities, greenways and related open space uses.
 - (5) Open storage yards associated with a permitted use;
 - (6) Animal hospitals, kennels, and related animal facilities;
 - (7) Commercial processing of milk products, feeds, fowl or animals;
 - (8) Outdoor storage and manufacturing areas such as: recycling facilities, scrap yards, salvage yards, wrecking or demolition yards;
 - (9) Commercial service facilities such as: fueling stations, garages, automotive repair shops, truck terminals, transshipment depots, provided such services are related to the industrial district users and/or employees;
 - (10) Public and quasi-public uses such as: pretreatment sewage plants, pumping stations, water supply facilities; fire protection devices; utility services; and related public facilities.
 - (11) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-132.
- (d) **Height and Area Requirements.**
- (1) **Lot Size.**
 - a. Minimum Width: One hundred (100) feet.
 - b. Minimum Area: Fifty thousand (50,000) square feet.
 - (2) **Building.**
 - a. Maximum Height: Four (4) stories or forty-five (45) feet.
 - b. Minimum Floor Area: As required.
 - (3) **Yards.**
 - a. Minimum Street Yard: Forty (40) feet.
 - b. Minimum Side Yard: Twenty (20) feet.
 - c. Minimum Rear Yard: Forty (40) feet.

Sec. 13-1-50 A-1 Exclusive Agriculture District.

- (a) **Statement of Purpose.**
- (1) The purposes of the A-1 Exclusive Agriculture District are to: preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible uses; reduce costs for providing service to scattered nonfarm uses; pace and shape urban growth; implement the provisions of the county agricultural plan when adopted and periodically revised; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Sec. 71.09(11), Wis. Stats.

- (2) This district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation.
- (b) **Permitted Uses and Structures.** The following are permitted uses in the A-1 District:
- (1) Dairying.
 - (2) Floriculture.
 - (3) Forestry.
 - (4) General farming.
 - (5) Grazing.
 - (6) Greenhouses.
 - (7) Hatcheries.
 - (8) Horticulture.
 - (9) Livestock raising.
 - (10) Nurseries.
 - (11) Orchards.
 - (12) Pasturage.
 - (13) Poultry raising.
 - (14) Stables.
 - (15) Truck farming.
 - (16) Viticulture.
 - (17) Utility services as defined in Sec. 10.01(81), Wis. Stats., and small-scale electric generating stations not requiring approval under Sec. 196.941, Wis. Stats.
 - (18) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.
 - (19) Roadside stands.
 - (20) Structures and improvements that are consistent with agricultural uses.
- (c) **Conditional Uses.** The following are conditional uses in the A-1 District:
- (1) Agricultural buildings and high density animal enclosures within three hundred (300) feet of any Residential District. High density shall be defined as such concentrations of animals which will not allow usual plant (sod) growth in a fenced area.
 - (2) Any commercial uses primarily agricultural in nature or primarily serving the agribusiness market.
 - (3) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-132.
- (d) **Farm Size.**
- (1) Frontage: Minimum one hundred (100) feet.
 - (2) Area: Minimum thirty-five (35) acres.

- (e) **Building Height.** Maximum fifty (50) feet, except for farms and silos.
- (f) **Yard Setbacks.**
 - (1) Street: Minimum forty (40) feet.
 - (2) Rear: Minimum twenty-five (25) feet.
 - (3) Side: Minimum twenty (20) feet.

Sec. 13-1-51 AEO Adult Entertainment Overlay District.

- (a) **Intent.** It is the intent of this Section and the AEO Adult Entertainment Overlay District to protect the health, safety, general welfare and morals of the residents of the Village of Star Prairie, to preserve the quality of family life, to preserve the characteristics of the neighborhoods and to prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods. Being mindful of the effects of adult entertainment upon minors and the criminal activity and disruption of public peace associated with such establishments, while also giving due consideration to the civil rights of persons partaking in such entertainment, it is the intent of this Section to regulate the location of such establishments of adult entertainment. By the enactment of this Section, the Village Board does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment.
- (b) **Definitions.** For the purpose of this Section:
 - (1) "Specified sexual activities" is defined as:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
 - d. Flagellation or torture in the context of a sexual relationship;
 - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
 - f. Erotic touching, fondling or other such contact with an animal by a human being;
 - or
 - g. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in Subsections (b)(1)a-f.
 - (2) "Specified anatomical areas" is defined as:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anal region or female breast below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
 - (3) "Adult establishments" includes bookstores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios, cabarets, and video stores and are more specifically defined as:

- a. Adult bookstore. An establishment having as a substantial or significant portion of its stock-in-trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale or display of such material.
- b. Adult motion picture theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
- c. Adult motion picture theater. (outdoor). A parcel of land from which individuals may view a motion picture presented out of doors which present material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- d. Adult mini-motion picture theater. An enclosed building with a capacity for less than fifty (50) persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
- e. Adult bath houses. As establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in "specified sexual activities" as defined in this Section.
- f. Adult massage parlors. An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in "specified sexual activities" as defined in this Section.
- g. Adult modeling studios. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
- h. Adult body painting studios. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this Section, the adult body painting studio shall not be deemed to include a tattoo parlor.

- i. Adult Cabaret. An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.
 - j. Adult novelty shop. An establishment or business having as a substantial or significant portion of its stock-in-trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, "specified sexual activities" as defined herein or stimulating such activity.
 - k. Adult video store. An establishment having as a substantial or significant portion of its stock and trade in videotapes for sale or rent which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale, display or rental of such material.
- (c) **Adult Entertainment Overlay District Created.** So as to ensure a maximum benefit to the community and a minimum impact upon existing and future uses of land, there is hereby created an Adult Entertainment Overlay District which, subject to the standards set forth in this Section may be used for an adult establishment as defined herein except as may be prohibited in Subsection (h) below.
- (d) **Permitted Uses.** Except as provided below, no principal uses shall be permitted as a matter of right in the Adult Entertainment Overlay District; all non-specified uses shall be conditional uses:
 - (1) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.
- (e) **Conditional Uses.** The following are conditional uses in the AEO District:
 - (1) Adult bath houses.
 - (2) Adult body painting studios.
 - (3) Adult bookstores.
 - (4) Adult cabarets.
 - (5) Adult massage parlors.
 - (6) Adult mini-motion picture theaters.
 - (7) Adult modeling studios.
 - (8) Adult motion picture theaters.
 - (9) Adult motion picture theaters (outdoor).
 - (10) Adult novelty shops.
 - (11) Adult video stores.
 - (12) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-132.
- (f) **Underlying District Standards.** Lot area and width, building height and area, yard and sanitary sewer system requirements in the underlying district shall be complied with in the Adult Entertainment Overlay District.

(g) **Procedures for Establishing Adult Entertainment District.**

- (1) A petition to amend the Zoning Code to establish an AEO Adult Entertainment Overlay District and an application for a conditional use permit shall be filed with the Zoning Administrator. The Zoning Administrator shall refer each petition and application to the Village Board. The Village Board shall review and make recommendation regarding such petition and application. Those requirements set forth in this Zoning Code relating to the issuance of a conditional use permit shall be adhered to. No Adult Entertainment Overlay District shall be created which does not substantially comply with the standards set forth in this Section.
- (2) A petition to amend the Village Zoning Code to establish an AEO Adult Entertainment Overlay District must be accompanied by three (3) copies of the proposed site plan prepared by a certified land surveyor or planner in addition to any other information required under this Section.
- (3) The Zoning Administrator shall make a recommendation to the Village Board. Such recommendation may approve, disapprove or approve subject to modifications the petition for zoning, and shall include a written statement of the Zoning Administrator's findings. No petition for an Adult Entertainment Overlay District shall be approved by the Village Board unless, however, the following findings have been made.
 - a. That all the standards and requirements in this Section will be met by the proposed use.
 - b. That the proposed use will not be a detriment to the public welfare.
 - c. That the proposed zoning is consistent with the general intent of any comprehensive plan in existence.
 - d. That the existing streets and utility services are adequate for the proposed use.
 - e. That the proposed use will in no substantial way contribute to the deterioration of the surrounding neighborhood.
 - f. That the presence of the proposed use will not have a harmful influence on children residing in or frequenting the area.

(h) **Standards for Adult Entertainment Uses.** In addition to all other applicable requirements of this Zoning Code, all adult entertainment uses shall meet the following standards:

- (1) The Adult Entertainment Overlay District shall only be established in situations in which the underlying district is a Commercial or Industrial District.
- (2) No more than one (1) of the adult entertainment uses defined herein may be established on any one (1) parcel and any of the adult entertainment uses defined herein shall be at least one thousand (1,000) feet from any other adult entertainment use. No adult entertainment use shall be permitted within five hundred (500) feet of any establishment serving alcoholic beverages, within one thousand (1,000) feet of property zoned Residential, within one thousand five hundred (1,500) feet of any property zoned Agricultural or within two thousand (2,000) feet of any school, library, church, park, playground, or daycare facility.

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- (3) There shall be no sale of intoxicating beverages in the Adult Entertainment Overlay District.
- (4) Signs advertising any of the adult entertainment uses defined herein shall conform with Article G of this Chapter with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will not depict or describe "specified anatomical areas" or "specified sexual activities", and provided further that there shall be no flashing or traveling lights located outside the building.
- (5) Adequate parking shall be provided in a lighted area.
- (6) There shall be no display windows on the premises.
- (7) The owner and/or operator of the adult entertainment establishment shall comply with all federal, state and local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.
- (8) In the case of adult cabarets, the hours of operation for such establishments shall be limited to the same hours of operations for bars and taverns within that community within which the district is located.
- (9) In the case of outdoor adult motion picture theaters, the establishment shall confine its hours of operation to those hours of operation established for bars and taverns within the community within which the establishment is located. Outdoor adult motion picture theaters shall also have the viewing screen located in such a fashion as to not be visible from any road, street or highway or residence and the premises shall be surrounded by solid fencing at least eight (8) feet in height. All theaters shall comply with Sec. 134.46, Wis. Stats.
- (10) Prior to the establishment of an Adult Entertainment Overlay District, an inventory of the surrounding area and population shall be made along with a study of the proposed development and plans for the area so as to enable the Village Board to make appropriate findings relative to the effect of the establishment of such a district in that area.
- (11) The owner of the parcel upon which the adult entertainment use is to be established and the operator of the establishment and owner of the establishment shall appear in person before the Village Board.
- (12) In the event of non-compliance with any conditions imposed on the adult entertainment use, the conditional use permit may be revoked, the Adult Entertainment Overlay District may be abolished by the Village Board and the parcel shall revert to its underlying zoning.

Sec. 13-1-52 PUD Planned Unit Development District.

- (a) **Purpose.** The PUD Planned Unit Development District is intended to provide for large-scale residential development. The Planned Unit Development District is established to

provide a regulatory framework designed to encourage and promote improved environmental design in the Village by allowing for greater freedom, imagination and flexibility in the development of land, while assuring substantial compliance to the basic intent of the zoning ordinance and the general plan for community development. To this intent it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments, conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services and to encourage and facilitate preservation of open land.

- (b) **General Procedure.** Before commencing with a planned unit development, the developer shall obtain approval of the Village Board. Two (2) copies of the proposed General Development Plan, including a site plan, shall be submitted to the Village Clerk-Treasurer.
- (c) **Site Plan.** The site plan shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet and shall include the following information:
 - (1) Location and dimension of property boundaries.
 - (2) Location, size and number of parking spaces.
 - (3) Location, size, use, entrances and exits of all buildings.
 - (4) Elevations and contours sufficient to show topographic features and drainage patterns.
 - (5) Distances between buildings, between buildings and property lines, and between buildings and other improvements on the site including walks, parking areas and site structures.
 - (6) Location and width of all drives and roadways on the site.
 - (7) Drainage of surface water within the site, including parking lots and street grades, and the size, slope, depth and location of drainage and erosion control pipes and structures.
- (d) **Permitted Uses.** The following are permitted in a PUD District provided that no use shall be permitted except in conformity with a specific implementation plan pursuant to the procedural and regulatory provisions as hereinafter set forth:
 - (1) Any use may be permitted subject to the criteria as established in Subsections (e) and (f) below, and such requirements as are made a part of an approved recorded specific implementation plan shall be, along with the recorded plan itself, construed to be enforced as a part of this Section.
 - (2) The minimum size for a PUD shall be two (2) acres of land, with a minimum of sixteen (16) dwelling units.
 - (3) The PUD tract shall be a development of land under single control. No authorization or permits shall be granted for such development unless the applicant has acquired actual ownership of, or executed a binding sales contract for, all of the property comprising such tract. For purposes of this Section, ownership shall include a lease of not less than fifty (50) years duration. The term "single control" shall include ownership by an individual, corporation, partnership, association, trustee, or other legal entity.

- (4) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.
- (e) **Conditional Uses.** The following are conditional uses in the PUD District:
 - (1) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-132.
- (f) **Height, Area and Setback Requirements.** Except as provided in Subsection (f) below, in a PUD there shall be no predetermined specific lot area, lot width, height, floor area ratio, yard and usable open space requirements, but such requirements as are made a part of an approved recorded specific implementation plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Section.
- (g) **Parking Requirements.** Off-public street parking facilities shall be as provided for under this Zoning Code and in accordance with the approved specific implementation plan and such requirements as are made a part of the approved specific implementation plan, along with the recorded plan itself, shall be construed to be, and enforced as, a part of this Section.
- (h) **Lot, Building and Yard Requirements — Zero Lot Line or Common Wall Single Family Units.** For all attached zero lot line or common wall construction single-family duplex or townhouse dwellings allowed in a Planned Unit Development District, the following lot, building and yard requirements apply:
 - (1) **Lot Frontage.** Minimum forty (40) feet (each unit).
 - (2) **Lot Area.** Minimum six thousand (6,000) square feet (each unit).
 - (3) **Principal Building.**
 - a. Front Yard: Minimum twenty (20) feet.
 - b. Side Yards: Zero feet on one (1) side and minimum of six (6) feet on the other side. [If street side of a corner lot, a minimum of twelve (12) feet].
 - c. Rear Yard: Minimum twenty (20) feet.
 - (4) **Garages.** One (1) private garage with up to two (2) stalls per dwelling unit, not exceeding three hundred twelve (312) square feet per stall.
 - (5) **Building Height.** Maximum thirty-five (35) feet.
 - (6) **Percent of Lot Coverage.** Maximum fifty percent (50%) (combined principal and accessory buildings coverage).
 - (7) **Floor Area Per Dwelling Unit.** Minimum eight hundred forty (840) square feet.
 - (8) **Zero Lot Line/Common Wall Construction Requirements.** For all attached zero lot line or common wall construction duplexes and townhouses containing single-family dwellings, each unit shall have separate sewer and water lateral connections. The size, type and installation proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Board. A minimum one (1) hour fire-rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit.

- (9) **Number of Units.** Zero lot line/common wall single-family unit Planned Unit Developments shall, at a minimum, have sixteen (16) dwelling units.
- (i) **Criteria for Approval.** As a basis for determining the acceptability of a PUD application, the following criteria shall be applied to the specific implementation plan, with specific consideration as to whether or not it is consistent with the spirit and intent of this Zoning Code, has been prepared with competent professional advice and guidance and produces significant benefits in terms of environmental design.
- (1) **Character and Intensity of Land Use.** The uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:
- a. Are compatible to the physical nature of the site with particular concern for the preservation of natural features, tree growth and open spaces.
 - b. Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
 - c. Would not adversely affect the anticipated provision for school or other municipal services.
 - d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- (2) **Economic Feasibility and Impact.** The proponents of a PUD application shall provide the Village satisfactory evidence of its economic feasibility, proof by the proponents of available adequate financing, and that the PUD would not adversely affect the economic prosperity of the Village or the values of surrounding properties.
- (3) **Engineering Design Standards.** The width of street right-of-way, width and location of streets or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering considerations shall be based upon a determination of appropriate standards necessary to implement the specific function in the specific situation. In no case shall standards be less than those necessary to assure the public safety and welfare as determined by the Village.
- (4) **Preservation and Maintenance of Open Space.** Adequate provision shall be made for the permanent preservation and maintenance of common open space by private reservation:
- a. The open area to be reserved shall be protected against building development by conveying to the Village, as part of the conditions for approval, an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the PUD. Buildings or uses for noncommercial, recreational or cultural purposes compatible with the open space objectives may be permitted only where specifically authorized as part of the development plan or subsequently with the express approval of the Village Board.

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the owner(s) of every property within the boundaries of the proposed Specific Implementation Plan.

- (2) **General Development Plan.** If a Specific Implementation Plan which the Village Board determines to be a reasonable phase of the total plan has not been submitted within such time, the developer shall be required to resubmit a General Development Plan which is subject to all the requirements of this Section.
- (3) **Information Required.** The Specific Implementation Plan submitted to the Village Board shall include the following detailed construction and engineering plans and related documents and schedules:
 - a. An accurate map of the area covered by the plan including the relationship to the total General Development Plan.
 - b. The pattern of public and private roads, driveways, walkways and parking facilities.
 - c. Detailed lot layout and subdivision plan where required.
 - d. The arrangement of building groups and their heights, and their architectural character with particular attention to their influence on adjoining parcels of land including the castings of unbroken shadows.
 - e. Sanitary sewer and water mains.
 - f. Grading plan and storm drainage system.
 - g. The location and treatment of open space areas and recreational or other special amenities.
 - h. The location and description of any areas to be dedicated to the public.
 - i. General landscape treatment.
 - j. Proof of financing capability.
 - k. Analysis of economic impact upon the community.
 - l. A development schedule indicating:
 1. The approximate date when construction of the project can be expected to begin.
 2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
 3. The anticipated rate of development.
 4. The approximate date when the development of each of the stages will be completed.
 5. The area and location of common open space that will be provided at each stage.
 - m. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, common open areas or other facilities.
 - n. Any other plans, documents or schedules requested by the Village Board.
 - o. If the Specific Implementation Plan is to be executed in phases, each phase shall be submitted in accordance with this Section.

- p. An ownership statement shall be a part of the specific implementation plan and also shall be affixed and noted on the deed.
- (4) **Approval of the Specific Implementation Plan.**
 - a. If the Specific Implementation Plan as submitted is not in substantial compliance with the General Development Plan, the Village Board shall notify the landowner regarding the aspects of the plan that are not in compliance. The landowner may:
 - 1. Treat such notification as denial of the final approval.
 - 2. Refile his/her Specific Implementation Plan so that it does comply with the General Development Plan.
 - b. Within sixty (60) days after the receipt of the Specific Implementation Plan, the Village Board shall either:
 - 1. Refer the plan back for further work.
 - 2. Approve or reject the plan.
 - c. If the Specific Implementation Plan or any section thereof is given final approval and thereafter the landowner abandons the plan or any section thereof that has been finally approved and notifies the Village Board in writing; or, if the landowner fails to commence the Planned Unit Development within eighteen (18) months after final approval has been granted, such final approval shall terminate and be deemed null and void; the parcel would revert to its pre-PUD application zoning classification.
- (5) **Approval of Plan.** Upon approval of the Specific Implementation Plan, the following shall be recorded in the County Register of Deeds office by the landowner within sixty (60) days of approval:
 - a. The building, site and operational plans for the development as approved.
 - b. All other commitments and contractual agreements with the Village offered and required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the Specific Implementation Plan. This shall be accomplished prior to the issuance of any building permit.

Sec. 13-1-53 Building Setback from Navigable Waters.

The building setback distance from any navigable waters within the Village of Star Prairie shall be seventy-five (75) feet from the ordinary high water mark. This applies to any structure located within the setback area.

Sec. 13-1-54 WHP Wellhead Protection Overlay District.

- (a) **Title.** This Section shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereinafter referred to as the "WHP District" or "WHP Ordinance."

(b) **Purpose, Authority and Application.**

- (1) **Purpose.** Residents in the Village of Star Prairie depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Section is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields, and to promote the health, safety and general welfare of the residents of the Village of Star Prairie.
- (2) **Authority.** The Wisconsin Legislature authorized villages to enact these regulations pursuant to Secs. 62.23(7)(a) and (c), and 61.35, Wis. Stats. Under these statutes, the Village has the authority to enact this Section, effective in the incorporated areas of the Village, to encourage the protection of groundwater resources. Pursuant to NR 811.16(5), Wis. Adm. Code, the Village has prepared and reviewed a Wellhead Protection Plan dated June, 2003. The provisions of this Section are based on the findings contained in that Plan.
- (3) **Applicability.** The regulations specified in this Section shall apply within the Village's corporate limits.

(c) **Definitions.** As used in this Section:

- (1) **Aquifer.** A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.
- (2) **Existing Facilities.** Current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the Village's wellhead protection area that lies within the corporate limits of the Village. Existing facilities include, but not are limited to, the type listed in the *Department of Natural Resources' Form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form*, which is incorporated herein as if fully set forth.
- (3) **Wellhead Protection Management Area.** The land area which may contribute water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area is indicated as the combined area of Zones 1, 2 and 3 on the map incorporated herein by reference as "Exhibit A".
- (4) **Well Field.** A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.
- (5) **Regulated Substance.** Chemicals and chemical mixtures that are health hazards. Health hazards for chemicals and chemical mixtures are typically identified on Material Safety Data Sheets (MSDS) available from the substance manufacturer or supplier. Substances packaged for consumption for humans or animals are not considered regulated substances. "Regulated Substances" include, but are not limited to:
 - a. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, irritants, corrosives, sensitizers, hepatotoxins, agents that act on the

hematopoietic system, reproductive toxins, and agents which damage the lungs, skin, eyes, or mucous membranes as defined in 29 CFR 1910.1200, Appendix A, "Health Hazard Definitions (Mandatory)."

- b. Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.
- c. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and comprises one (1.0) percent or greater of the composition on a weight per unit weight basis.
- d. Mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one-tenth of one (0.1) percent or greater of the composition on a weight per unit weight basis.
- e. Ingredients of mixtures prepared within the Groundwater Protection Overlay District in cases where such ingredients are health hazards but comprise more than one-tenth of one (0.1) percent of the mixture on a weight per unit weight basis in carcinogenic, or more than one (1.0) percent of the mixture on a weight per unit weight basis if non-carcinogenic.
- f. Petroleum and non-solid petroleum derivatives (except non-PCB) dielectric fluids used in equipment or for transmission of electric power to homes and businesses).

(d) **Groundwater Protection Zones – Generally.**

(1) **Separation Distances.** The following minimum separation distances shall be maintained within the Groundwater Protection Management Area:

- a. Fifty (50) feet between a well and storm sewer main.
- b. Two hundred (200) feet between a well and any sanitary sewer main, lift station or single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) 600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than fifty (50) feet.
- c. Four hundred (400) feet between a well and a septic tank or soil absorption unit receiving less than eight thousand (8,000) gallons per day, a cemetery or a storm water drainage pond.
- d. Six hundred (600) feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Safety and Professional Services or its designated agent under the Wisconsin Administrative Code.
- e. One thousand (1,000) feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving eight thousand (8,000) gallons per day or more.

- f. Twelve hundred (1,200) feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one-time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Safety and Professional Services or its designated agent under the Wisconsin Administrative Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.
- (2) **Overlay District Zones.** The District is hereby divided into Zones 1, 2, and 3.
- (e) **Zone 1 Overlay District.** Identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contamination to the municipal wells. Zone 1 is comprised of the land area delineated as the well recharge area in the Village's Wellhead Protection Plan as well as a buffer zone surrounding that delineated area. This area is indicated on the map incorporated hereto as Exhibit "A". Zone 1 is more restrictive than Zone 2:
 - (1) **Permitted Uses – Zone 1.** The following uses are permitted uses within the Groundwater Protection Zone 1:
 - a. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
 - b. Playgrounds.
 - c. Wildlife areas.
 - d. Non-motorized trails, such as bike, skiing, nature and fitness trails.
 - e. Residential property which is municipally sewered, and free to Regulated Substances, above ground or underground storage tanks (USTs).
 - f. Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-132.
 - (2) **Prohibited Uses – Zone 1.** The following uses are prohibited uses within the Groundwater Protection Zone 1. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) will cause groundwater contamination. Uses not listed shall not be considered permitted uses:
 - a. Underground storage tanks of any size.
 - b. Septage and/or sludge spreading.
 - c. Animal waste landspreading.
 - d. Animal waste facilities.
 - e. Animal confinement facilities.
 - f. Gas stations.
 - g. Vehicle repair establishments, including auto body repair.
 - h. Printing and duplicating businesses.
 - i. Any manufacturing or industrial businesses.

- j. Bus and truck terminals.
- k. Repair shops.
- l. Landfills or waste disposal facilities.
- m. Wastewater treatment facilities.
- n. Spray wastewater facilities.
- o. Junk yards or auto salvage yards.
- p. Bulk fertilizer and/or pesticide facilities.
- q. Asphalt products manufacturing.
- r. Dry cleaning businesses.
- s. Salt storage.
- t. Electroplating facilities.
- u. Exterminating businesses.
- v. Paint and coating manufacturing.
- w. Hazardous and/or toxic materials storage.
- x. Hazardous and/or toxic waste facilities.
- y. Radioactive waste facilities.
- z. Recycling waste facilities.
- aa. Cemeteries.
- bb. Agricultural activities, including any crop free of pesticides and/or synthetic fertilizers.

- (3) ***Pre-Existing Prohibited Uses – Zone 1.*** Where any of the uses listed in Subsection (e)(2) above exist within Groundwater Protection District Zone 1 on original effective date of this Section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Plan Commission and Village Board, and an appropriate permit must be issued by the Village Clerk-Treasurer prior to beginning any work. Expansion of the prohibited use will not be allowed. If any prohibited use is discontinued for a period of one (1) year or more, the use will lose its "pre-existing" use status pursuant to this Section and the prohibited use will not be resumed on the site or lot. If any principal structure(s) or facilities related to the prohibited use is (are) damaged or destroyed to the extent that repair or rebuilding costs would exceed fifty percent (50%) of the assessed value of the structure(s) prior to the damage or destruction, those structures will not be permitted to rebuild or be repaired and the prohibited use shall not continue on the site or lot.

- (f) **Zone 2 Overlay District.** Identified as a potential secondary source of water for the municipal well. Zone 2 comprises all of those areas within the Wellhead Protection Area identified on the incorporated Exhibit "A" which are outside of Zone 1. Zone 2 is less restrictive than Zone 1:

- (1) ***Permitted Uses – Zone 2.*** The following uses are permitted uses within the groundwater protection Zone 2:

- a. All uses listed as permitted uses in Zone 1.
 - b. Modified agricultural activities, including any crop free of pesticides and/or synthetic fertilizers.
 - c. Above-ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with the Wisconsin Administrative Code.
 - d. Residential, commercial and industrial property which is municipally sewered.
- (2) **Prohibited Uses – Zone 2.** The following uses are prohibited uses within Groundwater Protection Zone 2. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) will cause groundwater contamination. Uses not listed shall not be considered permitted uses unless specifically listed above under Subsection (f)(1) Permitted Uses:
- a. Underground storage tanks of any size.
 - b. Unsewered commercial and/or industrial development.
 - c. Septage and/or sludge spreading.
 - d. Animal waste facilities.
 - e. Animal confinement facilities (except veterinary hospitals and clinics).
 - f. Gas stations and oil change businesses.
 - g. Printing and duplicating businesses which use hazardous chemicals as defined by the EPA in their printing process.
 - h. Bus or truck terminals.
 - i. Landfills.
 - j. Wastewater treatment facilities.
 - k. Spray wastewater facilities.
 - l. Auto salvage yards.
 - m. Bulk fertilizer and/or pesticide facilities.
 - n. Asphalt products manufacturing.
 - o. Dry cleaning facilities.
 - p. Exterminating shops.
 - q. Paint and coating manufacturing.
 - r. Hazardous and/or toxic materials
 - s. Radioactive waste facilities.
- (3) **Pre-Existing Prohibited Uses – Zone 2.** Where any of the uses listed in Subsection (f)(2) above exist within Groundwater Protection Zone 2 on the effective date of this Section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. The Plan Commission and Village Board must approve plans for the proposed upgrade, and appropriate permit issued by the Village Clerk-Treasurer prior to beginning any work. Expansion of the prohibited use will not be allowed. If any prohibited use is discontinued for a period of one (1) year or

more, the use will lose its "pre-existing" use status pursuant to this Section and the prohibited use will not be resumed on the site or lot. If any principal structure(s) or facilities related to the prohibited use is (are) damaged or destroyed to the extent that repair or rebuilding costs would exceed fifty percent (50%) of the assessed value of the structure(s) prior to the damage or destruction, those structures will not be permitted to rebuild or be repaired and the prohibited use shall not continue on the site or lot.

- (g) **Zone 3 Overlay District.** Identified as a possible tertiary source of water for the municipal well. Zone 3 comprises all of those areas within a circle with a diameter of two thousand four hundred (2,400) feet and with the Village well at its center, and which are not located in either Zones 1 or 2. Zone 3 is indicated on the map attached as Exhibit "A". Zone 3 is less restrictive than Zone 2:
- (1) **Permitted Uses – Zone 3.** The following uses are permitted uses within the groundwater protection Zone 3:
- Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
 - Playgrounds.
 - Wildlife areas.
 - Non-motorized trails, such as bike, skiing, nature and fitness trails.
 - Residential property which is municipally sewered, and free of Regulated Substances, above ground or underground storage tanks (USTs).
 - Modified agricultural activities, including any crop free of pesticides and/or synthetic fertilizers.
 - Above-ground petroleum product storage tanks less than six hundred and sixty gallons (660) gallons. All new or replaced tanks shall be installed in compliance with the Wisconsin Administrative Code.
 - Residential, commercial and industrial property which is municipally sewered.
- (2) **Other Uses.** All other uses in Zone 3 shall be considered conditional uses subject to approval of the Village Board upon recommendation of the Plan Commission.
- (h) **Mapping.** The location and boundaries of the zoning districts established by this Section are set forth on Exhibit "A" which is incorporated herein and hereby made a part of this Section. This map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Section as though fully set forth and described herein.
- (i) **Review of Permit Application.**
- (1) **Review.** The Village of Star Prairie Plan Commission shall review all requests for approval of permits for land uses in the Groundwater Protection Overlay District and made recommendations thereon to the Village Board. All determinations shall be made by the Village Board within sixty (60) days of any request for approval, provided, however, that this sixty (60) day period of limitation may be extended by the Village Board for "good cause" as determined in its sole and absolute discretion.

- (2) **Review Factors.** Upon reviewing all requests for approval, the Plan Commission and Village Board shall consider all of the following factors:
- The Village's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
 - The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the Village of Star Prairie or the Village's recharge area.
 - The economic hardship which may be faced by the landowner if the application is denied.
 - The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
 - The proximity of the applicant's property to other potential sources of contamination.
 - The then-existing condition of the Village's groundwater public water wells and well fields, and the vulnerability to further contamination.
 - The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
 - Any hydrogeological data or information which is available from any public or private agency or organization.
 - The potential benefit, both economic and social, from the approval of the applicant's request for a permit.
- (3) **Conditional Use Permits - Exemptions.** Any exemptions granted will require a conditional use permit which may include environmental and/or safety monitoring which indicates whether the facility may be emitting any releases or harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs. The Village Board may require that a bond be posted for future monitoring and cleanup costs. The Village Board may require that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.
- (4) **Applicant's Costs.** The applicant shall be solely and exclusively responsible for any and all costs associated with the application, including all of the following:
- The cost of an environmental impact study if so required by the Village of Star Prairie or its designee.
 - The cost of groundwater monitoring or groundwater wells if required by the Village of Star Prairie or its designee.
 - The costs of an appraisal for the property or other property evaluation expense if required by the Village of Star Prairie or its designee.
 - The costs of Village employee's time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined

by the Village, representing the Village's costs for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.

e. The cost of Village equipment employed.

f. The cost of mileage reimbursed to the Village employees.

(j) **Requirements for Existing Facilities and Land Uses.**

- (1) **Approvals to be Filed.** Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the Village of Star Prairie.
- (2) **Additional Monitoring.** Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the Village of Star Prairie, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.
- (3) **Replacement Equipment.** Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (4) **Emergency Contingency Plan.** Existing facilities shall have the responsibility of devising and/or filing with the Village of Star Prairie a contingency plan satisfactory to the Village Board for the immediate notification of the appropriate Village of Star Prairie officers in the event of an emergency.
- (5) **Agricultural Use Exemption.** Property owners with an existing agricultural use shall be exempt from requirements of this Section as they relate to restrictions on agricultural uses, provided, however, that such exemptions shall only apply to the property owners in existence at the time of the original passage of this Section, and this exemption shall not constitute a covenant running with the land.

(k) **Enforcement and Penalties.**

- (1) **Clean-Up of Contaminants.** In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection Overlay District, the individual/facility causing such release shall immediately cease and desist, and provide clean-up satisfactory to the Village of Star Prairie.
- (2) **Costs.** The individual/facility shall be responsible for all costs of cleanup and any Village of Star Prairie consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, including all of the following:
 - a. The cost of Village employees' time associated in any way with the clean-up based on the hourly rate paid to the employee multiplied by a factor determined by the Village, representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
 - b. The cost of Village equipment employed.
 - c. The cost of mileage reimbursed to the Village employees attributed to the clean-up.
- (3) **Additional Monitoring.** Following any such discharge, the Village may require additional test monitoring or other requirements as outlined in Subsection (j) above.

- (4) **Violations.** It shall be unlawful to construct or use any structure, land or water in violation of this Section. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this Section.
- (5) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction thereof, forfeit not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

Sec. 13-1-55 through Sec. 13-1-59 Reserved for Future Use.

Article D: Conditional Uses

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

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

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

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

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

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

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

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

- (a) An application for a conditional use shall be filed on a form prescribed by the Village. An application fee of One Hundred Fifty Dollars (\$150.00) shall be paid to the Clerk-Treasurer at the time the application is submitted. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66. The Village Board 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.
- (b) The applicant for a conditional use permit shall be responsible for any professional review fees, including without limitation legal and engineering fees, the Village shall incur in its consideration and action on the application. These fees shall be payable whether or not the application for conditional use is approved. The Village may require the applicant to submit funds at the time of submission of such application for an escrow account to cover any anticipated fees. The amount of such required escrow shall be determined at the sole discretion of the Village Board. If at any time monies in the escrow account are insufficient to pay expenses incurred by the Village for professional fees, the applicant shall deposit any required additional amounts within fifteen (15) days of written demand by the Village Clerk-Treasurer or the consideration and/or approval of the application for conditional use permit may be delayed and/or rejected.

Sec. 13-1-64 Hearing on Application.

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

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

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

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

- (a) **Standards.** No application for a conditional use shall be granted by the Village Board or recommended by the Plan Commission, unless the Village Board and Plan Commission shall find all of the following conditions are present:
 - (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
 - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (7) That the proposed use does not violate flood plain regulations governing the site.
- (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (b) **Application of Standards.** When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board and Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (c) **Additional Considerations.** In addition, in passing upon a Conditional Use Permit, the Village Board and Plan Commission in making its recommendation shall also evaluate the effect of the proposed use upon:
 - (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

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

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

Sec. 13-1-68 Conditions and Guarantees.

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission may recommend and the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Village shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Village Board, upon the recommendation of the Plan Commission.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.

- (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter except as noted herein.

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

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

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

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Village Board, modify existing conditions upon such use.

and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

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

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to this Article.
- (b) **Definition.** "Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
- (c) **State Standards.** Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

Sec. 13-1-72 Home Occupations.

- (a) **Intent.** The intent of this Section is to provide a means to accommodate a small family home-based business or professional home office as a conditional use without the necessity of a rezone into a commercial district. 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.** Except as provided in Subsection (c) below, home occupations and professional home offices 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 a 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 use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - (5) Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall comply with district sign regulations.
 - (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - (7) The Village Board may determine the percentage of the property that may be devoted to the occupation, but shall not exceed thirty percent (30%).
 - (8) The home occupation is restricted to a service-oriented business; the manufacturing of items or products or the retail sale of items or products on the premises is prohibited.
 - (9) The types and number of equipment or machinery may be restricted by the Village Board.
 - (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) No more than one (1) non-resident employee may work on the premises.
 - (13) No activity associated with the home occupation may occur outside on the premises prior to 8:00 a.m. or after 8:00 p.m.
- (c) **Permitted Use Exception.** A home occupation or professional home office under this Section may be maintained in any Residential District as a permitted use, as opposed to a conditional use, if the standards of Subsection (b) above are complied with, and no sign is erected or maintained regarding the home occupation, no more than one (1) non-resident person works on the premises, no customers regularly come to the house ["regularly" defined as averaging more than three (3) customers/clients per week coming to the home occupation premises] and the business is service-oriented and not engaged in retail trade.

Sec. 13-1-73 Wind Energy Systems—Conditional Uses.

(a) **Permit Required.**

- (1) **Approval Required.** No owner shall, within the Village, build, construct, use or place any type or kind of wind energy system without holding the appropriate conditional use permit for said system.
- (2) **Separate Permit Required For Each System.** A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.
- (3) **Basis of Approval.** The Village Board shall base its determinations on general considerations as to the effect of such grant on the health, general welfare, safety and

economic prosperity of the Village and, specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of the Zoning Code.

- (4) **Definitions.** "Wind energy systems" shall mean "windmills" which are used to produce electrical or mechanical power.

(b) **Specific Requirements Regarding Wind Energy Systems.**

- (1) **Additional Standards.** Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section in addition to those found elsewhere in this Article.
- (2) **Application.** Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
- (3) **Construction.** Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- (4) **Noise.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- (5) **Electro-magnetic Interference.** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (6) **Location and Height.** Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Chapter; however, all such systems over seventy-

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five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.

- (7) **Fence Required.** All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- (8) **Utility Company Notification.** The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

Sec. 13-1-74 through Sec. 13-1-79 Reserved for Future Use.

Article E: Nonconforming Uses, Structures and Lots

Sec. 13-1-80 Intent – Nonconforming Uses, Lots and Structures.

(a) **Intent; Interpretation.**

- (1) Within the zoning districts established by this Zoning Code or amendment thereof, there may exist lots, structures and uses of land which were lawful before this Zoning Code was enacted or amended, but which would be prohibited in the future under the terms of this Zoning Code or amendment thereto.
- (2) It is the intent of the Village of Star Prairie to permit nonconforming uses, lots and structures to remain and continue in accordance with the provisions hereinafter set forth until they are removed due to economic forces, public health or safety grounds, or otherwise. It is not the intent of this Zoning Code to perpetuate and/or encourage the long-term continuance of nonconformities because they are inconsistent with the requirements and character of the districts involved, or to permit nonconformities to be generally enlarged upon, expanded, or extended except as provided for herein. Existing nonconformities shall not be used to justify adding structures or uses prohibited in the zoning district.

(b) **Classification of Nonconformities.** Zoning nonconformities are classified into three (3) categories as follows:

- (1) Nonconforming uses.
- (2) Nonconforming lots.
- (3) Nonconforming structures.

(c) **General Guidelines.** It is the intention of the Village of Star Prairie that standards be set forth for the purpose of determining:

- (1) That the nonconforming use, lot or structure existed prior to the effective date of this Chapter or amendment thereto;
- (2) The ways in which the right of the nonconforming use, lot or structure to remain can be preserved and the ways in which the right to continue nonconforming use, lot or structure can be lost;
- (3) The extent of permissible variation in the nonconforming use, lot or structure; and
- (4) The devices available for eliminating such nonconforming uses, lots or structures, where appropriate.

(d) **Burden of Proof Regarding Nonconforming Uses.** Any property owner asserting as a defense to a charge of violating this Chapter because his/her property is a valid nonconforming use has the burden of demonstrating to reasonable certainty by the greater weight of credible evidence that:

- (1) The nonconforming use was legally in existence at the time the zoning ordinance provision that now prohibits that use was adopted. The use must be lawful under then existing zoning regulations and cannot contravene such zoning requirements.

- (2) That the use of the property prior to the nonconformity came into being was so active and actual that the property owner can properly assert that the property owner has acquired a vested interest in its continuance. Such use cannot be occasional or sporadic. For purposes of this Chapter, a property owner shall be deemed to have a vested right in the use of his/her property where that use at the time the nonconformity came into being is both actual and active and a substantial degree of activity or expense had been undertaken prior to the effective date the zoning provision that caused the nonconformity to come into being. Such use must be more than incidental or accessory to the principal use of the property.
- (3) That the use is substantially the same use that existed prior to the enactment of the ordinance or amendment thereto that caused the nonconformity.

Sec. 13-1-81 Article Definitions.

In addition to the definitions contained in Section 13-1-8(a) of this Chapter, the following definitions shall be applicable in Article; in the event of conflict, the more specific definition shall be applicable:

- (a) **Assessed Value (Lot).** The full market value placed upon the lot by the Village Assessor as of the date that the nonconformity came into being. Such valuation by the Assessor shall be prima facie evidence of an assessed value of the lot.
- (b) **Nonconforming Lot.** [See definition in Sec. 13-1-8(a)].
- (c) **Nonconforming Structure.** [See definition in Sec. 13-1-8(a)].
- (d) **Nonconforming Use.** [See definition in Sec. 13-1-8(a)].

Sec. 13-1-82 Common Ownership of Abutting Nonconforming Lots.

Nonconforming lots of record owned by the same individual or other legal entity shall be combined prior to the issuance of a zoning permit.

Sec. 13-1-83 Existing Nonconforming Structures.

- (a) **Continuation of Nonconforming Structures.**
 - (1) The use of a structure existing on the date that the nonconformity came into being may be continued although the structure's size or location does not conform with the development regulations, parking, loading, or access provisions of this Chapter.
 - (2) Any lawful nonconforming structure may be extended, enlarged, reconstructed, or structurally altered, provided that said extension, enlargement, reconstruction,

movement or alteration complies with the setback and building requirements of the specific zoning district. However, the nonconforming feature of said structure shall not be allowed to become more nonconforming by being extended, enlarged, reconstructed, moved, or structurally altered except under one (1) or more of the following fact situations:

- a. As when required to do so by law, or order.
- b. To comply with the provisions of this Chapter.
- c. With the approval of a conditional use permit under the procedures of Article D of this Chapter for the purpose of making required alterations to maintain the structural integrity of the building.
- d. With the approval of a variance by the Zoning Board of Appeals.

- (b) **Yard Encroachments by Nonconforming Structures.** Nonconforming structures which encroach upon the yard (setback) requirements of this Chapter, but which met yard requirements at the time the nonconformity came into being at the time of construction, may be structurally enlarged or expanded if the existing structure is located at a minimum of at least fifty percent (50%) of the minimum setback requirement(s) and further provided that the alteration does not create a greater degree of encroachment on yard, height, parking, loading, or access requirements. Placement of a new foundation or basement under an existing nonconforming structure shall be allowed as long as no further encroachment is permitted. The setbacks of the zoning district in which the structure is located shall be met if the lot size and existing location of the structure permits the setbacks to be met.
- (c) **Unsafe Nonconforming Structures.** Nothing in this Chapter shall preclude the Building Inspector or any other Village official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare, constitutes a public nuisance, or is in violation of a licensing regulation.
- (d) **Maintenance, Repair and Remodeling of Nonconforming Structures.** This Chapter does not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.
- (e) **Restoration of Certain Damaged Nonconforming Structures.**
- (1) In the case of damaged or destroyed nonconforming structures, the restoration of a nonconforming structure is permitted if the structure will be restored to the size, subject to Subsection (e)(2) below, location and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 - a. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
 - b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

- (2) Where the criteria under Subsection (e)(1) above exist for a nonconforming structure to be restored, the size of the structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable federal or state requirements.
- (f) **Shoreland Nonconforming Structures.** Nonconforming structures in shoreland areas damaged or destroyed by violent wind, fire, flood, or vandalism may be reconstructed or repaired, as provided by state law, to the size, location, and use it had immediately before the damage occurred if the landowner can establish that the damage was not due to deliberate act by the landowner or his/her agent, or due to general deterioration or dilapidated condition.
- (g) **Relocation of Nonconforming Structures.** A nonconforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the zoning district in which it is located.

Sec. 13-1-84 Existing Nonconforming Uses.

Pursuant to Section 62.23(7)(h), Wis. Stats., a nonconforming use may not be extended. The total structural repairs and alterations in such a nonconforming use's building, premises, structure, or fixtures shall not during its life exceed fifty percent (50%) of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. The nonconforming use of a structure, land, or water existing on the date that the nonconformity came into being may be continued although the use does not conform with the provisions of this Chapter, except that:

- (a) **Change to More Restrictive Use Category.** The nonconforming use of a structure may be changed to a use of the same or more restricted classification, but where the nonconforming use of a structure is hereafter changed to a use of a more restrictive classification, it shall not thereafter be changed to a use of a less restricted classification.
- (b) **Discontinuation of Nonconforming Use.** If a 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.
- (c) **Maintenance of Nonconforming Use Parcels.** Parcels containing a nonconforming use of land or water may be maintained or repaired including grading, paving, and surfacing, or the repair and replacement of bumper or wheel stops, fences, screening and drainage ways, provided that the amount of land, water or storage (i.e. vehicles, equipment and/or materials) devoted to such nonconforming use as it existed prior to the date that the nonconformity came into being is not extended, enlarged or moved.

Sec. 13-1-85 Changes and Substitutions.

Once a nonconforming use or structure has been changed or altered so as to comply with the pertinent district provisions of this Chapter, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of a more or equally

restrictive nonconforming use for an existing nonconforming use pursuant to the provisions of Article N, the existing use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals and pertinent zoning district. Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Sec. 13-1-86 Floodplain and Shoreland-Wetland Nonconforming Uses and Structures.

- (a) **Nonconformities in Floodplain Zoning Areas.** Nonconformities in Floodplain Zoning areas shall be governed by the provisions of the Village of Star Prairie Code of Ordinances regulating floodplain zoning, specifically Sections 13-2-70 through 13-2-74, and pertinent sections of the Wisconsin Statutes and Wisconsin Administrative Code.
- (b) **Nonconformities in Shoreland-Wetland Zoning Areas.** Nonconformities in Shoreland-Wetland Zoning areas shall be governed by the provisions of the Village of Star Prairie Code of Ordinances regulating shoreland-wetland zoning, specifically Sections 13-2-70 through 13-2-74 and pertinent sections of the Wisconsin Statutes and Wisconsin Administrative Code.

State Law References: Sec. 87.303, Wis. Stats., and NR 116.15, Wis. Adm. Code

Sec. 13-1-87 Nonconforming Performance Standards.

The use of any lot or parcel failing to comply with the performance standards set forth in this Chapter at the time of the adoption of this Chapter shall not be expanded unless the expansion conforms with the performance standards set forth in this Chapter.

Sec. 13-1-88 through Sec. 13-1-99 Reserved for Future Use.

Article F: Traffic Visibility, Loading, Parking and Access

Sec. 13-1-90 Traffic Visibility.

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

Sec. 13-1-91 Loading Requirements.

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

Use	Floor Area (sq. ft.)	Loading Space
Retail, wholesale	3,000 - 20,000	1
warehouse, service	20,000 - 50,000	2
manufacturing, and	50,000 - 90,000	3
industrial establishments	90,000 - 150,000	4
	Each additional 50,000	1
Motels, schools, offices	5,000 - 30,000	1
hospitals, places of	30,000 - 80,000	2
public assembly	80,000 - 150,000	3
	Each additional 25,000	1
Funeral homes	2,000 - 8,000	1
	8,000 - 20,000	2

- (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 fourteen (14) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty (20) 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 six (6) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **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.
- (g) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
 - (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

Sec. 13-1-92 Parking Requirements.

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

- (a) **Access.** Adequate access to a public street shall be provided for each parking space.
- (b) **Design Standards.** Each required off-street parking space shall have a stall width of at least nine (9) feet and a stall length of at least eighteen (18) feet, or one hundred eighty

(180) square feet in area, excluding access drives. Such space shall have a vertical clearance of at least six and one-half (6-1/2) feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: Aisles shall be not less than twenty-four (24) feet wide for ninety (90) degree parking, eighteen (18) feet wide for sixty (60) degree parking, fifteen (15) feet wide for forty-five (45) degree parking (angle shall be measured between centerline of parking space and centerline of aisle), and twelve (12) feet wide for parallel parking. For parallel parking, the minimum length of the parking space shall be increased to twenty-three (23) feet. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.

(c) **Location.**

- (1) Off-street parking is permitted in side and rear yards of all districts but shall not be closer than five (5) feet to a side lot line, nor closer than ten (10) feet from a street right-of-way.
- (2) Off-street parking in the R-1, R-2 and R-3 Residential Districts is permitted in the front yard on a paved driveway, providing the driveway conforms to the requirements in Sections 6-3-1 and 6-3-2, and such parking does not intrude into a required vision triangle.

(d) **Surfacing.** All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds [normally, a two (2) inch blacktop on a four (4) inch base or five (5) inches of Portland cement will meet this requirement.] Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

(e) **Landscaping Requirements.**

- (1) **Landscaping.** All public and private off-street parking areas which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Code shall be provided with accessory landscape areas totalling not less than ten percent (10%) of the surfaced area. The minimum size of each landscape area shall not be less than one hundred (100) square feet.
- (2) **Location.** Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator.
- (3) **Plans.** All plans for such proposed parking areas, at the discretion of the Zoning Administrator and Building Inspector, 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.
- (f) **Use Restrictions.**
- (1) **Repair and Service.** No major motor vehicle repair work or extensive service of any kind shall be permitted in association with unenclosed parking facilities provided in residence districts. Disabled vehicles shall be removed from parking areas.
- (2) **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.
- (g) **Number of Stalls.** Number of parking stalls required for newly created parking lots are shown in the following table:

Use	Minimum Parking Required
Single-family dwellings and mobile homes	2 stalls for each dwelling unit
Multi-family dwellings	1.5 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Rest and nursing homes, group and retirement homes	1 stall for each 4 beds plus 1 stall for each 3 employees
Mobile home park	1 stall for each lot plus 1 stall per dwelling unit at convenient locations
Hotels, motels, bed and breakfast establishments	1 stall for each guest room plus 1 stall for each 3 employees

Sororities, lodges, clubs, dormitories, rooming and boarding houses	1 stall for each bed plus 1 stall for each 3 employees.
Institutions, clubs, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, community centers, vocational and night schools, and other places of public assembly	1 stall for each 6 seats
Secondary and elementary schools, Jr. and Sr. high schools, and other educational facilities	1 stall for each 2 employees plus 1 stall for each 5 students 15 years of age or older
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 3 employees; number of employees shall be construed to mean the maximum number on the premises at one time
Funeral parlors	5 stalls for each chapel or parlor plus 1 stall for each 2 employees
Financial institutions, business, government and professional offices	1 stall for each 400 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 600 square feet of floor area used plus one space for each 900 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages — see above.)
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

Central Business District
establishments

1 stall for each 300 square feet of floor area
per establishment or 1 stall for each 400
square feet of aggregate floor area in an
integrated parking lot

Retail shops, sales and
service stores

1 stall for each 400 square feet of floor
space used to display products

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

Sec. 13-1-93 Highway Access.

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

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

- (a) **Definitions — Recreational Vehicles.** For purposes of this Section, the following definitions shall apply:
 - (1) **Recreational Vehicle.** Recreational vehicle means any of the following:
 - a. **Travel trailer.** A vehicular, portable structure built on a chassis and on wheels; that is, between ten (10) and thirty-six (36) feet long, including the hitch, and eight (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 therefrom.

- f. **Converted and Chopped Van.** Recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
- (2) **Boat or Snowmobile Trailer.** A vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article, is termed an unmounted boat or snowmobile.
- (3) **Boat.** Every description of watercraft used or capable of being used as a means of transportation on water.
- (4) **Yard, Front.** That part of a lot between the front lot line and the front(s) of the principal building on the lot, and extended to both side lot lines.
- (5) **Yard, Rear.** That part of a lot between the rear lot line and the back(s) of the principal building on the lot, and extended to both side lot lines.
- (6) **Yard, Side.** That part of a lot not surrounded by building and not in the front or rear yard.
- (b) **Permitted Parking or Storage of Recreational Vehicles.** In all residential and commercial districts provided for in this Zoning Code, it is permissible to park and store a recreational vehicle or boat and boat trailer on private property in the following manner:
 - (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
 - (2) Parking is permitted outside in the side yard 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 fuel is permitted when necessary to prepare a recreational vehicle for use.
- (8) The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

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

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

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

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

Article G: Signs, Canopies, Awnings and Billboards

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

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every 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 Star Prairie; painting, posting and general maintenance are excepted.

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

The following definitions are used in this Article:

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

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

- (a) **Application.** Except those specified in Section 13-1-103, 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 Star Prairie. 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 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 shall be paid to the Clerk-Treasurer 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 Zoning Administrator 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.
- (f) **Appeals.** The Zoning Administrator may, at any time for a violation of this Article, revoke a permit or require changes so the sign conforms with this Article. The holder of a revoked permit shall be entitled to an appeal before the Village Board. Any person, firm or corporation aggrieved by any permit denial or decision by the Zoning Administrator relative to the provisions of these sign regulations may appeal and seek review of such decision to the Village Board.

Sec. 13-1-103 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, Planned Unit Development (Commercial/Industrial) and Adult Entertainment Overlay 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 or directional signs erected by governmental bodies.
 - (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.
 - (11) Political message signs during an election campaign, as defined in Sec. 12.04(1), Wis. Stats., limited to one (1) 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 sixty (60) days before an election 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 shall be allowed with no permits.
- (b) **Residential, Conservancy, Public and Agricultural Districts.** All signs are prohibited in C-1 Conservancy Districts, and in all Residential, Public and Quasi-Public Districts, except the following:
 - (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) square feet.
 - (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 one (1) 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 sixty (60) days before an election and must be removed within ten (10) days after said election. Said sign shall be a maximum of eight (8) square feet.
- (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.
- (8) Real estate signs not to exceed ten (10) square feet in area which advertise the sale, rental or lease of the premises upon which such signs are temporarily located.
- (9) Bulletin boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.

Sec. 13-1-104 Permitted Signs; Sign Categories.

- (a) **Permitted Signs.** The following signs shall require a permit to be issued by the Village of Star Prairie. Signs may be permitted in specific zoning districts, subject to the following restrictions in this Section:
- (b) **Permitted Locations of Signs.**

<i>Zoning District</i>	<i>Type of Signs Permitted</i>
R-1, R-2, R-3, R-4 and PUD	1, 3
B-1, B-2, AEO and I-1	1, 2, 3, 4, 5, 6, 7, 8, 9
A-1	1, 2, 3, 8, 9
C-1	1, 9
P-1	1, 3, 9

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

- (1) **Type 1.** Official traffic control signs, and informational or directional notices erected by federal, state, or local units of government. Official signs may be placed within the highway right-of-way. No permit required.

- (2) **Type 2.** Directory signs advertising a business or activity conducted, an area of interest, or a service available, at a specific location. Such signs shall be not more than twenty-four (24) square feet in gross area. There shall not be more than two (2) such signs relating to any one (1) such use in the approaching direction along any one (1) highway. No such sign shall be more than ten (10) miles away from the location to which it relates. Such signs may be placed at the right-of-way line of the highway. A larger number of signs may be permitted by the Board of Appeals if the Board shall find it necessary for directing the traveling public. Permit required.
- (3) **Type 3.** Signs advertising a customary home occupation or professional office. Such signs shall not exceed twelve (12) square feet in gross area, shall comply with the setbacks established for structures of that District of this Section, and if illuminated shall be indirectly lighted. No permit required.
- (4) **Type 4.** Wall signs on and parallel to the exterior wall of a building or structure and not extending more than six (6) inches from the wall surface, shall not exceed in gross area for any one (1) premise: One hundred (100) square feet in a B-1 Central Business or AEO District; two hundred (200) square feet in a B-2 Highway Business District; or four hundred (400) square feet in an I-1 Industrial District. Such signs shall not exceed twenty (20) feet in height measured from mean centerline street grade.
- (5) **Type 5.** Projecting signs fastened to, suspended from, or supported by a building or structure, shall not exceed in gross area for any one (1) premise: Forty (40) square feet on each of two (2) faces in B-1 Central Business or AEO Districts; sixty (60) square feet on each of two (2) faces in B-2 Highway Business Districts; and eighty (80) square feet on each of two (2) sides in I-1 Industrial Districts. Such signs shall not extend more than five (5) feet into any required yard nor more than two (2) feet into any public right-of-way; shall not be less than ten (10) feet from any side lot line; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a pedestrian walk nor less than fifteen (15) feet above a road, street, alley or driveway.
- (6) **Type 6.** Ground signs and their supporting structure shall comply with all yard requirements of the District in which they are located and shall not exceed in gross area for any one (1) premise: eighty (80) square feet on each side in B-1 Business or AEO Districts; one hundred twenty (120) square feet on each side in B-2 Highway Business Districts; or one hundred sixty (160) square feet on each side in I-1 Industrial Districts. Such signs shall not exceed twenty (20) feet in height above mean centerline street grade.
- (7) **Type 7.** Roof signs shall comply with all yard and height restrictions of the District in which they are located and shall not exceed in gross area for any one (1) premise: Eighty (80) square feet per side in B-1 Central Business or AEO Districts; one hundred sixty (160) square feet per side in B-2 Business Districts; or three hundred (300) square feet per side in I-1 Industrial Districts. Such signs shall not extend more

than twelve (12) feet above the roof level at the sign and shall be properly mounted, braced, and secured against snow and wind loads.

- (8) **Type 8.** Window signs may be placed in the windows of business establishments provided their combined area does not exceed fifty percent (50%) of the gross area of all windows on the same side of the building.
- (9) **Type 9.** Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not be more than twelve (12) square feet in gross area. Where a common posting standard is provided all such signs shall be attached to the standard recreational directory. The resulting composite signs shall not exceed thirty-two (32) square feet in gross area. Signs may be placed at the right-of-way line of highway. Permit required.
- (d) **Facing.** No sign except those permitted in Subsection (a) shall be permitted to face a Residence District within one hundred (100) feet.
- (e) **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.
- (f) **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.
- (g) **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.
- (h) **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.

Sec. 13-1-105 Permitted Residential Signs.

In addition to those permitted signs not requiring a permit pursuant to Section 13-1-103(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) **Projection.** Such signs shall be affixed flat against the wall of the building.
 - (3) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower.
- (b) **"For Sale" and "To Rent Signs.** Subject to the following:
- (1) **Area and Number.** There shall be not more than one (1) sign per zoning lot, except that on a corner zoning lot two (2) signs (one facing each street) shall be permitted. No sign shall exceed eight (8) square feet in area nor be closer than 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 Zoning Administrator.
 - (3) **Height.** No sign shall project higher than twelve (12) feet above curb level; the Village Board 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 Zoning Administrator for approval. The location of any such sign shall be at the discretion of the Zoning Administrator based upon the character of the area, the type and purpose of the sign 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. 13-1-106 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. 13-1-107 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.

Sec. 13-1-108 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 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. 13-1-109 Variances or Exceptions.

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

Sec. 13-1-110 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 and/or Building Inspector.
- (b) **General Requirements.**
 - (1) **Construction Standards.** All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.
 - (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 Zoning Administrator.
 - (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.

Sec. 13-1-111 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 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 fifteen (15) days at a time following approval by the Zoning Administrator, provided, however, that the Zoning Administrator shall not give approval for placement of a portable sign/message board if it presents a vision obstruction; such signs shall not be displayed more frequently than four (4) times per calendar year at any one (1) location, not more than fifteen (15) days each time. The maximum size of a portable sign/message board shall be ten (10) square feet on each face, back to back. Portable signs/message boards shall not be located in any public right-of-ways and shall be securely fastened to prevent any hazardous condition.
- (c) **Search Lights.** The Zoning Administrator may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period.

Sec. 13-1-112 Nonconforming Signs.

- (a) **Signs Eligible For Characterization as Legal Nonconforming.** Any sign located within the Village of Star Prairie 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 therefor 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. 13-1-113 Awnings and Canopies.

- (a) **Permitted Awnings.** No awnings (non-collapsible type) 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 seven (7) feet above the level of the public sidewalk or public thoroughfare.
 - (3) **Setback from Curb Line.** No awning shall extend within one (1) foot 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 Zoning Administrator as in compliance with the Building Code of the Village and shall meet state building codes. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section 13-1-110 of this Code. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
 - (2) **Height Above Sidewalk.** All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
 - (3) **Setback From Curb.** No canopy shall extend beyond a point two (2) feet from the curb line.

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

- (a) **Construction Without Permit.** Any person, firm or corporation who begins, erects or completes the erection or construction of any sign, awning or canopy controlled by this Article prior to the granting of a sign permit shall pay a penalty double the amount of the permit otherwise required.
- (b) **Compliance Notice.**
- (1) If the 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 Section 1-1-6 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
 - (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Article shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Article.

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

Article H: Performance Standards

Sec. 13-1-120 Article Intent.

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

Sec. 13-1-121 Noise.

The volume, intensity and/or frequency of sound generated by a permitted use shall comply with the following standards:

- (a) Objectionable sounds of an intermittent nature shall be controlled, muffled, or otherwise abated so as to not be a nuisance to adjacent uses.
- (b) The volume of sound inherently, consistently, and/or recurrently generated by a permitted Business or Industrial Use, as measured by a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association, shall not exceed the values set forth in the following tables:

Frequency Range (cycles/second)	Table A Sound Level (Decibels)	Table B Sound Level (Decibels)
0 - 74	72	79
75 - 149	67	74
150 - 299	59	66
300 - 599	52	59
600 - 1199	46	53
1200 - 2399	40	47
2400 - 4799	34	41
4800 & above	32	39

Table A shall apply to any sound measured at any point in a Residential District; any night time sound occurring between 10:00 p.m. and 6:00 a.m.; any sound of impulsive character, e.g. hammering; or any sound of periodic character, e.g. hum or screech.

Table B shall apply to all other sounds generated by a Business or Industrial Use as measured at the Zoning District Boundaries.

Sec. 13-1-122 Vibration.

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

Sec. 13-1-123 Glare and Heat.

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

Sec. 13-1-124 Odor.

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

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

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

Sec. 13-1-126 Air Pollution.

- (a) No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Ch. NR 154.11(6), Wis. Adm. Code.

- (b) No activity or operation shall be established or maintained which by reason of its nature causes emission of any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. In no case shall any activity emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mines' Information Circular 7718 in any Industrial District.

Sec. 13-1-127 Hazardous Pollutants.

- (a) **Pollutants.** No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Ch. NR 154.19, Wis. Adm. Code.
- (b) **Liquid or Solid Wastes.** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

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

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

Sec. 13-1-129 Refuse.

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

Article I: Signal Receiving Antennas; Antenna Towers; Telecommunications Facilities

Sec. 13-1-130 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; and
 - (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 Star Prairie, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Zoning Administrator.
- (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 disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting. Small diameter [twenty-four (24) inch or less] television dish antennas are exempt from the permit requirements of this Article.
 - (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 or Clerk-Treasurer. With such application, there shall be submitted a fee as determined by the Village Board and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings.
 - (2) 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 the installation of said antenna.

- a. 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. Dish-type antennas larger than five (5) feet in diameter shall be of an open mesh design.

(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 trial 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 electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (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 thereunder.
- (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) **Variances.** Requests for variances from the standards established by this Section may be made to the Village Board.
- (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 Section 1-1-6.

Sec. 13-1-131 Mobile Tower Siting.

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

- (1) **Title.** This Section is entitled the Village of Star Prairie Mobile Tower Siting Ordinance.
- (2) **Purpose.** The purpose of this Section is to regulate by zoning permit:
 - a. The siting and construction of any new mobile service support structure and facilities;
 - b. With regard to a Class I collocation, the substantial modification of an existing support structure and mobile service facilities; and
 - c. With regard to a Class II collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.
- (3) **Authority.** The Village of Star Prairie Village Board has the specific authority under Secs. 62.23 and 66.0404, Wis. Stats., to adopt and enforce this Section.

(b) **Definitions.** The following definitions shall be applicable in this Section:

- (1) **Antenna.** Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
- (2) **Building Permit.** A permit issued by the Village that authorizes an applicant to conduct construction activity that is consistent with the Village's Building Code [Title 15, Chapter 1 of the Code of Ordinances].
- (3) **Class 1 Collocation.** The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.
- (4) **Class 2 Collocation.** The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
- (5) **Collocation.** Class 1 or Class 2 collocation or both.
- (6) **Distributed Antenna System.** A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- (7) **Equipment Compound.** An area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
- (8) **Existing Structure.** A support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the Village.

- (9) **Fall Zone.** The area over which a mobile support structure is designed to collapse.
- (10) **Mobile Service.** Has the meaning given in 47 USC 153(33).
- (11) **Mobile Service Facility.** The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a planned geographic area, but does not include the underlying support structure.
- (12) **Mobile Service Provider.** A person who provides mobile service.
- (13) **Mobile Service Support Structure (Tower).** A freestanding structure that is designed to support a mobile service facility.
- (14) **Permit.** A permit, other than a building permit, or approval issued by the Village which authorizes any of the following activities by an applicant:
 - a. A Class 1 collocation.
 - b. A Class 2 collocation.
 - c. The construction of a mobile service support structure.
- (15) **Public Utility.** Has the meaning given in Sec. 196.01(5), Wis. Stats.
- (16) **Search Ring.** A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- (17) **Substantial Modification.** The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
 - a. For structures with an overall height of two hundred (200) feet or less, increases the overall height of the structure by more than twenty (20) feet.
 - b. For structures with an overall height of more than two hundred (200) feet, increases the overall height of the structure by ten percent (10%) or more.
 - c. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by twenty (20) feet or more, unless a larger area is necessary for collocation.
 - d. Increases the square footage of an existing equipment compound to a total area of more than two thousand five hundred (2,500) square feet.
- (18) **Support Structure.** An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- (19) **Utility Pole.** A structure owned or operated by an alternative telecommunications utility, as defined in Sec. 196.01(1d), Wis. Stats.; public utility, as defined in Sec. 196.01(5), Wis. Stats.; telecommunications utility, as defined in Sec. 196.01(10), Wis. Stats.; political subdivision; or cooperative association organized under Ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Sec. 182.017(1g)(cq), Wis. Stats.; for

video service, as defined in Sec. 66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.

(c) **Siting and Construction of Any New Mobile Service Support Structure and Facilities; Regulation Limitations.**

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

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

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

- e. Within ninety (90) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the ninety (90) day period:
 - 1. Review the application to determine whether it complies with all applicable aspects of the Village's Building Code and, subject to the limitations in this Section, provisions of this Zoning Code.
 - 2. Make a final decision whether to approve or disapprove the application.
 - 3. Notify the applicant, in writing, of its final decision.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - f. The Village may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement under Subsection (c)(1)b6.
 - g. If the applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in the Zoning Code, that Zoning Code provision does not apply to such a structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
 - h. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Three Thousand Dollars (\$3,000.00) per Sec. 66.0404(4)(d), Wis. Stats.].
- (2) **Regulatory and Application Limitations.** With regard to the siting and construction of a new mobile service support structure/facilities, the substantial modification of an existing support structure and mobile service facility as part of a Class 1 collocation, or a Class 2 collocation, the Village, pursuant to Sec. 66.0404(4), Wis. Stats., shall not:
- a. Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
 - b. Enact a moratorium ordinance on the permitting, construction, or approval of any such activities.
 - c. Enact an ordinance regulation prohibiting the placement of a mobile service support structure in particular locations within the Village.

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

- v. Limit the height of a mobile support structure to under two hundred (200) feet.
- w. Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the Village in connection with the Village's exercise of its authority to approve the application.
- x. Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the Village to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the Village or an entity in which the Village or other political subdivision has a governance, competitive, economic, financial or other interest.

(d) **Class 1 Collocation.**

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

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

- c. A permit application will be provided by the Village upon request to any applicant, or, in the alternative, the applicant can provide the required information in the form of correspondence or report with supporting documentation.
 - d. If an applicant submits to the Village an application for a permit to engage in an activity described in this Section, which contains all of the information required under this Section, the Village shall consider the application complete. If the Village does not believe that the application is complete, the Village shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - e. Within ninety (90) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the ninety (90) day period:
 - 1. Review the application to determine whether it complies with all applicable aspects of the Village's Building Code and, subject to the limitations of this Section, zoning ordinances.
 - 2. Make a final decision whether to approve or disapprove the application.
 - 3. Notify the applicant, in writing, of its final decision.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - f. The Village may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection (d)(1)b6.
 - g. If an applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that Zoning Code provision does not apply to such a structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
 - h. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Three Thousand Dollars (\$3,000.00) per Sec. 66.0404(4)(d), Wis. Stats.].
- (2) **Regulatory and Application Limitations.** The regulatory and application parameters and limitations prescribed in Subsection (c)(2) above shall be applicable.
- (e) **Class 2 Collocation.**
- (1) **Application Process.**
- a. A Village zoning permit is required for a Class 2 collocation. A Class 2 collocation is a permitted use in the Village but still requires the issuance of Village building permits.

- b. A written permit application shall be completed by the applicant and submitted to the Village. The application must contain, at a minimum, the following information:
 - 1. The name and business address of, and the contact individual for, the applicant; applicable telephone number(s), fax number, and email address shall be provided.
 - 2. The location of the proposed or affected support structure.
 - 3. The location of the proposed mobile service facility.
 - c. A permit application will be provided by the Village upon request to any applicant, or, in the alternative, the applicant can provide the required information in the form of correspondence or report with supporting documentation.
 - d. Per Title 15, Chapter 1 of this Code of Ordinances, a Class 2 collocation is also subject to the same requirements for the issuance of a building permit to which any other type of commercial development/construction or land use development is subject.
 - e. If an applicant submits to the Village an application for a permit to engage in an activity described in this Section, which contains all of the information required under this Section, the Village shall consider the application complete. If any of the required information is not in the application, the Village shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - f. Within forty-five (45) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the forty-five (45) day period:
 - 1. Make a final decision whether to approve or disapprove the application.
 - 2. Notify the applicant, in writing, of its final decision.
 - 3. If the application is approved, issue the applicant the relevant permit.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - g. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Five Hundred Dollars (\$500.00) or the commercial building permit fee equivalent, per Sec. 66.0404(4)(d)].
- (2) **Regulatory and Application Limitations.** The regulatory and application parameters and limitations prescribed in Subsection (c)(2) above shall be applicable.
- (f) **Penalty Provisions.** Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this Section shall, upon conviction, be subject to the penalties and/or forfeitures prescribed in Section 13-1-174, plus applicable surcharges,

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assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Section. In addition, the Village of Star Prairie may seek injunctive relief from a court of record to enjoin further violations.

Sec. 13-1-132 through Sec. 13-1-139 Reserved for Future Use.

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

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

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions — Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
 - (1) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) additional accessory building may be placed on a lot.
 - (2) **Attached Accessory Building Limits.** No attached accessory building or structure shall exceed the height of the principal building or structure. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (3) **Detached Accessory Buildings.** No detached accessory building (non-garages) shall occupy any portion of the required front yard, and no detached accessory building shall be larger than one hundred forty-four (144) square feet or occupy more than thirty percent (30%) of the required rear yard, or be located within three (3) feet of any other accessory building or rear or side 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.
 - (4) **Garages.** Garages, whether attached or detached, shall comply with the dimensional requirements of the zoning district in which located. Garages shall comply with the setback requirements applicable for principal structures on the lot.
 - (5) **Detached Garages.** Detached garages are permitted in the rear yard and side yards only. They shall not exceed the area requirements found in the standards for each zoning district and the roof pitch shall not exceed the steepest pitch of the principal structure. The total lot coverage shall not exceed the total allowed as set forth in the zoning district where the garage will be located. Total lot coverage shall include all buildings located on the lot.
- (c) **Use Restrictions — Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined and authorized herein and shall not be occupied as a dwelling unit.

- (d) **Use Restrictions — Nonresidential Districts.** An accessory use or structure in a business or manufacturing 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.
- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area provided it is not in a vision clearance triangle. 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 Zoning Administrator, 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 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. 13-1-141 Outside Storage of Firewood.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of fourteen (14) days from the date of its delivery.

- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that 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 fifteen percent (15%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 13-1-142 Fences.

- (a) **Fences Defined.** For the purpose of this Section,
 - (1) **Fence.** An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
 - (2) **Boundary Fence.** A fence placed 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) **Fence Permit Required.** No person shall erect a fence in the Village of Star Prairie without first obtaining a fence permit from the Building Inspector and paying the permit fee as specified by resolution of the Village Board. The applicant shall provide the Building Inspector with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this Section.
- (c) **Height of Fences Regulated.**
 - (1) Except as provided in Section 13-1-90, 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 and one-half (6-1/2) 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 in the vision clearance triangle 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 13-1-90).
- (d) **Setback for Residential Fences.** Fences in or adjacent to a residential property shall be constructed at least three (3) feet from the lot line. Fences may be constructed parallel to lot lines but shall not extend into the front setback area as extended to the side lot lines.
- (e) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (f) **Prohibited Fences.** No fence shall be constructed 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. The prohibition on the use of barbed wire fencing shall also not apply to fences erected by the Village to protect and safeguard Village wastewater treatment and water facilities.
- (g) **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.
- (h) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (i) **Nonconforming Fences.** Any fence existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but any alteration, modification or improvement of more than fifty percent (50%) of said fence shall result in the entire fence being brought into compliance with this Section.
- (j) **Location Determination.** The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his property.

Sec. 13-1-143 Swimming Pools.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet 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 fifteen (15) inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from the provisions of this Section.
- (c) **Permit Required.** Before work is commenced on the construction or erection of private or residential 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 Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The minimum building permit fee pursuant to the Village Building Code shall accompany such application.
- (d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (c), unless the following construction requirements are observed:
 - (1) All materials and methods for construction in the construction, alteration, addition, remodeling or other improvements and pool 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 swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
 - (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations.
- (e) **Setbacks and Other Requirements.**
 - (1) Private swimming pools shall be erected or constructed on rear or side 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.
- (f) **Fence.**
 - (1) Pools within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent

access to the pool, or shall have a cover or other protective device over such swimming pool of such a design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing two hundred fifty (250) pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one (1) dimension. Gates or doors shall be kept locked while the pool is not in actual use.

- (2) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing or uncovered sidewalls a minimum of thirty-six (36) inches high, provided that ladder or stairs access can be restricted.
- (g) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool.
- (h) **Draining and Approval Thereof.** No private swimming pool shall be constructed 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.
- (i) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (j) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Sec. 13-1-144 through Sec. 13-1-149 Reserved for Future Use.

Article K: Modifications

Sec. 13-1-150 Height Modifications.

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

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

Sec. 13-1-151 Yards Modifications.

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

- (a) **Uncovered Stair Restrictions.** Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than 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, belt courses and ornaments may project into any required yard (setback requirements), but such projection shall not exceed two (2) feet.
- (c) **Essential Services Exemptions.** Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.
- (d) **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

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each side, but in no case less than fifteen (15) feet in any residential district and five (5) feet in any business district.

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

Article L: Administration

Sec. 13-1-170 General Administrative System.

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

Sec. 13-1-171 Zoning Administrator.

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

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

- (a) **Plan Commission.** The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the Master 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 such as rezonings and conditional use permits, and always being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.
- (b) **Village Board.** The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission, has ultimate authority to make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map; to grant conditional use permits; and to amend the text of this Chapter. The Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this subchapter and other provisions therefore elsewhere in this Chapter.
- (c) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article N of this Chapter for detail provisions.

Sec. 13-1-173 Zoning Permit.

- (a) **Zoning Permit Required.** No building permit for a new structure, new use of land, water or air, or change in the use of land, water or air shall hereafter be issued and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered unless the application for such permit has been examined by the office of the Zoning Administrator and has affixed to it a certificate of the office of the Zoning Administrator indicating that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all of the provisions of this Chapter. The fee for a zoning permit shall be One Hundred Fifty Dollars (\$150.00), plus any Village expenses associated with the rezoning shall be paid by the person requesting the rezoning.
- (b) **Application.** Applications for a zoning permit shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.

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

Sec. 13-1-174 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, the Zoning Administrator or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances.

Zoning Code

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Sec. 13-1-175 through Sec. 13-1-179 Reserved for Future Use.

Article M: Changes and Amendments to the Zoning Code

Sec. 13-1-180 Authority.

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

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

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

Sec. 13-1-182 Protest.

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

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

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

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

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

- (a) **Scope of Appeals.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:
 - (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
 - (2) **Variances.** To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
 - (3) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Board has made 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 Village Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Village Board has made a review and recommendation.
 - (6) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a

substantial structure and are compatible with the neighboring uses and the Village Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.

- (7) **Permits.** The Board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

Sec. 13-1-191 Hearing on Appeals.

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

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

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

Sec. 13-1-193 Variations.

- (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 shall bring 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 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 Variation.** The application for variation shall be filed with the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
 - (1) Name and address of applicant and all abutting and opposite property owners of record.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) A site plan showing an accurate depiction of the property.
 - (5) Additional information required by the Village Engineer, Village Board, Zoning Board of Appeals or Zoning Administrator.
 - (6) Fee receipt in the amount as determined by the Village Board.
- (c) **Public Hearing of Application.** The Board of Appeals shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one (1) or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator and the Village Board. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board of Appeals shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.
- (d) **Action of the Board.** For the Board of Appeals to grant a variance, it must find that:
 - (1) Denial of variation may result in hardship to the property owner due to physiological consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
 - (2) The conditions upon which a petition for a variation is based are unique to the property for which variation 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 variation is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variation 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 variation will not undermine the spirit and general and specific purposes of the Zoning Code.
- (e) **Conditions.** The Board of Appeals on appeal may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

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

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

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

Article O: Mobile Homes

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

- (a) Mobile home parks may be established only as a conditional use in the R-3 District and in accordance with the procedures, requirements and limitations set forth in this Article. Within such mobile home parks, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- (b) For purposes of this Article, a manufactured home is not a mobile home.
- (c) It is the intent of this Article to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as Mobile Homes within the definitions of this Article and to prohibit units not meeting the requirements for Mobile Homes as defined herein. Mobile Homes meeting the requirements of the One- and Two-Family Building Dwelling Code shall not be permitted in a mobile home park except as a conditional use. Permits may be obtained only after approval by the Village Board.
- (d) No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village of Star Prairie, except:
 - (1) Unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding one hundred twenty (120) days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such mobile home; provided no business is carried on therein.
 - (2) Individual mobile homes may be allowed by the Village Board in Residential Districts as temporary uses not to exceed one hundred twenty (120) days under exceptional circumstances, such as to provide temporary housing during reconstruction following a fire.

Sec. 13-1-201 Definitions.

The following definitions are used in this Article:

- (a) **Mobile Home Communities (Parks).** Mobile home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to mobile home subdivisions without common open space or continuing management.
- (b) **Mobile Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.

- (c) **Residential Mobile Home.** A single-family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing & Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, ILHR 20.12-20.17. "Mobile home" also means a dwelling which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds fifty percent (50%) of the assessable value of the mobile home. The term "mobile home" shall not include a factory-built structure meeting the following requirements:
- (1) Intended to be set on a foundation by virtue of its construction.
 - (2) Which is normally transported only once, from the factory to the construction site.
 - (3) Which, from its very beginning, is designed to be permanently affixed to land.
- (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 Sec. 66.058, Wis. Stats., shall also be applicable.

Sec. 13-1-202 Mobile Home Occupancy Permits.

- (a) Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment 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-Treasurer 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 in conformity with the applicable laws and regulations of the State and Village. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for twelve (12) consecutive months or if the total structural repairs and alterations to the mobile home exceed fifty percent (50%) of the net value.

- (b) The owner or occupant of a mobile home shall, within five (5) days after entering of a licensed mobile home park or removing to another park within the Village, obtain a permit from the Village Clerk-Treasurer. Such permits shall be issued only for mobile homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A 119.1, as originally existing, or, if amended, as amended.
- (c) Nothing herein shall prevent the owner of a mobile home under Subsection (a) hereof from replacing the mobile home with a newer model, provided that the replacement unit meets all applicable standards of construction in the industry existing as of the date of replacement, not at the date of manufacture of the replacement unit.

Sec. 13-1-203 Minimum Number of Lots or Spaces.

- (a) Where a mobile home park is to be established for the development of a single mobile home community, the minimum area shall be two (2) 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 mobile home community is concerned and where such expansion will not increase variation from requirements applying to mobile home communities, as set forth herein.

Sec. 13-1-204 Permitted and Permissible Uses and Structures.

The following principal uses and structures are permitted within authorized mobile home parks:

- (a) **One-Family Detached Mobile Homes (residential mobile home).** In mobile home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.
- (b) **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.

Sec. 13-1-205 Mobile Home Park Developer's Permit.

- (a) No person shall construct or extend any mobile home park or mobile home park building or facility within the limits of the Village without first securing a mobile home park developer's permit from the Village. Such permits shall be issued by the Village Clerk-Treasurer upon approval by the governing body.

- (b) Applications for mobile home park developer's permits shall be filed with the Village Clerk-Treasurer with sufficient copies for the Village Clerk-Treasurer to forward one (1) each to the Building Inspector and Fire Inspector, who shall investigate and review said application to determine whether the applicant, the premises on which said park 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 mobile home park developer's permit shall be accompanied by a fee of Twenty-five Dollars (\$25.00) to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park.
- (d) Applications shall be made on forms furnished by the Village Clerk-Treasurer and shall include the following information:
 - (1) Name and address of applicant.
 - (2) Location and legal description of the proposed park, 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 park 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 mobile home stands with the mobile home spaces, including a detailed sketch of at least one (1) typical mobile home space and stand therein.
 - d. Landscape plan showing all plantings.
 - e. Plans and specifications of all park buildings and structures.
 - (5) Interest of applicant in proposed mobile home park or extension thereof. 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 park, addition, modification or extension and make the application.
 - (6) Written statements describing proposed park operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park 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-Treasurer and checked by the proper municipal officials for compliance before the license is issued.

Sec. 13-1-206 Standard Requirements for Mobile Home Parks; Additions or Extensions.

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

- (a) Ch. HSS 177, Wis. Adm. 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) Mobile 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 mobile 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 mobile home. Unless adequately screened by existing vegetative cover, a mobile park 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 permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet when mature.
- (c) No mobile home park shall be laid out, constructed or operated without Village sanitary sewer 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 park 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 mobile 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 park to hazards.
- (j) Exposed ground surfaces in all parts of every mobile home park 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 mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.
- (l) All parks 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 mobile 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 Village Board, 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 parks shall be provided with pedestrian walks between individual mobile homes, park streets and community facilities of not less than three (3) feet in width. Grade and surfacing of walks shall be approved by the Village Board 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 curbline.
- (o) All mobile home parks shall have a greenbelt or buffer strip not less than ten (10) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance with this requirement shall be made within five (5) years from the granting of the mobile home park developer's permit. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal

and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.

- (p) Mobile home park operators shall, at the time of approval, pay the park development fees required for conventional subdivisions in Title 14 of this Code of Ordinances.
- (q) Single-family nondependent mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one (1) park office and service buildings for exclusive use of park residents shall be the only permitted uses in mobile home parks, provided the Village Board may approve the following uses when designed and limited to exclusive use of park residents:
 - (1) Laundromats.
 - (2) Clubhouses and facilities for private, social or recreation clubs.
 - (3) Swimming pools.
- (r) No signs shall be erected in mobile home parks.
- (s) All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

Sec. 13-1-207 Mobile Home Park 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/her a mobile home park within the Village without a valid, unexpired mobile home park license issued by the Village Clerk-Treasurer and approved by the Village Board upon determination that the standards in this Section have been met and payment of the required fees.
- (b) Mobile home park 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 therefor.
- (c) The annual fee for a mobile home park license shall be Seventy-five Dollars (\$75.00) for each fifty (50) mobile home spaces or fraction thereof; such fee shall also be paid upon the renewal of such license. Licenses may be transferred during a license year for a fee of Ten Dollars (\$10.00).
- (d) Licenses granted under this Section shall be subject to revocation or suspension by the governing body for cause in accordance with Sec. 66.058(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 mobile home parks 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 mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of park facilities.
 - (3) Operation or maintenance of the mobile home park in a manner inimical to the health, safety or welfare of park 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 in any mobile 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 mobile home park 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 13-1-208 except as specifically waived or modified in writing by the Village Board and endorsed on the mobile home developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Health and Social Services that the park complies with the provisions of Ch. HSS 177, Wis. Adm. Code, applicable thereto.
 - (2) Mobile home parks should be used only for the parking and occupancy of single-family nondependent mobile 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 park as required by this Chapter and are in required operating condition at the time of said application. In addition, the Building Inspector, and the Fire Inspector 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 park shall comply with all zoning and land use Ordinances of the State and Village.
- (f) Mobile home parks in existence and operating under a valid mobile home park license upon the effective date of this Chapter, including parks in areas hereafter annexed to the Village, 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 mobile home park

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 mobile home park having a density in excess of that provided in Section 13-1-208 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 park occupants or inhabitants of the Village. All extensions, modifications or additions to lawfully licensed existing parks or facilities or structures therein shall comply with this Chapter.

Sec. 13-1-208 Operation of Mobile Home Parks; Responsibilities of Park Management.

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

- (7) Maintain the park free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Inspector in all locations designated by the Fire Inspector and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Inspector to be kept free and clear of obstructions.
- (8) Check to insure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodentproof container for the deposit of garbage and refuse in accordance with the Ordinances of the Village.
- (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.
- (10) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by Section 13-1-210(b) of this Chapter.

Sec. 13-1-209 Responsibilities and Duties of Mobile Home Park Occupants.

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

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

Sec. 13-1-210 Additional Regulations on Mobile Homes and Mobile Home Parks.

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

structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.

- (g) Storage under mobile homes is prohibited.

Sec. 13-1-211 Compliance with Plumbing, Electrical and Building Ordinances.

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

Sec. 13-1-212 Standards for General Site Planning for Mobile Home Communities.

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

- (a) **Principal Vehicular Access Points.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- (b) **Access for Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
- (c) **Protection of Visibility – Automotive Traffic, Cyclists and Pedestrians.** At intersections of any streets, public or private, the provisions of Section 13-1-90 shall apply and is hereby adopted by reference.
- (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 dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
 - b. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

Chapter 2

Floodplain and Shoreland–Wetland Zoning

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Article A: Introduction

Sec. 13-2-1 Statutory Authorization.

This Chapter for floodplain protection is adopted pursuant to the authorization contained in Sections 62.23, 62.231, 87.30 and 144.26, Wis. Stats.

Sec. 13-2-2 Finding of Fact.

The uncontrolled development and use of the shoreland-wetlands, floodplains, rivers or streams of the Village of Star Prairie, Wisconsin, would adversely affect the public health, safety, convenience and general welfare and impairs its tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and lands uses; and preserve shore cover and natural beauty.

Sec. 13-2-3 Statement of Purpose.

To promote the public health, safety, convenience and general welfare, and protect life, health and property, this Chapter has been established to:

- (a) Maintain the storm and flood water storage capacity of wetlands.
- (b) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
- (c) Protect fish spawning grounds, fish, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat.
- (d) Prohibit certain uses detrimental to the shoreland-wetland area.
- (e) Preserve shore cover and natural beauty by restricting shoreland-wetland excavation, filling and other earth moving activities.
- (f) Minimize expenditures of public moneys for costly flood control projects.
- (g) Reduce rescue and relief efforts, generally undertaken at the expense of the taxpaying public.
- (h) Prevent business interruptions which usually result in the loss of local incomes.
- (i) Reduce damage to public facilities such as utilities, municipal buildings, streets and bridges which may be located in the floodplains.
- (j) Prevent the occurrence of future flood blight areas on floodplains.
- (k) Discourage the victimization of unwary land and home buyers.

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- (l) Prevent increases in regional flood heights which could increase damage during floods and which may result in conflicts or litigation between property owners.

Sec. 13-2-4 Title.

This Chapter shall be known as the Floodplain and Shoreland-Wetland Zoning Ordinance for the Village of Star Prairie.

Sec. 13-2-5 through Sec. 13-2-9 Reserved for Future Use.

Article B: General Provisions

Sec. 13-2-10 Compliance with Chapter.

- (a) **Compliance.** Any development, as defined in Section 13-2-110, in floodplains and shoreland-wetlands shall be in full compliance with the terms of this Chapter. (However, see Article H of this Chapter for the standards applicable to nonconforming uses.) It is the responsibility of the applicant to secure all other necessary permits from appropriate federal, state and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.
- (b) **Municipalities and State Agencies Regulated.** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Chapter and obtain all necessary permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Sec. 30.12(4)(a), Wis. Stats., applies.

Sec. 13-2-11 Abrogation and Greater Restrictions; Interpretation of Chapter.

- (a) **Greater Restrictions.** This Chapter supersedes all the provisions of any municipal zoning ordinance enacted under Sections 61.35, 62.23 or 87.30, Wis. Stats., which relate to floodplains and shoreland-wetlands except that where another municipal zoning ordinance is more restrictive than the provisions contained in this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. The more restrictive of either the shoreland-wetland district or floodplain district regulations shall apply when a property is located in both zoning districts.
- (b) **Abrogation.** It is not otherwise intended by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.
- (c) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to minimum requirements liberally construed in favor of the governing body and shall not be deemed a limitation on or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Chapters NR 116 or NR 117, Wis. Adm. Code, and where the meaning of the Chapter provision is unclear, the provision shall be interpreted in light of the Chapters NR 116 or NR 117, standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

Sec. 13-2-12 Warning and Disclaimer of Liability.

The degree of flood protection intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside of the delineated floodplain or permitted land uses within the floodplain will be totally free from flooding and associated flood damages. Nor does this Chapter create a liability on the part of or a cause of action against the City or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.

Sec. 13-2-13 Annexed Lands.

- (a) **Annexed Areas.** The zoning of annexed lands shall comply with the provisions of Sections 59.97(7) and 59.971(7) Wis. Stats. Annexed lands are designated on the municipality's official zoning map. The St. Croix County Shoreland and Floodplain Zoning provisions are incorporated by reference for the purpose of administering this Section and are on file in the office of the Zoning Administrator.
- (b) **Annexed Floodplains.** The St. Croix County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village for all areas annexed by the Village until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code.
- (c) **Annexed Shorelands.** The St. Croix County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the Village for all shoreland areas annexed by the municipality after May 7, 1982.

Sec. 13-2-14 Severability.

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

Sec. 13-2-15 Zoning Maps.

The maps designated below are hereby adopted and made part of this Chapter. They are on file in the office of the Clerk-Treasurer of the Village of Star Prairie:

- (a) United States Geological Survey Quadrangle Maps, most current revision.
- (b) Wisconsin Wetland Inventory Maps stamped "FINAL" on February 27, 1987.
- (c) Floodplain zoning maps titled FIA Flood Hazard Boundary Map and dated May 28, 1976.

- (d) Comprehensive Zoning Maps of the Village of Star Prairie.
- (e) Flood plan study of Willow River and Paperjack Creek dated September 4, 1984, prepared by the Corps of Engineers.

Sec. 13-2-16 through Sec. 13-2-19 Reserved for Future Use.

Article C: Shoreland–Wetland Zoning District

Sec. 13-2-20 District Boundaries of Shoreland–Wetlands.

- (a) The shoreland-wetland zoning district includes all wetlands in the Village of Star Prairie which are five (5) acres or more in size and are shown on the final Wetland Inventory Map that has been adopted and made a part of this Chapter in Section 13-2-15 and which are:
 - (1) Within one thousand (1,000) feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are listed in the Department publication "Surface Water Resources of St. Croix County" or are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been made a part of this Chapter in Section 13-2-15.
 - (2) Within three hundred (300) feet of the ordinary highwater mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 13-2-15. Floodplain zoning maps adopted in Section 13-2-15 shall be used to determine the extent of floodplain areas.
- (b) Determinations of navigability and ordinary highwater mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary highwater mark.
- (c) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official zoning maps, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.
- (d) Under Sec. 144.26(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule, wetland zoning ordinances required under the Wisconsin Statutes (Sec. 61.351 for villages or 62.231 for cities) and Ch. NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:
 - (1) Such lands are not adjacent to a natural navigable stream or river;
 - (2) Those parts of the drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (3) Such lands are maintained in nonstructural agricultural use.

Sec. 13-2-21 Permitted Uses in Shoreland-Wetlands.

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

- (a) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
- (b) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, included limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 - (3) The maintenance and repair of existing drainage systems, where permissible under Sec. 30.20, Wis. Stats., to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland listed in Section 13-2-23(a) of this Chapter; and
 - (7) The maintenance, repair, replacement and construction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

- (c) Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under this Section provided:
 - a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-2-23(a);
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - d. Road construction activities are carried out in the immediate area of the roadbed only; and
 - e. Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings provided that:
 - a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - b. The building cannot, as a practical matter, be located outside the wetland;
 - c. The building does not exceed five hundred (500) square feet in floor area; and
 - d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
 - (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
 - a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
 - c. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Subsection (c)(1) above; and
 - d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
 - (4) The construction and maintenance of electric and telephone transmission lines and water, gas and sewer lines and related facilities and the construction and maintenance of railroad lines provided that:

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- a. The transmission and distribution lines and related facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
- b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
- c. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-2-23(a).

Sec. 13-2-22 Prohibited Uses in Shoreland–Wetlands.

- (a) Any use not listed in Section 13-2-21 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Section 13-2-23 and Article J.
- (b) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable waters are prohibited.

Sec. 13-2-23 Rezoning Shoreland–Wetlands.

- (a) Rezoning of a shoreland-wetland shall require amendment of the Final Wisconsin Wetland Inventory map adopted in Section 13-2-15 pursuant to procedures established in Article J. In order to insure that any amendment will be consistent with the shoreland protection objectives of Sec. 144.26, Wis. Stats., the municipality shall not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (1) Storm and flood water storage capacity.
 - (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4) Shoreline protection against soil erosion;
 - (5) Fish spawning, breeding, nursery or feeding grounds;
 - (6) Wildlife habitat; or
 - (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types of habitat of endangered species.
- (b) Upon notification of a proposed amendment as required by Article J, if the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection (a), the Department shall so notify the

Village of its determination either prior to or during the public hearing held on the proposed amendment.

- (c) If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection (a), that proposed amendment, if approved by the Village, shall not become effective until more than thirty (30) days have elapsed since written notice of the Village Board approval was mailed to the Department, as required by Article J. If, within the thirty (30) day period, the Department notifies the Village Board that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality under Sections 62.231(6) or 61.351(6), Wis. Stats., the proposed amendment shall not become effective until that ordinance adoption procedure is completed or otherwise terminated. The record of the Village Board decision on the proposed amendment shall advise the petitioner of the provisions of this Section.

Sec. 13-2-24 through Sec. 13-2-29 Reserved for Future Use.

Article D: General Provisions for All Floodplains

Sec. 13-2-30 Areas to Be Regulated.

Areas regulated by this Chapter include all lands within the corporate limits of the Village of Star Prairie that would be inundated by the "regional flood" defined in the Definitions, Section 13-2-110(a) of this Chapter, and include "floodplain islands" where emergency rescue and relief routes would be inundated by the regional flood.

Sec. 13-2-31 District Boundaries.

The regional floodplain areas within the jurisdiction of this Chapter are hereby divided into three districts: the Floodway District (FW), Flood Fringe District (FF) and General Floodplain District (GFP), defined as follows:

- (a) The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the regional flood waters.
- (b) The Flood Fringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.
- (c) The General Floodplain District (GFP) consists of all areas which have been or may be hereafter covered by flood water during the regional flood. It encompasses both the Floodway and Flood Fringe Districts.

Sec. 13-2-32 Locating Floodplain Boundaries.

- (a) Where an apparent discrepancy exists between the location of the outermost boundary of the Flood Fringe District or General Floodplain District shown on the official floodplain zoning map and actual field conditions, the location of the district boundary line shall be initially determined by the Zoning Administrator using the criteria set forth in Subsections (b) or (c) below. Where the Zoning Administrator finds that there is a significant difference between the district boundary shown on the map and the actual field conditions, the map shall be amended using the procedures established in Section 13-2-38 and Article J. Disputes between the Zoning Administrator and an applicant on the location of the district boundary line shall be settled according to Section 13-2-83.
- (b) Where flood profiles exist, the location of the district boundary line shall be determined by the Zoning Administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the map and the location indicated by the regional flood elevations and actual field conditions, the regional flood elevations shall govern. A map amendment is required where

there is a significant discrepancy between the map and actual field conditions. The Zoning Administrator shall have the authority to immediately grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Zoning Administrator shall be responsible for initiating any map amendments required under this Section within a reasonable period of time.

- (c) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Zoning Administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department. Where there is a significant difference between the district boundary line shown on the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Village Board and the Department, the Zoning Administrator shall have the authority to grant or deny a land use permit.

Sec. 13-2-33 Removal of Lands from Floodplain.

Compliance with the provisions of this Chapter shall not be grounds for removing lands from the floodplain district, unless they are removed by filling to a height of at least two (2) feet above the regional flood elevation, the fill is contiguous to land lying outside the floodplain district and the map is amended pursuant to Article J. To remove the land from flood insurance requirements, FEMA must first revise the flood insurance rate map or issue a letter of map amendment or revision.

Sec. 13-2-34 Hydraulic and Hydrologic Analyses.

- (a) No development, except as provided in Subsection (b) below, shall be allowed in floodplain areas which will:
 - (1) Cause an obstruction to flow, defined in Section 13-2-110(a) as any development which physically blocks the conveyance of floodwaters by itself or in conjunction with future similar development causing an increase in regional flood height; or
 - (2) Cause an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot.
- (b) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this Chapter, the official floodplain zoning maps, including floodway lines and water surface profiles, in accordance with Section 13-2-38 and Article J, and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream.
- (c) The Zoning Administrator shall deny permits where it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

Sec. 13-2-35 Mobile Homes and Manufactured Homes.

- (a) Owners or operators of all manufactured or mobile home parks and subdivisions located in the regional floodplain shall provide for adequate surface drainage to minimize flood damage.
- (b) All new, replacement or substantially improved manufactured or mobile homes to be placed or improved on a site located in the regional floodplain shall:
 - (1) Be elevated to the flood protection elevation;
 - (2) Meet the residential development standards for the flood fringe in Section 13-2-52(b); and
 - (3) Be anchored so that they do not float, collapse or move laterally during a flood.

Sec. 13-2-36 Watercourse Alterations.

Prior to any alteration or relocation of a watercourse and prior to the issuance of any land use permit which may be required for the alteration or relocation of a watercourse, the Zoning Administrator shall notify, in writing, adjacent municipalities, the appropriate district office of the Department of Natural Resources and the appropriate office of FEMA and shall require the applicant to secure all necessary state and federal permits. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

Sec. 13-2-37 Floodproofing.

- (a) Where floodproofing measures are required, they shall be designed to:
 - (1) Withstand the flood pressures, depths, velocities, uplift and impact forces and other factors associated with the regional flood; and
 - (2) Assure protection to the flood protection elevation; and
 - (3) Provide anchorage of structures to foundations to resist flotation and lateral movement; and
 - (4) Shall insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to the flood protection elevation.
- (b) No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequately designed to protect the structure or development to the flood protection elevation for the particular area.
- (c) Floodproofing measures could include:
 - (1) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;
 - (2) Addition of mass or weight to structures to prevent flotation;

- (3) Placement of essential utilities above the flood protection elevation;
- (4) Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;
- (5) Construction of water supply wells and waste treatment systems to prevent the entrance of flood waters into such systems;
- (6) Cutoff valves on sewer lines and the elimination of gravity flow basement drains.

Sec. 13-2-38 Amendments.

- (a) When amendments are required, the procedures in Article J shall apply. Actions which require an amendment include, but are not limited to, the following:
 - (1) Any change to the official floodplain map including the floodway line or boundary of the floodplain area;
 - (2) Correction of significant discrepancies between the water surface profiles and floodplain zoning maps;
 - (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - (4) Any fill or encroachment into the floodplain that will obstruct flow or cause an increase of 0.01 foot or more in the height of the regional flood; and
 - (5) Any upgrading of floodplain zoning ordinances required by NR 116.05, Wis. Adm. Code., or otherwise required by law, or for changes by a municipality.
- (b) No amendment to the maps or text of this Chapter shall become effective until reviewed and approved by the Department of Natural Resources.
- (c) All persons petitioning for a map amendment which involves an obstruction to flow causing an increase in the height of the regional flood of 0.01 foot or more shall obtain flooding easement, or other appropriate legal arrangements, from all affected local units of government and property owners before the Village may approve an amendment which would result in such an increase to the regional flood elevation.
- (d) When considering amendments to the official floodplain zoning map, in areas where no water surface profiles exist, the Village shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information.

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

Article E: Floodway District (FW)

Sec. 13-2-40 Applicability.

The provisions of this Article shall apply to all areas mapped as floodway on the official floodplain zoning maps and to those portions of the General Floodplain District determined to be floodway.

Sec. 13-2-41 Permitted Uses.

The following open space uses are permitted within the Floodway District and in the floodway portion of the General Floodplain District, provided that they are not prohibited by any other ordinance and provided further that they meet all of the standards contained in Section 13-2-42, and all permits or certificates have been issued:

- (a) Agricultural uses, such as: general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, such as: loading areas, parking areas and airport landing strips.
- (c) Private and public recreational uses, such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- (d) Uses or structures accessory to open space uses, or essential for historical areas, providing they are not in conflict with the provisions of Sections 13-2-42 and 13-2-43.
- (e) Extraction of sand, gravel or other materials pursuant to Section 13-2-42(d).
- (f) Functionally water-dependent uses such as docks, piers or wharves, including those docks, piers or wharves used as part of a marina, other water-related uses, such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines and pipelines may be allowed if all other necessary local, state and federal permits are secured, including Chapters 30 or 31 permits from the Department.
- (g) Public utilities, streets and bridges, according to Section 13-2-42(c).

Sec. 13-2-42 Standards for Developments in Floodway Areas.

(a) General Requirements.

- (1) Any development in floodway areas shall:
 - a. Meet all of the provisions of Article D; and
 - b. Have a low flood damage potential.

- (2) Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Section 13-2-34:
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.
 - (3) The Zoning Administrator shall deny the permit application where there is determined the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection 13-2-42(a)(2) above.
- (b) **Structures.** Only structures which are accessory to permitted open space uses, or are essential for historical areas, or are functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:
- (1) The structures are not designed for human habitation;
 - (2) The structures are designed and placed on the building site so as to cause an increase less than 0.01 foot in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and approximately on the same line as those of adjoining structures;
 - (3) The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
 - (4) The structures have all service facilities, such as electrical and heating equipment at or above the flood protection elevation for that particular area.
- (c) **Utilities.** Public utilities, streets and bridges may be allowed, provided that:
- (1) Adequate floodproofing measures are provided to the flood protection elevation;
 - (2) Construction does not cause an increase in the regional flood height according to Section 13-2-34, except where the water surface profiles, floodplain zoning maps and floodplain zoning ordinance are amended as needed, to reflect any changes resulted from such construction.
- (d) **Fills.** Fills or deposition of materials may be allowed by permit, provided that:
- (1) The requirements of Section 13-2-34 are met;
 - (2) The fill or deposition of materials does not encroach on the channel area between the ordinary high-water mark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334, has been issued, if applicable, and the other requirements of this Section are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling and/or bulkheading sufficient to prevent erosion; and provided that
 - (4) Such fills are not associated with private or public solid waste disposal.

Sec. 13-2-43 Prohibited Uses.

All uses not listed as permitted uses in Section 13-2-41 are prohibited, in addition to the following uses which are always prohibited, in floodways and the floodway portions of the general floodplain:

- (a) The storage of any materials that are capable of floating, flammable, explosive or injurious to property water quality or human, animal, plant, fish or other aquatic life;
- (b) Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts;
- (c) All private or public sewage systems, except portable latrines that are removed prior to flooding, and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. ILHR 83, Wis. Adm. Code;
- (d) All public or private wells which are used to obtain water for ultimate human consumption, except those for recreational areas that meet the requirements of local ordinances and Chapters NR 111 and NR 112, Wis. Adm. Code.
- (e) All solid and hazardous waste disposal sites, whether public or private.
- (f) All wastewater treatment ponds or facilities except those permitted under, Sec. NR 110.15(3)(b), Wis. Adm. Code.
- (g) All sanitary sewer or water lines except those to service existing or proposed development outside the floodway which complies with the regulations for the floodplain area occupied.

Sec. 13-2-44 through Sec. 13-2-49 Reserved for Future Use.

Article F: Flood Fringe District (FF)

Sec. 13-2-50 Applicability.

The provisions of this Article shall apply to all areas within the Flood Fringe District, as shown on the official floodplain zoning maps, and to those portions of the General Floodplain District that are determined to be in the flood fringe area.

Sec. 13-2-51 Permitted Uses.

Any structures, land use or development, including accessory structures and uses, are allowed within the Flood Fringe District and flood fringe portions of the General Floodplain District, provided that the standards contained in Article D and Section 13-2-52 are met, that the use is not prohibited by this or any other ordinance or any other local, state or federal regulation and that all permits or certificates required by Chapter have been issued.

Sec. 13-2-52 Standards for Development in Flood Fringe Areas.

- (a) **Standards.** All of the provisions of Article D shall apply in addition to the requirements of this Section according to the use requested.
- (b) **Residential Uses.** Any structure or building used for human habitation, which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet or exceed the following standards:
 - (1) The lowest floor excluding the basement or crawlway shall be at or above the flood protection elevation (which is a point two [2] feet above the regional flood elevation) except where Subsection (2) below is applicable. The fill elevation shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Department may authorize other floodproofing measures where existing streets or sewer lines are at elevations which make compliance impractical provided the Board of Appeals grants a variance due to dimensional restrictions.
 - (2) The basement or crawlway floor may be placed at the regional flood elevation providing it is floodproofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.
 - (3) Contiguous dryland access, defined in Section 13-2-110 as a vehicle access route above regional flood elevation shall be provided from a structure or building to land which is outside of the floodplain, except as provided in Subsection (4).
 - (4) In existing developments where existing streets or sewer lines are at elevations which make compliance with Subsection (3) impractical, the Village may permit new

development and substantial improvements where access roads are at or below the regional flood elevation, provided:

- a. The Village has written assurance from the appropriate local units of police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration and velocity of the regional flood event; or
 - b. The Village has an adequate natural disaster plan concurred with the Division of Emergency Government and approved by the Department.
- (c) **Accessory Structures or Uses.** An accessory structure or use (not connected to a principal structure, including nonresidential agricultural structures), shall meet all the applicable provisions of Section 13-2-42(a), (b) and (d) and 13-2-43. A lesser degree of protection, compatible with these criteria and the criteria in Subsection (d) may be permissible for an accessory structure or use providing that the site is not inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second upon the occurrence of the regional flood.
- (d) **Commercial Uses.** Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet the requirements of Section 13-2-52(b) above. Storage yards, parking lots and other accessory land uses may be at lower elevations, subject to the requirements of Subsection (f). However, no such area in general use by the public shall be inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second upon the occurrence of the regional flood. Inundation of such yards or parking areas exceeding two (2) feet may be allowed provided an adequate warning system exists to protect life and property.
- (e) **Manufacturing, Agricultural and Industrial Uses.** Any manufacturing, agricultural or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, floodwalls, adequate floodproofing measures in accordance with Section 13-2-37, or any combination thereof. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. A lesser degree of protection, compatible with the criteria in Subsections (d) and (f) may be permissible for storage yards, parking lots and accessory structures or uses.
- (f) **Storage or Processing of Materials.** The storage or processing of materials that are buoyant, flammable, explosive or which, in times of flooding, could be injurious to property, water quality or human, animal, fish, plant or aquatic life shall be at or above the flood protection elevation for the particular area or floodproofed in compliance with Section 13-2-37. Adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding.
- (g) **Public Utilities, Streets and Bridges.** All utilities, streets and bridges should be designed to be compatible with the local comprehensive floodplain development plans; and

- (1) When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Section 13-2-37 to the flood protection elevation;
- (2) Minor or auxiliary roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.
- (h) **Sewage Systems.** All on-site sewage disposal systems shall be floodproofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Ch. ILHR 83, Wis. Adm. Code.
- (i) **Wells.** All wells, whether public or private, shall be floodproofed to the flood protection elevation and shall meet the applicable provisions of Chapters NR 111 and NR 112, Wis. Adm Code.
- (j) **Solid Waste Disposal Sites.** All solid or hazardous waste disposal sites, whether public or private, are prohibited in flood fringe areas.
- (k) **Deposition of Materials.** Any materials deposited for any purpose may only be allowed if all the provisions of this Chapter are met.

Sec. 13-2-53 through Sec. 13-2-59 Reserved for Future Use.

Article G: General Floodplain District (GFP)

Sec. 13-2-60 Applicability.

The provisions for this district shall apply to all floodplains in the Village for which "regional flood" data, as defined in the Definitions, Section 13-2-110(a), is not available, or where regional flood data is available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district, such portions shall be placed in the Flood Fringe or Floodway District, as appropriate.

Sec. 13-2-61 Permitted Uses.

The General Floodplain District encompasses both floodway and flood fringe areas. Therefore, a determination shall be made pursuant to Section 13-2-63 to determine whether the proposed use is located within a floodway or flood fringe area. Those uses permitted in floodways and flood fringe areas are allowed within the general floodplain district according to the standards of Section 13-2-62 and provided that all permits or certificates required under this Chapter have been issued.

Sec. 13-2-62 Standards for Development in the General Floodplain District.

Once it is determined according to Section 13-2-63 that a proposed use is located within a floodway, the provisions of Article E shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of Article F shall apply. All provisions of the remainder of this Chapter apply to either district.

Sec. 13-2-63 Determining Floodway and Flood Fringe Limits.

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- (a) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph or a plan which accurately locates the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.

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- (b) Require the applicant to furnish any of the following additional information as is deemed necessary by the Department for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and where applicable to determine the boundaries of the floodway:
 - (1) A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development and all historic high-water information.
 - (2) Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - (3) Profile showing the slope of the bottom of the channel or flow line of the stream.
 - (4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.
- (c) Transmit one (1) copy of the information described in Subsections (a) and (b) to the Department District office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Section 13-2-81(a)(3) apply, the applicant shall provide all required information and computations, to delineate floodway boundaries and the effects of the project on flood elevations.

Sec. 13-2-64 through Sec. 13-2-69 Reserved for Future Use.

Article H: Nonconforming Uses

Sec. 13-2-70 Nonconforming Structures and Uses— General Provisions.

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

- (a) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this Chapter.
- (b) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under Sec. 62.231, Wis. Stats., may be continued although such use does not conform with the provisions of this Chapter. However, such nonconforming use may not be extended or increased.
- (c) The maintenance and repair of nonconforming boathouses which are located below the ordinary highwater mark of any navigable waters shall comply with the requirements of Sec. 30.121, Wis. Stats.
- (d) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

Sec. 13-2-71 Shoreland–Wetlands; Nonconforming Structures.

Notwithstanding Sec. 62.34(7)(h), Wis. Stats., the repair, reconstruction, renovation, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this Chapter adopted under Sec. 62.231, Wis. Stats., or of an environmental control facility in existence of May 7, 1982, related to that structure, is permitted under Sec. 62.231(5), Wis. Stats. Sec. 62.23(7)(h), Wis. Stats., applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this Chapter or amendment.

Sec. 13-2-72 Floodplains–General Provisions.

- (a) No modifications or additions to a nonconforming use or a nonconforming structure shall be permitted unless they are made in conformity with the provisions of this Chapter for the area of the floodplain it occupies. For the purpose of this Section, the words "modification"

and "addition" shall include, but not be limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components, and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.

- (b) No modification or addition to any nonconforming structure or any structure with a nonconforming use which, over the life of the structure, would exceed fifty percent (50%) of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter and contiguous dry land access is provided in compliance with Section 13-2-52(b).
- (c) As requests are received for modifications or additions to nonconforming uses or nonconforming structures in the floodplain, a record shall be kept which lists the nonconforming uses and nonconforming structures, their present equalized assessed value and the cost of those additions or modifications which have been permitted.
- (d) If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the provisions of Article E are met. For the purpose of this Subsection, restoration is deemed impractical where the total cost of such restoration would exceed fifty percent (50%) of the present equalized assessed value of the structure.

Sec. 13-2-73 Floodway Areas.

- (a) No modifications or additions shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
 - (1) Has been granted a permit or variance; and
 - (2) Meets the requirements of Section 13-2-72; and
 - (3) Will not increase the obstruction to flood flows; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Section 13-2-37, by means other than the use of fill, to the flood protection election.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable provisions of local ordinances and Ch. ILHR 83, Wis. Adm. Code.
- (c) No new well used to obtain water for ultimate human consumption, or modifications to an existing well, shall be allowed in a floodway area. Any replacement, repair or maintenance

of an existing well in a floodway area shall meet the applicable provisions of all municipal ordinances and Chapters NR 111 and NR 112, Wis. Adm. Code.

Sec. 13-2-74 Flood Fringe Areas.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the flood fringe area unless such modification or addition has been granted a permit or variance and, except where Subsection (b) is applicable, the modification or addition shall be placed on fill or is floodproofed to the flood protection elevation in compliance with the applicable regulations for that particular use in a floodfringe area in Article F.
- (b) Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship and only where the structure will not be either used for human habitation or to be associated with a high flood damage potential, the Board of Appeals, using the procedure in Section 13-2-83, may grant a variance from those provisions of Subsection (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not be installed;
 - (4) Flood depths will not exceed two (2) feet;
 - (5) Flood velocities will not exceed two (2) feet per second; and
 - (6) The structure will not be used for storage of materials that are buoyant, flammable, explosive or injurious to human, animal, plant, fish or other aquatic life.
- (c) An addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe on a one (1) time basis only, if the addition:
 - (1) Meets all other regulations and will not be granted by permit or variance;
 - (2) Does not exceed existing (60) square feet in area; and
 - (3) In combination with other previous modifications or additions to the building, does not exceed fifty percent (50%) of the present equalized assessed value of the building.
- (d) All new on-site private sewage disposal systems, or addition to, replacement, repair or maintenance of an on-site sewage disposal system in a floodfringe area shall meet all the applicable provisions of all local ordinances of Ch. ILHR 83, Wis. Adm. Code.
- (e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Chapter and Ch. NR 111 and NR 112, Wis. Adm. Code.

Sec. 13-2-75 through Sec. 13-2-79 Reserved for Future Use.

Article I: Administration

Sec. 13-2-80 Zoning Administrator.

The Zoning Administrator is hereby authorized to administer the provisions of this Chapter. The Zoning Administrator shall have the following duties and powers:

- (a) Advise applicants as to the provisions of this Chapter, assist them in preparing permit applications and appeals and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with this Chapter and issue Certificates of Compliance when appropriate.
- (c) Keep records of all official actions such as:
 - (1) All permits issued.
 - (2) Inspections made.
 - (3) Work approved.
 - (4) Documentation of certified lowest floor and regional flood elevations for floodplain development.
 - (5) Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
- (d) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the Department.
- (e) Investigate, prepare reports and report violations of this Chapter to the appropriate municipal planning agency and to the Village Attorney for prosecution. Copies of the violation reports shall also be sent to the appropriate district office of the Department of Natural Resources.
- (f) Submit copies of map and text amendments and biennial reports to the Regional Office of FEMA.
- (g) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.

Sec. 13-2-81 Administrative Procedures.

- (a) **Building/Zoning Permits.** Unless another section of this Chapter specifically exempts certain types of development from this requirement, a building or zoning permit shall be obtained from the Zoning Administrator before any development, as defined in Section 13-2-110, including any change in the use of an existing building or structure, is initiated. Application for a land use permit shall be made to the Zoning Administrator upon forms

furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

(1) **General Information:**

- a. Name, address and telephone number of the applicant, property owner and contractor-builder;
- b. Legal description of the property and a general description of the proposed use or development indicating new construction or a modification to an existing structure.

(2) **Site Development Plan:** The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:

- a. Location, dimensions, area and elevation of the lot noted on a copy of the Wetland Inventory Map, if applicable.
- b. Location and boundaries of wetlands;
- c. Specifications and dimensions for areas of proposed wetland alteration;
- d. Existing and proposed topographic and drainage features and vegetative cover;
- e. Location of the ordinary highwater mark of any abutting navigable waterways;
- f. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;
- g. Location of any existing or proposed on-site sewage systems or private water supply systems;
- h. Location and elevation of existing or future access roads;
- i. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps;
- j. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
- k. Data sufficient to determine the regional flood elevation at the location of the development and to determine whether or not the requirements of Article D are met. This may include any of the information noted in Section 13-2-63.

(3) **Data Requirements to Analyze Developments:**

- a. The applicant shall provide all computations and survey data required to show the effects of the project on flood heights, velocities and floodplain storage for all subdivision proposals, as "subdivision" is defined in Sec. 236.02(3), Wis. Stats., and other proposed developments exceeding five (5) acres in area or where the estimated cost exceeds One Hundred Twenty-Five Thousand Dollars (\$125,000.00). The applicant shall provide:

1. Regional flood elevation data.
2. Vehicular access to lands outside the floodplain.
3. Adequate surface drainage to minimize flood damage.

The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing

and similar items reasonably applied to the overall development costs, but need not include land costs.

- b. The Department will determine elevations and evaluate the proposal where the applicant is not required to provide computations as above and inadequate data exists. The Village may transmit additional information, such as the date in Section 13-2-63 where appropriate, to the Department with the request for analysis.

- (4) **Expiration:** All permits issued under the authority of this Chapter shall expire six (6) months from the date of issuance.

(b) **Certificate of Compliance.**

- (1) No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator, except where no building, zoning or conditional use permit is required, subject to the following provisions:
 - a. The certificate of compliance shall show that the building or premises or part thereof and the proposed use conform to the provisions of this Chapter.
 - b. Application of such certificate shall be concurrent with the application for a permit.
 - c. The certificate of compliance shall be issued within ten (10) days after notification of completion of the work specified in the permit, providing the building or premises or proposed use conforms with all the provisions of this Chapter.
 - d. For floodplain development, the applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill and lowest floor elevations are in compliance with the permit issued, including any required floodproofing. Floodproofing adequacy may also be certificated by a registered professional architect.
- (2) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof according to rules and regulations established by the Village.
- (3) Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of adoption of this Chapter, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

- (c) **Other Permits.** It is the responsibility of the applicant to secure all other necessary permits from all appropriate Federal, State and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

Sec. 13-2-82 Fees.

The Village Board may, by resolution, adopt fees for the following:

- (a) Building zoning permits.
- (b) Certificates of compliance.
- (c) Public hearings.
- (d) Legal notice publications.
- (e) Conditional use permits.

Sec. 13-2-83 Board of Appeals; Responsibilities.

- (a) **Statutory Authorization.** The Mayor shall appoint a Board of Appeals under Sec. 62.23(7)(e), Wis. Stats., and Title 2, Chapter 4, of this Code of Ordinances, consisting of five (5) members subject to confirmation by the Village Board. The Board of Appeals shall adopt rules for the conduct of their business as required by Sec. 62.23(7)(e), Wis. Stats.
- (b) **Powers and Duties.** The Board of Appeals shall:
 - (1) **Appeals.** Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
 - (2) **Variances.** Hear and decide, upon appeal, variances from the dimensional standards of this Chapter.
- (c) **Appeals to the Board.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days, as provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the reasons for appeal. The official whose decision is in question shall transmit to the Board all the papers constituting the record concerning the matter appealed.
- (d) **Notice and Hearing for Appeals Including Variances.**
 - (1) **Notice.** The Board of Appeals shall fix a reasonable time for a hearing on the appeal or application. The Board shall give adequate public notice by publishing a Class 1 notice under Chapter 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. Notice shall be given to the parties in interest. Written notice shall be given to the appropriate district office of the Department at least ten (10) days prior to the hearings on proposed variances, conditional uses, and appeals for map or text interpretations. At the public hearing, any party may appear in person or by agent or attorney.
 - (2) **Decision.** A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on variances, conditional uses and appeals for map or text interpretations shall be submitted to the appropriate district office of the

Department within ten (10) days after they are granted or denied. The final disposition of an appeal or application to the Board of Appeals shall be in the form of a written resolution or order signed by the chairman and secretary of the Board of Appeals. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

- (e) **Boundary Disputes.** The following procedure shall be used by the Board of Appeals in hearing disputes concerning the district boundaries shown on the official floodplain zoning map:

- (1) Where a floodplain district boundary is established by approximate or detailed floodplain studies the regional flood elevations or profiles for the point in question shall be the governing factor in locating the district boundary. If no regional flood elevations or profiles are available to the board, other available evidence may be examined.
- (2) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals.
- (3) Where it is determined that the district boundary is incorrectly mapped, the Board should either inform the planning agency or the person contesting the location of the boundary to petition the governing body for a map amendment.

- (f) **Variance.**

- (1) The Board of Appeals may, upon appeal, grant a variance from the dimensional standards of this Chapter where an applicant convincingly demonstrates that:
 - a. Literal enforcement of the provisions of the Chapter will result in unnecessary hardship on the applicant.
 - b. The hardship is due to adoption of this Chapter and special conditions unique to the property, not common to a group of adjacent lots or premises (in such case the Chapter or map must be amended);
 - c. Such variance is not contrary to the public interest;
- (2) A variance shall *not*:
 - a. Grant or increase any use of property prohibited in the zoning district;
 - b. Be granted for a hardship based solely on an economic gain or loss;
 - c. Be granted for a hardship which is self-created;
 - d. Damage the rights or property values of other persons in the area;
 - e. Permit a lower degree of flood protection in any floodplain area than the flood protection elevation. In the floodfringe area, a lower degree of flood protection than the flood protection elevation may only be allowed pursuant to Section 13-2-74.
 - f. Allow development below the regional flood elevation;

- (g) When a variance is granted in a floodplain area, the Board shall notify the applicant in writing that increased flood insurance premiums may result. A copy of this notification shall be maintained with the variance appeal record.

Sec. 13-2-84 Conditional Use Permits.

- (a) **Application.** Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Board of Appeals, following the procedures in Section 13-2-83(d). To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a building/zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.
- (b) **Conditions.** Upon consideration of the permit application and the standards applicable to the permitted uses in this Chapter, the Board of Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter as listed in Section 13-2-3. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion protection measures; increased side yard setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction.

Sec. 13-2-85 Review Appeals of Permit Denials.

- (a) The Board of Appeals shall review all data constituting the basis for the appeal of permit denial. This data may include (where appropriate):
 - (1) Permit application data listed in Section 13-2-81(a);
 - (2) Floodway/flood fringe determination data in Section 13-2-63;
 - (3) Data listed in Section 13-2-42(a) where the applicant has not submitted this information to the Zoning Administrator.
 - (4) Other data submitted to the Zoning Administrator with the permit application or submitted to the Board with the appeal.
- (b) For appeals of all denied permits, the Board shall:
 - (1) Follow the procedures of Section 13-2-84;
 - (2) Consider Village Agency recommendations;
 - (3) Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in regional flood elevation, the Board shall:
 - (1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after

amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners.

- (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

Sec. 13-2-86 Public Information.

- (a) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the regional flood at appropriate locations within the floodplain.
- (b) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.
- (c) All legal descriptions of property in the floodplain should include information relative to the floodplain zoning classification when such property is transferred.

Sec. 13-2-87 through Sec. 13-2-89 Reserved for Future Use.

Article J Amendments

Sec. 13-2-90 Amendments Generally.

The Village Board may supplement or change the district boundaries and the regulations contained in this Chapter according to Sec. 62.23(7)(d)(2), Wis. Stats., NR 116 and 117, Wis. Adm. Code, and the following:

- (a) The shoreland-wetland district amendment provisions of Section 13-2-23 and the floodplain district amendment provisions of Article D apply.
- (b) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the municipal planning agency.
- (c) All proposed text and map amendments shall be referred to the municipal planning agency and a public hearing shall be held as required by Sec. 62.23(7)(d)2, Wis. Stats., following publication of a Class 2 notice as defined in Section 13-2-110. The appropriate district office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- (d) A copy of the decision on each amendment shall be provided to the Department district office within ten (10) days of the decision.

Sec. 13-2-91 through Sec. 13-2-99 Reserved for Future Use.

Article K: Enforcement and Penalties

Sec. 13-2-100 Enforcement and Penalties.

Any development as defined in Section 13-2-110 or use established after the effective date of this Chapter in violation of this Chapter, by any person, firm, association or corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the planning agency and the Village Attorney who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) per offense, together with the taxable costs of such action. Each day during within such violation exists shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the Village, the State or any citizen thereof pursuant to Sec. 87.30, Wis. Stats.

Sec. 13-2-101 through Sec. 13-2-109 Reserved for Future Use.

Article L: Definitions

Sec. 13-2-110 Definitions.

- (a) Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have at common law and to give this Chapter its most reasonable application. Words used in the present tense include the future. Words used in the singular number include the plural and words in the plural number include the singular. The word "may" is permissive. The word "shall" is mandatory and not discretionary. All distances, unless otherwise specified, shall be measured horizontally.
- (1) **A Zones.** Those areas shown on a municipality's "Official Floodplain Zoning Map" which would be inundated by the "regional flood" as defined herein. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (2) **Accessory Structure or Use.** A detached subordinate structure or a use which is clearly incidental to, and customarily found with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
 - (3) **Board of Appeals/Adjustment.** The body established under Chapter 62.23, Wis. Stats., for cities or villages and designated "board of appeals," or as established under Chapter 59.99, Wis. Stats., for counties and designated "board of adjustment."
 - (4) **Boathouse.** As defined in Sec. 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all such structures which are totally enclosed, have roofs or walls or any combination of structural parts.
 - (5) **Bulkhead Line.** A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this Chapter.
 - (6) **Certificate of Compliance.** A certification by the Zoning Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
 - (7) **Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
 - (8) **Conditional Use.** A use which is permitted by the Chapter provided that certain conditions specified in the Chapter are met and that a permit is granted by the Board of Appeals or, where designated, the planning or zoning agency.
 - (9) **Department.** The Wisconsin Department of Natural Resources.
 - (10) **Development.** Any new use, change of use and any change to improved or unimproved real estate, including, but not limited to, the construction of buildings,

- structures or accessory structures; any placement of mobile homes; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials, public or private sewage disposal systems or water supply facilities.
- (11) **Drainage System.** One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (12) **Dryland Access.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (13) **Encroachment.** Any fill, structure, building, use or development in the floodway.
- (14) **Environmental Control Facility.** Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (15) **Existing Mobile Home Park or Mobile Home Subdivision.** A parcel (or contiguous parcels) or land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lots (including, as a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Chapter.
- (16) **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA) or the Department of Housing and Urban Development (HUD).
- (17) **Fixed Houseboat.** As defined in Sec. 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary highwater mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
- (18) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by:
- a. The overflow or rise of inland waters;
 - b. The rapid accumulation or runoff of surface waters from any source;
 - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and
 - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

- (19) **Flood Frequency.** The probability of a flood occurrence. A flood frequency is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (20) **Flood Fringe.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood, and generally associated with standing water rather than flowing water.
- (21) **Flood Hazard Boundary Map.** A map prepared by FEMA, designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. These maps form the basis for both the regulatory and insurance aspects of the National Flood Insurance program.
- (22) **Flood Insurance Study.** A technical engineering examination, evaluation and determination of the municipal flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as unnumbered and numbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (23) **Floodplain.** That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe and general floodplain areas.
- (24) **Floodplain Island.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (25) **Floodplain Management.** The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.
- (26) **Flood Profile.** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (27) **Floodproofing.** Any combination of structural and nonstructural additions, changes or adjustments which reduce or eliminate flood damage to unimproved real estate, water and sanitary facilities, structures and their contents.
- (28) **Flood Protection Elevation.** An elevation two (2) feet of freeboard above the water surface profile associated with the regional flood. (Also see: Freeboard.)
- (29) **Flood Storage.** Those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.
- (30) **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

- (31) **Floodway Encroachment Lines.** Represent the limits of obstruction to flood flows. These lines are designated on both sides of, and generally parallel to, the channel of a river or stream. They are established by assuming that the area landward (outside of the encroachment lines) will ultimately be developed in such a way that it will not convey flood flows, but the development will not cause an increase to regional flood elevations upstream. It is assumed that any development riverward of these lines will cause an obstruction and will require a detailed analysis to determine its effect on the regional flood elevations upstream.
- (32) **Freeboard.** Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.
- (33) **Hearing Notice.** Publication or posting meeting the requirements of Ch. 985, Wis. Stats., Class 1 notice is the minimum required for appeals: Published once at least one (1) week (seven days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (34) **High Flood Damage Potential.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (35) **Human Habitation.** A human residence or dwelling.
- (36) **Increase in Regional Flood Height.** A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (37) **Land Use.** Any nonstructural use made of unimproved or improved real estate. (Also see Development.)
- (38) **Mobile Home or Manufactured Home.** A structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Chapter, it does not include recreational vehicles or travel trailers.
- (39) **Municipality or Municipal.** The City governmental units enacting, administering and enforcing this floodplain zoning Chapter.
- (40) **Navigable Waters.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the

territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [*Muench v. Public Service Commission*, 261 Wis. 492 (1952), and *DeGayner and Co., Inc. v. Department of Natural Resources*, 70 Wis. 2d 936 (1975).]

- (41) **NGVD or National Geodetic Vertical Datum.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (42) **Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the area of floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)
- (43) **Nonconforming Use.** A nonconforming use is an existing lawful use or accessory use of a structure, building which is not in conformity with the provisions of this Chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (44) **Obstruction to Flow.** Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.
- (45) **Official Floodplain Zoning Map.** That map, adopted and made part of this Chapter, which has been approved by the Department of Natural Resources and FEMA.
- (46) **Open Space Use.** Those uses having a relatively low flood damage potential and not involving structures.
- (47) **Ordinary High-Water Mark.** The point on the bank or shore up to which the presence and action or surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (48) **Person.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (49) **Planning Agency.** The municipal planning commission, agency, committee or a board of public land commissioners of the municipality's governing body created under Sec. 62.23(1), Wis. Stats., which acts on matters pertaining to planning and zoning.
- (50) **Private Sewage System.** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Industry, Labor and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.

- (51) **Public Utilities.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (52) **Regional Flood.** A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every one hundred (100) years. This means that, in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence. The regional flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the general watershed region, or both. FEMA uses the terms "base flood" which means the regional flood.
- (53) **Shorelands.** Lands within the following distances from the ordinary highwater mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (54) **Shoreland-Wetland District.** The zoning district, created in this Chapter, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Chapter.
- (55) **Storage Capacity of a Floodplain.** The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.
- (56) **Structure.** Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (57) **Substantial Improvements.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. Any alteration of a structure or site documented as deserving preservation by a Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components. (For purposes of this definition, "substantial

improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structures.)

- (58) **Unnecessary Hardship.** Those circumstances which are special conditions affecting a particular property, which are not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Chapter.
- (59) **Variance.** An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter. A variance may not permit a use of property which is otherwise prohibited by the Chapter or allow construction not protected to the flood protection elevation.
- (60) **Water Surface Profile.** A graphic representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (61) **Watershed.** The entire region or area contributing runoff or surface water to a particular watercourse or body of water.
- (62) **Water Surface Profile.** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (63) **Well.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater regardless of its intended use.
- (64) **Wetland Alteration.** Any construction filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.
- (65) **Wetlands.** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Chapter 3

Annexations

13-3-1	Annexation—May 10, 1995
13-3-2	Annexation—July 14, 1999
13-3-3	Annexation—February 15, 2002
13-3-4	Annexation—March 14, 2003

Sec. 13-3-1 Annexation—May 10, 1995.

- (a) **Territory Annexed.** In accordance with Sec. 66.025, Wis. Stats., the following described territory owned by the Village of Star Prairie, in the Town of Star Prairie, St. Croix County, Wisconsin, is annexed to the Village of Star Prairie, Wisconsin:

That part of the Northeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 12, T31N, R18W described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of the Southwest 1/4: thence North a distance of 1,298 feet; thence West at right angles to the West boundary line of the Southeast 1/4 of the Northwest 1/4; thence South along said West boundary line to the Southwest corner of the Southeast 1/4 of the Northwest 1/4; thence East along the South line of the Southeast 1/4 of the Northwest 1/4 to the point of beginning.

- (b) **Effect of Annexation.** From and after the date of this Section the territory described in Subsection (a) shall be a part of the Village of Star Prairie for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Star Prairie.

Sec. 13-3-2 Annexation—July 14, 1999.

- (a) **Territory Annexed.** In accordance with Sec. 66.025, Wis. Stats., the following described territory owned by the Village of Star Prairie, in the Town of Star Prairie, St. Croix County, Wisconsin, is annexed to the Village of Star Prairie, Wisconsin:

That part of the Northeast Quarter of the Southwest Quarter (NE-1/4 of SW-1/4) of Section 12, Township 31 North, Range 18 West, lying north of a line commencing 1298 feet north of the southeast corner of the Northeast Quarter of the Southwest Quarter (NE-1/4 of SW-1/4); thence running west to the west line of the Northeast Quarter of the Southwest Quarter (NE-1/4 of SW-1/4), containing .660 acres more or less, located in the Village of Star Prairie, St. Croix County, Wisconsin.

- (b) **Effect of Annexation.** From and after the date of this Section, the territory described in Subsection (a) shall be a part of the Village of Star Prairie for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Star Prairie.
- (c) **Permanent Zoning Classification.**
 - (1) Upon recommendation to the Village Board of the Village of Star Prairie, the territory described above annexed to the Village of Star Prairie by this Section is designated as C-1 Conservancy.
 - (2) The boundaries of the annexed territory are established as shown on the map filed in the office of the Village Clerk-Treasurer of the Village of Star Prairie.

Sec. 13-3-3 Annexation—February 15, 2002.

- (a) **Territory Annexed.** In accordance with Sec. 66.0223, Wis. Stats., the following described territory located in the Town of Star Prairie, St. Croix County, Wisconsin, and owned by the Village of Star Prairie, a Wisconsin municipal corporation, is hereby annexed to the Village of Star Prairie, Wisconsin:

The Northwest Quarter of the Southeast Quarter (NW-1/4 of SE-1/4) of Section Twelve (12), Township Thirty-one (31) North, Range Eighteen (18) West.

- (b) **Effect of Annexation.** Upon proper filing of this Section pursuant to Sec. 66.0223, Wis. Stats., the territory described in Subsection (a) shall be a part of the Village of Star Prairie for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Star Prairie.
- (c) **Temporary Zoning Classification.**
 - (1) Upon recommendation of the Plan Commission, the territory annexed to the Village of Star Prairie by this ordinance is temporarily zoned as C-1 Conservancy, pursuant to Sec. 66.0217(8)(a), Wis. Stats.

- (2) The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classification and regulations for the zoning of the annexed area and to submit its recommendations to the Village Board not later than March 1, 2003.

Sec. 13-3-4 Annexation—March 14, 2003.

- (a) **Territory Annexed.** In accordance with Sec. 66.0217, Wis. Stats., and the petition for direct annexation filed with the Village Clerk-Treasurer on the thirteenth (13th) day of January, 2003, signed by all of the electors residing in the territory and the owners of all of the real property in the territory, the following described territory in the Town of Star Prairie, St. Croix County, Wisconsin, is annexed to the Village of Star Prairie, Wisconsin:

A parcel of land located in part of the NE-1/4 of the SE-1/4 of Section 12, Township 31 North, Range 18 West, Town of Star Prairie, St. Croix County, Wisconsin, described as follows:

Commencing at the East quarter corner of said Section 12, thence S89°56'48"W along the East-West quarter line of said Section 12 a distance of 49.78 feet to the point of beginning; thence S89°56'48"W along said East-West quarter line a distance of 1272.08 feet; thence S00°31'54"E along the West line of the NE-1/4 of the SE-1/4 of said Section 12 a distance of 1309.93 feet; thence N89°54'30"E along the South line of said NE-1/4 of SE-1/4 a distance of 1275.54 feet; thence N00°36'06" W along the westerly right-of-way of S.T.H. "65" a distance of 212.93 feet; thence N00°41'55"W along said right-of-way a distance of 1096.19 feet to the point of beginning.

- (b) **Effect of Annexation.** From and after the date of this Section, the territory described in Subsection (a) shall be part of the Village of Star Prairie for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Star Prairie.

Chapter 4

Comprehensive Plan

13-4-1 Comprehensive Plan Adoption

Sec. 13-4-1 Comprehensive Plan Adoption.

- (a) **Statutory Authorization.** Pursuant to Sec. 62.23(2) and (3), Wis. Stats., the Village of Star Prairie, Wisconsin is authorized to prepare and adopt a comprehensive plan as defined in Secs. 66.1001(1)(a) and 66.1001(2), Wis. Stats.
- (b) **Public Participation Procedures.** The Village Board of the Village of Star Prairie has adopted written procedures designed to foster public participation in every state of the preparation of a comprehensive plan as required by Sec. 66.1001(4)(a), Wis. Stats.
- (c) **Plan Commission Adoption.** The Plan Commission of the Village of Star Prairie, by a majority vote of the entire Commission recorded in its official minutes, had adopted a resolution recommending to the Village Board the adoption of the document entitled "Village of Star Prairie Comprehensive Plan: 2008–2028", containing all of the elements specified in Sec. 66.1001(2), Wis. Stats.
- (d) **Public Hearing.** The Village of Star Prairie has held a public hearing at its Village Board meeting on October 1, 2008 on this ordinance, in compliance with the requirements of Sec. 66.1001(4)(d), Wis. Stats.
- (e) **Village Board Adoption.** The Village Board of the Village of Star Prairie, Wisconsin does, by enactment of this Section, formally adopt the document entitled "Village of Star Prairie Comprehensive Plan: 2008–2028", pursuant to Sec. 66.1001(4)(c), Wis. Stats.

