

# TITLE 13

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## **Zoning Code**

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<b>Chapter 2</b>	Floodplain Zoning

# Title 13 ► Chapter 1

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## Zoning Code

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## Article A: Introduction

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### **Sec. 13-1-1 Authority.**

This Chapter is adopted under the authority granted by Sections 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

*State Law Reference:* Section 62.23(7), Wis. Stats.

### **Sec. 13-1-2 Title.**

This Chapter shall be known as, referred to and cited as the "Zoning Code, Village of Suring, Wisconsin" and is hereinafter referred to as the "Code" or "Chapter."

### **Sec. 13-1-3 General Purpose.**

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Village of Suring, Wisconsin.

### **Sec. 13-1-4 Intent and Purposes in View.**

The general intent and purposes in view of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;



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- (g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;
- (i) Preserve and protect the beauty of the Village of Suring;
- (j) To prohibit uses, buildings or structures incompatible with the character of development or intended uses 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 of 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 Suring;
- (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, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

**Sec. 13-1-6 Interpretation.**

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

**Sec. 13-1-7 Severability and Non-Liability.**

- (a) 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.

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- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

**Sec. 13-1-8 Repeal and Effective Date.**

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

**Sec. 13-1-9 Reserved for Future Use.**

## Article B: General Provisions

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### Sec. 13-1-10 Jurisdiction and General Provisions.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Suring.
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, 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.
- (d) **Yard Reduction or Joint Use.**
  - (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.
  - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space required for another building.
- (e) **Buildings to Be on Lot.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot.

### Sec. 13-1-11 Use Regulations.

Only the following uses and their essential services may be allowed in any district:

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
  - (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 E 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 for them 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 E of this Chapter.
  - (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 E of this Chapter.
  - (5) Limited 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.
- (d) **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 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 after consideration and recommendation by the Village Board, public hearing and approval in accordance with Article E of this Chapter.

### **Sec. 13-1-12 Site Regulations.**

- (a) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of fifty (50) feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.
- (b) **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. Basement dwellings, garage dwellings or trailer dwellings shall not be used for dwelling purposes except as specifically provided in this Chapter; this is not intended to prevent use of the basement of a completed residence for dwelling purposes. 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 (i.e., the lot is of exceptional size, etc.). 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.

- (c) **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.
- (d) **Lots Abutting More Restrictive Districts.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. 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.
- (e) **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.
- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board, 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 and porches shall be considered a part of a principal building or structure.

### **Sec. 13-1-13 Height and Area Exceptions.**

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- (a) Churches, schools, hospitals, sanitoriums and other public and quasi-public buildings may be erected to a height not exceeding thirty-six (36) feet nor three (3) stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

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- (b) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials; microwave radio relay structures; telephone, telegraph and power poles and lines and necessary mechanical appurtenances are hereby excepted from the height regulations of this Code and may be erected in accordance with other regulations or codes of the Village.
- (c) Residences in the residence district may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot when such building exceeds the height limit of the district in which it is located.
- (d) 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.
- (e) 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 thirty-six (36) inches.
- (f) Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet and into a required court not more than three and one-half (3-1/2) feet, provided it be so located as not to obstruct light and ventilation.

**Sec. 13-1-14 Reduction or Joint Use.**

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

**Sec. 13-1-15 through Sec. 13-1-19 Reserved for Future Use.**

## Article C: Zoning Districts

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### **Sec. 13-1-20 Zoning Districts Designated.**

- (a) For the purpose of this Chapter, the Village of Suring is hereby divided into the following thirteen (13) zoning districts:
- (1) R-1 Single-Family Residential District (Low Density)
  - (2) R-2 Single-Family Residential District (Medium Density)
  - (3) R-3 Two-Family Residential District
  - (4) R-4 Multiple-Family Residential District
  - (5) R-5 Mobile Home Residential District
  - (6) C-1 Conservancy District
  - (7) B-1 Business District
  - (8) B-2 Highway Commercial District
  - (9) B-3 Business Park District
  - (10) I-1 Industrial District
  - (11) A-1 Agricultural District
  - (12) G-1 Institutional District.
  - (13) MW Municipal Well Recharge Area Overlay District.

### **Sec. 13-1-21 District Boundaries.**

- (a) **Zoning Map.** The boundaries of the districts enumerated in Section 13-1-20 above are hereby established as shown on a map entitled "Zoning Map, Village of Suring, 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 R-1 Residential District unless the annexation ordinance temporarily placed the land in another district.

## **Sec. 13-1-22 R-1 Single-Family Residential District (Low Density).**

- (a) **Purpose.** The purpose of this 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 Uses.** The following uses of land are permitted in the R-1 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 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 Suring.
  - (3) One (1) private garage with not more than three (3) stalls for each residential parcel, per Section 13-1-140 specifications.
  - (4) Accessory uses and buildings as follows:
    - a. Gardening, tool and storage sheds incidental to the residential use.
    - b. Off-street parking facilities.
    - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
    - d. Signs as permitted by Village ordinances.
  - (5) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
  - (6) Foster family care.
  - (7) Home occupations and professional home offices per Section 13-1-72.
  - (8) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.



- (c) **Conditional Uses.** The following are permitted as conditional uses within the R-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) Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops, provided that any building shall be located not more than thirty-five (35) feet from any side lot line.
  - (5) Public utility structures, except those incompatible with the characteristics of the district.
  - (6) Agricultural and gardening uses, except those incompatible with the characteristics of the district, such as the raising of livestock.
  - (7) Parks and playgrounds.
  - (8) Planned residential developments.
  - (9) Golf courses and private clubs.
  - (10) Sewage disposal facilities.
  - (11) Nursery schools.
- (d) **Area, Height and Yard Requirements.**
- (1) **Lot.**
    - a. Area: Minimum nine thousand five hundred (9,500) square feet.
    - b. Width: Minimum eighty (80) feet.
  - (2) **Building Height.** Maximum thirty-five (35) feet.
  - (3) **Yards.**
    - a. Street: Minimum twenty-five (25) feet.
    - b. Rear: Minimum twenty-five (25) feet.
    - c. Side: Minimum ten (10) feet each side.

### **Sec. 13-1-23 R-2 Single-Family Residential District (Medium Density).**

- (a) **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units at a medium dwelling unit per acre density. It particularly reflects older neighborhoods in the Village.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-2 District:
- (1) Single-family detached dwellings, 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 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 Suring.
- (3) One (1) private garage with not more than three (3) stalls for each residential parcel, per Section 13-1-140 specifications.
  - (4) Accessory uses and buildings as follows:
    - a. Gardening, tool and storage sheds incidental to the residential use.
    - b. Off-street parking facilities.
    - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
    - d. Signs as permitted by Village ordinances.
  - (5) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
  - (6) Foster family care.
  - (7) Home occupations and professional home offices per Section 13-1-72.
  - (8) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are permitted as conditional uses within the R-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) Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops, provided that any building shall be located not more than thirty-five (35) feet from any side lot line.
  - (5) Public utility structures, except those incompatible with the characteristics of the district.
  - (6) Agricultural and gardening uses, except those incompatible with the characteristics of the district, such as the raising of livestock.
  - (7) Parks and playgrounds.
  - (8) Planned residential developments.
  - (9) Golf courses and private clubs.

- (10) Nursery schools.
- (11) Boarding or rooming houses provided the conditional use standards of this Chapter and the following requirements are met:
  - a. No boarding or rooming house may contain or be occupied by more than ten (10) boarders.
  - b. One (1) off-street parking space shall be provided for every two (2) sleeping rooms contained in each residence in addition to the parking required for the manager or permanent household.
  - c. Not more than one (1) non-illuminated sign advertising lodging or boarding not to exceed one (1) square foot in area shall be permitted on the lot or building on which the rooming house is located.
  - d. The maximum lot area required shall be as specified in the zoning district in which the boarding or rooming house is located, plus five hundred (500) square feet for each sleeping room, provided beyond that which is required for the owner or managers.
  - e. The boarding or rooming house must meet all other applicable state, county, or village codes and regulations.
- (d) **Area, Height and Yard Requirements.**
  - (1) **Lot.**
    - a. Area: Eight thousand (8,000) square feet. Exceptions: A single-family dwelling may be erected on any lot having a lesser area or width provided that such lot shall have been recorded in a plat or deed prior to the original passage of this Zoning Code, and except that corner lots may be used in units of not less than six thousand (6,000) square feet in area and not less than sixty (60) feet in width.
    - b. Width: Minimum eighty (80) feet.
  - (2) **Building Height.** Maximum thirty-five (35) feet.
  - (3) **Yards.**
    - a. Street: Minimum twenty-five (25) feet.
    - b. Rear: Minimum twenty-five (25) feet.
    - c. Side: Minimum eight (8) feet each side.

### **Sec. 13-1-24 R-3 Two-Family Residential District.**

- (a) **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of primarily two-family dwelling units.
- (b) **Permitted Uses.**
  - (1) Two-family dwellings (duplex).
  - (2) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.

- (3) Foster family care.
  - (4) Home occupations and professional home offices.
  - (5) 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.**
- (1) Parks and playgrounds.
  - (2) Single-family dwellings.
  - (3) Golf courses and private clubs.
  - (4) Schools and churches, provided that any building shall be located not more than thirty-five (35) feet from any side lot line.
  - (5) Government, cultural and public buildings or uses such as fire and police stations, community centers, libraries, public emergency shelters and museums, provided that any building shall be located not more than thirty-five (35) feet from any side lot line.
  - (6) Sewage disposal facilities.
  - (7) Single-family homes.
- (d) **Area, Height and Yard Requirements.**
- (1) **Lot.**
    - a. Area: Minimum six thousand (6,000) square feet per unit.
    - b. Width: Minimum eighty (80) feet.
  - (2) **Building Height.** Maximum thirty-five (35) feet.
  - (3) **Yards.**
    - a. Street: Minimum twenty-five (25) feet.
    - b. Rear: Minimum thirty (30) feet.
    - c. Side: Minimum ten (10) feet each side.

### **Sec. 13-1-25 R-4 Multiple-Family Residential District.**

- (a) **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of multiple-family dwelling units at varying dwelling units per acre densities.
- (b) **Permitted Uses.**
  - (1) Two-family dwellings (duplex).
  - (2) Multiple-family dwellings.
- (c) **Conditional Uses.**
  - (1) Parks and playgrounds.
  - (2) Professional home offices.
  - (3) Planned residential developments.
  - (4) Golf courses and private clubs.
  - (5) Sewage disposal facilities.
  - (6) Utilities.

- (7) Schools and churches, provided that any building shall be located not more than thirty-five (35) feet from any side lot line.
  - (8) Government, cultural, and public uses such as fire and police stations, community centers, libraries, public emergency shelters and museums, provided that any building shall be located not more than thirty-five (35) feet from any side lot line.
  - (9) Retirement homes.
  - (10) Single-Family dwellings.
  - (11) Day care centers (state licensed).
- (d) **Area, Height and Yard Requirements.**
- (1) **Lot.**
    - a. Area:
      1. Single-family dwellings: Eight thousand (8,000) square feet.
      2. Two-family dwellings: Five thousand (5,000) square feet per family.
      3. Multi-family (over two): One thousand five hundred (1,500) square feet minimum per unit.
    - b. Width: Minimum eighty (80) feet.
  - (2) **Building Height.** Maximum forty-five (45) feet.
  - (3) **Yards.**
    - a. Street: Minimum twenty-five (25) feet.
    - b. Rear: Minimum twenty-five (25) feet.
    - c. Side: Minimum ten (10) feet each side.
- (e) **Other Development Regulations.**
- (1) A site development plan, prepared in accordance with Section 13-1-154 of this Chapter, shall be submitted before a permit can be granted for any use in this District.
  - (2) No outdoor storage of any material shall be permitted in this District except within enclosed containers.
  - (3) No lighting shall be permitted which would glare from this District onto any street right-of-way or onto any adjacent property.

## **Sec. 13-1-26 R-5 Mobile Home Residential District.**

- (a) **Purpose.** The R-5 District is intended to aid in providing for the mobile home needs of the community at a comparatively high density in areas that have community services available.
- (b) **Permitted Uses.** The requirements of Article O of this Chapter shall be complied with.
- (c) **Area and Height Regulations.** The requirements of Article O of this Chapter shall be complied with.
- (d) **Other Development Regulations.**
  - (1) A site development plan, prepared in accordance with Section 13-1-154 of this Chapter, shall be submitted before a permit can be granted for any use in this District.

- (2) No outdoor storage of any material shall be permitted in this District except within enclosed containers.
- (3) No lighting shall be permitted which would glare from this District onto any street right-of-way or onto any adjacent property.

### **Sec. 13-1-27 C-1 Conservancy District.**

- (a) **Purpose.** The purpose of this 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.**
  - (1) Farming and related agricultural uses when conducted in accordance with conservation standards.
  - (2) Forest and game management.
  - (3) Hunting, fishing and hiking.
  - (4) Parks and recreation areas; arboreta; botanical gardens; greenways.
  - (5) Stables.
  - (6) Utilities.
  - (7) Non-residential buildings used solely in conjunction with the raising of water, fowl or fish.
  - (8) Harvesting of wild crops.
  - (9) Recreation related structures not requiring basements.
  - (10) Non-habitable park or recreation shelters.
- (c) **Conditional Uses.**
  - (1) Animal hospitals, shelters and kennels.
  - (2) Archery and firearm ranges, sports fields and skating rinks.
  - (3) Land restoration, flowage, ponds.
  - (4) Golf courses and clubs.
  - (5) Ski hills and trails.
  - (6) Fish hatcheries or raising of minnows, with related accessory structures.
  - (7) Recreation camps.
  - (8) Public and private campgrounds.
  - (9) Riding stables.
  - (10) Sewage disposal plants.
  - (11) Governmental, cultural and public buildings or uses.
  - (12) Utilities.
  - (13) Hunting and fishing clubs.
  - (14) Farm structures.
- (d) **Area, Height and yard Requirements.**
  - (1) **Lot.**
    - a. Area: Minimum twenty thousand (20,000) square feet.
    - b. Width: Minimum one hundred (100) 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 fifty (50) feet.
  - b. Rear: Minimum fifty (50) 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. 13-1-28 B-1 Business District.

- (a) **Purpose.** The B-1 District is intended to provide an area for the business, financial, professional, and commercial needs of the community, especially those which can be most suitably located in a compact and centrally located business district.
- (b) **Permitted Uses.** The following uses of land are permitted in the B-1 District:
  - (1) Paint, glass and wallpaper stores. [523]
  - (2) Hardware stores. [525]
  - (3) Department stores, variety stores, general merchandise stores. [53]
  - (4) General grocery stores, supermarkets, fruit and vegetable stores, delicatessens, meat and fish stores and miscellaneous food stores. [54]
  - (5) Candy, nut or confectionery stores. [544]
  - (6) Dairy products stores, including ice cream stores. [545]
  - (7) Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery. [546]
  - (8) Clothing and shoe stores. [56]
  - (9) Furniture, home furnishings, floor covering and upholstery shops/stores. [57]
  - (10) Restaurants, lunch rooms and other eating places, except drive-in type establishments. [5812]
  - (11) Taverns, bars and other drinking places with permit by Village Board. [5813]
  - (12) Drug stores and pharmacies. [591]
  - (13) Liquor stores. [592]
  - (14) Antique stores and secondhand stores. [593]
  - (15) Sporting goods stores and bicycle shops. [5941]
  - (16) Bookstores, not including adult books. [5942]
  - (17) Stationery stores. [5943]
  - (18) Jewelry and clock stores. [5944]
  - (19) Camera and photographic supply stores. [5946]

- (20) Gift, novelty and souvenir shops. [5947]
- (21) Florist shops. [5992]
- (22) Tobacco and smokers' supplies stores. [5993]
- (23) News dealers and newsstands. [5994]
- (24) Wholesale merchandise establishments, only for retail items listed above; e.g., #19 would allow wholesale camera sales.
- (25) Banks and other financial institutions. [60-62]
- (26) Offices of insurance companies, agents, brokers and service representatives. [63-64]
- (27) Offices of real estate agents, brokers, managers and title companies. [65-67]
- (28) Miscellaneous business offices.
- (29) Heating and plumbing supplies.
- (30) Retail laundry and dry cleaning outlets, including coin-operated laundries and dry cleaning establishments, commonly called laundromats and launderettes. Tailor shops, dressmakers' shops, and garment repair shops, but not garment pressing establishments, hand laundries, or hat cleaning and blocking establishments. [721]
- (31) Photographic studios and commercial photography establishments. [722]
- (32) Barbershops, beauty shops and hairdressers. [723-4]
- (33) Shoe repair shops and shoe shine parlors. [725]
- (34) Trade and contractor's offices (office only).
- (35) Advertising agencies, consumer credit reporting, news agencies, employment agencies. [731-2, 735-6]
- (36) Duplicating, blueprinting, photocopying, addressing, mailing, mailing list and stenographic services; small print shops. [733]
- (37) Computer services. [737]
- (38) Commercial parking lots, parking garages, parking structures. [752]
- (39) Watch, clock and jewelry repair services. [763]
- (40) Motion picture theaters, not including drive-in theaters. [7832]
- (41) Miscellaneous retail stores. [5999]
- (42) Offices/clinics of physicians and surgeons, dentists and dental surgeons, osteopathic physicians, optometrists and chiropractors, but not veterinarian's offices. [801-4]
- (43) Law offices. [811]
- (44) The offices, meeting places, churches, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political organizations; religious organizations; charitable organizations; or other non-profit membership organizations. [86]
- (45) Engineering and architectural firms or consultants. [891-3]
- (46) Accounting, auditing and bookkeeping firms or services. [8721]
- (47) Professional, scientific, or educational firms, agencies, offices, or services, but not research laboratories or manufacturing operations. [899]
- (48) The offices of governmental agencies and post offices. [91-92, 431]



AMENDMENT TO SEC. 13-1-28 – ZONING CODE

**TITLE 13 – CHAPTER 1 – ARTICLE C – ZONING DISTRICTS**

**Sec. 13-1-28 B-1 Business District.**

The Village Board of the Village of Suring, Oconto County, Wisconsin, ordains that Title 13, Chapter 1, Article C, Zoning Districts is hereby amended as follows:

(b) **Permitted Uses.** The following uses of land are re-numbered and added to the list of Permitted Uses, formerly considered as Conditional Uses:

- (51) Miscellaneous repair shops and related services. [769]
- (52) Garment pressing establishments, hand laundries, hat cleaning and blocking shops and coin-operated dry cleaning and laundry establishments. [721]
- (53) Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories. [553]
- (54) 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]
- (55) Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers. [703]
- (56) Establishments engaged in daily or extended-term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailer or utility trailers. [751]
- (57) Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes. [754]
- (58) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc. [70]

(c) **Conditional Uses.** The following are re-numbered and will remain as permitted conditional uses in the B-1 District:

- (1) Establishments engaged in the publishing and printing of newspapers, periodicals or books.
- (2) Dwelling units, provided that no dwelling shall be permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.
- (3) Farm supplies, wholesale trade.
- (4) Establishments engaged in the retail sale of automobiles, trailers, mobile homes, or campers.

All other sections of Sec. 13-1-28 B-1 District remain the same.

This ordinance amendment shall take effect and be in force upon passage and posting in three (3) public places.

Adopted this 11<sup>th</sup> day of April, 2006. Motion by GIPP  
Second by Kahn Vote: Ayes 5 Nays 0

**SURING VILLAGE BOARD**

By \_\_\_\_\_  
Jay R. Tousey, Village President

By Carol M. Heise  
Carol M. Heise, Clerk-Treasurer

- (49) Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages. [411-14]
- (50) Telephone and telegraph offices. [481-2]
- (c) **Conditional Uses.** The following are permitted as conditional uses in the B-1 District; provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor-driven equipment, unpleasant odors, smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations necessary or incident to the proper performance of these services or occupations would tend to afford such nuisances, areas, facilities, barriers, or other devices shall be provided in such a manner that the public is effectively protected from any and all such nuisances. These uses shall be subject to the consideration of the Village Board with regard to such matters.
- (1) Miscellaneous repair shops and related services. [769]
- (2) Garment pressing establishments, hand laundries, hat cleaning and blocking shops and coin-operated dry cleaning establishments. [721]
- (3) Establishments engaged in the publishing and printing of newspapers, periodicals or books. [2711]
- (4) Dwelling units, provided that no dwelling shall be permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.
- (5) Farm supplies, wholesale trade. [5191]
- (6) Establishments engaged in the retail sale of automobiles, trailers, mobile homes, or campers. [551-2, 556]
- (7) Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories. [553]
- (8) Gasoline service stations; provided, further, that all gasoline pumps, storage tanks and accessory equipment must be located at least thirty (30) feet from any existing or officially proposed street line. [5541]
- (9) Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers. [703]
- (10) Establishments engaged in daily or extended-term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers. [751]
- (11) Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes. [754]
- (12) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc. [70]
- (d) **Lot, Yard and Building Requirements.**
- (1) **Lot Frontage.** Minimum ten (10) feet.
- (2) **Lot Area.** Minimum six thousand (6,000) square feet.

(3) **Principal Building.**

- a. Front Yard: Minimum ten (10) feet.
- b. Side Yard: Minimum ten (10) feet.
- c. Rear Yard: Minimum twenty-five (25) feet.

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

- (4) **Building Height.** Maximum forty-five (45) feet.
- (5) **Percent of Lot Coverage.** Maximum ninety percent (90%).
- (6) **Alley Setback.** Minimum fifteen (15) feet.

(e) **Other Development Regulations.**

- (1) A site development plan, prepared in accordance with Section 13-1-154, shall be submitted before a permit can be granted for any use in this District.
- (2) No outdoor storage of any material shall be permitted in this District except within enclosed containers.
- (3) No lighting shall be permitted which would glare from this District onto any street right-of-way or onto any adjacent property.
- (4) Log stacks are a permitted accessory use in the B-1 District, provided that they are located a minimum of sixty (60) feet from the center of adjacent public road right-of-ways.

## **Sec. 13-1-29 B-2 Highway Commercial District.**

- (a) **Purpose.** The purpose of this District is to encourage the growth and development of business activities and establishments which require highway frontage and exposure due to their automobile and vehicular orientations.
- (b) **Permitted Uses.** All uses within this District are conditional, requiring a public hearing and consideration of specific site factors and impacts on surrounding land uses. All conditional uses must be approved in accordance with the procedures established in Article E.
- (c) **Conditional Uses.** The following are specific conditional uses in this Chapter:
  - (1) Amusement activities.
  - (2) Automobile and truck retail services.
  - (3) Automobile repair services.
  - (4) Bars and taverns.
  - (5) Candy, nut and confectionery sales.
  - (6) Gasoline service stations.

- (7) Gift, novelty and souvenir sales.
  - (8) Hotels, motels and tourist courts.
  - (9) Night clubs and dance halls.
  - (10) Restaurants.
  - (11) Sales, service and installation of tires, batteries and accessories.
  - (12) Residential dwelling units.
  - (13) Animal hospital, shelters and kennels.
  - (14) Yachting clubs and marinas.
  - (15) Public assembly uses.
  - (16) Commercial recreation facilities.
  - (17) Off-season storage facilities.
  - (18) Lodges and fraternal buildings.
  - (19) Nursing homes.
  - (20) Nursery and day care centers.
  - (21) Retirement homes.
  - (22) Drive-in food and beverage establishments.
  - (23) Drive-banks.
  - (24) Drive-in theaters.
  - (25) Vehicle sales and service.
  - (26) Public parking lots.
  - (27) Taxi stands.
  - (28) Sewage disposal plants.
  - (29) Governmental, cultural, and public buildings or uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
  - (30) Utilities.
  - (31) Schools and churches.
  - (32) Mobile home sales.
  - (33) Log stacks are a conditional accessory use in the B-2 District, provided that they are located a minimum of sixty (60) from the center of adjacent public road right-of-ways.
  - (34) Other uses similar to or customarily incident to any of the above uses.
- (d) **Area, Height and Yard Requirements.**
- (1) Lot.
    - a. Area: Eight thousand (8,000) square feet.
    - b. Width: Minimum sixty (60) feet.
  - (2) **Building Height.** Maximum thirty-five (35) feet.
  - (3) **Yards.**
    - a. Street: Minimum fifty (50) feet (may include parking).
    - b. Rear: Minimum twenty (20) feet.
    - c. Side: Minimum twenty (20) feet each side.

**Sec. 13-1-30 B-3 Business Park District.**

- (a) **Purpose.** The B-3 Business Park District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, non-nuisance type manufacturing operations and research and development institutions. The essential purpose of this District, is to achieve development, which is an asset to the owners, neighbors and the Village, and to promote and maintain desirable economic development in a park-like setting.
- (b) **Permitted Uses.** The following uses of land are permitted in the B-3 District:
- (1) State-classified manufacturing operations. [20, 23-28, 30, 32-39]
  - (2) Warehousing or distribution operations, not including predominantly retail sales to customers on site. [50-51]
  - (3) Offices of construction firms, shops, display rooms and enclosed storage. [15-17]
  - (4) Laboratories, research, development and testing, and manufacturing and fabrication in conjunction with such research and development and operations. [8071, 8731-34]
  - (5) Service uses, including computer and data processing services, miscellaneous business services, offices (business and professional) and communication services. [73]
  - (6) Telecommunications facilities. [48]
- (c) **Conditional Uses.** The following are permitted as conditional uses within the B-3 District:
- (1) Public utilities and public services. [49]
  - (2) Conference centers and hotel facilities. [701]
  - (3) Ancillary retail sales and service operations that serve employees within the business park.
- (d) **Lot, Yard and Building Requirements.**
- (1) **Lot Frontage.** Minimum one hundred (100) feet.
  - (2) **Lot Area.** Minimum twenty-one thousand seven hundred eighty (21,780) square feet.
  - (3) **Front Yard.** Minimum twenty-five (25) feet.
  - (4) **Side Yard.** Minimum fifteen (15) feet.
  - (5) **Rear Yard.** Minimum thirty (30) feet.
  - (6) **Building Height.** Maximum thirty-five (35) feet.
- \* Requirements may be modified by conditional use permit.
- (e) **Other Requirements.** Uses permitted and conditional in the B-3 District are subject to the following requirements:
- (1) No building or improvement shall be erected, placed or altered on any lands in the B-3 District until the plans for such building or improvement including site, landscaping and building plan and specifications, have been approved by the Village Board. The Village Board shall review and approve, approve conditionally or disapprove such plans with respect to conformity with deed restrictions and protective covenants

placed on the land in the B-3 District. The deed restriction and protective covenants must be approved by the Village Board. The approved deed restriction and protective covenants must be recorded on the land prior to rezoning to the B-3 District.

- (2) Design standards in the B-3 District shall include as a minimum the following standards:
  - a. All uses shall comply with Village performance standards for air pollution, fire and explosive hazards, glare and heat, liquid or solid wastes, noise and vibration, odors, radioactivity and electrical disturbances and refuse.
  - b. All business, servicing or processing, except off-street parking and loading and outside storage areas regulated by restrictive covenants, shall be conducted within completely enclosed buildings.
  - c. The building coverage on any zoning lot shall not exceed fifty-five percent (55%), nor be less than twenty-five percent (25%).
  - d. All areas not covered by buildings or parking lots shall be landscaped subject to detail requirements of restrictive covenants.
  - e. All zoning lots abutting residentially zoned districts shall be screened.

### **Sec. 13-1-31 I-1 Industrial District.**

- (a) **Purpose.** This District is intended to provide an area for manufacturing, marketing, and industrial and agribusiness activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas, or which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions, or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.
- (b) **Permitted Uses.** No uses are permitted as a matter of right within the I-1 District. All uses within this District are conditional, requiring a public hearing and consideration of specific site factors and impacts on surrounding land uses. All conditional uses must be approved in accordance with the procedures established in Article E.
- (c) **Conditional Uses.** The following are permitted as conditional uses within the I-1 District. Such use shall be subject to the consideration of the Village Board and Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors:
  - (1) Manufacturing establishments, usually described as factories, mills or plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products. [20, 23-28, 30, 32-39]
  - (2) Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.

