

TITLE 13

Zoning Code

Chapter 1	Zoning Code
Chapter 2	Floodplain Zoning

Title 13 ► Chapter 1

Zoning Code

Article A Introduction

13-1-1	Authority
13-1-2	Title
13-1-3	General Purpose
13-1-4	Intent and Purposes in View
13-1-5	Abrogation and Greater Restrictions
13-1-6	Interpretation
13-1-7	Severability and Non-Liability
13-1-8	Repeal and Effective Date
13-1-9	Reserved for Future Use

Article B General Provisions

13-1-10	Jurisdiction and General Provisions
13-1-11	Use Regulations
13-1-12	Site Regulations
13-1-13	Height and Area Exceptions
13-1-14	Miscellaneous Use Regulations
13-1-15 through	
13-1-19	Reserved for Future Use

Article C Zoning Districts

13-1-20	Zoning District Designated
13-1-21	District Boundaries
13-1-22	R-1 Single-Family Residential District (Low Density)
13-1-23	R-2 Single-Family Residential District (Medium Density)
13-1-24	R-3 Two-Family Residential District
13-1-25	R-4 Multiple-Family Residential District

13-1-26	R-5 Mobile Home Residential District
13-1-27	C-1 Conservancy District
13-1-28	B-1 Business District
13-1-29	B-2 Highway Commercial District
13-1-30	B-3 Business Park District
13-1-31	I-1 Industrial District
13-1-32	A-1 Agricultural District
13-1-33	G-1 Institutional District
13-1-34	MW Municipal Well Recharge Area Overlay District
13-1-35 through 13-1-49	Reserved for Future Use

Article D Planned Unit Development (PUD) Conditional Use

13-1-50	Planned Unit Development Conditional Use—Intent
13-1-51	Types of Planned Unit Development
13-1-52	General Requirements for Planned Unit Developments
13-1-53	Physical Requirements for Planned Unit Developments
13-1-54	Requirements as to Public Services and Facilities
13-1-55	Subsequent Land Divisions
13-1-56	Procedural Requirements—Intent
13-1-57	Procedural Requirements for Planned Unit Developments
13-1-58	Basis for Approval of the Petition for Planned Unit Development
13-1-59	Determination of Disposition of the Petition

Article E Conditional Uses

13-1-60	Statement of Purpose—Conditional Uses
13-1-61	Authority of the Village Board; Requirements
13-1-62	Initiation of Conditional Use
13-1-63	Application for Conditional Use
13-1-64	Hearing on Application
13-1-65	Notice of Hearing on Application
13-1-66	Standards—Conditional Uses
13-1-67	Denial of Application for Conditional Use Permit
13-1-68	Conditions and Guarantees
13-1-69	Validity of Conditional Use Permit
13-1-70	Complaints Regarding Conditional Uses

13-1-71	Bed and Breakfast Establishments
13-1-72	Home Occupations and Professional Home Offices
13-1-73	Town Houses Conditional Use
13-1-74 through	
13-1-79	Reserved for Future Use

Article F Nonconforming Uses, Structures and Lots

13-1-80	Existing Nonconforming Uses and Structures
13-1-81	Abolishment or Replacement
13-1-82	Existing Nonconforming Structures
13-1-83	Changes and Substitutions
13-1-84 through	
13-1-89	Reserved for Future Use

Article G Traffic Visibility, Loading, Parking and Access

13-1-90	Traffic Visibility
13-1-91	Loading Requirements
13-1-92	Parking Requirements
13-1-93	Driveways
13-1-94	Highway Access
13-1-95 through	
13-1-99	Reserved for Future Use

Article H Signs, Canopies, Awnings and Billboards

13-1-100	Purpose of Sign, Canopy and Awning Regulations
13-1-101	Signs, Canopies, Awnings and Billboards — Definitions
13-1-102	Required Permits for Signs, Canopies, Awnings and Billboards
13-1-103	Signs Not Requiring a Permit
13-1-104	Residential Signs Requiring a Permit
13-1-105	Commercial and Industrial Signs Requiring a Permit
13-1-106	Special Sign Requirements
13-1-107	Awnings and Canopies
13-1-108	Prohibited Features
13-1-109	Prohibited or Restricted Signs

13-1-110	Nonconforming Signs
13-1-111	Dangerous and Abandoned Signs
13-1-112	Construction and Maintenance Regulations for Signs
13-1-113	Variances or Exceptions
13-1-114	Violations of Sign Code
13-1-115 through	
13-1-119	Reserved for Future Use

Article I Performance Standards

13-1-120	Compliance
13-1-121	Sound
13-1-122	Vibration
13-1-123	Radioactivity
13-1-124	Toxic or Noxious Matter
13-1-125	Glare
13-1-126	Particulate Emissions
13-1-127 through	
13-1-129	Reserved for Future Use

Article J Signal Receiving Antennas; Wind Energy Systems Wireless Telecommunications Systems

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

Article K Accessory Uses and Structures; Fences

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

Article L Administration

- 13-1-150** General Administrative System
- 13-1-151** Zoning Administrator
- 13-1-152** Role of Specific Village Officials in Zoning Administration
- 13-1-153** Zoning Permit
- 13-1-154** Site Plan Approval
- 13-1-155** Violations and Penalties
- 13-1-156 through**
- 13-1-159** Reserved for Future Use

Article M Changes and Amendments to the Zoning Code

- 13-1-160** Authority
- 13-1-161** Initiation of Changes and Amendments
- 13-1-162** Procedure for Changes and Amendments
- 13-1-163** Protest
- 13-1-164 through**
- 13-1-169** Reserved for Future Use

Article N Appeals

- 13-1-170** Appeals to the Zoning Board of Appeals
- 13-1-171** Hearing of Appeals
- 13-1-172** Decisions of Board of Appeals
- 13-1-173** Variations
- 13-1-174** Review by Court of Record
- 13-1-175 through**
- 13-1-199** Reserved for Future Use

Article O Mobile Home Parks

- 13-1-200** Intent — Where R-5 Mobile Home Districts Permitted
- 13-1-201** Article Definitions
- 13-1-202** Mobile Home Occupancy Permits
- 13-1-203** Minimum Dimensional Requirements for R-5 Districts
- 13-1-204** Permitted and Permissible Uses and Structures

13-1-205	Mobile Home Park Developer's Permit
13-1-206	Standard Requirements for Mobile Home Permits, Additions or Extensions
13-1-207	Mobile Home Park Operator's License
13-1-208	Operation of Mobile Home Parks; Responsibilities of Management
13-1-209	Responsibilities and Duties of Mobile Home Park Occupants
13-1-210	Additional Regulations on Mobile Homes and Mobile Home Parks
13-1-211	Compliance with Plumbing, Electrical and Building Ordinances
13-1-212	Limitations on Signs
13-1-213	Common Recreational Facilities
13-1-214	Standards for General Site Planning for Mobile Home Parks
13-1-215 through	
13-1-219	Reserved for Future Use

Article P Definitions

13-1-220	Definitions
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Article A: Introduction

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;

13-1-4

- (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.

- (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

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.

13-1-13

- (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

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 11th day of April, 2006. Motion by GIPP
 Second by hahn 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.

- (3) The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening. [50, 51]
- (4) Railroads, including rights-of-way, railroad yards, and structures normally incident to the operation of railroads, including station houses, platforms, and signal towers, but not including warehouses owned by companies other than railroad companies or road terminal companies.
- (5) Wholesale establishments and warehouses. [50-51]
- (6) Building construction contractors. [15-17]
- (7) Highway passenger and motor freight transportation. [41-42]
- (8) Light Industry and Service Uses.
 - a. Automotive body repair.
 - b. Automotive upholstery.
 - c. Cleaning, pressing, dyeing.
 - d. Commercial bakeries.
 - e. Commercial greenhouses.
 - f. Distributors.
 - g. Food locker plants.
 - h. Printing and publishing.
 - i. Trade and contractor's facilities.
 - j. Offices.
 - k. Painting services.
 - l. Retail sales and service facilities such as retail and surplus outlet stores, and restaurants and food service facilities when established in conjunction with a permitted manufacturing or processing facility.
 - m. Recreation vehicle, boat and miscellaneous storage.
- (9) Public Facilities and Uses.
 - a. Governmental, cultural and public buildings or uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
 - b. Schools and churches.
 - c. Airports, airstrips and landing fields.
- (10) Agriculture Related Industry and Service Uses.
 - a. Production of natural and processed cheese.
 - b. Production of shortening, table oils, margarine and other edible fats and oils.
 - c. Production of condensed and evaporated milk.
 - d. Wet milling of corn.
 - e. Production of creamery butter.
 - f. Drying and dehydrating fruits and vegetables.
 - g. Preparation of feeds for animal and fowl.

- h. Pea veneries.
- i. Creameries and dairies.
- j. Production of flour and other grain mill products; blending and preparing of flour.
- k. Fluid milk processing.
- l. Production of frozen fruits, fruit juices, vegetables and other specialties.
- m. Fruit and vegetable sauces and seasoning, and salad dressing preparation.
- n. Poultry and small game dressing and packing providing that all operations be conducted within an enclosed building.
- o. Production of sausages and other meat products providing that all
- p. Corn shelling, hay baling and threshing services.
- q. Grist mill services.
- r. Horticultural services.
- s. Canning of fruits, vegetables, preserves, jams and jellies.
- t. Canning of specialty foods.
- u. Grain elevators and bulk storage of feed grains.
- v. Fertilizer production, sales, storage, mixing and blending.
- w. Sales or maintenance of farm implements and related equipment.
- x. Animal hospitals, shelters and kennels.
- y. Veterinarian services.
- z. Sawmills.

(d) **Prohibited Uses.**

- (1) Specifically excluded from this designation and expressly prohibited is any use or business which is dangerous or which would create a public nuisance.
- (2) All residential uses are expressly prohibited.
- (3) Also specifically excluded and expressly prohibited is any use or business involving the wrecking of automobiles, junk yards, scrap yards, garbage removal or the slaughter of animals or poultry.

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

- (1) **Lot Frontage.** No minimum.
- (2) **Lot Area.** Minimum fifteen thousand (15,000) square feet.
- (3) **Front Yard.** Minimum twenty-five (25) feet.
- (4) **Side Yards.** Minimum twenty (20) feet.*
- (5) **Rear Yard.** Minimum thirty (30) feet.*
- (6) **Building Height.** Maximum sixty (60) feet.
- (7) **Percentage of Lot Coverage.** Maximum seventy percent (70%).

* **Required Buffer Strips in Industrial Districts.** Where an Industrial District abuts a Residential District, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundary, a buffer strip not less than forty (40) feet in width as measured at right angles to said lot line. Plant materials at least six (6) feet in height

of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the Residential District shall be planted in the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be not less than four (4) nor more than eight (8) feet in height, and shall be of such materials as to effectively screen the industrial area. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

Sec. 13-1-32 A-1 Agricultural District.

- (a) **Purpose.** The A-1 Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not yet committed to urban development. It is further intended for this District to protect lands contained therein from urban development until their orderly transition into urban-oriented districts is required.
- (b) **Permitted Uses.**
 - (1) General farming, including agriculture, dairying, floriculture, forestry, grazing, hay, orchards, truck farming and viticulture (grape growing); provided, however, that farm buildings housing animals, barnyards, and feed lots shall not be located in a floodland, and shall be at least one hundred (100) feet from any navigable water or district boundary.
 - (2) Keeping and raising of domestic stock for agribusiness, show, breeding, or other purposes incidental to the principal use of the premises, and for the use of the occupants of the premises, provided that such use shall not be located within one hundred fifty (150) feet of a dwelling unit other than the dwelling unit on the property in question.
 - (3) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables, and truck farming.
 - (4) Harvesting of wild crops and management of wildlife including nonresidential buildings used solely in conjunction with such activity.
 - (5) In-season roadside stands for the sale of farm products produced on the premises, and up to two (2) unlighted signs not larger than eight (8) square feet each advertising such sale.
 - (6) Customary home occupations.
 - (7) One (1) and two (2) family farm residences and a single mobile home, but only when occupied by owners and/or persons engaged in farming activities on the farm on which it is located.

- (8) Woodlots and tree farms.
- (9) Production of forest crops, including tree plantations.

(c) **Permitted Accessory Uses.**

- (1) Attached or detached private garages and carports accessory to permitted or permitted accessory uses.
- (2) General farm buildings including barns, silos, sheds, storage bins and including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign and other provisions of this Chapter.
- (3) One (1) farm dwelling. The only residences allowed as permitted uses on newly established parcels are those to be occupied by a person who or a family at least one (1) member of which earns a substantial part of his or her livelihood from farm operations on the parcel or is related to the operator of the larger farm parcel from which the new parcel is taken. Preexisting residences located in areas subject to zoning under this Section which do not conform to this paragraph may be continued in residential use. The minimum parcel size to establish a residence or a farm operation is thirty-five (35) acres. No structure or improvement may be built on the land unless consistent with agricultural uses.
- (4) Private garages and parking space.
- (5) Private swimming pool and tennis court.
- (6) Home occupation.
- (7) Signs as regulated by the Village.
- (8) Buildings temporarily located for purposes of constructing on the premises for a period not to exceed time necessary for such constructing.
- (9) Gardening and other horticultural uses where no sale of products is conducted on the premises.

(d) **Conditional Uses.**

- (1) Airports, airstrips and landing fields provided that the site is not less than twenty (20) acres.
- (2) Commercial feed lots, livestock sales facilities and fur farms.
- (3) Housing for farm laborers and seasonal or migratory farm workers.
- (4) Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios.
- (5) Utilities.
- (6) Veterinary clinics, provided that no structure or animal enclosure shall be located closer than one hundred fifty (150) feet to a property boundary. [074, 075]
- (7) Public and parochial schools, provided no building shall be located within fifty (50) feet of any lot line.
- (8) Churches, including those related structures located on the same site which are an integral part of the church proper, convents or homes for persons related to a religious

function on the same site, provided no more than ten (10) persons shall reside on the site and no building shall be located within fifty (50) feet of any lot line.

- (9) Golf courses, country clubs, tennis clubs or public swimming pools serving more than one (1) family. The principal structure for any of the above listed uses shall be one hundred (100) feet or more from any abutting lot in a Residential District, and accessory structures shall be a minimum of fifty (50) feet from any lot line.
 - (10) Essential service structures, including but not limited to buildings such as telephone exchange stations, booster or pressure-regulating stations, wells, pumping stations, elevated tanks, lift stations and electrical power substations, provided no building shall be located within ten (10) feet from any lot line of an abutting lot in a Residential District. Prior to granting such permit, it shall be found that the architectural design of service structures is compatible to the neighborhood in which it is to be located and thus will promote the general welfare.
 - (11) Hospitals for human care, sanitariums, rest homes, and nursing homes, provided that all structures, except fences, shall be located one hundred (100) feet or more from the lot line of any abutting lot in a Residential District.
 - (12) Cemeteries.
 - (13) Fur farms, kennels, greenhouses and other agricultural uses that may cause noxious odors or noise, or create health or sanitation hazards.
 - (14) Campgrounds, tourist camps and travel trailer parks, subject to the provisions of this Chapter and the Wisconsin Administrative Code.
 - (15) Trap or skeet shooting facilities, target ranges, gun clubs, shooting preserves.
 - (16) Riding stables.
 - (17) Golf courses.
- (c) **Lot, Yard and Building Requirements.**
- (1) **Lot Frontage.** Minimum two hundred (200) feet.
 - (2) **Lot Area.** Minimum two (2) acres.
 - (3) **Principal Building.**
 - a. Front Yard: Minimum eighty (80) feet.
 - b. Side Yards: Minimum fifty (50) feet.
 - c. Rear Yard: Minimum fifty (50) feet.
 - (4) **Accessory Building.**
 - a. Front Yard: Minimum eighty (80) feet.
 - b. Side Yards: Minimum forty-five (45) feet.
 - c. Rear Yard: Minimum forty-five (45) feet.
 - d. Building Height: Maximum fifty (50) feet.

Sec. 13-1-33 G-1 Institutional District.

- (a) **Purpose.** The G-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

(b) Permitted Uses.

- (1) Cemeteries.
- (2) Churches.
- (3) Fraternal organizations.
- (4) Hospitals, sanatoriums, nursing homes and clinics.
- (5) Libraries, museums and art galleries.
- (6) Municipal parking lots.
- (7) Public administrative offices and public service buildings, including fire and police stations.
- (8) Public or private schools, colleges and universities.
- (9) Public utility offices.
- (10) Utilities.
- (11) Water storage tanks, towers and wells.
- (12) Amphitheaters.
- (13) Amusement parks.
- (14) Aquariums.
- (15) Arenas and field houses.
- (16) Art galleries.
- (17) Auditoriums.
- (18) Boat rentals and boat access sites.
- (19) Botanical gardens and arboretums.
- (20) Exhibition halls.
- (21) Fairgrounds.
- (22) Forest reserves (wilderness areas).
- (23) Forest reserves (wilderness refuges).
- (24) Golf courses with or without country club facilities.
- (25) Golf driving ranges.
- (26) Group or organized camps.
- (27) Historic and monument sites.
- (28) Hunting and fishing clubs.
- (29) Ice skating.
- (30) Libraries.
- (31) Miniature golf.
- (32) Museums.
- (33) Parks — general recreation.
- (34) Parks — leisure and ornamental.
- (35) Picnicking areas.
- (36) Planetaria.
- (37) Playfields or athletic fields.
- (38) Playgrounds.

- (39) Play lots or tot lots.
- (40) Recreation/community centers.
- (41) Skiing and tobogganing.
- (42) Stadiums.
- (43) Swimming beaches.
- (44) Tennis courts.

(c) **Permitted Accessory Uses.**

- (1) Essential services.
- (2) Garages for storage of vehicles or materials used in conjunction with the operation of a permitted used.
- (3) Off-street parking and loading areas.
- (4) Residential quarters for administrators, caretakers or clergy.
- (5) Service buildings and facilities normally accessory to the permitted uses.
- (6) Service-oriented offices or shops located within institutional buildings.

(d) **Conditional Uses.**

- (1) Archery ranges.
- (2) Athletic clubs and health resorts.
- (3) Drive-in movies.
- (4) Golf courses with country club/restaurant facilities.
- (5) Gymnasiums.
- (6) Miniature golf.
- (7) Public emergency shelters.
- (8) Roller skating.
- (9) Skeet and trap shooting ranges, provided that the firing of rifle arms and shotgun slugs shall not be permitted directly toward or over any highway, road or navigable water, toward any building or structure or toward any population concentration within one and one-half (1-1/2) miles of the site.

(e) **Lot Area and Width.** There are no minimum lot requirements.

(f) **Building Height.** No building or parts of a building shall exceed forty-five (45) feet in height.

(g) **Setback and Yards.**

- (1) A minimum building setback of twenty-five (25) feet from the right-of-way line of all public streets shall be required.
- (2) There shall be a minimum side yard of ten (10) feet.
- (3) There shall be a rear yard of not less than twenty-five (25) feet.
- (4) Exception. In the case of ownership by school district or organization or by church or religious society of more than fifty percent (50%) of the frontage on intersection streets and more than fifty percent (50%) of the area of the square block wherein such property is located, the minimum setback line for building on such school or church property shall be fifteen (15) feet.

Sec. 13-1-34 MW Municipal Well Recharge Area Overlay District.

- (a) **Purpose.** The Village recognizes that consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the Municipal Well Recharge Area Overlay District (MW) is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area of the Village's municipal wells. The restrictions imposed herein are in addition to those of the underlying residential, commercial or industrial zoning districts or any other provisions of the Zoning Ordinance.
- (b) **Overlay Zones.** The Municipal Well Recharge Area Overlay District is hereby divided into Zone A and Zone B as follows:
 - (1) Zone A is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contaminants to the municipal wells. Zone A is more restrictive than Zone B.
 - (2) Zone B is identified as a secondary source of water for the municipal well aquifer and as an area where there is a lower probability of surface contaminants reaching the municipal well fields. Zone B is less restrictive than Zone A.
- (c) **Zone A Prohibited Uses.** The following land uses are hereby found to have a high potential to contaminate or have already caused groundwater contamination problems in Wisconsin and elsewhere. The following principal or accessory uses are hereby prohibited within Zone A of the Municipal Well Recharge Area Overlay District:
 - (1) Areas for dumping or disposing of garbage, refuse, trash or demolition material.
 - (2) Asphalt products manufacturing plants.
 - (3) Automobile laundries.
 - (4) Automobile service stations.
 - (5) Building materials and products sales.
 - (6) Cartage and express facilities.
 - (7) Cemeteries.
 - (8) Chemical storage, sale, processing or manufacturing plants.
 - (9) Dry cleaning establishments.
 - (10) Electronic circuit assembly plants.
 - (11) Electroplating plants.
 - (12) Exterminating shops.
 - (13) Fertilizer manufacturing or storage plants.
 - (14) Foundries and forge plants.
 - (15) Garages — for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding.
 - (16) Highway salt storage areas.
 - (17) Industrial liquid waste storage areas.
 - (18) Junk yards and auto graveyards.

- (19) Metal reduction and refinement plants.
- (20) Mining operations.
- (21) Motor and machinery service and assembly shops.
- (22) Motor freight terminals.
- (23) Pain products manufacturing.
- (24) Petroleum products storage or processing.
- (25) Photography studios, including the developing of film and pictures.
- (26) Plastics manufacturing.
- (27) Printing and publishing establishments.
- (28) Pulp and paper manufacturing.
- (29) Septage disposal sites.
- (30) Sludge disposal sites.
- (31) Storage, manufacturing or disposal of toxic or hazardous materials.
- (32) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- (33) Woodworking and wood products manufacturing.
- (d) **Zone A Conditional Uses.** The following conditional uses may be allowed in the Municipal Well Recharge Area Overlay District, subject to the provisions of Article E:
 - (1) Any other business or industrial use not listed as a prohibited use.
 - (2) Animal waste storage areas and facilities.
 - (3) Center-pivot or other large-scale irrigated agriculture operations.
- (e) **Zone B Prohibited Uses.** The following principal or accessory uses are hereby prohibited within Zone B of the Municipal Well Recharge Area Overlay District:
 - (1) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- (f) **Zone B Conditional Uses.** The following conditional uses may be allowed in the Municipal Well Recharge Area Overlay District, subject to the provisions of Article E:
 - (1) Any business or industrial use.

Sec. 10-1-35 through Sec. 10-1-49 Reserved for Future.

Article D: Planned Unit Development (PUD) Conditional Use

Sec. 13-1-50 Planned Unit Development Conditional Use—Intent.

- (a) The planned unit development conditional use is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The planned unit development under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while, at the same time, maintaining insofar as possible, the land use density and other standards or use requirements as set forth in the underlying basic zoning district.
- (b) The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village of Suring upon specific petition under Section 13-1-57 of this Chapter and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section of the Chapter have been met.

Sec. 13-1-51 Types of Planned Unit Developments.

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

Sec. 13-1-52 General Requirements for Planned Unit Developments.

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

Sec. 13-1-53 Physical Requirements for Planned Unit Developments.

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

Principal Uses	Minimum Area of PUD
Residential PUD	3 acres
Commercial PUD	5 acres
Industrial PUD	10 acres
Mixed Compatible Use	10 acres

- (b) **Density Requirements (Lot Area, Width and Yard Requirements).** The district area, width and yard requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units that would have been permitted if the planned unit development regulations had not been utilized.
- (c) **Building Height and Area Requirements.**
- (1) Buildings in a planned unit development shall not exceed the height permitted in the basic use district.
 - (2) Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the basic use district.
- (d) **Single Parcel, Lot or Tract.** At the time of filing, the planned unit development shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract.

Sec. 13-1-54 Requirements as to Public Services and Facilities.

- (a) The development site shall be provided with adequate drainage facilities for surface and storm waters.
- (b) The site will be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the development.
- (c) No undue constraint or burden shall be imposed on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public areas by the developments.
- (d) The streets and driveways on the site of the development shall be adequate to serve the residents of the development and, in the case of public dedicated streets, will meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
- (e) Public water and sewer facilities shall be provided.

Sec. 13-1-55 Subsequent Land Division.

The division of any land or lands within a planned unit development for the purpose of change or conveyance of ownership may be accomplished pursuant to the land division/subdivision regulations of the Village when such division is contemplated.

Sec. 13-1-56 Procedural Requirements—Intent.

Sections 13-1-50 through 13-1-55 set forth the basic philosophy and intent in providing for Planned Unit Developments, the kinds thereof, the general requirements, physical requirements and requirements as to public services and facilities. The following sections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.

Sec. 13-1-57 Procedural Requirements for Planned Unit Developments.

- (a) **Pre-Petition Conference.** Prior to the official submission of the petition for the approval of a planned unit development, the owner or his agent making such petition shall meet with the Village Board or its staff to discuss the scope and proposed nature of the contemplated development.
- (b) **Petition for Approval.** Following the pre-petition conference, the owner or his agent may file a petition with the Village Clerk-Treasurer for approval of a planned unit development. Such petition shall be accompanied by a review fee as prescribed in Section 1-3-1, as well as incorporate the following information:
 - (1) **Informational Statement.** A statement which sets forth the relationship of the proposed PUD to the Village's adopted master (comprehensive land use and thoroughfare plan) plan, neighborhood plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
 - a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - d. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.
 - e. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
 - (2) **A General Development Plan Including:**
 - a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.

- b. The location of public and private roads, driveways, sidewalks and parking facilities.
 - c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
 - d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
 - e. The type, size and location of all structures.
 - f. General landscape treatment.
 - g. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
 - h. The existing and proposed location of all private utilities or other easements.
 - i. Existing topography on the site with contours at no greater than two (2) foot intervals.
 - j. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
 - k. If the development is to be staged, a staging plan.
 - l. A plan showing how the entire development can be further subdivided in the future.
- (c) **Public Hearing.** The Village Board shall hold public hearing on the petition in the manner provided in Sections 13-1-63 and 13-1-64 for Conditional Uses.

Sec. 13-1-58 Basis for Approval of the Petition for Planned Unit Development.

- (a) **Requirements.** The Village Board, in making a determination approving a petition for planned unit development, shall find as follows:
- (1) That the general requirements made and provided in Section 13-1-52 will be met;
 - (2) That the applicable physical requirements made and provided in Section 13-1-53 will be met;
 - (3) That the requirements as to public services and facilities made and provided in Section 13-1-54 will be met.
- (b) **Proposed Construction Schedule.** The Village Board, in making its determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one (1) year of approval being deemed reasonable.
- (c) **Residential PUD, Considerations.** The Village Board, in making its determination as to a proposed residential planned unit development, shall further consider whether:
- (1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.

- (2) The total net residential density within the planned unit development will be compatible with the Village master plan (comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.
- (3) Structure types will be generally compatible with other structural types permitted in the underlying basic use district. To this end, structure type shall be limited as follows:
 - a. Planned residential developments in the residential districts shall not exceed sixteen (16) dwelling units per structure.
- (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
- (5) Provision has been made for adequate, continuing fire and police protection.
- (6) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
- (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.
- (d) **Commercial PUD, Considerations.** The Village Board, in making its determination as to a proposed commercial planned unit development, shall further consider whether:
 - (1) The economic practicality of the proposed development can be justified.
 - (2) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.
 - (3) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
 - (4) The locations of entrances and exists have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - (5) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (e) **Industrial PUD, Considerations.** The Village Board, in making its determination as to a proposed industrial planned unit development, shall further consider whether:
 - (1) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.

- (2) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water sanitary sewer and storm water drainage and maintenance of public areas.
- (3) The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
- (4) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (f) **Mixed Use PUD, Considerations.** The Village Board, in making its determination as to a proposed mixed use planned unit development, shall further consider whether:
 - (1) The proposed mixture of uses procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
 - (2) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
 - (3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

Sec. 13-1-59 Determination of Disposition of the Petition.

- (a) **General.** The Village Board, following public hearing thereon and after due consideration, shall either deny the petition, approve the petition as submitted or approve the petition subject to any additional conditions and restrictions the Village Board may impose.
- (b) **Approval.** The general and detailed approvals of a planned unit development shall be based on and include, as conditions thereto, the building, site and operational plans for the development as approved by the Village Board.
 - (1) **General Approval.** The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of petition provided it is in sufficient detail to satisfy the Village Board as to the general character, scope and appearance of the proposed development. Such plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of such general development plan, by way of approval of the petition, shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.
 - (2) **Detailed Approval.** Detail plans must be furnished to the Village Board for its consideration and the detailed approval by the Village Board of any part or stage of

the proposed development shall be required before construction of such part or stage of the development may be commenced. Before plans submitted for detailed approval within the corporate limits will be approved, the petitioner shall give satisfactory proof that he has contracted to install all improvements or file a performance bond insuring that such improvements will be installed within the time required by the Village Board.

- (c) **Changes and Additions.** Any subsequent substantial change or addition to the plans or uses shall be submitted for approval to the Village Board and if, in the opinion of the Village Board, such change or addition constitutes a substantial alteration of the original plan, it shall schedule an additional public hearing in which event the Village Board shall schedule a notice of public hearing as for the original petition. Following such public hearing, the Village Board shall deny, approve or approve the same subject to any additional conditions and restrictions it may impose.

Article E: 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 Suring 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 Village Board; Requirements.

- (a) The Village Board may, by resolution, authorize the Zoning Administrator to issue a conditional use permit for either regular or limited conditional use after review and public hearing, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of a limited conditional use, the Village Board in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Board resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Village Board 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 shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.

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

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

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

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

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

Sec. 13-1-64 Hearing on Application.

Upon receipt of the application and statement referred to in Section 13-1-63 above, the Village Board shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Village Board. 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 Village Board shall, by rule, prescribe from time to time.

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

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 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 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.

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

No application for a conditional use shall be granted by the Village Board unless such the Board shall find all of the following conditions are present:

- (a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the 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.
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (g) That the proposed use does not violate flood plain regulations governing the site.
- (h) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (i) That, in addition to passing upon a Conditional Use Permit, the Board shall also evaluate the effect of the proposed use upon:
 - (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

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

When a denial of a conditional use application is made, the Village Board shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the 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 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 Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed 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.** The Village Board shall evaluate each application and may request assistance from any source which can provide technical assistance. The Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Village Board.
- (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 which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading.

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

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

Sec. 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 and Professional Home Offices.

- (a) **Intent.** The intent of this Section is to provide a means to accommodate a small family business, home occupation or professional home office without the necessity of a property being rezoned into a commercial district. Approval of a major expansion of a limited family business, home occupation, or professional home office 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 allowed under Subsection (c), home occupations and/or 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/professional home office shall be conducted only within the enclosed area of the dwelling unit or an attached professional home office 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 underlying 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.
 - (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 use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the gross floor area of any one (1) floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of home occupation/professional home office;
 - (8) The home occupation/professional home office may be restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises.
 - (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) One (1) non-resident employee may work on the premises.
- (c) **Permitted Use Exception.** A home occupation/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/professional home office, no more than one (1) non-resident person works on the premises and no customers regularly come to the house.

Sec. 13-1-73 Town Houses Conditional Use.

The following standards, and not the standards contained in the schedules of District regulations, shall be applied to the construction of town houses:

13-1-73

- (a) The overall density shall not exceed fifteen (15) dwelling units per acre.
- (b) The average lot width shall be at least twenty (20) feet; however, no individual lot shall be narrower than eighteen (18) feet.
- (c) The average maximum lot coverage of principal and accessory buildings shall not exceed fifty percent (50%) and no individual lot shall be covered more than sixty percent (60%).
- (d) The average front yard setback shall be twenty (20) feet but no building shall be located closer to the front property line than fifteen (15) feet.
- (e) Side yards of not less than twenty (20) feet in width shall be provided at least every one hundred sixty (160) feet and for every corner lot; zero lot lines are permitted in between.
- (f) The rear yard shall be not less than twenty percent (20%) of the depth of the lot.
- (g) No structure shall be higher than three (3) stories or thirty-five (35) feet.
- (h) One (1) off-street parking space of not less than one hundred eighty (180) square feet in area, exclusive of access drive or aisle, shall be provided for each dwelling unit.

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

Article F: Nonconforming Uses, Structures and Lots

Sec. 13-1-80 Existing Nonconforming Uses and Structures.

- (a) The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- (b) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this Chapter; provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.
- (c) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Sec. 13-1-81 Abolishment or Replacement.

- (a) **Termination.** If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Chapter.
- (b) **Building Destroyed by Fire or Dilapidated.** Where a building located in a district restricted against its use has been destroyed by fire or other calamity, or has become dilapidated to the extent of not more than fifty percent (50%) of its fair market value, the same may be rebuilt; but where such a building is destroyed to the extent of more than fifty percent (50%) of its fair market value, a permit may be granted for its reconstruction within twelve (12) months from the date of such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business or industrial district as the interest of the public demands.

Cross-Reference: Section 15-4-7.

Sec. 13-1-82 Existing Nonconforming Structures.

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall

not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

Sec. 13-1-83 Changes and Substitutions.

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

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

Article G: 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	2,000 - 10,000	1
warehouse, service	10,000 - 20,000	2
manufacturing, and	20,000 - 40,000	3
industrial establishments	40,000 - 60,000	4
	Each additional 50,000	1
Hotels, offices	5,000 - 10,000	1
hospitals, places of	10,000 - 50,000	2
public assembly	50,000 - 100,000	3
	Each additional 25,000	1
Funeral homes	2,500 - 4,000	1
	4,000 - 6,000	2
	Each additional 10,000	1

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.

- (c) **Location.** Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty-five (45) 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-five (25) feet in length, and eight (8) feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.
- (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) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.
- (g) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (h) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
 - (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

Sec. 13-1-92 Parking Requirements.

All new parking lots and all alterations of existing lots shall be subject to the approval of the Village Board. 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 within the fire zone 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) **Location.**
 - (1) Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use.

- (2) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residence districts but shall not be closer than five (5) feet to a side lot line, right-of-way line or rear lot line.
- (3) Off-street parking in the single-family resident and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Section 13-1-93.
- (c) **Use Restrictions.**
 - (1) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.
 - (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) footcandles measured at the lot line.
 - (3) **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.
 - (4) **Size.** Parking stalls shall be a minimum of one hundred eight (180) square feet.
- (d) **Number of Stalls.** Number of parking stalls required for newly created parking lots are shown in the following table:

Use	Minimum Parking Required
Dwellings: Single-family, two-family and mobile homes	2 stalls for each dwelling unit
Dwellings: Multi-family	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Boarding houses	1 stall for each bed
Retirement homes, orphanages	1 stall per 2,000 feet of principal floor area

Rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	5 stalls for each doctor
Churches, community centers, vocational schools, and other places of public assembly	1 stall for each 5 seats
Secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each 5 students of 16 years of age or more
Restaurants, bars, clubs and lodges, places of entertainment	1 stall for each 150 square feet
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at one time
Financial institutions, business, government and professional offices, retail and service establishments	1 stall for each 300 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus one space for each 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages—see above.)
Repair shops, retail and service stores	1 space for each 150 square feet of net floor space
Automobile repair garages and service stations	1 space for each employee plus 1 space for each 250 square feet of floor area used for repair work
Bowling alleys	5 spaces for each alley

- (e) **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.

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

Sec. 13-1-93 Driveways.

All driveways installed, altered, changed, replaced or extended after the effective date of this Chapter shall meet the requirements of Sections 6-3-1 and 6-3-2.

Sec. 13-1-94 Highway Access.

- (a) **Highway Access.** 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. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.

- (b) **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.
- (c) **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. 13-1-95 through Sec. 13-1-99 Reserved for Future Use.

Article H: Signs, Canopies, Awnings and Billboards

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

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

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

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

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

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

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

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

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

(a) Permit Required.

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

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

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

the sign meets the requirements of this Article, all other ordinances of the Village and the approval of the Village Board as established herein, the Zoning Administrator shall issue a permit therefor.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (4) **Location.** The location of any such sign shall be at the discretion of the Zoning Administrator based upon the character of the area, the type and purpose of the sign.
- (c) **Nonflashing, Illuminated 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 thirty-two (32) square feet in area nor be closer than five (5) feet from any lot line.
 - (2) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (3) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.
- (d) **Bed and Breakfast Signs.** Subject to the following:
 - (1) **Content.** The sign shall bear only the name, address and other pertinent information regarding the bed and breakfast establishment.
 - (2) **Area and Number.** There shall not be more than one (1) sign per lot street frontage. No sign shall exceed sixteen (16) square feet in area. Such sign shall have a ten (10) feet setback from a public right-of-way or lot line.
 - (3) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (4) **Height.** No sign shall project higher than six (6) feet above the street level.
- (e) **Home Occupation/Professional Home Office.** Subject to the following:
 - (1) **Content.** The sign shall bear only the name, address, hours and other pertinent information regarding the on-site home occupation or professional home office maintained in compliance with the Village's Zoning Code.
 - (2) **Area and Number.** There shall not be more than one (1) sign per lot. No sign shall exceed six (6) square feet in area. Such sign shall have a ten (10) foot setback from a public right-of-way or lot line.
 - (3) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (4) **Height.** No sign shall project higher than six (6) feet above the street level.

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

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

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

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

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

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

- (1) **Directory Signs.** Directory signs advertising a business or activity conducted, an area of interest, or a service available at a specific location are permitted in the B-1, B-2, B-3 and I-1 Districts when a part of a Village-sponsored directory sign program. Such signs shall be not more than twenty-four (24) square feet in gross area. There shall not be more than two (2) such signs relating to any one (1) such use in the approaching direction along any one (1) highway. Such signs may be placed at the right-of-way line of the highway. A larger number of signs may be permitted by the Village Board if the Village Board shall find it necessary for directing the traveling public. The Village Board shall designate a uniform sign design for such directory signs.
- (2) **Wall Signs.** Wall signs are permitted in the B-1, B-2, B-3 and I-1 Districts. Wall signs placed against the exterior walls of buildings shall not extend more than sixteen (16) inches outside of a building's wall surface, nor extend above or beyond the wall itself. Total sign area (including multiple business/tenant signs on a single property) shall not exceed one (1) square foot for each lineal foot of the building parallel with the main street frontage. Rear or side entrance signs are subject to the same size restrictions as that found at the principal (front/main) entrance to the building. Signs on other building facades (i.e. non-entrance side facades) are limited to one-half (1/2) square foot per lineal foot of such facade. All signs attached or affixed to a building shall not exceed twenty (20) feet in height above the mean centerline street grade.
- (3) **Projecting Signs.** Projecting signs fastened to, suspended from, or supported by a building or structure, shall not exceed in gross area for any one (1) premise: forty (40) square feet on each of two (2) faces in the B-2 Highway Commercial District or B-3 Business Park District, and forty (40) square feet on each of two (2) sides in an Industrial District. With the exception of existing marquee signs of historic interest, permits shall not be issued for new projecting signs in the B-1 General Commercial District. Such signs shall not extend into any public right-of-way; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a pedestrian walk nor less than fifteen (15) feet above an alley or driveway.

- (4) **Ground Signs.** Ground signs and their supporting structure shall comply with all setback requirements of the District in which they are located, except that ground signs in a B-2 Highway Commercial District may be located up to a public right-of-way. Ground signs shall not exceed in gross area for any one (1) premise: forty (40) square feet on each side in a B-1 General Commercial District; one hundred twenty (120) square feet on each side in a B-2 Highway Commercial District; or one hundred sixty (160) square feet on each side in an I-1 or B-3 Industrial District. Such signs shall not exceed at their highest point twenty (20) feet in height above mean centerline street grade. One (1) ground sign is permitted on a street frontage provided there is no pylon sign on that side. Any ground sign in a B-2 Highway Commercial District, B-3 Business Park District or I-1 Industrial District shall have a minimum landscaped area of sixteen (16) square feet around the base of the ground sign.
- (5) **Pylon Signs.** Pylon signs shall not exceed thirty (30) feet in height in a B-2 or B-3 Business District or I-1 Industrial District. Pylon signs shall not be placed in the B-1 General Commercial District. Height is measured above the mean centerline of street grade. The sign shall be completely within the property upon which it is located. One (1) pylon sign per street frontage is permitted. Size is limited to one hundred (100) square feet for one (1) side, or two hundred (200) feet for all sides. When there exists a property zoned in a B-2 Highway Commercial District with continuous road/highway frontage in excess of three hundred (300) feet, the size is limited to two hundred (200) square feet per side or four hundred (400) square feet for all sides. Any pylon sign shall have a minimum landscaped area of sixteen (16) square feet around the base of the pole.
- (6) **Off-Premise Third Party Signs.** Off-premise third party signs are prohibited except that a business in a B-2 Highway Commercial District may have an off-premise pylon or ground sign shared with a physically adjacent business on the adjacent business' property. Such a shared sign shall comply with the dimensional requirements of Subsections (d)(4) and (5) above, except that the secondary sign's dimensions shall not exceed fifty percent (50%) of the primary sign's maximum allowable dimensions. Such signs shall share the same pylon or ground sign mountings.
- (7) **Shopping Center/Industrial Park Directory Signs.** In a shopping center or industrial park, one (1) free-standing identification/directory sign for each street upon which the development fronts may be permitted showing the name of said center or park and represented business or industries. Directory signs for shopping centers or industrial parks are permitted as an alternative to ground signs or projecting signs for individual stores in the shopping center or business in the industrial park. The top of a directory sign shall not exceed thirty-two (32) feet in height above the mean centerline street grade and the bottom of the sign shall not be less than ten (10) feet above the sidewalk and not more than sixteen (16) feet above a driveway or alley. Double supporting pylons shall not be greater than ten (10) feet apart. That portion of the directory sign which advertises the shopping center or industrial park name shall not

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

Sec. 13-1-106 Special Sign Requirements.

(a) **Electronic Message Unit Signs.**

- (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
- (2) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.
- (3) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.

(b) **Portable Signs/Message Boards.** Such signs shall be limited in use to seven (7) 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 seven (7) 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. Changeable message board signs are permitted if mounted flat on a building's exterior.

(c) **Search Lights.** The Zoning Administrator may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period.

(d) **Sandwich Signs.** In instances where the property owner or business tenant in a B-1 General Commercial District or B-2 Highway Commercial District wishes to erect a sandwich board, there is a limit of one (1) sandwich board per business tenant and such sign shall not exceed four (4) feet in height and eight (8) square feet per side display area. Sandwich signs may be placed only after issuance of a sign permit and shall be placed in a manner so as not to present a hazard.

(e) **On-Site Banner Signs.** On-site banner signs, whether permanent or temporary, shall not be erected for over sixty (60) days.

(f) **Over-the-Street Banners.** Over-the-street banners are not permitted, except for civic activities.

(g) **Neon Signs.** Exterior neon or gas illumination signs require a sign permit.

Sec. 13-1-107 Awnings and Canopies.

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

Sec. 13-1-108 Prohibited Features.

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

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

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

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

Sec. 13-1-110 Nonconforming Signs.

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

be allowed, nor shall expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area, may be erected only upon the complete removal of all other signs existing at the time of adoption of this Article.

- (3) **Removal of Nonconforming Signs After Amortization Period.** The Village Board finds that the Village's development and increased competition among various businesses located in the Village has significantly increased the number of signs. The result has been an excessive number of signs, which tend to increase public confusion, interfere with other signs, distract operators of motor vehicles, and cause visual blight. The Village Board has determined that it is in the public interest to eliminate legal nonconforming signs. The Village Board also recognizes that owners of signs may have property interests of value in such nonconforming signs that may be amortized over time and thus is adopting a reasonable phase-out period. All legal nonconforming signs which could not be erected under the standards of this Article shall be removed, at the cost of the property owner, within ten (10) years of the effective date of this Article.
 - (4) **Removal Upon Business Termination.** Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per Section 13-1-114. Closing businesses must remove their signs within thirty (30) days of closing.
 - (5) **Change in Sign User.** Whenever there is a change in the sign user (excluding off-premise signs) or owner of the property on which the sign is located, the new sign user or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure.
- (b) **Alteration of Signs.**
- (1) **Alteration Defined.** For the purpose of this Article, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including: changing the message (except for marquee or off-premise advertising signs), symbols, color, material, height or location.
 - (2) **Maintenance Exception.** Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee sign; or changing the face of an off-premise advertising sign.
- (c) **Loss of Legal Nonconforming Status.**
- (1) In addition to the standards in Subsections (a) and (b) above, a sign may also lose its nonconforming status if one (1) or more of the following occurs:
 - a. If said sign is damaged by fire, flood, explosion, earthquake, vandalism, war, riot or Act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty

- percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article.
- b. The sign is relocated;
 - c. The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
- (2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.
- (d) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs. However, legal nonconforming signs shall not be reinstalled, reconstructed or have their useful life extended.

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

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

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

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

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

(b) **General Requirements.**

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

Sec. 13-1-113 Variances or Exceptions.

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

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

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

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

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

Article I: Performance Standards

Sec. 13-1-120 Compliance.

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 their district regulations and with the following performance standards.

Sec. 13-1-121 Sound.

The volume of sound inherently and recurrently generated shall not exceed the following standards at any point along the boundaries of the zone in which the use is located:

- (a) Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.
- (b) Maximum sound pressure levels shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association and shall not exceed the values for octave bands lying within the several frequency limits given in the following table after the application of appropriate corrections:

B-1, B-2 and B-3 Districts

Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels
0 - 74	72
75 - 149	67
150 - 299	59
300 - 599	52
600 - 1,199	46
1,200 - 2,399	40
2,400 - 4,800	34
Above 4,800	32

Type of Operation or Noise	Correction in Decibels
Daytime operation only	+ 5
Noise of impulsive character (e.g. hammering)	- 5
Noise of periodic character (e.g. hum, screech)	- 5

I-1 District

Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels
0 - 74	79
75 - 149	74
150 - 299	66
300 - 599	59
600 - 1,199	53
1,200 - 2,399	47
2,400 - 4,800	41
Above 4,800	39

Type of Operation or Noise	Correction in Decibels
Daytime operation only	+ 5
Noise of impulsive character (e.g. hammering)	- 5
Noise of periodic character (e.g. hum, screech)	- 5

Sec. 13-1-122 Vibration.

No operation which creates vibrations which are readily detectable without the use of instruments at any point along lot lines shall be permitted.

Sec. 13-1-123 Radioactivity.

No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation", dated June 16, 1957, or any subsequent revisions or amendments.

Sec. 13-1-124 Toxic or Noxious Matter.

No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business, shall be permitted.

Sec. 13-1-125 Glare.

No direct or reflected glare from any I-1 District shall be detectable from any Residential boundary.

Sec. 13-1-126 Particulate Emissions.

- (a) **Dust.** No solid or liquid particles shall be emitted in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air.
- (b) **Fly Ash.**
 - (1) No emission or fly ash in excess of the quantity specified in the following table shall be permitted:

Heat in Fuel Burned (British Thermal Units Per Hour	Fly Ash: Rate of Emission (Lbs. per Hour
1,000,000	1
100,000,000	100
400,000,000	330
1,000,000,000	750
2,000,000,000	1,365
3,000,000,000	1,850
4,000,000,000	2,260
5,000,000,000	2,640
6,000,000,000	2,950
7,000,000,000	3,200
8,000,000,000	3,410
10,000,000,000	3,750

- (2) For heat content between any two (2) consecutive heat contents given in the Table, the fly ash limitation shall be as determined by interpolation.
- (c) **Smoke.** No emission of smoke from any source, as measured on the Ringelmann Chart published by the United States Bureau of Mines, shall be permitted in excess of:
 - (1) In the Business/Commercial Districts, a density described as Ringelmann No. 2, provided that a density equal to Ringelmann No. 3 may be emitted for not more than three (3) minutes in any fifteen (15) consecutive minutes.
 - (2) In an Industrial District, a density described as Ringelmann No. 3.

Sec. 13-1-127 through Sec. 13-1-129 Reserved for Future Use.

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

Sec. 13-1-130 Signal Receiving Antennas.

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

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

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

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

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

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

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

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

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

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

indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.

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

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

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

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

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

Sec. 13-1-134 Wireless Telecommunications Systems.

- (a) **Definitions.** For the purpose of this Chapter and any permit issued in accordance herewith, the following terms, phrases, words and their derivations shall have the meaning given herein unless otherwise specifically provided for in this Chapter or unless the context

clearly indicates otherwise or unless such meaning would be inconsistent with the manifest intent of the Village of Suring:

- (1) **Antenna.** Any structure or device for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
- (2) **Village Engineer.** The Village Engineer of the Village of Suring.
- (3) **Entity.** Any individual, corporation, partnership, association or other legal entity which seeks to provide a Wireless Telecommunications System.
- (4) **FCC.** The Federal Communication Commission or its legally appointed successor.
- (5) **Permittee.** Any entity or its legal successor in interest who is issued a Wireless Telecommunications Permit and/or a Structure Location Permit in accordance with the provisions of this Chapter for the erection, construction, reconstruction, operation, dismantling, testing, use, maintenance, repair, rebuilding, or replacing of a Wireless Telecommunications System in the Village.
- (6) **Street.** Any area established for vehicular or public access use of the entire width between the property lines of every way publicly maintained when any part thereof is open for public purposes. "Street" includes, but is not limited to, a highway, avenue, road, alley, right-of-way, lane, boulevard, concourse, bridge, tunnel, parkways and waterways.
- (7) **Structure Location Permit.** A permit issued by the Zoning Administrator which authorizes the location of an Antenna or Tower at a particular geographic location.
- (8) **Total Gross Revenue.** All cash, credits or other property of any kind or nature reported as revenue items to the Permittee's audited financial statements arising from or attributable to the sale, lease, rental or exchange of Wireless Telecommunications Services or the equipment by the Permittee within the Village or in any way derived from the operation of its Wireless Telecommunications System, including, but not limited to, any interconnection between its system and the Village and any system whatsoever. This shall be the basis for computing the fee imposed pursuant to Subsection (b)(2). Such sum shall not include any bad debts, deposits, promotional or vendor discounts or credits or sales, service, occupation or other excise tax to the extent that such taxes are charged separately from normal services charges and are remitted by the Permittee directly to the taxing authority.
- (9) **Tower.** Any ground, building or roof-mounted pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna.
- (10) **Wireless Telecommunications Permit.** The privilege granted by the Village by which it authorizes an entity to erect, construct, reconstruct, operate, dismantle, test, use, maintain, repair, build or replace a Wireless Telecommunications System. Any permit issued in accordance herewith shall be a non-exclusive permit.

- (11) **Wireless Telecommunications Service.** A licensed commercial wireless telecommunications service including cellular, Personal Communication Services ("PCS"), Specialized Mobile Radio ("SMR"), Enhanced Specialized Mobilized Radio ("ESMR") paging, and similar services that are marketed to the general public.
- (b) **License Requirements; Fees.**
- (1) No entity may construct, operate or continue to operate a Wireless Telecommunications System within the Village without having been issued a Wireless Telecommunications Permit by the Zoning Administrator.
 - (2) It shall be a term and condition of any Wireless Telecommunications Permit issued in accordance herewith and part of the consideration supporting the issuance of such Wireless Telecommunications Permit that the Permittee shall pay to the Village the sum of five percent (5%) of all Total Gross Revenue derived from the operation of Wireless Telecommunications System. Such payments shall be made annually within one hundred twenty (120) days after the close of the calendar year. All fee payments shall be subject to audit by the Village and assessment or refund if the payment is found to be in error. In the event that an audit by the Village results in an assessment of an additional payment to the Village, such additional payment shall be subject to interest at the rate of one and one-half percent (1-1/2%) per month retroactive to the date such payment originally should have been made. Such payment shall be due and payable immediately and shall include the costs of conducting said audit.
 - (3) **Structure Location Permit Fees.**
 - a. All applicants for a Structure Location Permit shall pay to the Village a permit request fee as prescribed in Section 1-3-1 per site.
 - b. Any entity operating a Wireless Telecommunications System shall pay to the Village an annual Structure Location Permit Fee as prescribed in Section 1-3-1 per site.
 - (4) The request fee shall be paid to the Zoning Administrator at the time of making application for a Structure Location Permit. The annual Structure Location Permit Fee provided for in Subsection (c) above shall be paid to the Zoning Administrator annually on or before October 1 of each calendar year for the portion of the Wireless Telecommunications System within the Village right-of-way on January 1 of that year, and a prorated license fee, based upon the calendar quarter in which the application is filed, shall be paid at the time of the application for a Structure Location Permit. Such quarterly fees are due on January 1, April 1, July 1 and September 1.
 - (5) Fees not paid within ten (10) days after the due date shall incur interest at the rate of one and one-half percent (1-1/2%) per month from the date due until paid.
 - (6) The acceptance of any fee payment required hereunder by Village shall not be construed as an acknowledgment that the payment paid is the correct amount due, nor shall such acceptance of payment be construed as release of any claim which the Village may have for additional sums due and payable.

(c) **Conditions of Permit.**

- (1) Any Wireless Telecommunications Permit or Structure Location Permit issued by the Village shall be a non-exclusive permit for the use of those areas within the Village specified in the Wireless Telecommunications Permit or Structure Location Permit.
- (2) Any Wireless Telecommunications Permit or Structure Location Permit issued by the Village shall continue in full force and effect so long as the Permittee is in compliance with this Chapter, all applicable federal, state and local ordinances and regulations and the space occupied is not deemed to be needed by the Village for any other public purpose.
- (3) In the event any Wireless Telecommunications Permit or Structure Location Permit is revoked by the Village, the Wireless Telecommunications System shall, at the sole option of the Village, be removed within thirty (30) days at the sole expense of the Permittee.

(d) **Permit Locations and Conditions.** Antennas and towers authorized by a Structure Location Permit shall comply with the following requirements:

- (1) A proposal for a new antenna or tower shall not be approved unless the Village finds that the telecommunication equipment planned for a proposed antenna cannot be accommodated on an existing or approved tower within a one (1) mile radius of the proposed location due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower, as documented by a qualified and licensed professional engineer, and the existing unit or approved tower cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 - b. The equipment would cause interference materially impacting the usability of other existing or approved equipment at the Tower as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by qualified and licensed professional engineer.
 - d. Other unforeseen reasons make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower.
- (2) Any proposed tower shall be designed in all respect to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height and for at least one (1) additional user if the tower is sixty (60) to one hundred (100) feet in height. Towers must be designed to allow for future rearrangements of antennas upon the tower and to accept antennas mounted at varying heights. All towers shall be erected and constructed in such a manner as to comply with all applicable Village ordinances. All towers and antennas shall be designed to blend into the surrounding environment through the use

of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration. Towers shall not be illuminated by artificial means and shall not display strobe lights except if such lighting is specifically required by the Federal Aviation Administration or other state or federal authority. Any Permittee seeking to operate a Wireless Telecommunications Systems shall provide the Village with a letter of intent signed by the tower owner committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet objectively reasonable terms and conditions for share use.

(e) Use of Streets and Pole Attachments.

- (1) Before commencing construction of a Wireless Telecommunications System in, above, over, under, across, through or in any way connected with the streets, public ways or public places of the Village, the permittee shall first obtain the written approval of, and all other necessary permits from, all appropriate Village agencies, including, but not limited to, the Zoning Administrator and the Department of Public Works. Applicants for such approval shall be made in the form prescribed by the Village Engineer.
- (2) Upon obtaining such written approval, the Permittee shall give the Village Engineer and any other appropriate agency written notice within a reasonable time for proposed construction, but in no event shall such notice be given less than ten (10) days before commencement of such construction, except for emergency repairs of existing lines and cables.
- (3) Any entity that submits a request for a Wireless Telecommunications Permit in accordance herewith shall include therein proposed agreements for the use of existing towers and antennas, if applicable, with the owner(s) of such facilities to be used or affected by the construction of the proposed Wireless Telecommunications System.
- (4) It shall be unlawful for the Permittee or any other person or entity to open or otherwise disturb the surface of any street, sidewalk, driveway, public way or other public place for any purpose whatsoever without first obtaining approval to do so after proceeding in the manner described in Subsection (e)(1) and (2). Violation of this Subsection shall subject the Permittee to all penalties and remedies prescribed herein and to all other remedies, legal or equitable, which are available to the Village.
- (5) The Permittee shall restore any street or sidewalk it has disturbed in accordance with the provisions of the Village's standard specifications for streets and sidewalks, and shall at its own cost and expense, restore and replace any other property disturbed, damaged or in any way injured, by or on account of its activities, to as good as the condition such property was immediately prior to the disturbance, damage or injury, or pay the fair market value of such property to its owner(s), or shall make such other repairs or restoration as outlined in the approved permit.
- (6) The Permittee shall, at its own cost and expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from such

street or other public place, any of its property when required to do so by the Village because of street or other public excavation, construction, repair, regrading or grading, traffic conditions, installation of sewers, drains, water pipes, Village-owned power or signal lines, tracts, vacation or relocation of streets or any other type of construction or improvement of a public agency, or any type of improvement necessary for the public health, safety or welfare, or upon termination or expiration of the permit.

- (7) The Permittee shall maintain all wires, conduits, cables or other real and personal property and facilities in good condition, order and repair. The Permittee shall provide indemnity insurance and performance bonds or demonstrate financial responsibility as shall comply with all rules and regulations issued by the Village Engineer governing the construction and installation of Wireless Telecommunications Systems.
 - (8) The Permittee shall keep accurate, complete and current maps and records of its system and facilities which occupy the streets, public ways and public places within the Village and shall furnish, as soon as they are available, two (2) complete copies of such maps and records, including as-built drawings, to the Village Engineer.
 - (9) The Permittee shall comply with all rules and regulations issued by the Village Engineer governing the construction and installation of Wireless Telecommunications Systems.
- (f) **Violation and Penalties.** Any entity who shall carry on or conduct any business or occupation or profession for which a Wireless Telecommunications Permit or a Structure Location Permit is required by this Section without first obtaining such a permit shall be considered to be in violation of this Section and, upon conviction, shall be punished as provided in Section 13-1-155. Each day any violation continues shall be deemed a separate, chargeable offense. No tower or antenna may be sited on residential property within the Village. Placement of towers or antennas on such residentially-zoned property shall be a violation of this Section and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) per day for each day that the tower or antenna is in place. Any other violation of this Section shall be punished as provided in Section 13-1-155.
- (g) **Restrictions on Assignment, Transfer, Sale and Subleasing.**
- (1) The rights and privileges hereby granted are considered personal, and if the Permittee sells, assigns, transfers, leases or pledges such rights or privileges, or both, in whole or in part, either directly or by operation of the law, then the Village shall have the right to terminate any and all permits issued hereunder for no other cause. The Village shall terminate such permits in writing, by certified mail, return receipt requested, to the Permittee, and such termination shall be effective sixty (60) days from said date of mailing. The rights and privileges hereby granted shall not be mortgaged or encumbered without the prior consent and approval of the Village given by written resolution.
 - (2) In addition to the provisions of termination provided for in Subsection (g)(1), the Village shall have the right to terminate any and all permits issued hereunder upon any actual or pending change in, or transfer of, acquisition by any other party, or

control of Permittee. The word "control" as used in this context is not limited to major stockholders, but includes actual working control in whatever manner exercised. The Permittee shall annually submit to the Village a list of all shareholders and a list of all officers and directors. By acceptance of the Wireless Telecommunications Permit, the Permittee specifically agrees that any violation of this Section shall, at the Village's option, cause any and all permits granted the Permittee under this Section to be revoked.

(h) Reports.

- (1) Entities requesting a Wireless Telecommunications Permit may be required by the Village to submit evidence of financial capability to construct and operate a Wireless Telecommunications Permit. Such evidence may include, but is not limited to, previous years' audited financial statements for the entity, individual financial statements of principals or investors or such other financial information as the Village may desire.
- (2) The Permittee shall provide the Village with a written statement from an independent certified public accountant within one hundred twenty (120) days after the close of the calendar year that such certified public accountant has reviewed the books and records of the Permittee as they related to any permits issued under this Section, and based upon such review, the certified public accountant believes the payment received by the Village properly reflects the fee due to the Village with respect to this Section. The Village shall have the right to reasonable inspection of the Permittee's books and records during normal business hours.

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

Article K: Accessory Uses and Structures; Fences

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

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

- (1) The maximum square feet of attached garage floor area shall be limited to the smaller of either nine hundred (900) square feet or the first floor dwelling unit area in the case of a single family residence.
 - (2) The maximum square feet of attached garage floor area shall be limited to the smaller of either six hundred (600) square feet or the first floor dwelling unit area in the case of a duplex, two-family dwelling, or multi-family dwelling.
- (e) **Size Limits for Detached Residential Garages.** For residences with detached garages, one (1) detached garage per lot shall be permitted, and the dimensions of said detached garage shall be as follows:
- (1) The maximum square feet of detached garage floor area shall be limited to the smaller of either nine hundred (900) square feet, the first floor dwelling unit area of the principal structure, or thirty-five percent (35%) of the rear yard.
 - (2) The structure number limitations of Subsection (c)(2) shall be followed where applicable.
- (f) **Height and Setback Requirements for Attached Accessory Buildings/Garages.**
- (1) Accessory buildings/garages which are attached to the principal building shall comply with the setback requirements for the principal building.
 - (2) When accessory buildings are attached to the principal building by a breezeway, passageway or similar means, they become part of the principal building and shall comply in all respects with the yard requirements and local building code requirements for the principal building.
- (g) **Height and Setback Requirements for Detached Residential Accessory Buildings/Garages.**
- (1) Garages and other detached accessory buildings shall be less than fifteen (15) feet in height. Detached garages' and accessory buildings' roof pitch shall not exceed the steepest pitch of the principal structure.
 - (2) Provided that the accessory building number limits of Subsection (c)(2) are complied with, no detached accessory building(s) [excluding permitted detached garages governed by Subsection (e) above] shall occupy more than thirty-five percent (35%) of the required rear yard or exceed six hundred (600) square feet in size, whichever is more restrictive.
 - (3) No detached accessory building shall be located within five (5) feet of any other accessory building.
 - (4) Detached accessory buildings shall have a five (5) foot setback from side lot lines, a twenty-five (25) foot front yard setback, and a five (5) foot setback from rear lot lines. However, where a rear lot abuts an alley, accessory buildings not attached to the principal building shall be located so as to be not closer than ten (10) feet to the rear lot line, except that when the accessory building is a garage that has its entrance facing the alley, the rear yard setback shall be twenty (20) feet for the garage.
 - (5) The dimensions of any swimming pool, detached garage, tennis court and other detached accessory buildings/structures shall be included in the determination of available lot area coverage for accessory structures.

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

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

- (p) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls. (See Section 13-1-144.)
- (q) **Children's Play Structures.** For purposes of this Section, non-portable children's play structures, including play houses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures for purposes of complying with the setback requirements of this Section, whether such play structures are placed on a foundation or not. Portable swing sets, slides and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
- (r) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Title 6, Chapter 2 of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.
- (s) **Offensive Uses Prohibited.** No accessory use shall be dangerous, obnoxious or offensive to persons residing in the vicinity, nor shall it impair the use, enjoyment or value of any property.
- (t) **Prohibited Dwelling Use.** No accessory dwelling unit in any Residential District shall be used or let for living purposes, whether for compensation or not.
- (u) **Gardening.** Home gardening is a permitted accessory use on any dwelling lot or the principal use on any vacant lot or parcel.
- (v) **Dog Houses/Runs.** Dog houses, pens and/or runs shall comply with the setback requirements prescribed in Section 7-1-25.
- (w) **Agricultural Structures.** Agricultural structures in properly zoned districts such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.
- (x) **Temporary Seasonal Structures.** Temporary seasonal structures, such as movable hoop sheds, may be used seasonally up to six (6) months, then be removed.

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

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (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 within fifteen (15) days and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 13-1-142 Fences.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as 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.
- (b) **Fences Categorized.** Fences shall be categorized into the following classifications:
 - (1) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (2) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
- (c) **Height and Placement of Fences Regulated.**
 - (1) Residential fences, or fences adjacent to residential parcels, six (6) feet or less in height are permitted parallel to rear and side lot lines with a minimum three (3) foot setback. Residential fences less than or equal to three (3) feet in height are permitted in the street yard setback area but shall not be closer than two (2) feet to any public right-of-way. All fences must be constructed and maintained in a good state of repair and appearance.
 - (2) a. In order to provide adequate vision clearance on corner lots, no fence shall be erected or maintained within the triangular space formed by two (2) intersecting street, alley, or driveway (public or private) property lines and a line joining points on such property lines (or projections thereof) located less than:
 - 1. A minimum of twenty (20) feet from the intersection of the two street property lines;
 - 2. A minimum of fifteen (15) feet from the intersection of the two alley property lines; or
 - 3. A minimum of ten (10) feet from the intersection of the two driveway property lines.
 - b. Street or alley property lines are measured from the right-of-way or easement lines establishing such street or alley. Driveway lines are measured from the

easement establishing such driveway, or, in the case of no easement, from the edge of the driveway surface.

- (3) In any residential district or on any lot or premises, the principal use of which is for residential purposes, no lengthwise fence or other lengthwise barrier or obstruction shall be erected, placed, installed or reinstalled in any area where there is a distance between main residential buildings of ten (10) feet or less.
 - (4) No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (d) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed eight (8) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (e) **Prohibited Fences.**
- (1) No fence shall be constructed which is of a dangerous condition, or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are eight (8) feet above the ground or height and project toward the fenced property and away from any public area.
 - (2) Although fences which conduct electricity or are designed to electrically shock are generally prohibited, such fences using smooth wire are allowed for the limited purpose of deer control.
 - (3) No woven, twisted, welded or interlaced wire fence, such as fences using chicken wire, shall be located in a non-industrial district, unless such fencing is ornamental in character. Fences utilizing a chain link design are permissible in all districts.
 - (4) No wood-slat or plastic snow fence shall be permitted as a regular use in a Residential District, except as a temporary use under Subsection (h).
- (f) **Fences to be Repaired.**
- (1) All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
 - (2) Any existing fences which do not conform to the requirements of this Section and which are damaged, or in need of repair to the extent that exceeds fifty percent (50%) of the then value of the fence, said entire fence shall either be completely dismantled or reconstructed in compliance with the provision of this Section.
 - (3) All new and existing fences shall be maintained in such a manner so as not to allow rust, dents or deterioration to take place. If a fence needs repair and maintenance, said fence shall be painted or stained in only neutral colors. Failure to maintain a fence in good condition and repair will result in the Village issuing an order to the property owner to take whatever steps are necessary to correct the condition. Said notice shall set forth a reasonable time for compliance and shall set forth a notice that failure to comply will result in a violation and with a penalty set forth in Section 1-1-6.

(g) **Temporary Fences.**

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

(h) **Visibility; Open Spacing Requirement for Commercial/Industrial Fences.**

- (1) In any non-residential area, fences shall be of such type and construction that shall allow people outside the fence to see through it without hindrance. However, if a residence exists in a non-residential zone, a fence may be constructed pursuant to the requirements of Subsection (i)(2) below. In an industrial area where barbed wire is used, the lowest strand shall be a minimum of seven (7) feet above the grade.
- (2) All fences hereafter erected or constructed shall provide openings for a passage of air equivalent to twenty-five percent (25%) of the surface area of the fence and shall have the structural components thereof facing the side of the property for and on which the same are erected. In residential areas where privacy is desired, privacy fences with less than such twenty-five percent (25%) open spacing may be erected, provided such fence may not extend farther than twenty-five percent (25%) from the main rear line of such residence. A fence situated in a residential area shall be constructed only of wood or chain link type fencing. Fences shall not be constructed of luminous materials or smooth or corrugated metal materials. All fences, including privacy fences, if said fence is to be stained or painted by the property owner or on his/her behalf, shall be stained or painted in only neutral colors.

(i) **Special Purpose Fences.** Fences for confining dogs, etc., shall not exceed seven (7) feet in height, and shall be no larger than necessary for such purpose and shall conform to the building setbacks of this Chapter. Swimming pool and hot tub fences shall comply with the requirements of Section 13-1-143.

(j) **Height Determination.** The height of any fence erected under this Section shall be determined by the measurement from the uppermost point of the fence to the existing ground level of the property.

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

(l) **Fence Permit Required.** No person shall erect a fence in the Village without first obtaining a fence permit from the Village and paying the required permit fee. The

applicant shall provide the Zoning Administrator with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this Section.

- (m) **Location Determination.** The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his/her property.

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

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

considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

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

(e) **Enclosure.**

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

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

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

Sec. 13-1-144 Retaining Walls.

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

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

Article L: Administration

Sec. 13-1-150 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. 13-1-151 Zoning Administrator.

- (a) The Village Board shall designate a Village official to serve as the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administrator shall further:
 - (1) Maintain records of all permits issued, inspections made, work approved and other official actions.
 - (2) Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.
 - (3) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
 - (4) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
 - (5) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by him.
 - (6) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
 - (7) Request assistance and cooperation from the Village Clerk-Treasurer, Building Inspector and Village Attorney as deemed necessary.
- (b) Due to the size of the Village of Suring 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 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 on part-time basis in addition to the other duties performed by such person.

Sec. 13-1-152 Role of Specific Village Officials in Zoning Administration.

- (a) **Village Board.** The Village Board, the governing body of the Village, subject to the holding of public hearings by said Board, has ultimate authority to grant permitted conditional uses, planned unit development conditional uses, make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter.
- (b) **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. 13-1-153 Zoning Permit.

- (a) **Zoning Permit Required.** 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. The zoning permit may be issued as part of issuance of a building permit; there shall be a charge for only one (1) permit under such circumstances.
- (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) Fee receipt from the Village Clerk-Treasurer in an amount prescribed in Section 1-3-1.
 - (5) Additional information as may be required by the Zoning Administrator or Village Board.

(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. 13-1-154 Site Plan Approval.

- (a) **Site Plan Approval.** All applications for Zoning Permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in Residential Districts, shall require site plan approval by the Village Board in accordance with the requirements of this Section.
- (b) **Application.** The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Village Board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (c) **Administration.** The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Village Board within ten (10) days. The Village Board shall review the application and may refer the application and plans to any expert consultants selected by the Village Board to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within forty-five (45) days of its receipt of the application, the Village Board shall authorize the Zoning Administrator to issue or refuse a Zoning Permit.
- (d) **Requirements.** In acting on any site plan, the Village Board shall consider the following:
 - (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.

- (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
- (4) The landscaping and appearance of the completed site. The Village Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section.
- (e) **Effect on Municipal Services.** Before granting any site approval, the Village Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Village Board shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

Sec. 13-1-155 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.

Sec. 13-1-156 through Sec. 13-1-159 Reserved for Future Use.

Article M: Changes and Amendments to the Zoning Code

Sec. 13-1-160 Authority.

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

Sec. 13-1-161 Initiation of Changes or Amendments.

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

Sec. 13-1-162 Procedure for Changes or Amendments.

- (a) **Application.** Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
 - (1) Plot plan, drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
 - (2) Owners' names and addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.
 - (3) Together with additional information as may be required by the Village Board.
- (b) **Hearings.**
 - (1) The Village Board shall hold a public hearing at a time established by the Village Board upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

- (c) **Village Board's Action.** Following such hearing, the Village Board shall vote on the proposed ordinance effecting the proposed change or amendment.

Sec. 13-1-163 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 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. 13-1-164 through Sec. 13-1-169 Reserved for Future Use.

Sec. 13-1-170 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 thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the 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. 13-1-171 Hearing on Appeals.

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

Sec. 13-1-172 Decisions of Board of Appeals.

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

Sec. 13-1-173 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/her undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.

- (2) The Village Board may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
- (3) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- (b) **Application for 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 prescribed in Section 1-3-1.
- (c) **Public Hearing of Application.** The Village Board 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 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 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) **Board of Appeals Action.** Parties may appeal decisions of the Village Board under this Section to the Board of Appeals; the Board of Appeals shall follow the procedures applicable to the Village Board under this Section.
- (f) **Conditions.** The Village Board or 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. 13-1-174 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. 13-1-175 through Sec. 13-1-199 Reserved for Future Use.

AMENDMENT TO VILLAGE OF SURING CODE OF ORDINANCES

- **ARTICLE O: Mobiles Homes: 13-1-201-Article Definitions**

(d) **Foundation Siding.** A fire a 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 ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within thirty (30) days from the date of the placement on site.

- **ARTICLE O: Mobile Homes: 13-1-210 Additional Regulations of Mobile Homes and Mobile Home Parks.**

(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 with the use of Patio Fireplaces as defined and regulated in Section 5-2-10 Patio Fireplaces.

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

Adopted this 12th day of February, 2008.

Motion by Zahn Second by Schuettpeltz

Vote: Ayes 6 Nays 0

SURING VILLAGE BOARD

By

Jay R. Tousey, Village President

By

Carol M. Heise, Clerk-Treasurer

Article O: Mobile Homes

Sec. 13-1-200 Intent — Where R-5 Mobile Home Districts Permitted.

- (a) R-5 Mobile Home Residential Districts may hereafter be established by amendments to the official zoning map in any district previously classified as residential in accordance with the procedures, requirements and limitations set forth in this Article. Within such districts, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- (b) It is the intent of this Article to recognize mobile homes fifteen (15) years of age or older, as distinct and different from units designated as Mobile Homes within the definitions of this Article and to prohibit units not meeting the requirements for Mobile Homes as defined herein. Units fifteen (15) years of age or older are prohibited. Mobile Homes meeting the requirements of the One- and Two-Family Building Dwelling Code (manufactured housing) shall not be permitted in R-5 Mobile Home Residential Districts except as a conditional use. Permits may be obtained only after approval by the Village Board. The park owner may petition the Village Board to permit a unit older than fifteen (15) years of age, provided the park owner presents evidence and photographs evidencing that the unit is well-maintained and the unit was constructed after 1980 with six (6) inch sidewalls and a shingled roof. The Building Inspector may be asked for an advisory opinion.
- (c) No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village of Suring, except 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.

Sec. 13-1-201 Article 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. Such unit shall be a single-family dwelling of no more than fifteen (15) years of age at the date of application for placement in a mobile home park. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, COMM 20.12-20.17. Excluded are certified manufactured homes. "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, any definitions contained in the Wisconsin Statutes 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.

Sec. 13-1-203 Minimum Dimensional Requirements for R-5 Districts.

- (a) Where an R-5 District is to be established for the development of a single mobile home community only, minimum area shall be ten (10) 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 zoned 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 R-5 Districts:

- (a) **One-Family Detached Mobile Homes (residential mobile home).** Only residential mobile homes of no more than fifteen (15) years of age at the time of application for placement in a mobile home park are permitted. 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, alter, modify 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 Clerk-Treasurer to forward one (1) each to the Fire Chief and Police Chief, 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 as prescribed in Section 1-3-1 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/her 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) Any applicable provisions of the Wisconsin Administrative Code, as now existing or hereafter amended, is hereby made a part of this Chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or Ordinance of the State or Village.
- (b)
 - (1) The maximum number of mobile home spaces shall be ten (10) per acre and individual spaces shall not be less than four thousand three hundred fifty (4,350) square feet in area and arranged to afford ample area for a variety of units.
 - (2) A minimum setback of forty (40) feet from all public rights-of-way and ten (10) feet from any park drive or common area is required, including common parking areas, ten (10) feet from all park boundary lines, fifteen (15) feet from any other unit, building or structure.
 - (3) 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 the setback requirements of this Section.
 - (4) The minimum size of a mobile home park shall be ten (10) acres.
 - (5) The minimum dimensions of a mobile home site shall be fifty (50) feet wide by eight-five (85) feet long.
 - (6) All drives, parking areas and walkways shall be hard-surfaced.
 - (7) There shall be a minimum yard setback of forty (40) feet at all lot lines of the mobile home park.
 - (8) No mobile home site shall be rented for a period of less than thirty (30) days.
 - (9) There shall be two (2) surfaced automobile parking spaces for each mobile home. Where a mobile home park borders other residential parcels, the mobile home park, unless adequately screened by existing vegetative cover, shall be screened by: a temporary planting of fast-growing material, capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar, and/or a permanent evergreen planting, such as white or Norway pine, 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. In the alternative to vegetative screening, fencing may be utilized with prior approval as to materials and design from the Village Board.
- (c) No mobile home park shall be laid out, constructed or operated without Village water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not

connected with public water or sewer systems by approved pipe connections shall be sealed and their use is hereby declared unlawful.

- (d) Individual valved water service connections shall be provided for direct use of each unit, so constructed and installed that they will not be damaged by frost or parking of the unit. Water systems shall be adequate to provide pure, potable water supply of six (6) gallons per minute at a minimum pressure of twenty (20) psi and capable of furnishing a minimum of one hundred fifty (150) gallons per unit per day. Fire hydrants shall be installed within five hundred (500) feet of every mobile home stand and park building.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) Each space shall be provided with a weatherproof electrical overcurrent protection device, disconnect means and branch service of not less than sixty (60) amperes for two hundred twenty (220) volt service located adjacent to the water and sewerage outlets. Receptacles shall be of the four (4) pole four (4) wire grounding type and have a four (4) prong attachment for 110-220 volts.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) 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.

- (m) All parks shall be furnished with lighting so spaced and equipped with luminaires placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
 - (1) All parts of the park street systems: 0.6 footcandles, with a minimum of 0.1 footcandles.
 - (2) Potentially hazardous locations, such as major park street intersections and steps or stepped ramps, individually illuminated, with a minimum of 0.3 footcandles.
- (n) 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 street superintendent, 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.
- (o) 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. Walks in locations where pedestrian traffic is concentrated shall be a minimum of three and one-half (3-1/2) feet wide. Grade and surfacing of walks shall be approved by the Director of Public Works as safe and comparable to sidewalks in other areas of the municipality subject to similar usage.
- (p) All mobile home parks shall have a greenbelt or buffer strip not less than twenty (20) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance with this requirement shall be made within five (5) years from the granting of the mobile home park developer's permit. Permanent planting shall be grown and maintained at a height of not less than six (6) feet. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
- (q) In all mobile home parks, there shall be one (1) or more recreation areas easily accessible to all park residents. No single recreation area shall contain less than two thousand five hundred (2,500) square feet unless each mobile home site is provide with contiguous a common recreational area not less than twenty (20) feet wide at the narrowest dimension. Recreation areas shall be so located as to be free of traffic hazards and convenient to mobile home spaces which they serve.

- (r) 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.
- (s) No signs shall be erected in mobile home parks except signs pertaining to the lease, hire or sale of individual mobile homes not more than two (2) square feet in area and one (1) mobile home park identification sign not more than fifty (50) square feet in area at each park entrance.
- (t) 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 fee for a mobile home park license shall be a fee as prescribed per Section 1-3-1 and a maximum fee per Section 1-3-1 for each fifty (50) mobile home spaces or fraction thereof. 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 applicable statutory provisions. "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 13-1-206 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 authorized and approved under this Article.
 - (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 Chief of Police and the Chief of the Fire Department shall inspect or cause to be inspected each application and the premises to determine compliance with all applicable laws, regulations and ordinances applicable thereto. These officials shall furnish the Village Board in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying.
 - (4) Location and operation of the 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 this Article 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 Management.

- (a) In every mobile home park, or within ten (10) miles of the 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 the Police Department 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 Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief 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 approved container/plastic bag for the deposit of garbage and refuse in accordance with the Ordinances of the Village.
- (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances and regulations of the municipality, including regulations promulgated by the Fire Chief.
- (10) Collect a security deposit equal to three (3) months' parking fee or a minimum of Fifty Dollars (\$50.00), whichever is greater, for each occupied nonexempt mobile home within the park and remit such fees and deposits to the Village Clerk-Treasurer.
- (11) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees.

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/her agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or Ordinance of the State or Village or lawful regulation or order adopted thereunder.
- (f) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.

- (g) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the Village.
- (h) No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- (i) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this Chapter.

Sec. 13-1-210 Additional Regulations of 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/she shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him/her giving the findings upon which his/her determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.
- (b) 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.
- (e) All mobile homes in mobile home parks shall be skirted. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards. Skirting shall be installed within thirty (30) days of placement of the unit. Skirting materials are restricted to wood, vinyl or metal, provided such skirting is properly maintained and painted.
- (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 Village Clerk-Treasurer.

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 Limitations on Signs.

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

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

Sec. 13-1-213 Common Recreational Facilities.

- (a) No less than ten percent (10%) of the total area of any mobile home community established under these regulations shall be devoted to common recreational areas and facilities, such

as playgrounds, swimming pools, community buildings, ways for pedestrians and cyclists away from streets and play areas for small children for other recreational areas in block interiors. At least one (1) principal recreation and community center shall contain not less than five percent (5%) of the total area of the community.

- (b) To be countable as common recreational area, interior-block ways for pedestrians or cyclists shall form part of a system leading to principal destinations. Such ways may also be used for installations of utilities.
- (c) Common recreational area shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.

Sec. 13-1-214 Standards for General Site Planning for Mobile Home.

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

- (a) **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 Sec. 13-1-90 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of said street unless at least twenty-five (25) feet from said access measured at right angles to the path.

- (d) **Exterior Yards for Mobile Home Communities; Minimum Requirements; Occu-pancy.** The following requirements and limitations shall apply to yards at the outer edges of mobile home communities:
- (1) **Along Public Streets.** Where R-5 communities adjoin public streets along exterior boundaries, a yard at least twenty-five (25) feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used to satisfy open space depth requirements for individual dwellings but shall not contain carports, recreational shelters, storage structures or any other structures generally prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.
 - (2) **At Edges of R-5 Districts (Other Than at Streets or Alleys).** Where R-5 communities are so located that one (1) or more boundaries are at the edges of R-5 districts and adjoining neighboring districts without an intervening street, alley or other permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (20) feet in minimum dimension shall be provided. Where the adjoining district is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential, such yards may be used for group or individual parking, active recreation facilities or carports, recreational shelters or storage structures.
- (e) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- (f) **Yards, Fences, Walls or Vegetative Screening at Edges of Mobile Home Communities.** Along the edges of mobile home communities, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from potentially adverse influences within the mobile home community. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.
- (g) **Internal Relationships.** The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
- (1) **Streets, Drives and Parking and Service Areas.** Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community

facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.

- (2) ***Vehicular Access to Streets.*** Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
- (3) ***Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance or Service Vehicles.***
 - a. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
 - b. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

Sec. 13-1-215 through Sec. 13-1-219 Reserved for Future Use.

Article P: Definitions

Sec. 13-1-220 Definitions.

- (a) For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided for a section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive.
- (1) **Abutting.** Have a common property line or district line.
 - (2) **Accessory Use or Structure.** A use or detached structure subordinate to the principal use of a structure, parcel of land or water and located on the same lot or parcel serving a purpose incidental to the principal use or the principal structure. Including, but not limited to, garage, prefabricated metal buildings for storage, carport, greenhouses, screened enclosures, swimming pool, bathhouse and filter equipment shed, playhouse and gazebo.
 - (3) **Acre, Net.** The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.
 - (4) **Alley.** A public way not more than twenty-one (21) feet wide which affords only a secondary means of access to abutting property.
 - (5) **Apartment.** A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.
 - (6) **Arterial Street.** A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
 - (7) **A Zones.** Areas of potential flooding shown on the Village's "Flood Insurance Rate Map" which would be inundated by the regional flood as defined herein. These zones may be numbered as A0, A1 to A99, or be 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.
 - (8) **Basement.** That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-around living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.
 - (9) **Block.** A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
 - (10) **Boarding House.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three (3) or more

persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

- (11) **Buildable Lot Area.** The portion of a lot remaining after required yards have been provided.
- (12) **Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (13) **Building, Detached.** A building surrounded by open space on the same lot.
- (14) **Building, Heights of.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (15) **Building Setback Line.** A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.
- (16) **Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.
- (17) **Business.** An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- (18) **Campground.** A privately or municipally owned parcel or tract of land, maintained, intended or used for the purposes of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles, or sleeping bags, and may include structures to provide services to the patrons, such as restrooms, bathing and laundry facilities.
- (19) **Channel.** Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- (20) **Community Living Arrangement.** The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin State Statutes, including Sections 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (21) **Conditional Uses.** Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (22) **Controlled Access Arterial Street.** The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.

- (23) **Corner Lot.** On corner lots, the setback shall be measured from the street line on which the lot fronts. The setback from the side street shall be equal to seventy-five percent (75%) of the setback required on residences fronting on the side street -- but the side yard setback shall in no case restrict the buildable width to less than thirty (30) feet. Said corner lots shall be consisting of a parcel of property abutting on two (2) or more streets at their intersection providing that the interior angle of such intersection is less than one hundred thirty-five degrees (135°).
- (24) **Conservation Standards.** Guidelines and specifications for soil and water conservation practices and management enumerated in the *Technical Guide*, prepared by the USDA Soil Conservation Service for Oconto County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his/her needs in developing his/her soil and water conservation.
- (25) **Development.** Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.
- (26) **District, Basic.** A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (27) **District, Overlay.** Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
- (28) **Dwelling.** A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
- (29) **Dwelling Unit.** A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family.
- (30) **Dwelling, Efficiency.** A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- (31) **Dwelling, Single-Family.** A detached building designed for or occupied by one (1) family.
- (32) **Dwelling, Two-Family.** A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.
- (33) **Dwelling, Multiple-Family.** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.

- (34) **Equal Degree of Hydraulic Encroachment.** The effect of any encroachment into the floodway is to be computed by assuming an equal degree of hydraulic encroachment on the opposite side of a river or stream for a significant hydraulic reach, in order to compute the effect of the encroachment upon hydraulic conveyance. This computation assures that the property owners up, down or across the river or stream will have the same rights of hydraulic encroachment.
- (35) **Essential Services.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- (36) **Family.** One (1) or more persons immediately related by blood, marriage or adoption 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 or adoption. A person shall be considered to be related for the purpose of this Section if he/she is dwelling for the purpose of adoption or for a foster care program.
- Exceptions: Nothing in this Chapter shall prohibit, under the definition of "Family," priests, laybrothers, nurses or such other collective body of persons living together in one (1) house under the same management and care, subsisting in common, and directing their attention to a common object or the promotion of their mutual interest and social happiness as set forth by the Wisconsin Supreme Court in *Missionaries of Our Lady of LaSalette vs. Village of Whitefish Bay Board of Zoning Appeals*, 267 Wis. 609, which is hereby incorporated by reference.
- (37) **Farmstead.** A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (38) **Flood.** A temporary rise in streamflow or stage in lake level that results in water overtopping the banks and inundating the areas adjacent to the stream channel or lake bed.
- (39) **Flood Insurance Study.** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mud flow) and/or floor-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.
- (40) **Flood Profile.** A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.
- (41) **Flood Protection Elevation.** A point two (2) feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard,"

is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action and obstructions of bridge openings.

- (42) **Flood Stage.** The elevation of the floodwater surface above an officially established datum plane, which is Mean Sea Level, 1929 Adjustment, on the Supplementary Floodland Zoning Map.
- (43) **Floodlands.** For the purpose of this Code, the floodlands are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the floodway district, the floodplain conservancy district and the floodplain fringe overlay district.
- (44) **Floodplain Fringe.** Those floodlands, outside the floodway, subject to inundation by the 100-year recurrence interval flood. For the purpose of this Code, the floodplain fringe includes the floodplain conservancy district and the floodplain fringe overlay district.
- (45) **Floodproofing.** Measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials, to operation and management safeguards, such as the following: reinforcing the basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of waterproof cement; adequate fuse protection; sealing of basement walls; installation of sump pumps; placement of automatic swing check valves; installation of seal-tight windows and doors; installation of wire reinforced glass; location and elevation of valuable items; waterproofing, disconnecting, elevation or removal of all electric equipment; avoidance of the use of flood-vulnerable areas; temporary removal of waterproofing of merchandise; operation of emergency pump equipment; closing of backwater sewer valve; placement of plugs and food drain pipes; placement of movable watertight bulkheads; erection of sand bag levees; and the shoring of weak walls or structures. Floodproofing of structures shall be extended at least to a point two (2) feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.
- (46) **Floodway.** A designated portion of the 100-year flood area that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.1 foot unless special legal measures are provided. The floodway, which includes the channel, is that portion of the floodplain not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

- (47) **Floor Area—Business and Manufacturing Buildings.** For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.
- (48) **Foster Family Home.** The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin State Statutes and amendments thereto.
- (49) **Frontage.** All the property butting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.
- (50) **Garage—Private.** A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.
- (51) **Garage—Public.** Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.
- (52) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.
- (53) **Home Occupation.** A gainful occupation conducted by members of the family only, within their place of residence; provided that the area used does not exceed twenty-five percent (25%) of the total floor area, excluding attached garage. Home occupations shall meet the standards of Section 13-1-72. The use is to be clearly incidental to the use of the dwelling unit for residential purposes and shall not endanger the public health or safety. No articles shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises. No material or equipment shall be stored outside the confines of the home. No mechanical equipment may be used which creates a disturbance such as noise, dust, odor or electrical disturbance. The home may not be altered to attract business. Repairing of motor bicycles, motorcycles and motor driven cycles, other than those licensed and owned by the occupants of a home in a residential area is strictly prohibited. For the purpose of this Subsection, the definitions of the above-mentioned vehicles shall be as set forth in Chapter 340 of the Vehicle Code of the Wisconsin State Statutes. Such repairing is deemed a public nuisance. It is immaterial for the purpose of this Subsection whether or not such repairing is done in return for remuneration.

- (54) **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- (55) **Kennel.** An area or structure for breeding, rearing, boarding or training of three (3) or more dogs over the age of five (5) months.
- (56) **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.
- (57) **Lodging House.** A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.
- (58) **Lot.** A parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this Code as pertaining to the district wherein located.
- (59) **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.
- (60) **Lot, Interior.** A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.
- (61) **Lot, Through.** A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- (62) **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.
- (63) **Lot Coverage (residential).** The area of a lot occupied by the principal building or buildings and accessory building.
- (64) **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.
- (65) **Lot Line.** A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.
- (66) **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (67) **Lot Width.** The horizontal distance between the side lot lines measured at the building setback line.

- (68) **Minor Structures.** Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four (4) feet in height.
- (69) **Mobile Home.** A manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. The definition contained in Section 13-1-201(c) is incorporated by reference; in case of conflict, the more restrictive definitions shall be applicable.
- (70) **Mobile Home Lot.** A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (71) **Mobile Home Park.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.
- (72) **Mobile Home Subdivision.** A land subdivision, as defined by Chapter 236 of the Wisconsin Statutes and any Village Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.
- (73) **Modular Unit.** A modular unit is a factor fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.
- (74) **Nonconforming Uses.** Any structure, use of land, use of land and structure in combination or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this Code or amendments thereto and which is not in conformance with this Code. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.
- (75) **Official Letter of Map Amendment.** Official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.
- (76) **Parking Lot.** A structure or premises containing five (5) or more parking spaces open to the public.
- (77) **Parking Space.** A graded and surfaced area of not less than one hundred eighty (180) square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (78) **Parties in Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (79) **Public and Semi-Public Uses.** Governmental and cultural uses, such as administrative offices, fire and police stations, community centers, libraries, public emergency

shelters, parks, playgrounds and museums. Public, private and parochial preschool, elementary and secondary schools, and churches. Cemeteries, private clubs and lodges and storage garages.

- (80) **Professional Office.** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, engineer, lawyer, author, musician or other recognized trade. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than twenty-five percent (25%) of the floor area of one (1) story of a dwelling unit shall be occupied by such office and only one (1) unlighted nameplate, not exceeding one (1) square foot in area, containing the name and profession of the occupant of the premises shall be exhibited.
- (81) **Public Airport.** Any airport which complies with the definition contained in Section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- (82) **Rear Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
- (83) **Regional Flood.** This regional flood is 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.
- (84) **Retail.** The sale of goods or merchandise in small quantities to the consumer.
- (85) **Salvage Yard.** Site used for the storage or sale of salvageable materials or for the purposes of salvage, wrecking, dismantling, or demolition of salvageable materials. This includes the collection and/or dismantling of automobiles or other objects of transportation, re-use or resale.
- (86) **Setback.** The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed twenty-four (24) inches. any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback.
- (87) **Side Yard.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
- (88) **Signs.** Any medium, including its structure, 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.

- (89) **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (90) **Story, Half.** That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (91) **Street.** Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and which is twenty-one (21) feet or more in width.
- (92) **Street Line.** A line thirty-three (33) feet from and running parallel to the center line of a street.
- (93) **Street Yard.** A yard extending across the full width of the lot, the depot of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) street yards.
- (94) **Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- (95) **Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (96) **Temporary Structure.** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (97) **Use.** The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (98) **Use, Accessory.** A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- (99) **Use, Principal.** The main use of land or building as distinguished from subordinate or accessory use.

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- (100) **Utilities.** Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
 - (101) **Vision Clearance.** An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.
 - (102) **Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.
 - (103) **Zero Lot Line.** The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.
 - (104) **Zoning Permit.** A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.

Title 13 ► Chapter 2

Floodplain Zoning

Article A

Introduction

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

Article B

General Provisions Applicable to All Floodplain Districts

- 13-2-20** Hydraulic and Hydrologic Analyses
- 13-2-21** Watercourse Alterations
- 13-2-22** Chapter 30, 31, Wis. Stats., Development
- 13-2-23** Public or Private Campgrounds
- 13-2-24 through**
- 13-2-29** Reserved for Future Use

Article C

Floodway District (FW)

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

Article D

Floodfringe District (FF)

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

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

Article E General Floodplain District (GFP)

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

Article F Nonconforming Uses

- 13-2-60** General Applicability of Nonconforming Use Status
- 13-2-61** Floodway Areas — Nonconforming Uses
- 13-2-62** Floodfringe Areas — Nonconforming Uses
- 13-2-63 through**
- 13-2-69** Reserved for Future Use

Article G Administration

- 13-2-70** Zoning Administrator; Permits
- 13-2-71** Zoning Agency
- 13-2-72** Board of Appeals
- 13-2-73** Board of Appeals to Review Appeals of Permit Denials
- 13-2-74** Floodproofing
- 13-2-75** Public Information
- 13-2-76 through**
- 13-2-79** Reserved for Future Use

Article H Amendments

- 13-2-80** General Amendments
- 13-2-81** Procedures for Amendments
- 13-2-82 through**
- 13-2-89** Reserved for Future Use

Article I

Enforcement and Penalties; Definitions

13-2-90

Enforcement and Penalties

13-2-91

Definitions

Article A: Introduction

Sec. 13-2-1 Statutory Authorization.

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

Sec. 13-2-2 Finding of Fact.

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

Sec. 13-2-3 Statement of Purpose.

This Chapter is intended to regulate floodplain development to:

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

Sec. 13-2-4 Title.

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

Sec. 13-2-5 General Provisions.

- (a) **Areas To Be Regulated.** This Chapter regulates all areas that would be covered by the regional flood or base flood.

[**Note:** "Base floods" are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.]

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

- (1) The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village of Suring Clerk-Treasurer. If more than one (1) map or revision is referenced, the most restrictive information shall apply.
- (2) The pertinent floodplain zoning maps and flood insurance studies shall be (approved by FEMA and the DNR):
 - a. Flood Insurance Rate Map (FIRM), panel numbers 55083CO394D, 55083CO413D, 55083CO507D, and 55083CO530D, dated October 6, 2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated October 6, 2010, Volume No. 1 55083CV001A and Volume No. 2 55083CV002A.

(c) **Establishment of Districts.** The regional floodplain areas are divided into three (3) districts as follows:

- (1) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (2) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- (3) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(d) **Locating Floodplain Boundaries.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in Subsections (d)(1) and (2) below. If a significant difference exists, the map shall be amended according to Sections 13-2-80 and 13-2-81. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Section. Disputes between the Zoning Administrator and an applicant over the district's boundary line shall be settled according to Section 13-2-53 and the criteria in Subsection (d)(1) and (2) below:

- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

- (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspections and any information provided by the Wisconsin Department of Natural Resources.
- [**Note:** Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Section 13-2-80(f)].
- (e) **Removal of Lands From Floodplain.** Compliance with the provisions of this Chapter shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Sections 13-2-80 and 13-2-81.
- [**Note:** This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).]
- (f) **Compliance.** Any development or use within the areas regulated by this Chapter shall be in compliance with the terms of this Chapter, and other applicable local, state and federal regulations.
- (g) **Municipalities and State Agencies Regulated.** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Chapter and obtain necessary permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Sec. 30.2022, Wis. Stats., applies.
- (h) **Abrogation and Greater Restrictions.**
- (1) This Chapter supercedes all the provisions of any zoning ordinance enacted under Section 61.35, Wis. Stats., for villages and Sec. 62.23, Wis. Stats., for cities, or Sec. 87.30, Wis. Stats., which relate to floodplains. If another ordinance is more restrictive than this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.
- (i) **Interpretation.** In their interpretation and application, the provisions of this Chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Chapter, required by NR 116, Wis. Adm. Code, is unclear, the provisions shall be interpreted in light of the standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.
- (j) **Warning and Disclaimer of Liability.** The flood protection standards in this Chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Chapter does not

13-2-5

imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Chapter create liability on the part of, or a cause of action against, the Village of Suring or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.

- (k) **Severability.** Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.
- (l) **Annexed Areas for Cities and Villages.** The Oconto County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the Village of Suring adopts and enforces an ordinance which meets the requirements of NR 116, Wis. Adm. Code, and the National Flood Insurance Program (NFIP). These annexed lands are described on the Village of Suring's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this Section and are on file in the office of the Village Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.
- (m) **General Development Standards.** The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development which meets the subdivision definition of this Chapter.

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

Article B: General Provisions Applicable to All Floodplain Districts

Sec. 13-2-20 Hydraulic and Hydrologic Analyses.

- (a) Except as provided in Subsection (c) below, no floodplain development shall:
 - (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- (b) The Zoning Administrator shall deny permits if it is determined the proposed development obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of Subsection (c) are met.
- (c) Obstructions or increases equal to or greater than 0.01 may only be permitted if amendments are made to this Chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Sections 13-2-80 and 13-2-81.
[**Note:** This Section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.]

Sec. 13-2-21 Watercourse Alterations.

- (a) No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.
- (b) As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

Sec. 13-2-22 Chapter 30, 31, Wis. Stats., Development.

Development which requires a permit from the Department, under Chapters 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water

surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Sections 13-2-80 and 13-2-81.

Sec. 13-2-23 Public or Private Campgrounds.

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

- (a) The campground is approved by the Wisconsin Department of Health Services.
- (b) A land use permit for the campground is issued by the Zoning Administrator.
- (c) The character of the river system and the elevation of the campground is such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants.
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (e) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in Subsection (d), to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations.
- (f) Only camping units are allowed.
- (g) The camping units may not occupy any site in the campground for more than one hundred and eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours.
- (h) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred and eighty (180) days and shall ensure compliance with all the provisions of this Section.
- (i) The Village of Suring shall monitor the limited authorization issued by the campground operator to assure compliance with the terms of this Section.
- (j) All camping units that remain in place for more than one hundred and eighty (180) consecutive days must meet the applicable requirements of either Article C or Article D of this Chapter for the floodplain district in which the structure is located.
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

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

Article C: Floodway District (FW)

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

This Article/District applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Section 13-2-53.

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

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

- They are not prohibited by any other ordinance;
 - They meet the standards in Sections 13-2-32 and 13-2-33; and
 - All permits or certificates have been issued according to Section 13-2-70:
- (a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (b) *Nonstructural* industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (c) *Nonstructural* recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of Section 13-2-32(d).
 - (d) Uses or structures accessory to open space uses, or classified as historic structures that comply with Sections 13-2-32 and 13-2-33.
 - (e) Extraction of sand, gravel or other materials that comply with Section 13-2-32(d).
 - (f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Wis. Stats.
 - (g) Public utilities, streets and bridges that comply with Section 13-2-32(c).

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

(a) General Standards.

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

13-2-32

- b. An analysis calculating the effects of this proposal on regional flood height.
- (3) The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection (a)(2) above.
- (b) **Structures.** Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
 - (1) The structure is not designed for human habitation and does not have a high flood damage potential;
 - (2) The structure must be anchored to resist flotation, collapse, and lateral movement;
 - (3) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - (4) The structure must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (c) **Public Utilities, Streets and Bridges.** Public utilities, streets and bridges may be allowed by permit, if:
 - (1) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (2) Construction meets the development standards of Section 13-2-20.
- (d) **Fills or Deposition of Materials.** Fills or deposition of materials may be allowed by permit, if:
 - (1) The requirements of Section 13-2-20 are met;
 - (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this Article are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous waste material.

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

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

- (a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (b) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved

- campgrounds that meet the applicable provisions of local ordinances and COMM 83, Wis. Adm. Code;
- (e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and NR 811 and NR 812, Wis. Adm. Code;
 - (f) Any solid or hazardous waste disposal sites;
 - (g) Any wastewater treatment ponds or facilities, except those permitted under NR 110.15(3)(b), Wis. Adm. Code;
 - (h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

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

Article D: Floodfringe District (FF)

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

This Article/District applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Section 13-2-53.

Sec. 13-2-41 Floodfringe District Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in Section 13-2-42 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Section 13-2-70 have been issued.

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

- (a) **Compliance With Other Provisions.** All of the provisions of Section 13-2-20 shall apply in addition to the following requirements according to the use requested.
- (b) **Residential Uses.** Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards:
 - (1) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
 - (2) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection (b)(4) below;
 - (4) In developments where existing street or sewer line elevations make compliance with Subsection (b)(3) impractical, the Village of Suring may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - a. The Village of Suring has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

- b. The Village of Suring has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
- (c) **Accessory Structures or Uses.**
- (1) Except as provided in Subsection (b), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
 - (2) An accessory structure which is not connected to the principal structure and which is less than six hundred (600) square feet in size and valued at less than Ten Thousand Dollars (\$10,000.00) may be constructed with its lowest floor no more than two (2) feet below the regional flood elevation if it is subject to flood velocities of no more than two (2) feet per second, and it meets all of the provisions of Section 13-2-32(b)(1)-(4) and Subsection (f) below.
- (d) **Commercial Uses.** Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of Section 13-2-42(b). Subject to the requirements of Subsection (f), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) **Manufacturing and Industrial Uses.** Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in Section 13-2-74. Subject to the requirements of Subsection (f), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (f) **Storage of Materials.** Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Section 13-2-74. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (g) **Public Utilities, Streets and Bridges.** All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:
- (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Section 13-2-74 to the flood protection elevation;
 - (2) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (h) **Sewage Systems.** All on-site sewage disposal systems shall be floodproofed, pursuant to Section 13-2-74, to the flood protection elevation and shall meet the provisions of all local ordinances and COMM 83, Wis. Adm. Code.
- (i) **Wells.** All wells shall be floodproofed, pursuant to Section 13-2-74, to the flood protection elevation and shall meet the provisions of NR 811 and NR 812, Wis. Adm. Code.

- (j) **Solid Waste Disposal Sites.** Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (k) **Deposition of Materials.** Any deposited material must meet all the provisions of this Chapter.
- (l) **Manufactured Homes.**
 - (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a. Have the lowest floor elevated to the flood protection elevation; and
 - b. Be anchored so they do not float, collapse or move laterally during the flood.
 - (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Section 13-2-42(b).
- (m) **Mobile Recreational Vehicles.** All mobile recreational vehicles that are on site for one hundred and eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Section 13-2-42(l)(1)-(2). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

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

Article E: General Floodplain District (GFP)

Sec. 13-2-50 Applicability of Floodplain District Regulations.

The provisions of this Article/District shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and Floodfringe Districts shall be delineated when adequate data is available.

Sec. 13-2-51 General Floodplain District Permitted Uses.

- (a) Pursuant to Section 13-2-54, it shall be determined whether the proposed use is located within a floodway or floodfringe area.
- (b) Those uses permitted in floodway (Section 13-2-31) and floodfringe areas (Section 13-2-41) are allowed within the General Floodplain District, according to the standards of Section 13-2-52, provided that all permits or certificates required under Section 13-2-70 have been issued.

Sec. 13-2-52 Standards for Development in the General Floodplain District.

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

Sec. 13-2-53 Determining Floodway and Floodfringe Limits.

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

- (a) Require the applicant to submit two (2) copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures;
- (b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - (1) A typical valley cross-section showing the stream channel, 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 layout of all proposed and existing

13-2-53

- structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil type 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, water supply and sanitary facilities.
- (c) Transmit one (1) copy of the information described in Subsections (a) and (b) to the Department's regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Section 13-2-70(b)(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. 13-2-54 through Sec. 13-2-59 Reserved for Future Use.

Article F: Nonconforming Uses

Sec. 13-2-60 General Applicability of Nonconforming Use Status.

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

- with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this Subsection;
- (5) Except as provided in Subsection (b)(6) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet this Chapter's requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.
 - (6) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or under the regulations promulgated thereunder.
 - (7) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Section 13-2-32(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 13-2-74 are used.

Sec. 13-2-61 Floodway Areas—Nonconforming Uses.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification/addition:
 - (1) Has been granted a permit or variance which meets all Chapter requirements;
 - (2) Meets the requirements of Section 13-2-60;
 - (3) Will not increase the obstruction to flood flows or regional flood height; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Section 13-2-74, by means other than the use of fill, to the flood protection elevation;
- (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two (2) openings must be provided with a minimum net area of at least one square inch for every one square foot (1sq. in.: 1 sq. ft.) of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking or limited storage.

- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and COMM 83, Wis. Adm. Code.
- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all Village of Suring ordinances and NR 811 and NR 812, Wis. Adm. Code.

Sec. 13-2-62 Floodfringe Areas—Nonconforming Uses.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modifications or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Section 13-2-42, except where Subsection (b) below is applicable.
- (b) Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals, using the procedures established in Section 13-2-70, may grant a variance from those provisions of Subsection (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not be installed;
 - (4) Flood depths will not exceed two (2) feet;
 - (5) Flood velocities will not exceed two (2) feet per second; and
 - (6) The structure will not be used for storage of materials as described in Section 13-2-42(f).
- (c) If neither the provisions of Subsections (a) or (b) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
 - (1) Meets all other regulations and will be granted by permit or variance;
 - (2) Does not exceed sixty (60) square feet in area; and
 - (3) In combination with other previous modifications or additions to the building, does not equal or exceed fifty percent (50%) of the present equalized assessed value of the building.

13-2-62

- (d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and COMM 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 NR 811 and NR 812, Wis. Adm. Code.

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

Article G: Administration

Sec. 13-2-70 Zoning Administrator; Permits.

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

- (1) **General Information.**
 - a. Name and address of the applicant, property owner and contractor;
 - b. Legal description, proposed use, and whether it is new construction or a modification.
- (2) **Site Development Plan.** A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - a. Location, dimensions, area and elevation of the lot;
 - b. Location of the ordinary highwater mark of any abutting navigable waterways;
 - c. Location of any structures with distances measured from the lot lines and street center lines;
 - d. Location of any existing or proposed on-site sewage systems or private water supply systems;
 - e. Location and elevation of existing or future access roads;
 - f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 - g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study — either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Articles C or D are met; and
 - i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 13-2-20. This may include any of the information noted in Section 13-2-32(a).
- (3) **Data Requirements to Analyze Developments.**
 - a. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in Ch. 236, Wis. Stats., and other proposed developments exceeding five (5) acres in area or where the estimated cost exceeds One Hundred and Twenty-five Thousand Dollars (\$125,000.00). The applicant shall provide:
 1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 2. A map showing location and details of vehicular access to lands outside the floodplain; and
 3. A surface drainage plan showing how flood damage will be minimized.
[Note: The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.]
- (4) **Expiration.** All permits issued under the authority of this Chapter shall expire eighteen (18) months after issuance.

- (d) **Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:
- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Chapter;
 - (2) Application for such certificate shall be concurrent with the application for a permit;
 - (3) If all ordinance provisions are met, the certificate of compliance shall be issued within ten (10) days after written notification that the permitted work is completed;
 - (4) The applicant shall submit a certification signed by a registered professional engineer, architect, or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of Section 13-2-74.
- (e) **Other Permits.** The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

Sec. 13-2-71 Zoning Agency.

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

Sec. 13-2-72 Board of Appeals.

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

(a) **Powers and Duties.**

- (1) **Appeals.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.

- (2) **Boundary Disputes.** The Zoning Board of Appeals shall hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (3) **Variances.** The Zoning Board of Appeals shall hear and decide, upon appeal, variances from the standards of this Chapter.
- (b) **Appeals to the Zoning Board of Appeals.**
 - (1) **Eligible Parties.** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer or department of the Village of Suring affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the Zoning Board of Appeals, by filing with the official whose decision is in question, and with the Zoning Board of Appeals, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Zoning Board of Appeals all records regarding the matter appealed.
 - (2) **Notice and Hearing for Appeals Including Variances.**
 - a. **Notice.** The Zoning Board of Appeals shall:
 - 1. Fix a reasonable time for the hearing;
 - 2. Publish adequate notice pursuant to the Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - 3. Assure that notice shall be mailed to the parties in interest and the Department's regional office at least ten (10) days in advance of the hearing.
 - b. **Hearing.** Any party may appear in person or by agent or attorney. The Zoning Board of Appeals shall:
 - 1. Resolve boundary disputes according to Subsection (c) below.
 - 2. Decide variance applications according to Subsection (d) below.
 - 3. Decide appeals of permit denials according to Section 13-2-73.
 - (3) **Decision.** The final decision regarding the appeal or variance application shall:
 - a. Be made within a reasonable time;
 - b. Be sent to the Department's regional office within ten (10) days of the decision;
 - c. Be a written determination signed by the chairperson or secretary of the Zoning Board of Appeals;
 - d. State the specific facts which are the basis for the Zoning Board of Appeals' decision;
 - e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
 - f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Zoning Board of Appeals' proceedings.
- (c) **Boundary Disputes.** The following procedure shall be used by the Zoning Board of Appeals in hearing disputes concerning floodplain district boundaries:
 - (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

- (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Zoning Board of Appeals.
- (3) If the boundary is incorrectly mapped, the Board of Appeals should inform the Zoning Committee or the person contesting the boundary location to petition the governing body for a map amendment according to Sections 13-2-80 and 13-2-81.
- (d) **Variances.**
 - (1) The Zoning Board of Appeals may, upon appeal, grant a variance from the standards of this Chapter if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the Chapter's provisions will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions not common to adjacent lots or premises. In such cases this Chapter or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this Chapter in Section 13-2-3.
 - (2) In addition to the criteria in Subsection (d)(1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance may not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this Chapter.
 - (3) A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district.
 - b. Be granted for a hardship based solely on an economic gain or loss.
 - c. Be granted for a hardship which is self-created.
 - d. Damage the rights or property values of other persons in the area.
 - e. Allow actions without the amendments to this Chapter or map(s) required in Section 13-2-80.
 - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
 - (4) When a floodplain variance is granted, the Zoning Board of Appeals shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

Sec. 13-2-73 Board of Appeals to Review Appeals of Permit Denials.

- (a) **Data Subject to Review.** The Zoning Board of Appeals shall review all data related to the appeal. This may include:
 - (1) Permit application data listed in Section 13-2-70(b).

- (2) Floodway/floodfringe determination data in Section 13-2-53.
 - (3) Data listed in Section 13-2-32(a)(2)b where the applicant has not submitted this information to the Zoning Administrator.
 - (4) Other data submitted with the application, or submitted to the Zoning Board of Appeals with the appeal.
- (b) **Denied Permits Appeals Considerations.** For appeals of all denied permits the Zoning Board of Appeals shall:
- (1) Follow the procedures of Section 13-2-72;
 - (2) Consider the Zoning Administrator's recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- (c) **Increases in Regional Flood Elevation Appeals.** For appeals concerning increases in regional flood elevation, the Zoning Board of Appeals shall:
- (1) Uphold the denial where the Zoning Board of Appeals agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - (2) Grant the appeal where the Zoning Board of Appeals 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. 13-2-74 Floodproofing.

- (a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (b) Floodproofing measures shall be designed to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement; and
 - (4) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (c) Floodproofing measures can include:
 - (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
 - (2) Adding mass or weight to prevent flotation.
 - (3) Placing essential utilities above the flood protection elevation.
 - (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.

- (5) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
- (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

Sec. 13-2-75 Public Information.

The Village of Suring may do the following:

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

Sec. 13-2-76 through Sec. 13-2-79 Reserved for Future Use

Article H: Amendments

Sec. 13-2-80 General Amendments.

The Village Board may change or supplement the floodplain zoning district boundaries and this Chapter in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (a) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- (b) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- (c) 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.
- (d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- (e) Any upgrade to a floodplain zoning ordinance text required by NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village of Suring.
- (f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

[**Note:** Consult the FEMA web site - www.fema.gov - for a current map change fee schedule.]

Sec. 13-2-81 Procedures for Amendments.

- (a) Ordinance amendments to this Chapter may be made upon petition of any interested party according to the provisions of Sec. 62.23, Wis. Stats. Such petitions shall include all necessary data required by Sections 13-2-53 and 13-2-70(b).
- (b) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board. The amendment and notice of public hearing shall be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Sec. 62.23, Wis. Stats.
- (c) No amendments shall become effective until reviewed and approved by the Department.
- (d) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Village Board.
- (e) For amendments in areas with no water surface profiles, the Plan Commission shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information [See Section 13-2-5(d)].

Sec. 13-2-82 through Sec. 13-2-89 Reserved for Future Use

Article I: Enforcement and Penalties; Definitions

Sec. 13-2-90 Enforcement and Penalties.

Any violation of the provisions of this Chapter by any person shall be unlawful and shall be referred to the Village of Suring village attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Village of Suring a penalty of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the Village of Suring, the state, or any citizen thereof pursuant to Sec. 87.30, Wis. Stats.

Sec. 13-2-91 Definitions.

- (a) **Definitions Established.** Unless specifically defined below, words and phrases used in this Chapter shall have the same meaning as they have at common law and to give this Chapter its most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and not discretionary:
- (1) **A-Zones.** Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A-Zones. The A-Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (2) **Accessory Structure or Use.** A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
 - (3) **Base Flood.** The flood having a one percent (1%) chance of being equalled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
 - (4) **Basement.** Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.
 - (5) **Building.** See "Structure."
 - (6) **Bulkhead Line.** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to Sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this Chapter.
 - (7) **Campground.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.

- (8) **Camping Unit.** Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- (9) **Certificate of Compliance.** A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
- (10) **Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (11) **Crawlways or Crawl Space.** An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.
- (12) **Deck.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- (13) **Department.** The Wisconsin Department of Natural Resources.
- (14) **Development.** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- (15) **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.
- (16) **Encroachment.** Any fill, structure, equipment, building, use or development in the floodway.
- (17) **Existing Manufactured Home Park or Subdivision.** A parcel of land, divided into two (2) or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the original effective date of this Chapter/ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- (18) **Expansion to Existing Mobile/Manufactured Home Park.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- (19) **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program.

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

- (29) **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.
- (30) **Floodproofing.** Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (31) **Flood Protection Elevation.** An elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (See also "Freeboard").
- (32) **Flood Storage.** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (33) **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (34) **Freeboard.** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (35) **Habitable Structure.** Any structure or portion thereof used or designed for human habitation.
- (36) **Hearing Notice.** Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class I notice, published once at least one (1) week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class II notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (37) **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.
- (38) **Historic Structure.** Any structure that is either:
 - a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places with historic preservation programs which have been approved by the Secretary of the Interior; or

- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.
- (39) **Increase in Regional Flood Height.** A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (40) **Land Use.** Any nonstructural use made of unimproved or improved real estate. (Also see "Development".)
- (41) **Manufactured Home.** A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- (42) **Mobile Recreational Vehicle.** A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles".
- (43) **Municipality or Municipal.** The county, city or village governmental units enacting, administering and enforcing this Chapter (Village of Suring, Oconto County, Wisconsin).
- (44) **NAVD or North American Vertical Datum.** Elevations referenced to mean sea level datum, 1988 adjustment.
- (45) **NGVD or National Geodetic Vertical Datum.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (46) **New Construction.** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (47) **Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the area

of the floodplain which it occupies. (For example, an existing residential structure in the Floodfringe District is a conforming use; however, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

- (48) **Nonconforming Use.** An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this Chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (49) **Obstruction to Flow.** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- (50) **Official Floodplain Zoning Map.** That map, adopted and made part of this Chapter, as described in Section 13-2-5(b), which has been approved by the Department and FEMA.
- (51) **Open Space Use.** Those uses having a relatively low flood damage potential and not involving structures.
- (52) **Ordinary Highwater Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (53) **Person.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (54) **Private Sewage System.** A sewage treatment and disposal system serving one (1) structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Wisconsin Department of Commerce, 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.
- (55) **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.
- (56) **Reasonably Safe From Flooding.** Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (57) **Regional Flood.** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (58) **Start of Construction.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The

actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (59) **Structure.** Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (60) **Subdivision.** Has the meaning given in Sec. 236.02(12), Wis. Stats.
- (61) **Substantial Damage.** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
- (62) **Unnecessary Hardship.** Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Chapter.
- (63) **Variance.** An authorization by the Zoning Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- (64) **Violation.** The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- (65) **Watershed.** The entire region contributing runoff or surface water to a watercourse or body of water.
- (66) **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.
- (67) **Well.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

